



CITY OF IONIA
ZONING BOARD OF APPEALS
REGULAR MEETING AGENDA
6:30 PM, Monday, January 6, 2025
CITY HALL – COUNCIL CHAMBERS

I. Call to Order

II. Roll Call

III. Election of Officers

1. Chairperson
2. Vice-Chairperson
3. Secretary

IV. Approval of Agenda

V. Approval of Minutes

1. January 8, 2024 – Regular Meeting

VI. Public Hearing

1. Conduct public hearing to receive comments on a 4 ft. variance request from Appendix I – “Schedule of Regulations” that requires a 20 ft. front yard setback in the Medium-Density Residential (MDR) District for the Ionia County Historical Society property located at 253 E. Main Street.
2. Conduct public hearing to receive comments on a 7 ft. variance request from Section 1286.01(b)(3) – “Accessory Buildings” that limits accessory structures to a maximum height of 20 ft. for the Ionia County Historical Society property located at 253 E. Main Street.

VII. Public Comments

VIII. Old Business

IX. New Business

1. **Variance Request #1:** 253 E. Main Street – Ionia County Historical Society: A 4 ft. variance from Appendix I – “Schedule of Regulations” that requires a 20 ft. front yard setback in the Medium-Density Residential (MDR) District.
2. **Variance Request #2:** 253 E. Main Street – Ionia County Historical Society: A 7 ft. variance from Section 1286.01(b)(3) – “Accessory Buildings” that limits accessory

structures to a maximum height of 20 ft.

X. Member Comments

XI. Adjournment

CITY OF IONIA
Zoning Board of Appeals
January 8, 2024
Regular Meeting Minutes

CALL TO ORDER

The meeting was called to order by City Manager Precia Garland at 6:30 PM at Ionia City Hall.

ROLL CALL

Present: Logan Bailey, Jim Denny, Mike Kirgis, Amanda Ondersma, and Troy Waterman.

Absent: None.

Also Present: City Manager Precia Garland, Assistant to the City Manager Jonathan Bowman, Planning Consultant Bradley Kotrba, Tim McAllister from the Daily News, applicant Rodney Hensley and several community members including Mindy Hensley, Darin Elliot, Cathy Hoppough, Gordon Kelley, and Mark Jennings.

ELECTION OF OFFICERS

A. Chairperson

Member Denny made a motion to nominate Member Mike Kirgis to be Chairperson. Member Waterman seconded the motion. MOTION CARRIED.

B. Vice-Chairperson

Member Kirgis made a motion to nominate Member Logan Bailey to be Vice-Chairperson. Member Waterman seconded the motion. MOTION CARRIED.

C. Secretary

Member Bailey made a motion to nominate Member Troy Waterman to be Secretary. Member Denny seconded the motion. MOTION CARRIED.

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 Denny and seconded by Member Waterman to approve the agenda as presented. MOTION CARRIED.

APPROVAL OF MINUTES

Minutes from the meeting on February 6, 2023, were reviewed. It was moved by Denny, seconded by Bailey to approve the minutes from February 6, 2023. MOTION CARRIED.

PUBLIC HEARINGS

Public Hearing to receive comments on the requested change in nonconforming use of equal or less nonconformity from Sozo Coffee at 310 Cleveland Street in accordance with section 1278.03 (d) to allow the storage and roasting of coffee on the property through a use variance.

Chairperson Kirgis requested the applicant provide information on the request.

The applicant Rodney Hensley, owner of Sozo Coffee and 310 Cleveland Street, addressed the board indicating that he had been searching for a property for a couple of years and 310 Cleveland Street appeared conducive to what he was looking to do. Mr. Hensley noted that he was not aware of the nonconforming status of the property until after the purchase was finalized.

Chairperson Kirgis asked the applicant what the plans were for the apartments on the property.

Mr. Hensley responded that the residential use was not a buying factor, but he would like the residential to remain as it presently exists for financial reasons. He informed the Board that once he discovered the nonconforming status of the parcel, all activities onsite to adapt it to his planned use were paused. His ultimate goal is to rezone the parcel to I-1, Light Industrial.

Member Bailey inquired into if the applicant expects high traffic volume on the site.

Mr. Hensley responded that he expects one shipment container per month to the property. He indicated that there will be two employees at the facility, and he believes the traffic will be less than what occurred at the former business, Bert's Glass.

City Manager Garland asked where the product produced on site will be going and how many trips are expected to result from this activity.

Mr. Hensley answered that primarily the items will go to his coffee shop in Ionia and other products will be hand delivered by him to other businesses. He added that UPS pickup may be used for other deliveries. Overall, Mr. Hensley believed these activities will result in a couple of deliveries per week and a couple of vehicles per day.

Member Waterman asked the applicant if retail was planned for the location.

Mr. Hensley answered that there are no plans for retail at 310 Cleveland Street.

Member Denny asked if the applicant knew the property was zoned B-1, Neighborhood Business District when it was purchased.

Mr. Hensley responded yes, but indicated that he did not see a difference between what was being done on the property at the time and what he intended to operate.

Member Denny inquired into when the applicant intends to apply for a rezoning.

Mr. Hensley responded that he had the paperwork with him at the meeting.

Mark Jennings, 152 E. Washington Street, commented as a member of the public, client of Mr. Hensley, former planning commissioner, and former ZBA member that he did not think Mr. Hensley's use would be intrusive to the surrounding properties. He asked the ZBA, "what else would you zone it to and not have problems?" Mr. Jennings noted that from his recollection of his time on the planning commission this property was left alone because no matter what you zone it there will be issues due to its surrounding uses. He viewed the property as a red herring.

Chairperson Kirgis asked City staff for a response to Mr. Hensley's comments and application.

