



**SPECIAL MEETING  
ZONING BOARD OF APPEALS  
Thursday, May 19, 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 – March 24, 2022
6. Public Comment
7. Public Hearing
  - a. 232 S. Chicago Street (11-62-8270-0026-00-3) – Request variance for the required front yard setback of 20 feet (Detroit Street) to be reduced to 9’5” feet.
7. Unfinished Business
8. New Business
  - a. 232 S. Chicago Street (11-62-8270-0026-00-3) – Request variance for the required front yard setback of 20 feet (Detroit Street) to be reduced to 9’5” feet.
9. Adjournment

**Call to Order at 5:01 p.m.**

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

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

Absent:

City Staff Present: City Manager, Darwin Watson; City Clerk, Amy Fidler

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

Roll call vote:

AYES: Gabryszewski, Pokuta, Joseph, Borg, Parello, Cooper, Smith

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 7-0.

**Approval of Previous Minutes – January 20, 2022.** Motion by Borg, seconded by Pokuta to approve the previous minutes from January 20, 2022:

Roll call vote:

AYES: Pokuta, Joseph, Borg, Parello, Cooper, Gabryszewski, Smith

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 7-0.

**Public Comment:** None

**Public Hearing- Chair Smith opened the public hearing for 917 W. Detroit Street at 5:03 p.m.**

**917 W. Detroit Street** - 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

**New Business**

**917 W. Detroit Street** - 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

Motion by Gabryszewski, seconded by Parello to approve a variance of the required street frontage in R-1 District:

Roll call vote:

AYES: Joseph, Borg, Parello, Cooper, Gabryszewski, Pokuta, Smith

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 7-0.

Motion by Cooper, seconded by Borg at 5:10 p.m. to adjourn the meeting:

Roll call vote:

AYES: Borg, Parello, Cooper, Gabryszewski, Pokuta, Joseph, Smith

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 7-0.

Adjournment at 5:10 p.m.

af

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**Tom Smith, Chair**

**Amy Fidler, City Clerk**



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

**Hearing Date:** May 19, 2022 (5pm)

**Project Number:** PZ22-0015

**Applicant:** David Kunze (Owner)

**Current Zoning:** R-1 Single Family Residential

**Subject Property Address:** 232 S Chicago Street, New Buffalo, MI 49117

**Nature of the Request:** Allow variance for the required front yard setback of 20 feet required to be reduced to 9'5".

**Zoning District:** R-1

**OVERVIEW**

The applicant is David Kunze, owner, of 232 S Chicago Street, New Buffalo, MI 49117. The applicant requests variances to enlarge the existing legal non-conforming home/garage located at this address with regards to the front yard set-back required on the W. Detroit Street side.

This current home is a legal non-conforming structure with regard to being located on a corner lot and does not meet the current zoning regulation for front yard set-back (20feet) on the W. Detroit side. The owner is requesting to increase the depth of the current garage to the west. This will not impact the rear yard set-back, and will not impede any closer to the W. Detroit side than the current garage exist currently, that being approximately 9 feet 5 inches.

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.

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



City Staff  
Use Only

Project Name	<b>RECEIVED</b> <b>MAR 02 2022</b> <small>CITY OF NEW BUFFALO</small>
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:

Name

*Shari Kunze*

Address



Telephone

email

E) Property owner(s) principal contact:

Name

*David Kunze*

Address



Telephone

email

B) Applicant(s) secondary contact:

Name

\_\_\_\_\_

Address

\_\_\_\_\_

Telephone

\_\_\_\_\_

email

\_\_\_\_\_

F) Architect (if applicable):

Name

\_\_\_\_\_

Address

\_\_\_\_\_

Telephone

\_\_\_\_\_

email

\_\_\_\_\_

C) Agent or Attorney (if applicable):

Name

\_\_\_\_\_

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 \_\_\_\_\_

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:

Add a 13'-6" x 9'4" back entry/Storage to our existing dwelling.

Adding on to existing garage.

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:

We are adding to existing garage and maintaining the same distance.

