

**CITY OF IONIA**  
**Zoning Board of Appeals**  
**July 11, 2022**  
**Regular Meeting Minutes**

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**CALL TO ORDER**

The regular meeting was called to order by Chairperson Mike Kirgis at 6:30 PM at Ionia City Hall.

**ROLL CALL**

Present: Members Logan Bailey, Mike Kirgis, Amanda Ondersma, Troy Waterman, and Alternate Board Member Lynn Lafler

Absent: Jim Denny

Also Present: Assistant to the City Manager Jonathan Bowman and representatives from The Machine Three, LLC (Arcanna)

**APPROVAL OF AGENDA**

Chairperson Kirgis introduced the agenda and asked if there were any requested changes. No changes were requested. It was moved by Member Waterman and seconded by Member Bailey to approve the agenda as presented. MOTION CARRIED.

**APPROVAL OF MINUTES**

Minutes from the meeting on March 7, 2022 were reviewed. It was moved by Bailey, seconded by Ondersma to approve the minutes from March 7, 2022. MOTION CARRIED.

**PUBLIC HEARINGS**

Chairperson Kirgis opened the floor at 6:30 PM to receive comments on the request from The Machine Three, LLC. located at 29 Beardsley Road, for the temporary use request:

- A. A temporary use not to exceed twelve months to allow trailers to be used on site for additional office, storage, and packaging space.

Assistant to the City Manager Bowman introduced the public hearing. Chairperson Kirgis closed the Public Hearing at 6:31 PM following no comments.

**PUBLIC COMMENTS**

None.

**OLD BUSINESS**

None.

## NEW BUSINESS

### A. 29 Beardsley Road – The Machine Three, LLC. (Arcanna) – Appeal of an Administrative Decision

The Machine Three, LLC submitted an appeal to the classification by City staff that the structures installed at 29 Beardsley Road are accessory in nature, thus must be permanently affixed to the site. Rather, the applicant believes the structures should be classified as temporary.

Assistant to the City Manager Bowman provided background on the situation and described that based on the definitions listed in the ordinance the structures were not able to be classified as temporary because there was no active construction on the property. The Planning Commission approved an amended site plan for the structures at its April 13, 2022, meeting and the structures were classified as accessory. Since Planning Commission approval, the applicant decided to request a temporary use request from the ZBA, but before this could be requested an administrative appeal was required. Bowman noted that a temporary use request is a viable option if the ZBA decided in favor of it and that it would be discussed next on the agenda.

The representatives of The Machine Three, LLC described the situation to the board and the reasoning behind the requested appeal. Questions were answered by the applicant to the board.

The Board discussed the appeal and reviewed the following standards.

#### **Section 5.185(3)(h) - General Standards**

All ZBA variances must meet the following general standards; meaning, if granted, the variance will not:

- a. Impair an adequate supply of light and air to adjacent property.
- b. Unreasonably increase the congestion in public streets.
- c. Increase danger of fire or endanger public safety.
- d. Unreasonably diminish or impair established property values within the surrounding area, and
- e. Impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Ionia.

**Member Lafler spoke on behalf of the board that the general standards have been met.**

Moved by Board Member Lafler and seconded by Board Member Bailey to grant the administrative appeal related to the classification of structures from accessory to temporary for The Machine Three, LLC at 29 Beardsley Road. This approval is based on the findings that the appeal complies with the General Standards of Section 5.185(3)(h). MOTION CARRIED.

### B. 29 Beardsley Road – The Machine Three, LLC. (Arcanna) - Exception and Special Approval: Temporary Use Request

A twelve (12) month temporary use request as specified under the exceptions and special approvals section of the ZBA jurisdiction outlined in Chapter 1244 of the City of Ionia Codified Ordinances for six storage containers and two sets of mobile office trailers.

Assistant to the City Manager Bowman explained the jurisdiction of the Zoning Board of Appeals and covered the authority given the ZBA for granting temporary uses in section 1244.05 of the City of Ionia Codified Ordinances.

Representatives of the applicant presented the reasoning behind the request to the board and answered questions. The main question from the board was the intended timeline for construction of the building expansion and how long the structures were needed. The applicant responded that the structures will only be used as long as absolutely necessary and that plans are being finalized for principle building's expansion.

The Board discussed the appeal and reviewed the following standards.

### **Section 5.185(3)(h) - General Standards**

All ZBA variances must meet the following general standards; meaning, if granted, the variance will not:

- a. Impair an adequate supply of light and air to adjacent property.
- b. Unreasonably increase the congestion in public streets.
- c. Increase danger of fire or endanger public safety.
- d. Unreasonably diminish or impair established property values within the surrounding area, and
- e. Impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Ionia.

**Member Bailey spoke on behalf of the board that the general standards have been met.**

### **Section 1244.05(c)(6)**

(6) Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve months, with the granting of a twelve-month extension being permissible: uses which do not require the erection of a structure or any capital improvement of a structural nature.

The Board of Zoning Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- A. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property wherein the temporary use is permitted.

**The board agreed that the temporary use would not affect this standard as it would still fall under the previously approved site plan and special land use for a marijuana establishment at the location.**

- B. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

**The board determined that approval must be done in accordance with the site plan approved by the Planning Commission on April 13, 2022. The twelve (12) month temporary use permit should expire on February 18, 2023 corresponding to the date the structures were installed on the property.**

- C. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Ionia, shall be made at the discretion of the Board of Zoning Appeals.

**The board commented that this condition was met based on the site plan review conducted by the Planning Commission.**

- D. In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to, golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.

**The ZBA determined that the structures were demountable and will be able to be removed from the property following expiration of the temporary use.**

- E. The use shall be in harmony with the general character of the district.

**The board commented that the use would be consistent with other activities occurring inside the principal building on the site. These activities are allowed within the district.**

- F. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Zoning Code. Further, the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

**The board noted that this condition was met by city staff prior to the ZBA meeting and a recommendation can be seen based on the site plan review conducted by the Planning Commission.**

Moved by Board Member Bailey and seconded by Board Member Waterman to approve the temporary use request from The Machine Three, LLC for six storage containers and two sets of mobile office trailers for a period of 12-months expiring on February 18, 2023, at 29 Beardsley Road. This approval is based on the findings that the temporary use request complies with the General Standards of Section 5.185(3)(h) and the conditions listed in Section 1244.05(c)(6), as detailed and discussed above. MOTION CARRIED.

#### **MEMBER COMMENTS**

None.

## **ADJOURNMENT**

Motioned by Lafler, seconded by Waterman to adjourn the meeting at 7:13 PM. MOTION CARRIED.

Respectfully Submitted:

Precia Garland, Recording Secretary,  
for Troy Waterman, Secretary