CITY OF IONIA
Zoning Board/Sign Board of Appeals
November 4, 2011
Meeting Minutes

CALL TO ORDER
The meeting was called to order by Chairperson Mike Kirgis at 12:04 PM.

ROLL CALL
Roll call revealed Board Members Jim Denny, Joe Dunn, Mark Jennings, Mike Kirgis and Jeff Winters present.

City Manager Jason Eppler and Alan and Fonda Kasper were also in attendance.

APPROVAL OF AGENDA
Chairperson Kirgis reviewed the agenda with the Board. After review, it was moved by Member Jennings, seconded by Member Dunn to approve the agenda for the November 4, 2011 meeting as presented. MOTION CARRIED.

APPROVAL OF MINUTES
Chairperson Kirgis reviewed the minutes of the April 26, 2011 meeting with the Board. After review it was moved by Member Jennings, seconded by Member Dunn, to approve the minutes of the April 26, 2011 meeting as presented. MOTION CARRIED.

PUBLIC HEARING
Zoning Variance - Chairperson Kirgis called to order the Public Hearing to receive comments on the request from AJK, LLC for a use variance from Section 1250.02, Principal Uses Permitted, of the Zoning Chapter of the City Code for 433 Union Street in order to use the building for professional office purposes. The property is zoned RT – Two-Family Residential District which does not permit the professional office use on a by-right or special land use permit basis.

The City Manager reported that notice of the Public Hearing was published in the October 20, 2011 edition of the Sentinel-Standard. He further stated that notice of the Public Hearing was mailed to those residing or owning property within 300’ of 433 Union Street. He stated that he has received no comments on the request.

Chairperson Kirgis called for public comments. Hearing no comments the Public Hearing was closed.
**Sign Variance** – Chairperson Kirgis called to order the Public Hearing to receive comments on the request from AJK, LLC for a sign variance from Section 1234.12(b)(1), Signs in Residential Districts, of the Signs Chapter of the City Code so that AJK, LLC can install a wall sign (on the side of a building not facing the street frontage) at 433 Union Street. The Residential District sign standards contained in the Signs Chapter permits wall signs only when installed on the wall which directly faces the street.

The City Manager reported that notice of the Public Hearing was published in the October 20, 2011 edition of the *Sentinel-Standard*. He further stated that notice of the Public Hearing was mailed to those residing or owning property within 300' of 433 Union Street. He stated that he has received no comments on the request.

Chairperson Kirgis called for public comments. Hearing no comments the Public Hearing was closed.

**PUBLIC COMMENTS**

None.

**BUSINESS**

**Request for Zoning Variance – AJK, LLC:** Prior to introducing discussion regarding the request from AJK, LLC, Chairperson Kirgis recognized Member Jennings. Member Jennings stated that based on a past business relationship with Mr. Kasper, he did not believe it would be appropriate to participate in the discussions regarding the AJK, LLC request no vote on the matter. He cited the Conflict of Interest section of the Board's Rules of Procedure and request that the Board grant his request to recuse himself from acting on the matter.

After being granted approval by Mr. and Mrs. Kasper, Member Winters stated that he has handled some legal matters in the past on behalf of the Kaspers which do not relate to the variance requests or the Kasper's possible acquisition of the property from the school system. He stated that he did not think he has a conflict of interest as defined in the Rules of Procedure but in order to make sure that there is total transparency, he wanted to share details regarding his relationship with the Kaspers.
After discussion it was moved by Member Winters, seconded by Member Denny to permit Member Jennings to recuse himself from acting on the request submitted by AJK, LLC (Alan and Fonda Kasper). MOTION CARRIED.

Member Jennings left the meeting at 12:17 PM.

Chairperson Kirgis reviewed with the Board the use variance request submitted by AJK, LLC. He also reviewed with the Board the staff report prepared by the City’s Planning Consultant, Tim Johnson, pertaining to the request.

Mr. Kasper reviewed his plans with the Board.

After discussion, it was moved by Member Winters, seconded by Member Dunn to grant the request for a zoning variance (use) as submitted by AJK, LLC and dated October 18, 2011 based on the request complying with the standards for approval of a use variance contained in Section 1244.05(b) of the City Code and contained in State statute, more specifically as follows:

1) The strict application of the Zoning Chapter of the City Code would result in un-necessary hardship on the owner of the property.
2) The subject property cannot reasonably be used as zoned. Under the existing RT – Two Family Residential Zoning District the permitted and special land uses are as permitted in the single family residential zoning districts (R1, R2, R3).
3) The historic use of the building, its size and its interior layout are such that it would be unreasonable to expect the building to be re-used as a single family dwelling or for any of the other uses permitted in the RT zoning district.
4) The use of the contiguous parcel (school parking lot) is not conducive for a residential use at 433 Union Street as demonstrated by the length of time the property has been on the real estate market.

Subject to the fulfillment of the following conditions:

1) Splitting of the subject lot per City lot split standards and subject to final approval by City staff.
2) The uses permitted on the property and within the building shall be as permitted on a by-right basis in the O – Office Zoning District as outlined in Chapter 255 of the City Code.
ROLL CALL VOTE: Denny YES
Dunn YES
Winters YES
Kirgis YES
MOTION CARRIED.

Request for Sign Variance – AJK, LLC: Chairperson Kirgis reviewed with the Board the request from AJK, LLC for a sign variance in order to install a wall sign the north wall of the detached garage located at 433 Union Street.

Mr. Kasper reviewed his plans for the sign and stated that based on the parking congestion at certain times of the day on Union Street, the sign facing East Lincoln Avenue would direct customers to his proposed new office.

The City Manager reviewed the staff report prepared by Mr. Johnson. In his report Mr. Johnson reviewed the standards for a sign variance contained in Section 1234.18 of the City Code.

After discussion, it was moved by Member Dunn, seconded by Member Winters to grant the request submitted by AJK, LLC, dated October 18, 2011 permitting the installation of a wall sign measuring 3’x5’ (15 square feet) on the north wall of the detached garage located at 433 Union Street based on the request complying with the standards for variance approval contained in Chapter 1234 of the City Code.

ROLL CALL VOTE: Denny YES
Dunn YES
Winters YES
Kirgis YES
MOTION CARRIED.

MEMBER COMMENTS None

ADJOURNMENT Upon a motion by Member Denny, seconded by Member Winters, the Zoning Board of Appeals meeting was adjourned at 12:32 PM. MOTION CARRIED.

Respectfully Submitted,
Jason Eppler, Recording Secretary for Joe Dunn, Secretary