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



III. Site and Surrounding Property Information

A) Common address or property location of subject property:

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

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

232 S. Chicago St.  
New Buffalo, MI 49117

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

C) Permanent Real Estate Tax Identification Number: 11-62-8270-0026-00-3

D) Parcel Size: \_\_\_\_\_ Square feet

\_\_\_\_\_ Acres

\_\_\_\_\_ Dimension of lot frontage

\_\_\_\_\_ 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:

Existing Dwelling  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Description of the Proposed Development

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

Single family Dwelling / Personal

B) What is the proposed time frame for the build-out of this development: 2 months

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: 0

2) Peak traffic flow count for the proposed development: 0

3) How many lineal feet of roadway is proposed to be developed: 0

4) How many cul-de-sacs will be constructed as part of this project: 3

5) How many curb cuts to City, County or State roads are proposed: 0

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, SHARI A KUNZE, 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: Shari Kunze Date: 2/28/22

D) Notary Public Certification Statement:

I, BBA GUNJAN PARIKH, Notary Public in and for the State of Michigan this 28<sup>th</sup> day of February, 2022 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 12/21/2024 [Signature]



**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: \_\_\_\_\_

**CITY OF NEW BUFFALO**

Receipt: 101272

04/22/22

224 W. BUFFALO STREET  
NEW BUFFALO, MI 49117

(269) 469-1500

Cashier: SBOONE  
Received Of: Kunze David

232 South Chicago  
New Buffalo MI 49117

The sum of: 350.00

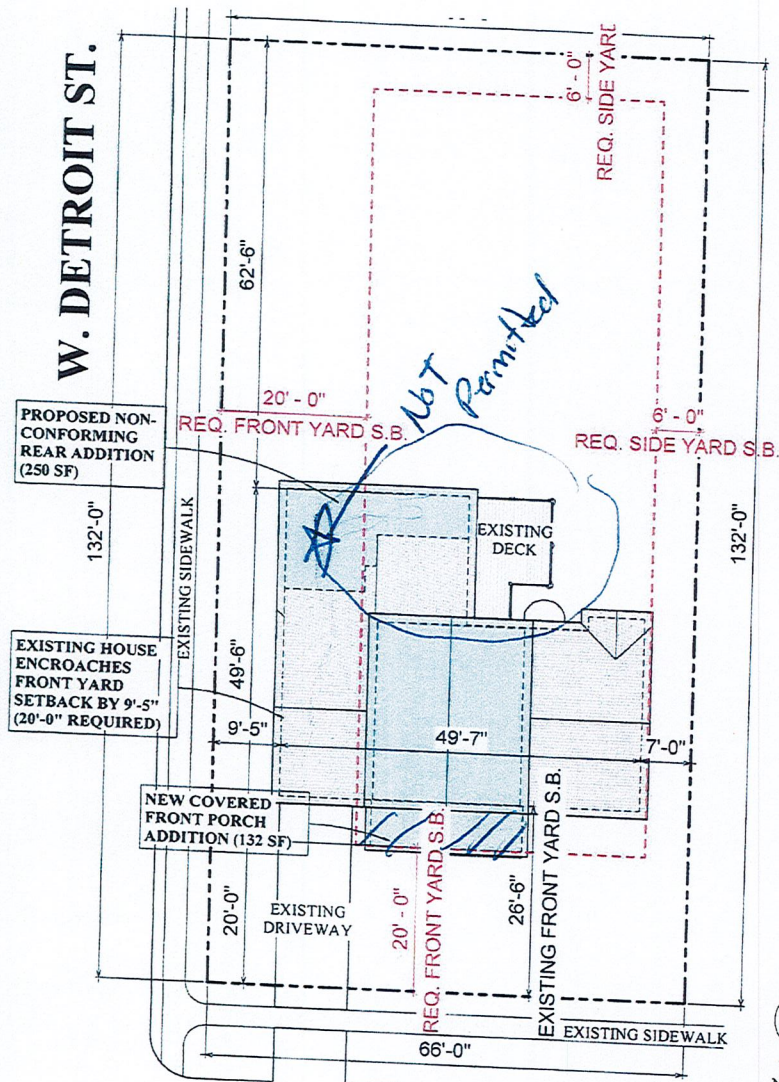
BDINV 00001874

Total 350.00

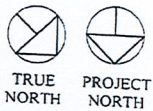
CHECK 634 350.00

Signed: \_\_\_\_\_

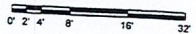
W. DETROIT ST.



