



**SPECIAL MEETING  
ZONING BOARD OF APPEALS  
Thursday, August 26, 2021 at 5:00 p.m.  
City of New Buffalo  
224 W. Buffalo Street  
New Buffalo MI 49117**

**AGENDA**

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Previous Minutes- June 23, 2021
5. Public Comment
6. Public Hearing
  - a. Variance Request 318 W. Mechanic Street – Allow variance for the required front yard setback of 30 feet and the required side yard setback of 10 feet, and lot size of 15,000 sq. feet and lot width of 100 ft.
7. New Business
  - a. Variance Request 318 W. Mechanic Street– Allow variance for the required front yard setback of 30 feet and the required side yard setback of 10 feet, and lot size of 15,000 sq. feet and lot width of 100 ft.
8. Adjournment

**Call to Order at 5:00 PM**

**Roll Call.**

Joining meeting from New Buffalo, MI, Berrien County: Arlene Pokuta, Mark Joseph, Richard Cooper, Wayne Borg, Mark Gabryszewski.

Absent: Chair Tom Smith, Jennifer Parello

**Approval of Agenda.** Motion by Pokuta, seconded by Borg to approve the agenda:

Roll call vote:

AYES: Gabryszewski, Pokuta, Borg, Cooper, Joseph

NAYES:

ABSENT: Smith, Parello

ABSTAINED:

Motion Carried, 5-0.

**Approval of Previous Minutes- May 20, 2021.** Motion by Borg, seconded by Joseph to approve the previous minutes from May 20, 2021:

Roll call vote:

AYES: Pokuta, Joseph, Gabryszewski, Cooper, Borg

NAYES:

ABSENT: Smith, Parello

ABSTAINED:

Motion Carried, 5-0.

**Public Comment:** No comments were made.

**Public Hearing- Vice Chair Pokuta opened the public hearing for 102 S. Willard Street**

**102 S. Willard Street -**

Variance Request - Allow a 6' privacy fence in the designated front yard, on the Michigan Street side of a corner lot.

Terry Marmellow

Vice Chair Pokuta closed the public hearing for 102 S. Willard Street.

**New Business**

**Variance Request 102 S. Willard Street – Allow a 6' privacy fence in the designated front yard, on the Michigan Street side of a corner lot.**

Motion by Joseph, seconded by Gabryzewski to approve the variance request for 102 S. Willard Street – Allow a 6’ privacy fence in the designated front yard, on the Michigan Street side of a corner lot as proposed.

Roll call vote:

AYES: Joseph, Cooper, Borg, Pokuta, Gabryzewski

NAYES:

ABSENT: Smith, Parello

ABSTAINED:

Motion Carried, 5-0.

**Board Members Comments:**

City Manager Watson recommended to the board that they schedule a monthly meeting rather than scheduling special meetings. Member Joseph asked City Manager Watson to reach out to Chair Smith to discuss this topic and schedule a date.

Motion by Pokuta, seconded by Gabryzewski at 5:21 p.m. to adjourn the meeting:

Roll call vote:

AYES: Cooper, Gabryzewski, Pokuta, Borg, Joseph

NAYES:

ABSENT: Smith, Parello

ABSTAINED:

Motion Carried, 5-0.

Adjournment at 5:21 PM.

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**Arlene Pokuta, Vice Chair**

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**Ann M. Fidler, City Clerk**



**City of New Buffalo  
Zoning Board of Appeals  
Staff Report**

**Hearing Date:**

**Project Number:** PZ21-0005

**Applicant:** Richard Szal (Owner)

**Current Zoning:** General Commercial District

**Subject Property Address:** 318 W Mechanic, New Buffalo, MI 49117

**Nature of the Request:** Allow variance for the required front yard setback of 30 feet and the required side yard setback of 10 feet, and lot size of 15,000sq ft and lot width of 100ft.