City Manager Garland provide historical context for the property, and a letter from May of 2023 that detailed the nonconforming uses at 310 Cleveland Street to a potential buyer, the property owner, and selling real estate agent. Consultant Kotrba presented a staff report discussing the required standards.

Completeness of Submittal

The applicant submitted the required application fee and the application for a use variance in accordance with the City of Ionia code. The hearing was noticed per Statute and Ordinance regulations (Section 1244.07). The following standards from Section 1278.03 (d) were reviewed.

1. The proposed use is comparable to or more conforming than the existing use in terms of its operations and compatibility with the character of the area in which it is located.

Staff commented that while not necessarily more conforming than the previous use, the proposed land use change (coffee roaster and warehousing) is similar in intensity when comparing it to the prior use (building supply sales and warehousing). While these changes are different in manner of uses, storefront and storage changing to food processing and storage, the applicant has commented to staff that the overall intensity for this change would most likely be less intensive than the previous use with regard to the amount of traffic produced, number of employees, and lack of retail customer visits. Therefore, staff considered the application submittal standard to be satisfactorily met for further ZBA consideration.

2. The proposed use does not increase the degree of nonconformity existing prior to such change of use.

Staff commented that the applicant is, at the moment, not proposing to expand the structures on the property in which the proposed use would take place. In addition to the proposed commercial changes, the existing nonconforming residential uses are not to be altered and the applicant has mentioned that the overall plan for the property's future is not to use it for residential purposes. It may therefore, be reasonably determined, that in the future, the applicant may cease to operate the two residential nonconforming apartment units that exist on the property in order to maintain the commercial operation on site. In addition, if the proposed change of use will take place inside the existing structures and no noxious fumes, excessive vehicular traffic, or noise will be apparent with the change it may be considered that this change will not be more extensive than the prior nonconforming use. Staff determined the application submittal standard to be satisfactorily met for further ZBA consideration.

3. No structural alteration of the existing structure will be required to accommodate the new use.

Staff commented that the applicant has not proposed to expand the existing structures on site in which the proposed use change would take place. Staff therefore determined the application submittal standard to be satisfactorily met for further ZBA consideration.

4. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accordance with the purpose and intent of this Zoning Code.

Staff recommended conditions be placed on the application and any approved variance request to protect the health, safety, and general welfare of the neighborhood and community. Staff determined the application submittal standard to be satisfactorily met for further ZBA consideration.

Use Variance Standards

In accordance with Section 1244.05(b)(3)(B) "Use Variance," the following use variance standards were reviewed with the Zoning Board of Appeals. The Rule of Undue Hardship was considered in determining the appropriateness of the use variance.

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

Staff commented that the property was previously used commercially, and it is uncertain exactly when this property was improved to make it nonconforming in nature. The zoning district in which the property lies (B-1 Neighborhood Business) is intended to meet the day-to-day convenience of shopping and service needs of persons residing in adjacent residential districts. The lot in questions is surrounded by the R-1 One-Family Residential District East/West/North and the I-1 Light Industrial District to the South. It should be noted that there are two small B-1 district parcel located immediately North of this lot that contains the General Signs shop. These are the only three B-1 district parcels located in this area of the City (Cleveland Street at the Southern City Limits) and all contain nonconforming uses, either as nonconforming commercial use (General Signs) or two primary nonconforming uses, both residential and commercial, applicant's property (SoZo Coffee).

The standard follows the Rule of Undue Hardship, meaning that the property must be determined to not be able to be used in any way permitted legally in the B-1 Neighborhood Business District. In addition to this consideration, the Board must decide if the applicant is submitting an application for a self-created hardship. The applicant must be the one to justify the hardship and that this hardship is not that of one that they or a previous owner could justifiably have prevented from occurring if following the lawful provisions of the City Ordinance in which all other property owners must follow in the same district. It may be reasonable for the Board to consider that the previous use(s) have existed for many decades and that the previous use was created (or carried on from) an existing use that existed prior to the adoption of the Ordinance (1975). If so, it may be reasonable for the Board to determine that the applicant or that the previous owner did not create the hardship because they were intentionally circumventing the Ordinance provisions as defined in the adopted Zoning Ordinance. However, if it is well known that the uses that occurred (both residential and

commercial) were created or expanded upon to further make the property nonconforming after 1975, the consideration of a “self-created” hardship is confirmed.

Could the property have been used in a manner that is permitted in the zoning ordinance similarly to all other property owners in that district. This answer is likely yes, that there is nothing preventing this property owner or any previous property owner from using it the way it was zoned intentionally to be used as in the past. However, it should be noted that this lot and the neighboring two B-1 district lots are the only such district parcels in this entire area of the City and that they were likely included into this district because its land uses didn't adequately fit categorically into the B-2 (downtown) or B-3 (general commercial) (i.e., Dexter Street or Lincoln Avenue) uses. The current City of Ionia Master Plan classifies these parcels to be used in the future exclusively as general commercial uses, but that this planned land use designation notes that “any development or redevelopment in this area should recognize that compatibility with existing residential uses is of importance” (p. 61).

Ideally, the proximity of all three B-1 parcels in this neighborhood and located next to industrially zoned land (I-1 Light Industrial) immediately to the South is more suitable to the application and uses of all these existing and proposed parcels specifically. This means that the existing and proposed uses in this area fit into the I-1 Light Industrial district by right presently and that a request for zoning district change of the property is probably the best solution to accommodate this request. However, it is important to remember that if this applicant were to eventually seek a rezoning, this property would have to cease to contain any residential land uses. Therefore, staff's preferred resolution to this situation is that the applicant should cease operation of the residential uses of the property and that a zoning district change be requested. But that is solely up to the applicant if they wish to pursue this course of action. The Board must determine if the applicant can prove justifiably that their request for a change, in opposition to the Ordinance, is necessary because the property cannot be used reasonably in any other permitted way in the district.

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 a 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 situation 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.