S. CHICAGO ST.



1 SITE PLAN  
1/16" = 1'-0"



SITE CALCULATIONS; 232 S. Chicago St. New Buffalo, MI 49117				6/2/2021
Zoning District: R-1				
Lot Area	8,712 SF			
Lot dimensions	66'x132'			
<b>SETBACKS</b>	Required	Proposed		Comments
Front Yard; S. Chicago St.	20'-0"	26'-6"		Existing
Front Yard; W. Detroit St.	20'-0"	9'-5"		Existing
Side Yard (West):	6'-0"	7'-0"		Existing
Side Yard (North):	6'-0"	58'-6"		Proposed
Building Height	35 1/2 Stories	22'-0"		Proposed
<b>LOT AREA CALCULATIONS</b>				
Actual Lot Area	8,712 SF		allowable sf coverage	
Area Calculations			x 35%	3,049
Existing House				Actual Coverage
Existing Front Porch				1,056
Existing Deck				-28
Total Existing Coverage (14%)				180
New Rear Addition				1,264
New Front Porch Addition				250
Total Proposed Coverage (18%)				132
Allowable Future Expansion				1,618
				1,431
<b>BUILDING AREA CALCULATIONS; gross square footage</b>				
<b>PROPOSED</b>	Habitable	Unhabitable	Porches	Total
2nd Floor	500	0	0	500
1st Floor	1,164	506	132 + 180	1,982
Basement	905	0	0	905
<b>TOTAL COVERAGE</b>	2,569	506	290	3,367

ARCHITECTURAL	
A-1	COVER PAGE
A-2	EXISTING FLOOR PLANS
A-3	PROPOSED BASEMENT PLAN
A-4	PROPOSED 1ST FLOOR PLAN
A-5	PROPOSED 2ND FLOOR PLAN
A-6	PROPOSED ROOF PLAN
A-7	BUILDING SECTIONS
A-8	BUILDING SECTIONS
A-9	EXTERIOR ELEVATIONS
A-10	EXTERIOR ELEVATIONS

Architect:  
William O.  
McCollum

Address:  
16189 Red Arrow Hwy.  
Union Pier, MI 49129  
Phone: (312) 550-7005  
http://McCollumArchitect.com