**Zoning District:** GCD

**OVERVIEW**

The applicant is Richard Szal, owner, of 318 Mechanic Street, New Buffalo, MI 49117. The applicant requests variances to enlarge the existing legal non-conforming home located at this address. Current zoning on the property is GCD General Commercial District. Single family homes are allowed in this district per City of New Buffalo zoning.

Section 20-4 Nonconforming structures: Structures which are existing and lawful on the effective date of this ordinance, or amendment thereto, may be continued, even though such structure does not conform with the provisions of this ordinance, or amendment thereto, subject to the following provisions.

- A. Enlargement/alteration. Except as provide for, no nonconforming structure may be enlarged or altered in a way which increases its nonconformity with the provisions of this ordinance, unless authorized by the Zoning Board of Appeals, following a public hearing. In authorizing such enlargement of alteration, the Zoning Board of Appeals shall consider and document all the following.
1. Whether the proposed enlargement or alteration will change the essential character of the area.
  2. Whether the proposed enlargement or alteration will be contrary to the general development plan.
  3. Whether the proposed enlargement or alteration will have adverse impact on the adjoining property or the general welfare of the City, by reason of it no nonconformity with the provisions of this ordinance.
  4. Whether there are reasonable and practical alternative to achieving the desired enlargement or alteration in a manner which does not increase the degree of nonconformity of nonconformity of the structure with the provisions of this ordinance.



B. ZBA conditions pursuant to enlargement/alteration. In authorizing approval to enlarge or alter a nonconforming structure, the Zoning Board of Appeals may impose conditions including, but not limited to: additional site landscaping, site buffers, fencing, façade design requirements, additional on-premises parking, vehicular circulation modifications, signage, exterior lighting, and related building and site design modifications.

General Commercial District Zoning Regulations:

Lot Size Required: 15,000sq ft	Current: 7,500	Need Variance
Lot Width Required: 100 ft	Current: 75.30	Need Variance
Front Yard Required: 30 ft	Current: 0	Need Variance
Rear Yard Required: 30 ft	Current: 31	Complied
Height Maximum: 35 ft	Current: Single Story	Complied
Lot Coverage Maximum 60%	Current: 59% Proposed	Complied
Side Yard Required:		Need Variance

*(When abutting nonresidential zoned property: 10 feet, however, Zoning Board of Appeals may approve up to a zero setback if it can be demonstrated that the lesser setback will not adversely affect adjoining properties, and specifically light availability to existing or proposed buildings. Where abutting lots have buildings employing a common party wall so side yard shall be required.*

