

**CITY OF IONIA
ZONING BOARD OF APPEALS
July 12, 2021
Regular Meeting Minutes**

CALL TO ORDER

The regular meeting was called to order by Chairperson Kirgis at 6:35 PM at Ionia City Hall.

ROLL CALL

Roll Call revealed Members Troy Waterman, David Cook and Mike Kirgis present. Member Jim Denny joined the meeting at 6:47 PM.

Others present included City Manager Precia Garland, Assistant to the City Manager Jonathan Bowman, Also present were applicants Jacob and Scout Milhorn and Ryan Wilson and Melanie Gray for Michigan One Community Credit Union.

APPROVAL OF AGENDA

Cook moved to approve the agenda, seconded by Waterman. Motion carried.

APPROVAL OF MINUTES

Cook moved to approve the December 7, 2020 meeting minutes, seconded by Waterman. Motion carried.

PUBLIC HEARING

Chairperson Kirgis opened the floor to receive comments on the request from Michigan One Community Credit Union for two sign variances:

- a) A variance from section 1234.14 (c)(1) of Chapter 1234: Signs, that permits one pole sign of 48 square feet for each lot. The sign proposed by Michigan One is approximately 79.69 square feet. The variance requested is approximately 31.69 square feet of additional sign area.
- b) A variance from section 1234.14(c)(1)(D) of Chapter 1234: Signs, outlining that support structures for a pole sign shall not be more than three feet wide. The sign proposed by Michigan One is approximately 6.48 feet. The variance requested is approximately 3.48 feet of additional sign area.

Melanie Gray of Valley City Signs, speaking on behalf of Michigan One Community Credit Union, presented various pictures and spoke in favor of both requested sign variances, noting several unique conditions associated with 510 S. Dexter Street that create conditions that warrant the proposed sign variances, including the large size of the MDOT clear sight triangle at the front of the lot and multiple large trees in the Dexter Street right of way. Ryan Wilson also spoke in favor of the variances.

Chairperson Kirgis closed the Public Hearing at 6:52 PM.

PUBLIC COMMENTS

Jacob Milhorn spoke on behalf of his previous request for a use variance, which if approved, would allow for residential use on the first floor at 439 West Washington Street. Milhorn summarized the three specific standards that must be satisfied for a use variance to be granted and further stated his reason for why he believes each standard can be satisfied.

Garland noted a similar variance request for Burger King on S. Dexter Street, which was approved in 2011 and detailed the findings of the board at that time.

OLD BUSINESS

a) 439 West Washington Street – Jacob and Scout Milhorn Request for Use Variance

Following discussion regarding this application, motion was made by Denny, seconded by Cook that all five of the General Standards (Section 5.185(3)(h)) for all Appeals to the ZBA had been satisfied, since the variance if granted, 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.

Furthermore, the specific standards for a use variance were also satisfied as follows:

Standard 1 – That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located.

Finding 1 – The structure at 439 W. Washington was originally constructed as a residence. Due to its configuration and location, it is ill suited for commercial use or any of the uses permitted by right or special approval without demolition or major reconstruction.

Standard 2 - That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not so general or recurrent in nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situations 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 chapter would cause unnecessary hardship.

Finding 2 – The lot at 439 W. Washington is narrow for the structure located on it and is further located in an area with no on-street parking in front of the lot, which would make it exceedingly difficult for most, if not all businesses to survive at this location.

Standard 3 - That the proposed use would not alter the essential character of the neighborhood.

Finding 3 – Residential use at this location will not alter the essential character of the neighborhood and is actually a very good fit with the neighboring multi-tenant apartment building to the immediate west, which also has first floor residential use.

Roll Call Vote:

YEAS: Cook, Denny, Waterman, Kirgis

NAYS: None

Motion carried.

NEW BUSINESS

a) 510 S. Dexter Street – Michigan One Community Credit Union – Request for Sign Variances

Conflict of Interest

Cook stated he was a member on the Michigan One Community Credit Union board and as such, had a conflict of interest in voting on this matter. He requested permission to recuse himself. It was moved by Waterman, seconded by Denny to permit Cook to recuse himself from this matter. Motion carried.

Garland reviewed the staff report regarding the requested variances, which provided information relative to the two requested variances and the standards that must be met in order for approval.

