



**SPECIAL MEETING
ZONING BOARD OF APPEALS
Thursday, March 24, 2022 at 5:00 p.m.
City of New Buffalo
224 W. Buffalo Street
New Buffalo MI 49117**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Previous Minutes - January 20, 2022
6. Public Comment
7. Public Hearing
 - a. Variance Request 917 W. Detroit Street (Parcel # 11-62-8200-0346-01-5) – Requesting a variance of the required street frontage in R-1 District.
7. Unfinished Business
8. New Business
 - a. Variance Request 917 W. Detroit Street (Parcel # 11-62-8200-0346-01-5) – Requesting a variance of the required street frontage in R-1 District.
9. Adjournment

Call to Order at 5:04 p.m.

Pledge of Allegiance – ZBA Board members led the Pledge of Allegiance.

Roll Call: Pokuta, Borg, Parello, Smith, Gabryszewski

Absent: Cooper, Joseph

City Staff Present: City Manager, Darwin Watson; City Clerk, Amy Fidler; Deputy Clerk, Nancy Griffin.

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

Roll call vote:

AYES: Gabryszewski, Pokuta, Borg, Parello, Smith

NAYES:

ABSENT: Joseph, Cooper

ABSTAINED:

Motion Carried, 5-0.

Approval of Previous Minutes - August 26, 2021. Motion by Pokuta, seconded by Smith to approve the previous minutes from August 26, 2021:

Roll call vote:

AYES: Pokuta, Borg, Parello, Gabryszewski, Smith

NAYES:

ABSENT: Joseph, Cooper

ABSTAINED:

Motion Carried, 5-0.

Public Comment:

None

Public Hearing- Chair Smith opened the public hearing for 207 N. Whittaker Street at 5:21 p.m.

207 N. Whittaker Street -

Variance Request – To allow for a 1-foot side yard setback on the east side of the new building.

No public comment during the Public hearing.

New Business

Variance Request 207 N. Whittaker Street – To allow for a 1-foot side yard setback on the east side of the new building.

Owner, Ben Holland and Architect, Julie Fisher presented plans and drawings they are proposing for the property.

Motion by Borg, seconded by Parello to approve a 1-foot setback on the east side of the building:

Roll call vote:

AYES: Borg, Parello, Gabryszewski, Pokuta, Smith

NAYES:

ABSENT: Joseph, Cooper

ABSTAINED:

Motion Carried, 5-0.

Motion by Pokuta , seconded by Gabryszewski at 6:07 p.m. to adjourn the meeting:

Roll call vote:

AYES: Borg, Parello, Gabryszewski, Pokuta, Smith

NAYES:

ABSENT: Joseph, Cooper

ABSTAINED:

Adjournment at 6:07 p.m.

ng

Tom Smith, Chair

Nancy Griffin, Deputy Clerk



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

Hearing Date: March 24, 2022 (Thursday 5pm)

Project Number: PZ22-0013

Applicant: Barry Schroder

Owner: Veronica Schroder Trust

c/o Barry Schroder, [REDACTED]

Zoning District: R-1

Current Zoning: Single Family Residential

Subject Property Address: 917 W Detroit Street, New Buffalo, MI 49117

Nature of the Request: Variance request for required minimum lot width

OVERVIEW

The owner of 917 W. Detroit Street desires to split the current property (Parcel #11-62-8200-0346-01-5), which has street frontage of 131.85 feet. The applicant desires to extract the portion with house currently located on it and create a separate lot. The dimensions of the lot would be 65.85 feet x 194 feet. A variance is being requested for this lot to be a buildable lot with a street frontage width of 65.85 feet instead of the required 66 feet.

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

Barry C
Schroder PC

Attorney at Law

January 26, 2022

RECEIVED

FEB 02 2022

CITY OF NEW BUFFALO

Mr. Darwin Watson, City Manager
City of New Buffalo
224 W Buffalo St
New Buffalo MI 49117

RE: 917 W Detroit St

Dear Mr Watson:

Attached please find the ZBA application regarding our property at 917 W Detroit St. You may recall that our real estate agent, Jen Holzwarth, discussed this with you in attempt to figure out how to separate the lot with the house on it from the remainder of this rather large parcel.