Staff commented that the use of this property has no application when considering exceptional dimensional or physical constraints of the property. These particular items would be reviewed exclusively for a dimensional variance and therefore proving a “practical difficulty.” However, the Board should take into consideration if indeed this application's situation is of such a recurrent nature that this particular land use should be considered by the City amended the B-1 zoning district as a permitted use by right or use by special approval as a solution to any recurring nature. Staff's determination is that it is not of such a recurrent nature that it would cause for a wholesale zoning ordinance amendment to accommodate this situation in the future. The Board must determine if the justification by the applicant fully satisfies any

commonality of this request and if it should be amended in the Ordinance to prevent the necessity of any similar future variance request.

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

Staff commented that the proposed use, while commercially different in some ways than the previous use, does not appear that it will drastically change the intensity of the use of the property and therefore, deteriorate the integrity of or health, safety, and general welfare of the neighborhood and community. The Board must determine if the request will not create a more intensive use and therefore greater detriment to the surrounding community.

Chairperson Kirgis asked the applicant to provide a response to City staff's review of the application.

Mr. Hensley indicated that there are challenges that any business would have on the property including the location in the floodplain. He questioned if any other uses would work at this location.

Member Denny commented that he is trying to understand how this is not self-inflicted.

Mr. Hensley responded that he viewed the property's existing use as similar to what he intended to use it for during his walkthrough. He did not see a big difference between the two businesses.

Consultant Kotrba commented that Board should consider what was there previously and for how long.

Chairperson Kirgis opened the floor at 7:22 PM to receive comments on the request from Sozo Coffee for a use variance at 310 Cleveland Street.

Gordon Kelley, 931 W. Main Street, commented that Mr. Hensley has been looking at many properties inside and outside of the City for a long period of time seeking something where the intended use would fit. He indicated that he believes the Board, City, and public should not be a roadblock, rather they should help businesses. He urged the Board that this is a great use of the property without harming the neighborhood, and that the previous uses need to be considered.

Kirgis closed the public hearing at 7:27 PM.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

310 Cleveland Street – Sozo Coffee: Change in nonconforming use of equal or less nonconformity in accordance with section 1278.03 (d) through a use variance.

Member Bailey commented that the applicant was unaware of the nonconformity and he does not believe anything will substantially change. Bailey indicated that it is unlikely to find someone else to reasonably use the property.

It was moved by Board Member Bailey and seconded by Board Member Denny to conditionally approve the use variance submitted by Sozo Coffee for 310 Cleveland Street. The approval was based on the findings that use variance met the standards from Section 1278.03(d) and Section 1244.05(b)(3)(B). The approval included the following conditions.

1. That the property use cannot be expanded use-wise in any other way than that requested exactly as prescribed in this application in the future.
2. That the buildings, structures, and uses cannot be expanded physically anywhere on the property unless the applicant approaches the City to lawfully request that the property be rezoned into the neighboring I-1 Light Industrial zoning district, which would prevent any future need for this land use to request a further use variance.
3. That the two residential dwelling units not be expanded dimensionally or that any additional dwelling units be added to the property.
4. If the applicant chooses to expand the operations into additional structures on the site (i.e., accessory storage buildings), that the applicant seeks a formal zoning change, the use of the existing dwelling units will cease on the property and that only a single permitted land use be permitted on said property in the future.

MOTION CARRIED.

MEMBER COMMENTS

None.

ADJOURNMENT

Motioned by Denny, seconded by Bailey to adjourn the meeting at 7:35 PM. MOTION CARRIED.

Respectfully Submitted:

Precia Garland, Recording Secretary,
for Troy Waterman, Secretary



CITY OF IONIA

STAFF REPORT FOR ZONING BOARD OF APPEALS (ZBA) AGENDA ITEM

Agenda Item: VI.1

TO: Zoning Board of Appeals Members

FROM: Jonathan Bowman, Assistant City Manager

DATE: January 6, 2025

RE: Conduct public hearing to receive comments on a 4 ft. variance request from Appendix I – “Schedule of Regulations” that requires a 20 ft. front yard setback in the Medium-Density Residential (MDR) District for the Ionia County Historical Society property located at 253 E. Main Street.

Background:

The Ionia County Historical Society (ICHS) intends to construct an accessory structure at 253 E. Main Street for additional storage. Currently, the parcel is home to the John C. Blanchard House and carriage house. The Blanchard House serves as a museum and office for the ICHS. It was listed on the National Register of Historic Places in 1974.

Due to the ICHS’s need for additional climate-controlled storage space, the group intends to build an accessory structure on the southeast corner of the property. This location was selected to minimize impact on the property including the view of the Blanchard House from the street. 253 E. Main Street is a through lot with frontage on Main and Adams Streets. As this creates two front yards for zoning purposes, new structures on the parcel must meet the minimum front yard setback requirements for the district. The Medium Density Residential (MDR) District has a 20-foot minimum front yard setback. All accessory structures must meet the zoning requirements found in Section 1286.01 of City Code. These requirements include a maximum height of 20 feet.

The ICHS aims to incorporate the same historical character and design elements found on the property and within the surrounding neighborhood in the new accessory structure. This aligns with goals of the City’s East Main Preservation Overlay District in which the parcel is also designated. The ICHS expresses the need for the variances to accomplish this goal. For example, the pitch of the roof for the accessory structure was designed to match the roof pitch of the carriage house.

The Zoning Board of Appeals Bylaws outline the following procedure for conducting public hearings during meeting:

1. Applicant explaining the request.
2. Review by City staff/professionals.
3. Comments and explanations by applicant.
4. Questions from the Board.
5. Responses by City staff/professionals and/or applicant.
6. Opening of hearing for public comments.
7. Close hearing to public comments.

8. Responses by City staff/professionals and/or applicant.

The public hearing notice following this communication was mailed to all properties within 300-feet of the subject property and published in the Daily News as required by the City's ordinances.

