

**CITY OF IONIA**  
**Zoning Board of Appeals**  
**October 15, 2019**  
**Meeting Minutes**

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**CALL TO ORDER** The meeting was called to order by Chairperson Mike Kirgis at 6:30 PM, Monday, October 15, 2019 at City Hall.

**ROLL CALL** Roll call revealed Members Jim Denny, Mark Jennings, Mike Kirgis and Troy Waterman present.

Others present included City Manager Jason Eppler, and Planning Consultant Tim Johnson. Also present were applicants Ray Foumia and Steve Jaboro; Cathy Hoppough and Marilyn McKay.

**ELECTION OF OFFICERS** The City Manager reported that since this is the first meeting of the calendar year of the Sign Board of Appeals/Zoning Board of Appeals, it is necessary for the Board to select officers to serve until the first meeting of either board during 2020.

It was moved by Member Denny, seconded by Member Waterman, to select the following officers to serve until the first meeting of 2020:

Chairperson:	Member Kirgis
Vice-Chairperson:	Member Denny
Secretary:	Member Jennings

**MOTION CARRIED.**

**APPROVE AGENDA** Chairperson Kirgis reviewed the agenda. After review, it was moved by Member Denny, seconded by Member Jennings to approve the agenda as presented. **MOTION CARRIED.**

**APPROVE MINUTES** The Board reviewed the minutes of the May 22, 2018 Sign Board of Appeals meeting. After review, it was moved by Member Jennings, seconded by Member Waterman to approve the minutes as presented. **MOTION CARRIED.**

**PUBLIC HEARING** Chairperson Kirgis opened the Public Hearing to receive comments on requests from Leoni Wellness, LLC, regarding 416 Brown Boulevard which, if approved, will permit the new commercial building proposed to be constructed on the property to share the existing driveway and existing dumpster located on the contiguous lot at 412 Brown Boulevard. The specific variances are:

- a) A variance from Appendix I of the Zoning Chapter of the City Code (entitled "Schedule of Regulations") which requires a setback of 10 feet for structures in the B-3 General Commercial District. The existing dumpster is approximately 1 foot from the lot line, so a variance of 9 feet is being requested by the applicant.

- b) A variance from Section 1286.01 (c)(2) and (3) of the Zoning Chapter of the City Code (entitled “Accessory Buildings; Nonresidential Districts or Uses”) which governs setbacks for accessory structures in non-residential zoning districts. A setback of 10 feet is required for accessory structures. The existing dumpster (an accessory structure) is located approximately 1 foot from the lot line, so a variance of 9 feet is being requested by the applicant.
- c) A variance from Section 1282.01 (a) of the Zoning Chapter of the City Code (entitled “Off-Street Parking Requirements”) which requires all off-street parking areas to be set back a minimum of 5 feet from all side and rear lot lines. The definition of parking area includes driveways and aisles. The existing driveway is located on the lot line, so a variance of 5 feet is being requested by the applicant.

Planning Consultant Tim Johnson reviewed the requests with the Board. Applicant Ray Foumia provided an overview of his construction project for 416 Brown Boulevard. No other comments were offered.

OLD BUSINESS:

None.

NEW BUSINESS:

Leoni Wellness, LLC – 416 Brown Boulevard – Request for Variances: Chairperson Kirgis reviewed the request for the variances with the Board. He stated that if approved, the proposed development at 416 Brown Boulevard would share the existing dumpster enclosure and existing driveway approach with the neighboring property (Dr. Payne’s dental office). Mr. Johnson reviewed his variance request memorandum with the Board.

***Variance Request #1 & #2 - Dumpster***. A variance from Appendix I of the Zoning Chapter of the City Code (entitled “Schedule of Regulations”) which requires a setback of 10 feet for structures in the B-3 General Commercial District. The existing dumpster is approximately 1 foot from the lot line, so a variance of 9 feet is being requested by the applicant and a variance from Section 1286.01 (c)(2) and (3) of the Zoning Chapter of the City Code (entitled “Accessory Buildings; Nonresidential Districts or Uses”) which governs setbacks for accessory structures in non-residential zoning districts. A setback of 10 feet is required for accessory structures. The existing dumpster (an accessory structure) is located approximately 1 foot from the lot line, so a variance of 9 feet is being requested by the applicant.

It was moved by Member Jennings, seconded by Member Waterman, to grant the request for a non-use variances from Section 1286.01(c)(2) and (3) and the Schedule of Regulations in Appendix I of the City Code as submitted by Leoni Wellness, LLC for 416 Brown Boulevard thereby permitting a dumpster one foot from the side lot line rather than the required ten feet (thereby providing a

variance of nine feet) based on the rationale provided by the applicant regarding its request and consistent with the standards contained in Section 1244.05 of the City Code for granting non-use variances.

Roll Call Vote:	Member Jennings	YES
	Member Denny	YES
	Member Waterman	YES
	Chairperson Kirgis	YES

MOTION CARRIED.

***Variance Request #3 – Entry Drive/Parking Lot.*** A variance from Section 1282.01 (a) of the Zoning Chapter of the City Code (entitled “Off-Street Parking Requirements”) which requires all off-street parking areas to be set back a minimum of five feet from all side and rear lot lines. The definition of parking area includes driveways and aisles. The existing driveway is located on the lot line, so a variance of five feet is being requested by the applicant.

It was moved by Member Jennings, seconded by Member Waterman, to grant the request for a non-use variance from Section 1282.01(a) of the City Code as submitted by Leoni Wellness, LLC for 416 Brown Boulevard thereby permitting the driveway/parking lot to have a zero foot setback (five feet from side and rear lot lines is required) based on the rationale provided by the applicant regarding its request and consistent with the standards contained in Section 1244.05 of the City Code for granting non-use variances.

Roll Call Vote:	Member Denny	YES
	Member Waterman	YES
	Member Jennings	YES
	Chairperson Kirgis	YES

MOTION CARRIED.

MEMBER COMMENTS: None

ADJOURNMENT: It was moved by Member Jennings, seconded by Member Denny, to adjourn the meeting at 6:48 PM. MOTION CARRIED.

Respectfully submitted,

Jason Eppler, Recording Secretary