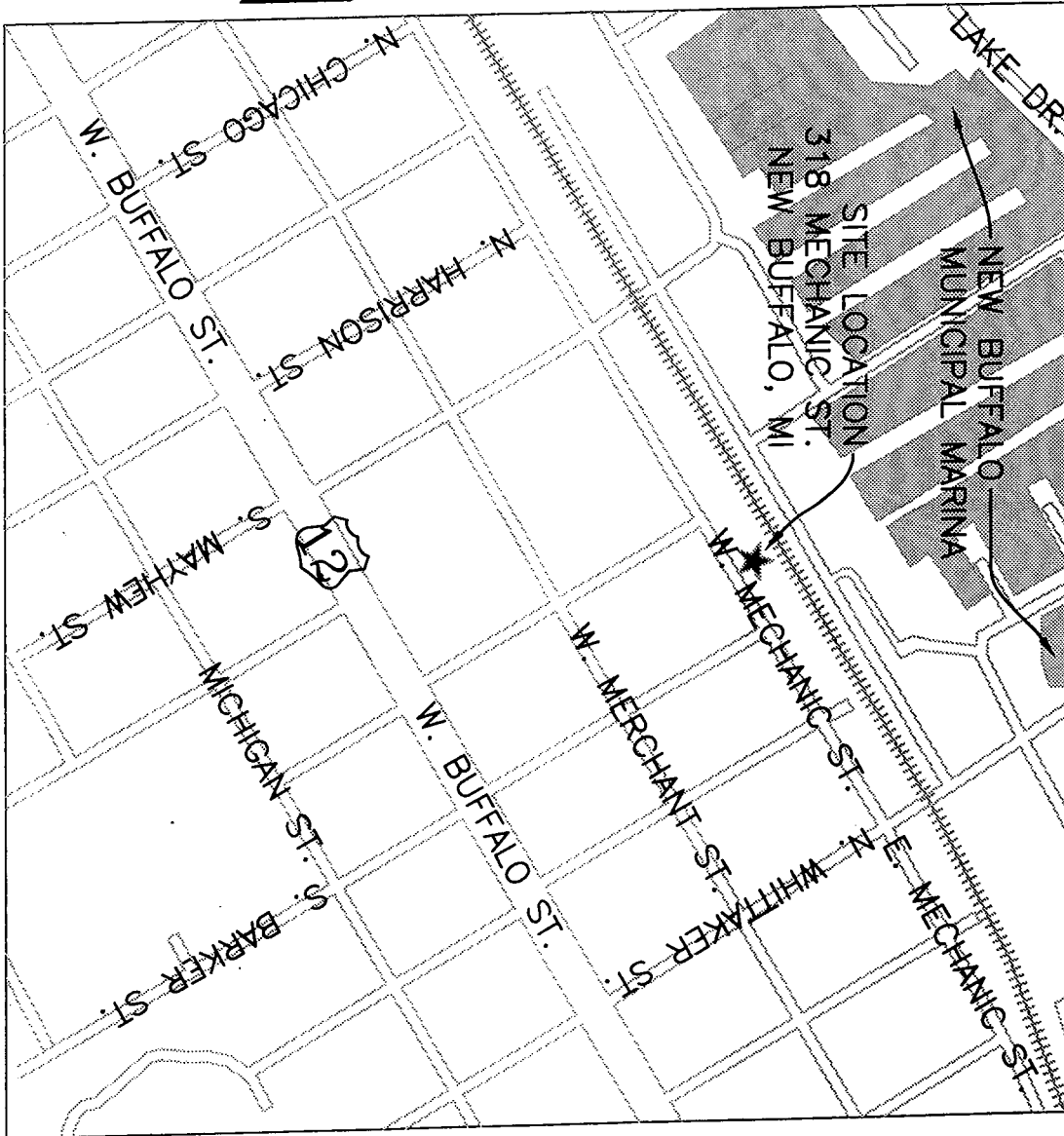
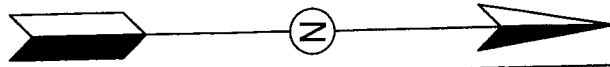
*(When abutting residentially used or zoned property: 40 feet required.)*

Recommendation: Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator that a proper amount of information has been provided to the Zoning Board of Appeals to render a decision on this appeal request.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo

VICINITY MAP-NOT TO SCALE



QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES

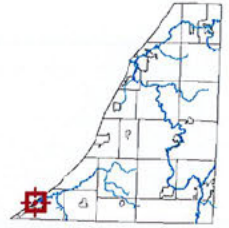
# Radtke Engineering And Surveying, LLC.

5821 North U.S. Hwy 35<sup>e</sup> La Porte, IN 46350  
 Ph: (219) 873-1100 Fax: (219) 873-1006  
 Email: info@radtke-engineering.com  
 Web: www.radtkeengineering.com

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		



Overview



Legend

- City and Villages
- Railroads
- Roads**
- <all other values>
- Interstate
- Major Arterial
- Minor Arterial
- Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-0340-0091-00-1	Alternate ID	n/a	Owner Address	SZAL FAMILY TRUST
Sec/Twp/Rng	n/a	Class	401		<div style="background-color: black; width: 100px; height: 15px;"></div>
Property Address	318 W MECHANIC ST NEW BUFFALO	Acreage	n/a		
District	11200				
Brief Tax Description	THE WLY 75.3' OF LOT 7 BLK 8 & WLY 75.3' OF THAT PART OF LOT 8 BLK 8 LYING S OF M C RR WHOSE E'LY LN IS PAR WITH W'LY LN OF LOTS 7 & 8 VILL PLAT OF NEW BUFFALO				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 7/29/2021  
Last Data Uploaded: 7/29/2021 1:07:57 AM