KUNZE RESIDENCE

232 S. CHICAGO ST. NEW BUFFALO, MI 49117

REVISIONS	
SCHEMATIC	06/01/21
DESIGN DEV.	06/21/21

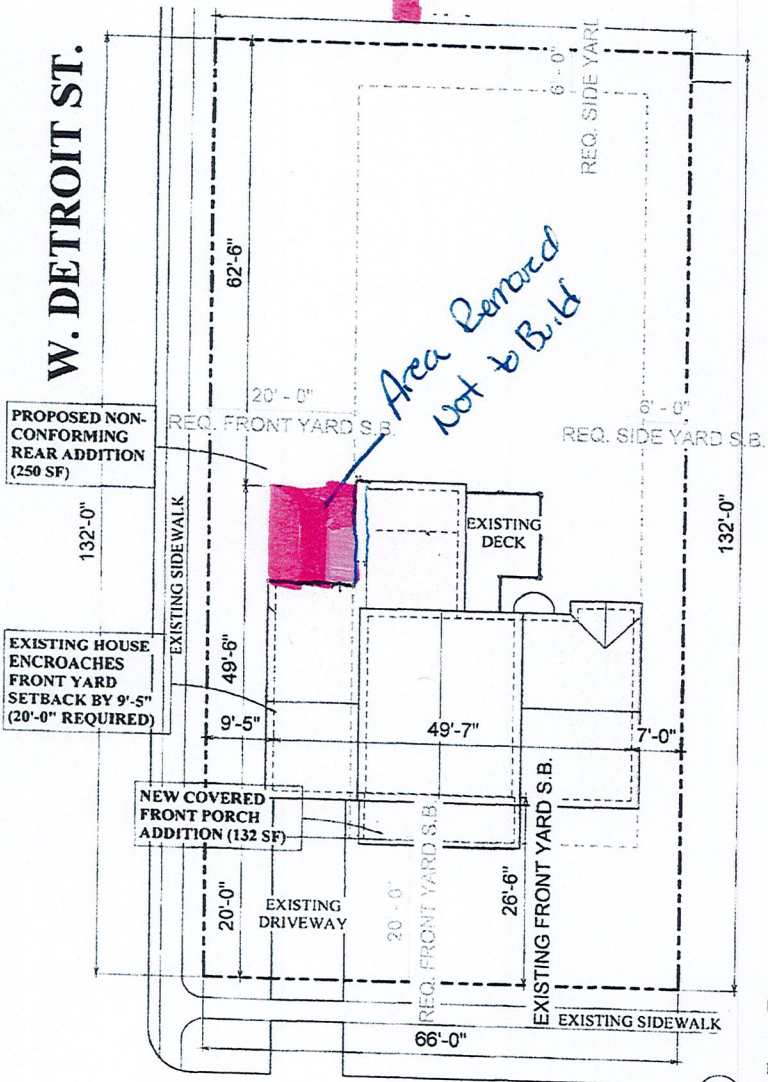
JOB #: 2222  
Designer: Maria Horvath-Kidder  
COVER PAGE

Sheet No.  
A-1

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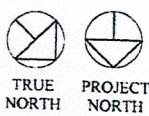


W. DETROIT ST.



S. CHICAGO ST.

1 SITE PLAN  
1/16" = 1'-0"

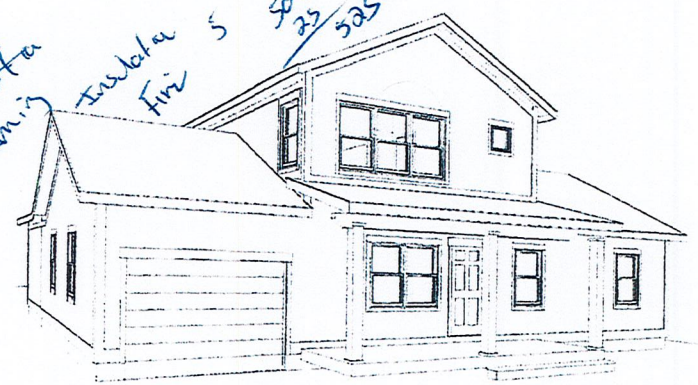


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Side Yard (West):	6'-0"	7'-0"	Existing	
Side Yard (North):	6'-0"	58'-6"	Proposed	
Building Height	35 1/2 Stories	22'-0"	Proposed	
<b>LOT AREA CALCULATIONS</b>				
Actual Lot Area	8,712 SF			allowable sf coverage
Area Calculations				x 35% = 3,049
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				1,431
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<b>PROPOSED</b>	<b>Habitable</b>	<b>Unhabitable</b>	<b>Porches</b>	<b>Total</b>
2nd Floor	500	0	0	500
1st Floor	1,164	905	132 + 180	1,982
Basement	905	0	0	905
<b>TOTAL COVERAGE</b>	<b>2,569</b>	<b>905</b>	<b>290</b>	<b>3293</b>

ARCHITECTURAL	
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A-7	BUILDING SECTIONS
A-8	BUILDING SECTIONS
A-9	EXTERIOR ELEVATIONS
A-10	EXTERIOR ELEVATIONS

*11/19/21*

*Footings  
Foundation  
Roofing  
Insulation  
Fire 5  
300  
25  
325*



KUNZE RESIDENCE

232 S. CHICAGO ST. NEW BUFFALO, MI 49117

REVISIONS	
SCHEMATIC	06/01/21
DESIGN DEV.	06/21/21

COVER PAGE

Sheet No.  
**A-1**

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