Requested Action / Motion:

It is requested that the Zoning Board of Appeals conduct a public hearing to receive comments on the two non-use (dimensional) variances submitted by the Ionia County Historical Society for 253 E. Main Street as required in Chapter 1244 of the City of Ionia Codified Ordinances.

CITY OF IONIA
Zoning Board of Appeals
NOTICE OF PUBLIC HEARING
Request for Variance
Ionia County Historical Society – 253 E. Main Street

PLEASE TAKE NOTICE: The City of Ionia Zoning Board of Appeals will be meeting at 6:30 PM, Monday, January 6, 2024, at City Hall, 114 N. Kidd Street, Ionia, Michigan 48846, for the purpose of conducting a Public Hearing and acting on a request from the Ionia County Historical Society, 253 E. Main Street, for two non-use (dimensional) variances. These variances, if approved, will permit the applicant to construct an accessory structure with a front yard setback of 16 ft. and a height of 27 ft. at 253 E. Main Street. The subject property is zoned Medium-Density Residential (MDR) District and located in the East Main Preservation (EMP) Overlay District, which requires a minimum setback of 20 ft. from the property line (Appendix I of the City Code – Schedule of Regulations [MDR] and permits a maximum height of 20 ft. (Section 1286.01(b)(3) of the City Code – Accessory Buildings).

The application may be viewed at City Hall during normal business hours. Comments regarding the request may be offered at the Public Hearing, mailed to Jonathan Bowman at the City Hall address listed above, or e-mailed to jbowman@ci.ionia.mi.us prior to the Public Hearing. Questions about the variances may be directed to Mr. Bowman at the e-mail previously listed or at (616) 523-0147.

The City of Ionia complies with the Americans with Disabilities Act. If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Mary Patrick, City Clerk, (616) 527-4170 at least three (3) days prior to any such meeting.



Zoning Variance (ZBA) Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: www.ci.ionia.mi.us

Date of Application: 12-5-2024

Permit Fee: \$500

This application will require action by the Zoning Board of Appeals (ZBA) and a Public Hearing. Applications must be submitted at least four weeks before the intended Zoning Board of Appeals meeting. The ZBA meets on the first Monday of the month at 6:30 P.M. following submittal of an application for a variance.

Applicant Information

Applicant's Name: Kathleen Cook Interest in Property: President ICHS
Address: 241 E. Main St. City, State, Zip: Ionia, MI 48846
Phone: 616.527.2626 Email: kathleencook@live.com
Owner's Name (if different from above): Blanchard House/ICHS

Variance Details

1. Section of Zoning Ordinance that a variance, interpretation, or appeal is being requested: _____
2. Type of Variance (check one): Use Non-Use (Dimensional)
3. Address of Property: 251 E. Main Street
4. Parcel Number: 34-203-090-000-065-00
5. Zoning District: ~~Ward~~ MOR/EMP
6. Size of Parcel: 1.072 acres
7. Legal Description:

See attached

8. Description of Request:

We want to build an accessory building on our back lot to store historical documents and a few local artifacts (furniture, pictures, newspapers). Our plan is to build a 24x40' structure with two floors. The new building will look like the current carriage house and it will not interfere with the view from Main Street as recommended by the Historic Architect of Michigan. The appearance of the building will not interfere with the historic integrity of the Blanchard House. It will look similar to something that was built during the 1880's time period. Currently, the city zoning only allows accessory buildings to be 20' high.

Signatures

Applicant's Signature: _____ Date: _____

Property Owner's Signature: _____ Date: _____

OFFICE USE ONLY

Application #: _____

Fees Paid: _____

Date Advertised: _____

Date of Meeting: _____

Action Taken: _____

Comments: _____

Signature: _____ Date: _____

Zoning Board of Appeals Process

I. Meeting Dates

The Zoning Board of Appeals meets on the first Monday of the month at 6:30 P.M. following submittal of an application for a variance. Meetings are held in the city council chambers at the City Hall.

II. Processing Period

An application for a variance to the Zoning Board of Appeals usually takes 30 days to process.

III. Application Procedures

Whenever an application for an appeal to the Zoning Board of Appeals is filed, the following steps are taken in processing the application:

- 1) An application for an appeal is submitted to the City Manager or his/her representative along with the required fee(s). The application must be signed by the owner(s) of the property for which the application has been submitted.

The fee covers the cost of mailing notices to property owners and occupants of properties within 300 feet of the applicant's property, and the cost of holding a hearing.

Applications should also be accompanied by an accurate drawing illustrating the requested variance or other appeal.

- 2) The City Manager, in conjunction with the Chair of the Zoning Board of Appeals, sets a public hearing date.
- 3) Written notices of the request for an appeal and date of the hearing are mailed to the owners of property and/or occupants within 300 feet of the subject property, and to the applicant. This mailing list is taken from the most recent City tax roll. This notice is mailed at least 15 days before the hearing date.
- 4) A hearing on the appeal is held, at which time the applicant may appear in person or by agent or attorney. The Board also accepts comments or questions from the audience. The Board may either approve, deny or table a request. The Board may impose conditions in granting a variance request.
- 5) A copy of the Zoning Board of Appeals decision is sent to the applicant and to the City Zoning Administrator. The terms of the approved appeal are incorporated in any permit subsequently issued by the Zoning Administrator.
- 6) An appeal of the decision of the Zoning Board of Appeals may be made to the Circuit Court of Ionia County as provided for by State of Michigan law. An appeal cannot be filed with the City Council or Planning Commission.
- 7) The activity authorized by the appeal must be underway within one year of the date granted by the Board or the variance will no longer be valid.

IV. Criteria for Granting a Variance or Other Appeal

The Zoning Board of Appeals treats each variance request individually and approves or denies each variance request on its own merits.