- a) A variance from section 1234.14 (c)(1) of Chapter 1234: Signs, that permits one pole sign of 48 square feet for each lot. The sign proposed by Michigan One is approximately 79.69 square feet. The variance requested is approximately 31.69 square feet of additional sign area.

Following discussion regarding the above variance regarding signage square footage limit, motion was made by Waterman, seconded by Denny that all five of the General Standards (Section 5.185(3)(h)) for all Appeals to the ZBA had been satisfied, since the variance if granted, 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.

Furthermore, the specific standards for a use variance were also satisfied as follows:

Standard 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.

- There is a loss of property due to the right-of-way on South Dexter and South Steele, which largely effects the corner of the lot but the right-of-way does affect other surrounding properties in a similar manner.

Standard 2

That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not so general or recurrent in nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situations 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 chapter would involve practical difficulties.

- As above, there is a loss of property due to the right-of-way on South Dexter and South Steele, which largely effects the corner of the lot but the right-of-way does affect other surrounding properties in a similar manner.

Standard 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.

- As above, there is a loss of property due to the right-of-way on South Dexter and South Steele, which largely effects the corner of the lot but the right-of-way does affect other surrounding properties in a similar manner.

Standard 4

The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

- The nature of a sign is not detrimental to adjacent property. Signage does affect the look and beautification of main corridors and neighborhoods within city limits.

Standard 5

The variance will not impair the intent and purpose of this ordinance.

- The sign requested is consistent in size with others on the Dexter Street corridor and the variance still creates uniformity in the area regarding sign size.

Standard 6

That the immediate practical difficulty causing the need for the variance request was not created by action of the applicant.

- The credit union did not have any role in the creation of the State of Michigan right-of-way or the trees that are placed there.

Roll Call Vote:

YEAS: Denny, Waterman, Kirgis

NAYS: None

ABSTAINED: Cook

Motion carried.

- b) A variance from section 1234.14 (c)(1)(D) of Chapter 1234: Signs, outlining that support structures for a pole sign shall not be more than three feet wide. The sign proposed by Michigan One is approximately 6.48 feet. The variance requested is approximately 3.48 feet of additional sign area.

Following discussion regarding the above variance regarding signage square footage limit, motion was made by Waterman, seconded by Denny that all five of the General Standards (Section 5.185(3)(h)) for all Appeals to the ZBA had been satisfied, since the variance if granted, 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.

Furthermore, the specific standards for a use variance were also satisfied as follows:

Standard 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.

- There is a loss of property due to the right-of-way on South Dexter and South Steele, which largely effects the corner of the lot but the right-of-way does affect other surrounding properties in a similar

manner. Additionally, the City's sign ordinance does not clearly indicate whether a cover on a pole support should be considered part of the sign message.

Standard 2

That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not so general or recurrent in nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situations 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 chapter would involve practical difficulties.

- As above, there is a loss of property due to the right-of-way on South Dexter and South Steele, which largely effects the corner of the lot but the right-of-way does affect other surrounding properties in a similar manner.

Standard 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.

- As above, there is a loss of property due to the right-of-way on South Dexter and South Steele, which largely effects the corner of the lot but the right-of-way does affect other surrounding properties in a similar manner.

Standard 4

The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

- The nature of a sign is not detrimental to adjacent property. Signage does affect the look and beautification of main corridors and neighborhoods within city limits.

Standard 5

The variance will not impair the intent and purpose of this ordinance.

- The sign requested is consistent in size with others on the Dexter Street corridor and the variance still creates uniformity in the area regarding sign size. The ambiguity of the sign ordinance also calls question as to whether the pole cover should be counted as sign area.

Standard 6

That the immediate practical difficulty causing the need for the variance request was not created by action of the applicant.

- The credit union did not have any role in the creation of the State of Michigan right-of-way or the trees that are placed there, or the ambiguity of the sign ordinance.

Roll Call Vote:

YEAS: Denny, Waterman, Kirgis

NAYS: None

ABSTAINED: Cook

Motion carried.

MEMBER COMMENTS

None

ADJOURNMENT

Motion by Waterman, second by Denny to adjourn the meeting. Motion carried. Meeting was adjourned at 7:36 PM.

Respectfully Submitted:

Precia Garland, City Manager