Per your instructions, Jen filled out the attached and I have signed it. If anything else is necessary, please call me or Jen, or email. I have listed our contact info below:

[REDACTED]

[REDACTED]

We thank you for your kind help and consideration in this matter.

Sincerely,



Barry C Schroder
Personal Representative, Estate of Veronica Schroder
Attorney at Law

[REDACTED]



City Staff
Use Only

Project Name 917 W. Detroit
Project Number P222-0013
Review Fee Paid \$350
Escrow Fee Paid N/A

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:

Name Veronica Schroder Trust
Address 917 W. Detroit St.
New Buffalo, MI 49117
Telephone _____
email _____

E) Property owner(s) principal contact:

Name co/Barry Schroder
Address 
Telephone _____
email _____

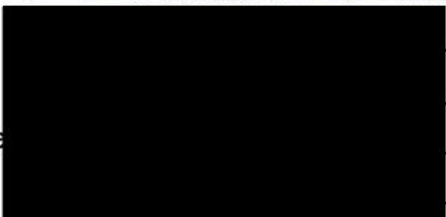
B) Applicant(s) secondary contact:

Name Jennifer Holzwarth
Address 
Telephone _____
email _____

F) Architect (if applicable):

Name _____
Address _____
Telephone _____
email _____

C) Agent or Attorney (if applicable):

Name Barry Schroder
Address 
Telephone _____
email _____

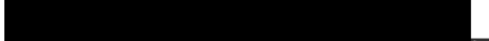
G) Engineer (if applicable):

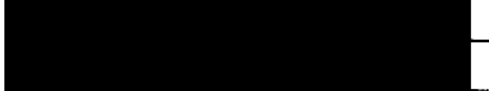
Name _____
Address _____
Telephone _____
email _____

D) Is the property held in Trust*:

Yes - Answer below No - Skip below

Name of Trust Veronica Schroder Trust

Address 

Telephone
email 

H) Applicant is (circle one):

Property owner

Attorney

Agent

Engineer

Other: property owner & attorney

* 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: Variance approval for lot split

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

The trust owns 131.85' on Detroit Street. When Veronica and her husband originally purchased this property years ago, the family home was built on one city lot with intensions of having at least one other city lot on Detroit street. The parcel is located on the corner of improved Detroit Street and unimproved Monroe Street. The family also owns Block 226 behind this parcel, which borders unimproved blocks Monroe, Clay and Eagle Streets.

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:

We would like a variance to have the existing lot that the home currently sits on to have 65.85' of frontage differing from the approved minimum of 66' of frontage on Detroit Street. This will allow the second lot of Detroit street to be used as a buildable lot or access to the remainder of property located behind it.

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:
The variance should be granted so that the owners of the property can sell the existing home on one city lot and alleviate additional frontage issues. The owner will then work with the city to find the best possible solution to meet the needs of the current property owner and the city to make a win win situation for everyone for the remaining parcels.

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, Barry Schroder, 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: 1-26-2022

D) Notary Public Certification Statement:

I, Katie Parrish, Notary Public in and for the State of Michigan this 26 day of January, 2022 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

KATIE PARRISH
NOTARY PUBLIC, MONTCALM COUNTY, MI
MY COMMISSION EXPIRES: 10-2-2027
ACTING IN THE COUNTY OF KENT

My commission expires: _____

VIII. City Staff Review

[Signature: Katie Parrish]

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: _____

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

917 W. Detroit Street New Buffalo, MI 49117

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

The WLy 1/2 of Block 346 Virginia Add to Village of New Buffalo

C) Permanent Real Estate Tax Identification Number: 62-8200-0346-01-5

D) Parcel Size: 52212.6 Square feet

Acres

131.85 Dimension of lot frontage

396 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:	residential	
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:

home, attached breezeway, garage and storage shed

IV. Description of the Proposed Development

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

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	1					
Two Family R-2						
Mufty-Family R-3						
Central Business CBD						
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1						
TOTAL						