Developed by Schneider  
GEOSPATIAL







**City of New Buffalo**

224 W Buffalo St  
New Buffalo, MI 49117  
(269) 469-1500  
(269) 469-7917

Invoice For Permit: PZ21-0005  
Print Date: 07/27/2021

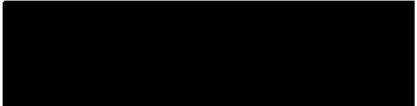
Pay by Account In Full



Pay by Account In Full

\$ 0.00

Szal Richard & Halina Trust



Invoice No	Invoice Date	Permit Number	Address	Amount Due
00001465	07/26/21	PZ21-0005	318 W Mechanic ST	\$ 0.00
<b>Fee Details:</b>				
<b>Quantity</b>	<b>Description</b>	<b>Amount Cost</b>	<b>Balance</b>	
1.000	Variance - Regular	\$350.00	\$ 0.00	
<b>Total Amount Due</b>			<b>\$ 0.00</b>	



City Staff  
Use Only

Project Name  
Project Number  
Review Fee Paid  
Escrow Fee Paid

**APPLICATION TO: PLANNING COMMISSION ZONING BOARD OF APPEALS**


224 W Buffalo St, New Buffalo, MI 49117 City Hall: 269-469-1500 Building Dept: 269-469-7144 Facsimile: 269-469-7917

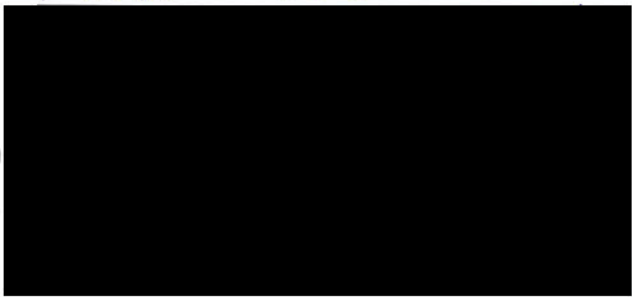
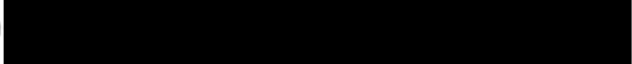
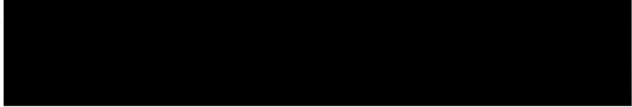
Instructions: Fill-in all blanks and 'X' applicable boxes ( ). Incomplete applications cannot be processed.

**I. Applicant and Owner Information**

A) Applicant(s) principal contact:


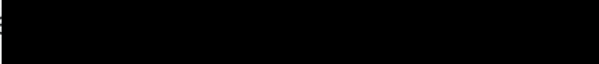
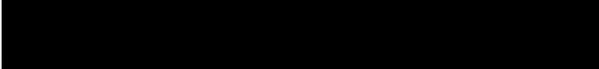
E) Property owner(s) principal contact:

Name Richard SZAL  
Address 318 W. Mechanic St  
New Buffalo MI 49117  
Telephone   
email \_\_\_\_\_

Name RICHARD SZAL  
Address   
Telephone   
email 

B) Applicant(s) secondary contact:

F) Architect (if applicable):

Name Tom Bow MAR  
Address   
Telephone   
email 

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
email \_\_\_\_\_

C) Agent or Attorney (if applicable):

G) Engineer (if applicable):

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
email \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
email \_\_\_\_\_

D) Is the property held in Trust\*:

Yes - Answer below

No - Skip below

Name of Trust \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

email \_\_\_\_\_

H) Applicant is (circle one):

Property owner

Attorney

Agent

Engineer

Other: \_\_\_\_\_

\* Trusts: Provide an attached statement from the trustee verifying the names of all the beneficial owners.