In order for the Board of Appeals to grant a variance, the applicant must demonstrate to the Board that he/she meets all of the following standards provided in Section 1244.05 of the City Zoning Ordinance.

Section 1244.05(b) - Standards for Variance Approval

The To authorize a variance from the strict application of the provisions of this Chapter, the Zoning Board of Appeals must find that “where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property.”

The Board shall also find that “such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter.”

In granting a variance, the Board may attach conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Chapter.

Section 1244.05(c)(8) - General Standards for All Appeals to Zoning Board of Appeals

In consideration of all appeals and all proposed variations to this Chapter, the Board shall first determine that the proposed variation 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 surrounding area.
- e) Impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Ionia.

Use Variance Standards

Prior to the ZBA hearing on a request for a Use Variance, the Planning Commission shall consider such request and forward a report to the ZBA. The Planning Commission shall consider the Master Plan, ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and other such factors that the Planning Commission shall deem relevant.

The applicant shall read the standards, listed below, and provide responses to each standard as to how the request meets the standard. The ZBA may only grant a use variance in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing. Unnecessary hardship may be found if all of the following standards are met:

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.

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 a 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 situation 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.

Standard 3

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

Non-Use (Dimensional) Variance Standards

The applicant shall read the standards, listed below, and provide responses to each standard as to how the request meets the standard. The ZBA may only grant a non-use variance in cases where there is reasonable evidence of practical difficulty in the official record of the hearing. Practical difficulty may be found when all of the following standards have been met:

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.

The Blanchard House and its carriage house were built in 1880 and it is one of three buildings within the City of Ionia on the National Historic Register #93002346. To maintain the integrity of the plaque, it is recommended that we build a structure that would replicate something of that time period.

Standard 2

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

The location and size of the site would not allow for a single story with the same square footage to be built. It would also be out of proportion and would not compliment the current structure, therefore, not as aesthetically pleasing.

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.

The Ionia County Historical Society, who owns and maintains the Blanchard House and its historic documents, is simply out of space. We have recently inherited bound copies of the Ionia Sentinel Standard Newspapers dating back to the 1800's. They need a space, much like the other artifacts, that is in a secure and controlled environment. The proposed building has met the requirements of Robert McKay, Historic Architect, through the State of Michigan. It will be an attractive addition to the neighborhood.

Standard 4

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

The Ionia County Historical Society, who owns and maintains the Blanchard House and its historic documents, is simply out of space. We have recently inherited bound copies of the Ionia Sentinel Standard Newspapers dating back to the 1800's. They need a space, much like the other artifacts, that is in a secure and controlled environment. The proposed building has met the requirements of Robbert McKay, Historic Architect, through the State of Michigan. It will be an attractive addition to the neighborhood.

Standard 5

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

The proposed building will look like a historical building that belongs on that lot. The high roof peak needs to match the other structure to maintain a historic feel to the property. We are asking for an additional 7 foot of roof height.

Standard 6

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

The Ionia County Historical Society considered several options to ensure that our historical artifacts are well cared for. Building a new structure seems to be the best solution. To maintain the historic integrity and meet State requirements, we need to keep location, size, proportions, and height to be as close as possible to keep the property attractive.

City of Ionia

114 N Kidd ST
IONIA, MI 48846-0076

Print Date: 12/06/2024

PZE Number: ZBA24-0001

PZE Type: ZBA - Non Use (Dimensional) Varia

Location: 253 E MAIN ST

PAID

DEC 06 2024

CITY OF IONIA

COOK, KATHLEEN
241 E MAIN ST
IONIA, MI 48846-1757

Pay by Account in Full



Total Balance Due: \$500.00

Invoice	Number	Date	Due	Adjustments	Payments	Balance
	00000566	12/06/24	01/05/25	\$0.00	\$0.00	\$500.00
	Quantity	Category	Description		Billed	
	1.00	Planning/Zoning	Zoning Variance		\$500.00	
Total Balance Due:						\$500.00

92 SEP 15 AM 23

WARRANTY DEED - S.W. 1/4 - 891 (Rev. 1967)
FORM 609 (Rev. 7-8-80) MICHIGAN DEEDS & RECORDS DIVISION SOURCE: BUREAU FOR REAL ESTATE TRANSFER SYSTEM

This Indenture, made August 14, 1992
BETWEEN GEORGE BROWN and GAYLA BROWN, husband & wife, of 225 E. *Edward G. Vance*
St., Ionia, MI; RALPH BARTELT and LORNA BARTELT, husband & wife, REG-STER OF DEEDS
of 378 Lynn, Ionia, MI and GEORGE N. VANCE and MARCELLA VANCE,
husband & wife, of 1641 W. Bricker Rd., Fenwick, MI
Parties of the first part,
and IONIA COUNTY HISTORICAL SOCIETY, a Michigan Corporation, of
P.O. Box 1776, Ionia, MI 48846
Party of the second part.

Witnesseth, That the said party of the first part, for and in consideration of **TEX THOUSAND AND 00/100 (\$10,000.00) DOLLARS** to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, release, convey, alien and confirm unto the said party of the second part, his heirs and assigns, all that certain piece or parcel of land situated and being in the City of Ionia County of Ionia and State of Michigan, and described as follows, to-wit:

Commencing at the SW corner of Lot 21 of Supervisor Covert's Addition to the City of Ionia, according to the recorded plat thereof and running thence East on the South side of said Lot 21, 42 feet; thence Northerly 67 feet, more or less, to the North line of said Lot 21 and to a point which shall be 38 feet East of the West line of said lot; thence West on the North line of said lot 38 feet to the West line of Lot 21; thence South to the place of beginning, together with an easement and right of joint use of the driveway of the above described premises, ALSO, an easement of use including the right to repair or rebuild sewer together with access thereto across land to the East of described premises.

