



**SPECIAL MEETING
ZONING BOARD OF APPEALS
Thursday, December 15, 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 – November 17, 2022
6. Public Comment
7. Public Hearing
 - a. 117 W. Mechanic (11-62-0340-0132-01-7) - Requests variance for the following: reduction in required side setback to 6 feet; reduction in required rear setback to 23 feet; reduction in required front setback to 7 feet; increase required lot coverage to 38%.
8. New Business
 - a. 117 W. Mechanic (11-62-0340-0132-01-7) - Requests variance for the following: reduction in required side setback to 6 feet; reduction in required rear setback to 23 feet; reduction in required front setback to 7 feet; increase required lot coverage to 38%.
9. Adjournment

**CITY HALL • 224 WEST BUFFALO • NEW BUFFALO, MICHIGAN 49117
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Chair Smith called the meeting to order at 5:00 p.m.

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

Roll Call: Members Gabryszewski, Pokuta, Chair Smith

Absent: Members Cooper, Joseph

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

Approval of Agenda: Motion by Member Arlene Pokuta, seconded by Member Mark Gabryszewski to approve the agenda:

Roll Call Vote:

AYES: Gabryszewski, Pokuta, Chair Smith

NAYES:

ABSENT: Joseph, Cooper

ABSTAINED:

Motion Carried, 3-0.

Approval of Previous Minutes – October 13, 2022: Motion by Member Arlene Pokuta, seconded by Member Mark Gabryszewski to approve the previous minutes from October 13, 2022:

Roll Call Vote:

AYES: Pokuta, Gabryszewski, Chair Smith

NAYES:

ABSENT: Joseph, Cooper

ABSTAINED:

Motion Carried, 3-0.

Public Comment: None

Public Hearing:

Chair Smith opened the public hearing for 22 N. Willard Street at 5:04 p.m.

22 N. Willard St- 22 N. Willard (11-62-8550-0063-00-1) – Requests a variance for maximum lot coverage of 35% for construction.

Public Comment: None

Chair Smith closed the public hearing for 22 N. Willard Street at 5:04 p.m.

New Business

22 N. Willard St- 22 N. Willard (11-62-8550-0063-00-1) – Requests a variance for maximum lot coverage of 35% for construction.

Motion by Member Arlene Pokuta, seconded by Member Mark Gabryszewski to approve the variance to allow for maximum lot coverage of 35% for construction following reasons: Proposed enlargement or alteration will not change the essential character of the area; proposed enlargement or alteration will not be contrary to general development plan; and the proposed enlargement or alteration will not have an adverse impact on adjoining property or the general welfare of the City, by reason of its nonconformity with the provisions of this ordinance.

Roll Call:

Ayes: Gabryszewski, Pokuta, Chair Smith

Nays:

Absent: Joseph, Cooper

Abstained:

Motion Carried 3-0.

Motion by Member Mark Gabryszewski, seconded by Member Arlene Pokuta to adjourn the meeting at 5:10 p.m.

Voice vote, motion carried.

af

Tom Smith, Chair

Amy Fidler, City Clerk



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

Hearing Date: December 15, 2022

Project Number: PZ22-0021

Applicant: William McCollum

Owner: Mike Linane

Subject Property Address: 117 West Mechanic, New Buffalo, MI 49117, #11-62-0340-0132-01-7

Zoning District: High Density Residential (R-3)

Nature of the Request: Allow a variance for reduction in required side setback (20' to 6'); required rear setback (30' to 23'); required front setback (30' to 7'); increase in maximum lot coverage to (35% to 38%)

OVERVIEW

A Zoning Board of Appeals application was received for the construction of a new residence at 117 West Mechanic. The application was submitted by William McCollum, the architect for the project, on behalf of the owner, Mike Linane.

According to Section 8-4 of the city's zoning ordinance, the required building setbacks and other requirements for the R-3 zoning district are as follows:

Minimum Building Setbacks

Front yard	30 feet
Side yard	20 feet
Rear yard	30 feet

Other Requirements

Minimum lot width	150 feet
Maximum lot coverage	35% of total area

Section 20-2 (A) of the city's zoning ordinance states:

Existing lot of record. *In any zoning district where an existing lot of record which does not abut any lot or lots of record in the same ownership, fails to meet the requirements for minimum lot area, minimum lot width, or both, of the zoning district in which it is located, such lot may be used for the permitted uses of the zoning district, **provided that all other dimensional requirements not involving lot area and/or lot width of the zoning district in which such lot is located are met.***



Section 21-8 (B) of the city's zoning ordinance states:

Granting of non-use variances. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include exceptional narrowness, shallowness or shape of a specific property on the effective date of this article, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this article would involve practical difficulties;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance;
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood;
5. The variance will not impair the intent and purpose of this ordinance;
6. The immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

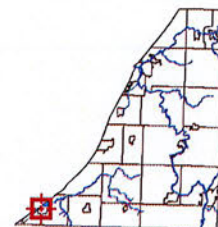
Recommendation: Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator that a proper amount of information has been provided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

Respectfully submitted,

Darwin Watson, Zoning Administrator
City of New Buffalo



Overview



Legend

- Roads
- Interstate
 - Major Arterial
 - Minor Arterial
 - Roads
 - <all other values>
 - Parcels2022
 - Lake Michigan

Parcel ID	11-62-0340-0132-01-7	Alternate ID	n/a	Owner Address	LINANE MICHAEL
Sec/Twp/Rng	n/a	Class	402		LINANE SHEILA
Property Address	117 W MECHANIC ST NEW BUFFALO	Acreage	n/a		11000 S KENNETH AVE OAK LAWN, IL 60453
District	11200				
Brief Tax Description	THE E'LY 1/2 OF LOT 12 BLK 11 VILL OF NEW BUFFALO WHOSE W'LY LN IS PAR WITH W'LY LN OF SD LOT 12				
	(Note: Not to be used on legal documents)				

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