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

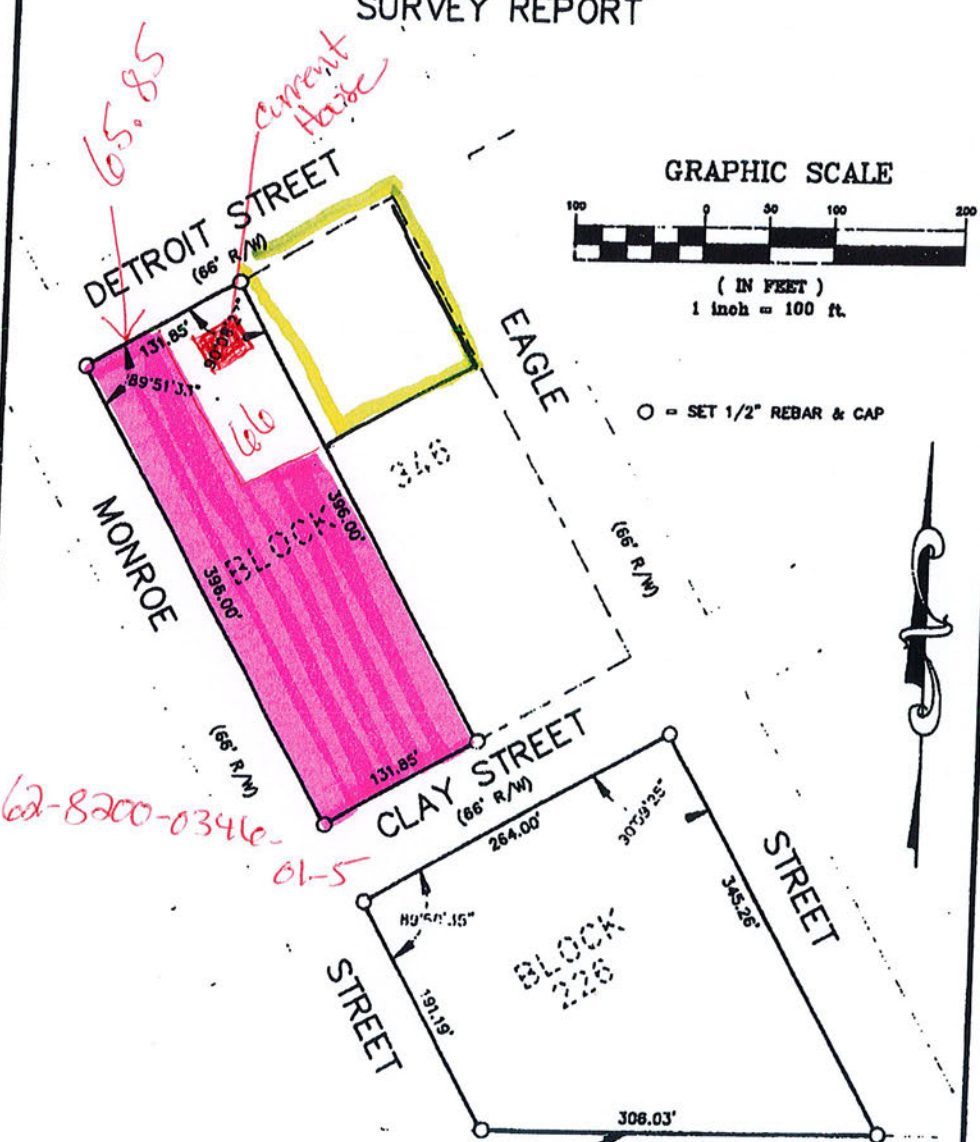
- 1) Average daily traffic count for the proposed development: _____
- 2) Peak traffic flow count for the proposed development: _____
- 3) How many lineal feet of roadway is proposed to be developed: _____
- 4) How many cul-de-sacs will be constructed as part of this project: _____
- 5) How many curb 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):

