



**SPECIAL MEETING
ZONING BOARD OF APPEALS
Wednesday, April 19, 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 – February 9, 2023 (Special Meeting)
6. Public Comment
7. Public Hearing
 - a. 1 N. Whittaker (11-62-0340-0233-01-8) - Requests variance for signage permitted in the Central Business District per the City of New Buffalo Zoning Ordinance.
8. New Business
 - a. 1 N. Whittaker (11-62-0340-0233-01-8) - Requests variance for signage permitted in the Central Business District per the City of New Buffalo Zoning Ordinance.
9. Adjournment

February 9, 2023

ZONING BOARD OF APPEALS SPECIAL MEETING

5:04 pm

Chair Smith called the meeting to order at 5:04 p.m.

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

Roll Call: Members Cooper, Gabryszewski, Pokuta, Joseph, Chair Smith

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

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

Roll Call Vote:

AYES: Gabryszewski, Pokuta, Joseph, Cooper, Chair Smith

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

Approval of Previous Minutes – November 17, 2022: Motion by Member Pokuta, seconded by Member Gabryszewski to approve the previous minutes from November 17, 2022:

Roll Call Vote:

AYES: Pokuta, Cooper, Gabryszewski, Chair Smith

NAYES:

ABSENT:

ABSTAINED: Joseph

Motion Carried, 4-0.

Public Comment: None

Public Hearing:

Chair Smith opened the public hearing for 117 W. Mechanic Street at 5:06 p.m.

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%.

Public Comment: None

Chair Smith closed the public hearing for 117 W. Mechanic Street at 5:14 p.m.

New Business

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%.

February 9, 2023

ZONING BOARD OF APPEALS SPECIAL MEETING

5:04 pm

Motion by Member Joseph, seconded by Member Gabryszewski to approve the variance for 117 W. Mechanic Street based on the conditions cited in Section 21-8 (B) of the Zoning Ordinance.

Roll Call:

Ayes: Joseph, Cooper, Gabryszewski, Pokuta, Chair Smith

Nays:

Absent:

Abstained:

Motion Carried: 5-0.

Motion by Member Gabryszewski, seconded by Member Pokuta to adjourn the meeting at 5:27 p.m.

Voice vote, motion carried.

amf

Tom Smith, Chair

Amy Fidler, City Clerk



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

Hearing Date: Wednesday, April 19, 2023 at 5:00 PM

Project Number: PZ21-0002

Owner: Damon Marano

Applicant: Jessica Vargas, 6370 AmeriPlex Drive, Suite 110, Portage, IN 46368

Subject Property Address: 1 North Whittaker, New Buffalo, MI 49117, #11-62-0340-0233-01-8

Zoning District: Central Business District (CBD)

Nature of the Request: Allow a variance for signage permitted in the Central Business District per the City of New Buffalo Zoning Ordinance

OVERVIEW

An inquiry was received from the building owner, Damon Marano, through Jessica Vargas, inquiring if it would be allowed to place signage for the property on the mechanical screening on the roof of the building. It was explained that the screening was for concealing the mechanical units on the roof. For the Central Business District (CBD), the city's Zoning Ordinance allows for wall signage to be affixed flat against the wall facing the street or ground signage.

Article 16 of the city's Zoning Ordinance governs signage and Section 16-5 (C) prohibits roof signs. Additionally, Section 16-9 (B) states:

- B. In addition to the number of wall signs permitted, the surface area which contains any information on awnings shall contribute to the calculation of the total permitted size for wall signs.

In the CBD zoning district, the following parameters are established:

WALL SIGN

Number	1 per business; provided that any business which has frontage on more than 1 street shall be permitted to have 1 wall sign per street frontage, subject to the following size restrictions
Size	No greater than 15% of the ground floor wall area to which it is affixed on the front and no greater than 10% of the ground floor wall area on any side or rear face which abuts a street, not to exceed 50 square feet per sign. Where 2 or more businesses occupy a single building, the ground floor wall area shall be limited to that portion of the building occupied by the respective business
Location	Mounted flat against the wall facing the street



GROUND SIGN

Number	1 per lot or parcel
Size	No greater than 48 square feet
Location	Minimum 10 feet from the street right-of-way line
Height	Not more than 4 feet above grade
Illumination	Shall not be illuminated if property is adjacent to a residential district

PROJECTING SIGN, AWNING SIGN, OR MARQUEE SIGN

Number	1 per street frontage
Size	No greater than 10 square feet
Location	Projecting out from the building wall not more than 4 feet and having a clearance of at least 8 feet between the sidewalk and the bottom of the sign

The city has denied the request for sign placement on the mechanical screening. As a result, the property owner has requested a variance.

RECOMMENDATION: The Zoning Administrator has reviewed the application materials, validated the facts reported, inspected the site and evaluated each of the criteria required for review and noted in this staff report. It is the recommendation of the Zoning Administrator that after the review, the variance request for 1 North Whittaker not be granted by the Zoning Board of Appeals.

Respectfully submitted,

Darwin Watson, Zoning Administrator
City of New Buffalo