Proceed to Next Page

**II. Purpose of Application**

A) This application is a request for the following action:

Rezoning of Property

Subdivision Approval

Site Plan Approval

Rezoning Amendment

Variance(s) Approval

Special Use Approval

Lot Split – Subdivision or Land Division

Other: \_\_\_\_\_

B) The reasons for the requested action(s) are as follows:

Front setback & lot coverage due to a non-conforming lot

C) The specific section(s) of the City Zoning Ordinance or City General Ordinances which addresses the amendment, variance, or other action which is being requested:

\_\_\_\_\_

D) The following two questions are only for applications which contain a request for a zoning variance:

1. Are the conditions which prevent the development of the property the result of action by an individual who has or had a property interest in the subject property: Yes No

2. If the conditions were self-imposed (not hardship), explain why the variance should be granted:

\_\_\_\_\_

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

318 W. Mechanic St  
New Buffalo, MI 49117

B) Legal description (attach an additional sheet if necessary):

C) Permanent Real Estate Tax Identification Number:

D) Parcel Size: 7700 Square feet  
Acres  
100' Dimension of lot frontage  
77' Dimension of lot depth

E) What are the current land uses and zoning on the property and the adjoining properties:

	Current zoning	Current land use
1. On Site:		
2. Adjoining property:		
a) North of Site		
b) South of Site		
c) East of Site		
d) West of Site		

F) Describe any existing structures or other improvements and physical attributes of the site:

**IV. Description of the Proposed Development**

A) Please describe the proposed use of the land and/or building assuming approval of the request:

Residential

B) What is the proposed time frame for the build-out of this development: \_\_\_\_\_

C) For each intended use please fill-in the number of buildings, square footage of each building, the total square footage of the development, and the required number of parking spaces; as well as the number and size of the water and the sewer connections:

Building Use	Number of Buildings	Building Area (sq ft)	Total Building (sq ft)	Required Parking Spaces	Water Connections and Sizes	Sewer Connections and Sizes
Single Family R-1						
Two Family R-2						
Mufti-Family R-3						
Central Business CBD						
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1						
<b>TOTAL</b>						

D) If this application is for a development please provide information concerning the amount of traffic and the proposed road configuration it will have:

1) Average daily traffic count for the proposed development: \_\_\_\_\_

2) Peak traffic flow count for the proposed development: \_\_\_\_\_

3) How many lineal feet of roadway is proposed to be developed: \_\_\_\_\_

4) How many cul-de-sacs will be constructed as part of this project: \_\_\_\_\_

5) How many curb cuts to City, County or State roads are proposed: \_\_\_\_\_

E) Does the request contemplated in this application concern any hazardous materials:

No

Yes – describe the type and quantity of materials (attach extra pages if necessary):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_





**VII. Signature and Declaratory Statement**

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and Zoning Board of Appeals (ZBA) have established a policy requiring the applicant or a designated representative of the applicant to be present at any meeting or public hearing at which their application is to be considered. Failure of the applicant or designee of the applicant to appear may postpone consideration of the application by the Planning Commission or ZBA.

B) Declaratory Statement:

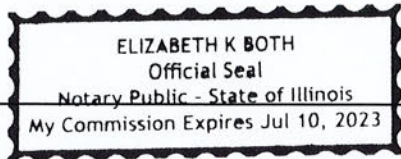
I, \_\_\_\_\_, hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for identified members of the City of New Buffalo's Planning Commission or Zoning Board of Appeals to visit the site(s) referenced in this application.

C) Applicant Signature: [Signature] Date: 7-2-21

D) Notary Public Certification Statement:

I, Elizabeth Both, Notary Public in and for the State of Michigan this 2nd day of July, 2021 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 7/10/2023



**VIII. City Staff Review**

A) Fire Department approval of Site and Building Plans, except for single family dwellings: This application and associated documentation must be reviewed by the Fire Chief or his designee, which can be arranged by calling the Fire Department: 269-469-4993.