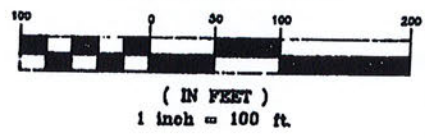
Act 288 of Michigan Public Acts of 1967
 should be checked to see that any property
 conveyance does not violate this act

SHEET 1 OF 1

SURVEY REPORT



GRAPHIC SCALE



○ = SET 1/2" REBAR & CAP



CITY OF NEW BUFFALO

62-8200-0346-01-5

THE WESTERLY HALF OF BLOCK 348 AND ENTIRE BLOCK 226, VIRGINIA ADDITION TO THE TOWN, NOW CITY, OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN.
 SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.
 THIS SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE OF NO GREATER THAN 1 IN 5000.

FOR: VERONICA SCHROEDER
 DATE: JULY 17, 1992 (920768)
 SCALE: 1"=100'
 DRAWN BY: MAF
 CHECKED BY: J.G.



[Signature]
 JOHN G. KAMER RLS- 27449

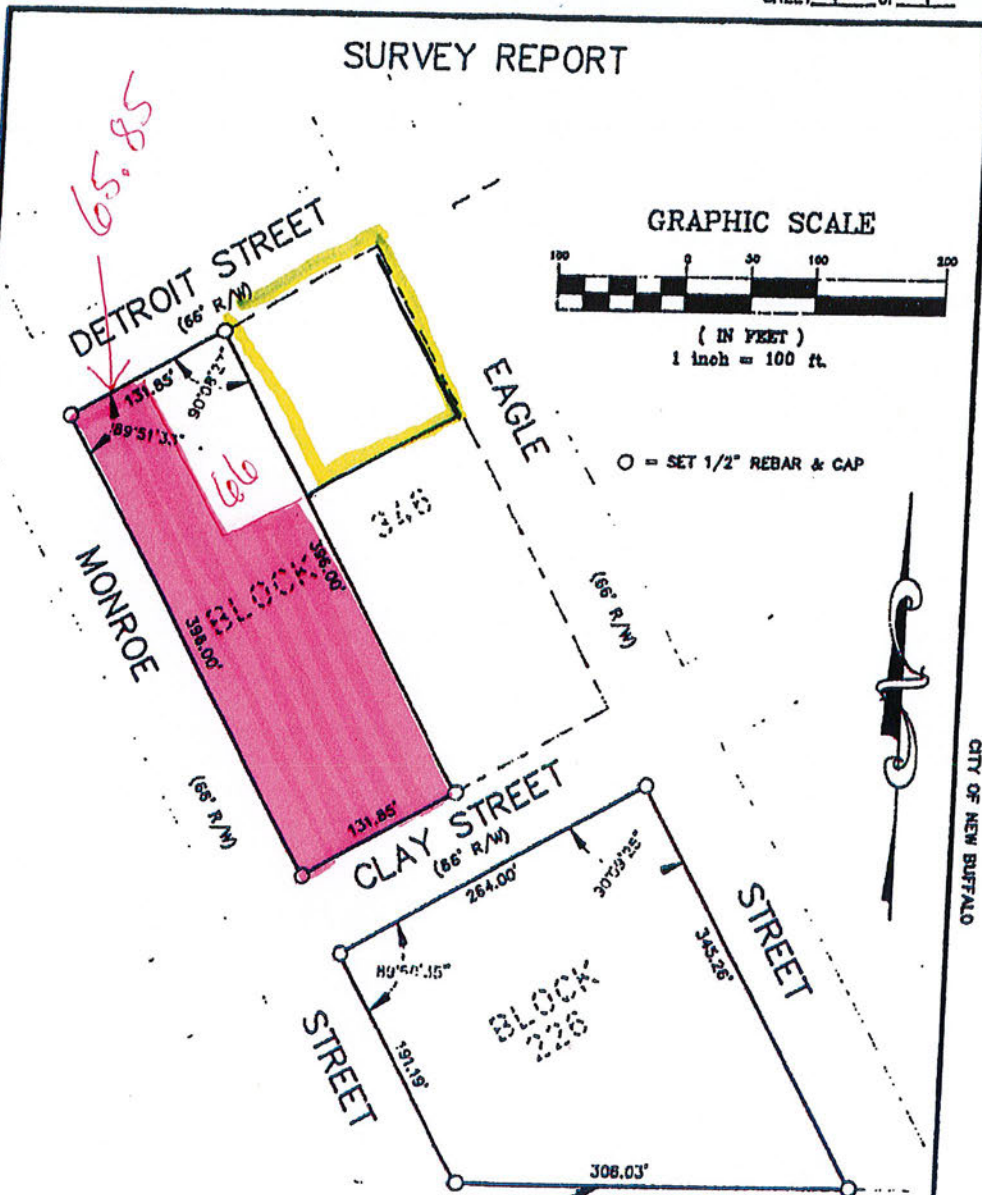
WIGHTMAN & ASSOCIATES, INC.
 920 BROAD STREET
 ST. JOSEPH, MICHIGAN 49085

A 14912

Act 288 of Michigan Public Acts of 1967
 should be checked to see that any property
 conveyance does not violate this act

SHEET 1 OF 1

SURVEY REPORT



CITY OF NEW BUFFALO

THE WESTERLY HALF OF BLOCK 348 AND ENTIRE BLOCK 226, VIRGINIA ADDITION TO THE TOWN, NOW CITY, OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN.
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John G. Kamer
 JOHN G. KAMER RLS-27448

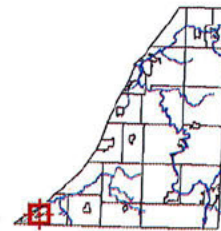
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WIGHTMAN & ASSOCIATES, INC.