TAX CERTIFICATE WAS FURNISHED IN COMPLIANCE WITH ACT 126, P.A. 1993

Together with all and singular the benefits and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said party of the second part and to his heirs and assigns. Forever. And the said party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns, that at the time of the delivery of these presents he is and were of the above granted premises in fee simple; that they are free from all incumbrances whatsoever EXCEPT SUCH as may have accrued since June 8, 1990, that being the date of a certain unrecorded Land Contract in which Grantors herein were Sellers and Grantee herein was Purchaser in pursuance of which Land Contract this Deed is given.

and that he will, and his heirs, executors, and administrators shall warrant and defend the same against all lawful claims whatsoever, EXCEPT AS ABOVE SET FORTH

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.
In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

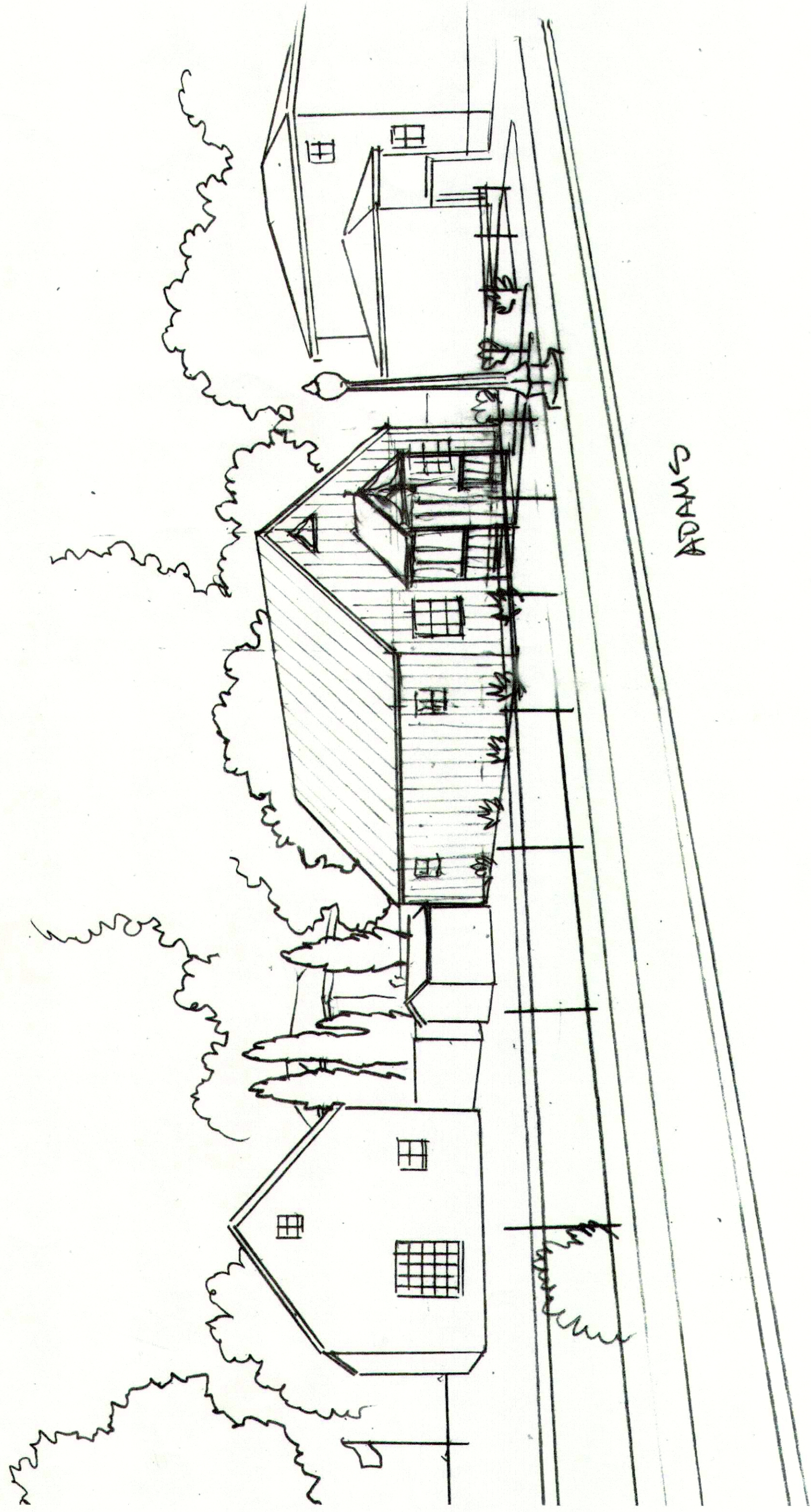
Signed and Delivered in Presence of
Edward G. Vance
Edward G. Vance
Sharon R. Vance
Sharon R. Vance

GEORGE BROWN *George B. Brown*
GAYLA BROWN *Gayla Brown*
RALPH BARTELT *Ralph Bartelt*
LORNA BARTELT *Lorna Bartelt*
GEORGE N. VANCE *George N. Vance*
MARCELLA VANCE *Marcella Vance*

STATE OF MICHIGAN,)
COUNTY OF IONIA) ss. August 14, 1992
before me, a Notary Public, in and for said County, personally appeared George Brown, Gayla Brown, Ralph Bartelt, Lorna Bartelt, George N. Vance & Marcella Vance to me known to be the same persons described in and who executed the within instrument, who have acknowledged the same to be their free act and deed.

