



**SPECIAL MEETING  
ZONING BOARD OF APPEALS  
Thursday, February 9, 2023, 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  
269.469.1500 • FAX 269.469.7917**

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 for the 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:** February 9, 2023

**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:** Allowance of variances to the site development requirements in the High Density Residential (R-3) zoning district as prescribed in the New Buffalo Zoning Ordinance

**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.

The submitted application requests the following variances:

- Reduction in required side setback to 6 feet;
- Reduction in required rear setback to 23 feet;
- Reduction in required front setback to 7 feet; and
- Increase maximum lot coverage to 38%.

According to Section 8-4 of the New Buffalo Zoning Ordinance (“the 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

As platted, the lot is nonconforming in that it is 60’ wide x 66’ deep. Section 20-2 (A) of the Ordinance provides that:

*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 Ordinance outlines the requirements for granting of a non-use variance. The section states that 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.

Notifications for the variance requests were delivered the affected neighbors in accordance with Michigan's Zoning Enabling Act (Public Act 110 of 2006) 125.3103, Section 103 (4).

**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 an approval of this appeal request.

Respectfully submitted,

Darwin Watson, Zoning Administrator  
City of New Buffalo