Review Date: \_\_\_\_\_

Approval: Yes No Signature: \_\_\_\_\_

Conditions: Attached None Title: \_\_\_\_\_

B) Note to applicant: The original application must be filed in the Office of the Zoning Administrator, where the following signatures are required for verification that this is a complete and valid application to be considered by the Planning Commission or the Zoning Board of Appeals.

Building Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Initial meeting date: \_\_\_\_\_



EMAIL: [manager@cityofnewbuffalo.org](mailto:manager@cityofnewbuffalo.org)  
 WEBSITE: [www.cityofnewbuffalo.org](http://www.cityofnewbuffalo.org)  
 Authority: 1972 PA 230  
 Completion: Mandatory to obtain permit  
 Penalty: Permit cannot be issued

269-469-1500  
 269-469-7917

### ZONING PERMIT APPLICATION

A drawing (site plan shown from a "bird's eye" view) indicating property lines, location of all buildings presently on the property and location of the proposed new structure(s), must be submitted with this application. The site plan should also include measurements from your new project to property lines and distances between all buildings. The project must be marked in some way (in ground with stakes or on ground with painted markings). "Change of Use" applicants are exempt from providing a site plan as indicated and instead, will provide a statement of the proposed new use of the existing structure.

#### I. Job Location

JOB Address <u>318 W. MECHANIC</u>	Name of Owner <u>RICHARD SZAL</u>
Name of City, Village or Township in which Job is located: <u>( ) New Buffalo City</u>	County <u>BERRIEN</u>
Owner Telephone [REDACTED]	

#### II. Applicant (Contractor/Property Owner Information)

Contractor  Owner  
Tom Bowman



#### III. Type of job (PLEASE MARK AS MANY AS ARE APPLICABLE)

- |                                                               |                                                                                             |                                                                            |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <input type="checkbox"/> New                                  | <input type="checkbox"/> Single Family or Two Family Home <u>Circle One</u>                 | <input type="checkbox"/> Outbuilding (Barn/Shed/Carport) <u>Circle One</u> |
| <input checked="" type="checkbox"/> Addition                  | <input type="checkbox"/> Mobile Home or Prefab <u>Circle One</u>                            | <input type="checkbox"/> Garage (Attached/Detached) <u>Circle One</u>      |
| <input type="checkbox"/> Alteration/Remodel <u>Circle One</u> | <input type="checkbox"/> Fence - Indicate Type Here _____                                   | <input type="checkbox"/> Pool (Above/Below Ground) <u>Circle One</u>       |
| <input type="checkbox"/> Change of Use (Current Use _____)    | <input type="checkbox"/> Foundation Only                                                    | <input type="checkbox"/> Commercial Building                               |
| <input type="checkbox"/> Other _____                          | <input type="checkbox"/> Deck/Porch <u>Circle One</u> (Attached/Detached) <u>Circle One</u> |                                                                            |

#### IV. Project Dimensions

23.5' Project Width    54' Project Length    23' Project Height (from grade to highest point)    2 # of Floors    1241 Total Square Feet

#### V. Zoning Questions (PLEASE CIRCLE YES OR NO)

Does this property have frontage on two roads?	YES	<u>NO</u>
Does this property have lake frontage?	YES	<u>NO</u>
Is there a dwelling presently on this property?	<u>YES</u>	NO
Is there an accessory building presently on this property?	YES	<u>NO</u>
Is the construction located within 500 ft of a lake, stream, or natural body of water?	YES	<u>NO</u>
Will the construction require the moving of one surface acre or more of land?	YES	<u>NO</u>
If construction is for an accessory building, will it contain animals?	YES	<u>NO</u>

**SITE PLAN**



PROPOSED ADDITION

7,425 Lot  
Allowed 4,455 or 6090

EXISTING COVERED PORCH

EXISTING HOME

Addition  
12.41  
14.47

EXISTING  
8.11  
8.11

LOT 8

101