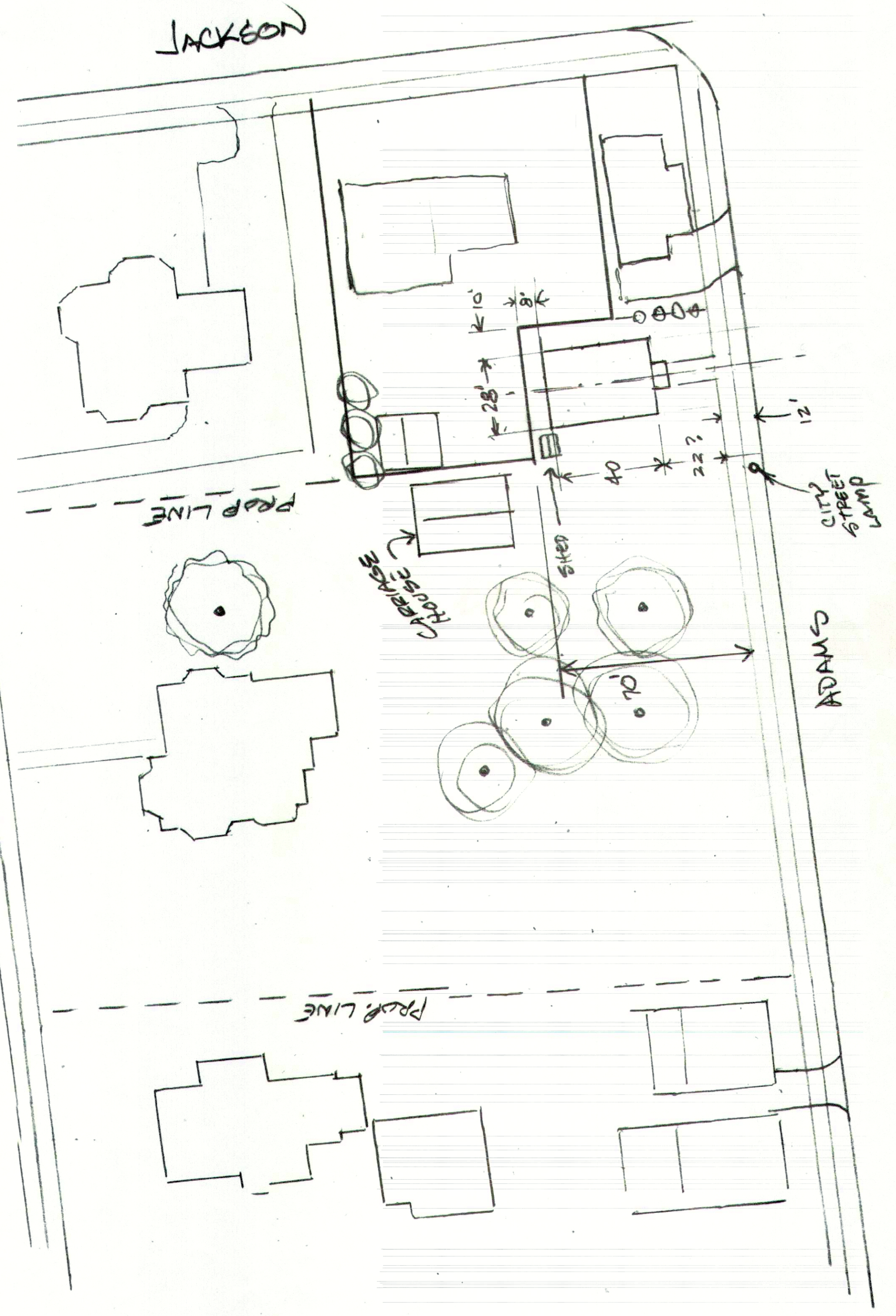
Prepared by: Douglas R. Welch (P22160)
220 W. Main St., PO Box 123
Ionia, MI 48846
(616) 527-0020
DRW/csl

Edward G. Vance
Edward G. Vance Notary Public,
Ionia County, Michigan
My commission expires April 6, 1993