 920 BROAD STREET
 ST. JOSEPH, MICHIGAN 49085

14812




Overview



Legend

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

Parcel ID	11-62-8200-0346-01-5	Alternate ID	n/a	Owner Address	SCHRODER VERONICA H
Sec/Twp/Rng	n/a	Class	401		
Property Address	917 W DETROIT ST NEW BUFFALO	Acreage	n/a		
District	11200				
Brief Tax Description	THE WLY 1/2 OF BLK 346 VIRGINIA ADD TO VILLAGE OF NEW BUFFALO				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 3/3/2022
 Last Data Uploaded: 3/3/2022 1:10:55 AM

Developed by 

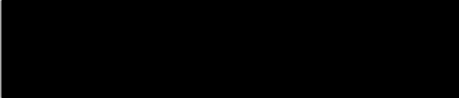
City of New Buffalo

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


Invoice For Permit: PZ22-0013
Print Date: 02/22/2022



SCHRODER, VERONICA



\$ 350.00

Invoice No	Invoice Date	Permit Number	Address	Amount Due
	02/16/22	PZ22-0013	917 W Detroit ST	\$ 350.00
Fee Details	Quantity	Description	Amount Cost	Balance
	1.000	Variance - Regular	\$350.00	\$ 350.00
Total Amount Due				\$ 350.00

CITY OF NEW BUFFALO
224 W. BUFFALO STREET
NEW BUFFALO, MI 49117
Phone : (269) 469-1500

Received From: SCHRODER, VERONICA
Date: 02/22/2022 Time: 11:21:18 AM
Receipt: 100111
Cashier: SBOONE

ITEM REFERENCE	AMOUNT
BDINV 00001763	\$350.00
SUB-TOTAL	\$350.00
Total Tendered:	\$350.00
ORDER #: 109559606	
Credit Card Type MasterCard	
CC Processing Fee	\$10.50
Grand Total:	\$360.50
Change:	\$0.00