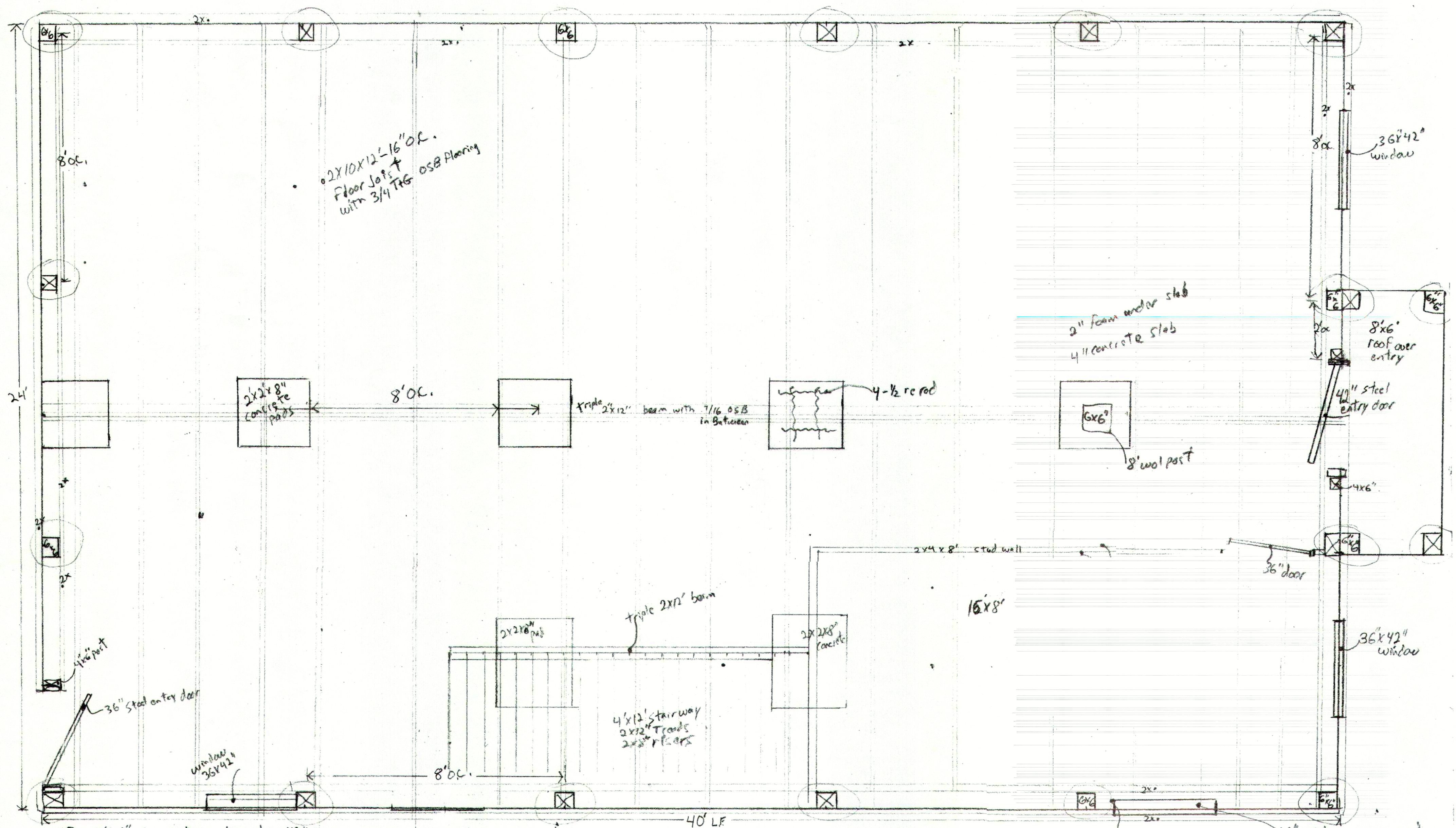
ADAMS

Main St.



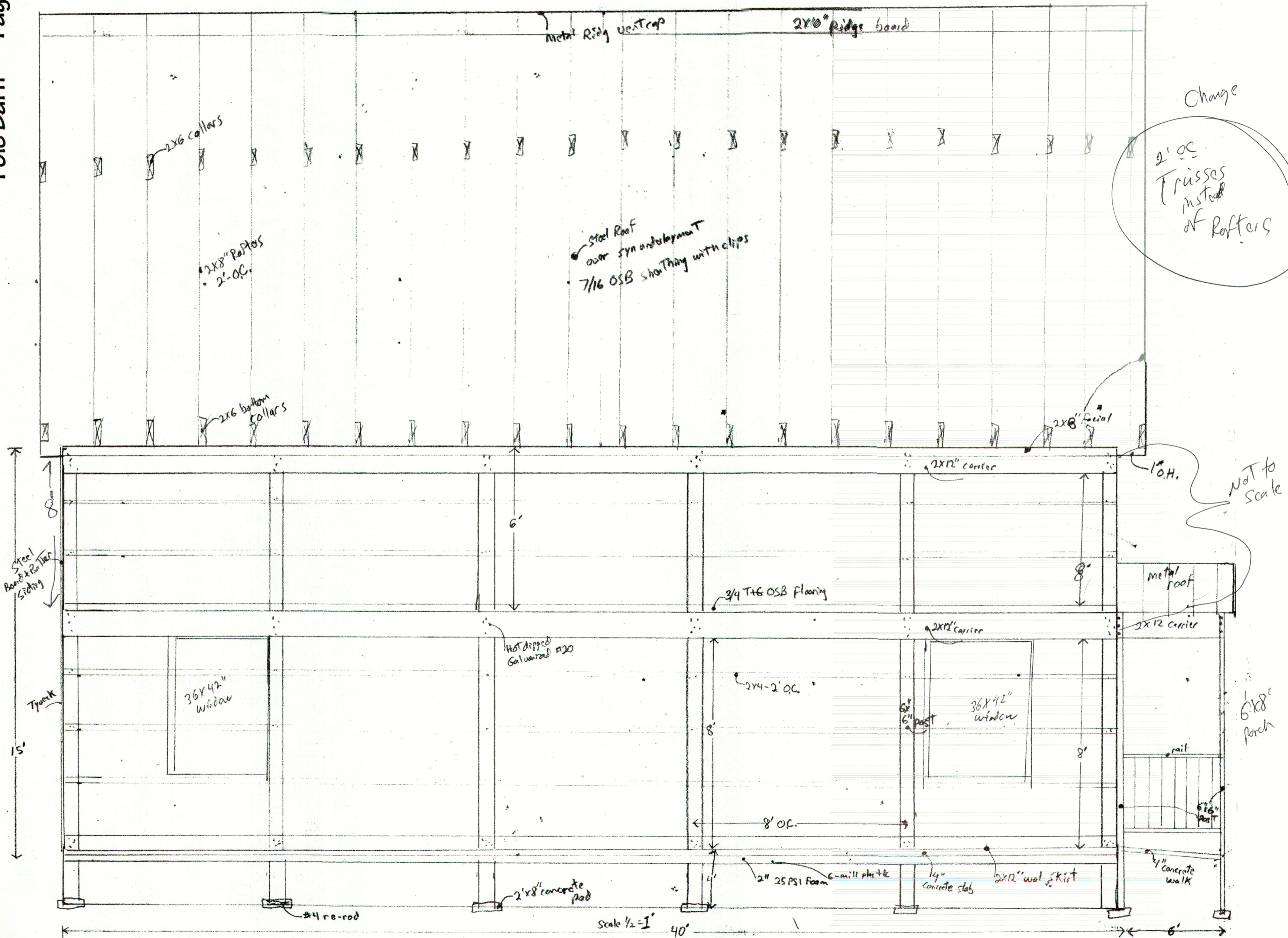
40'x24' 960sf per floor
1920sf total

← N+S →

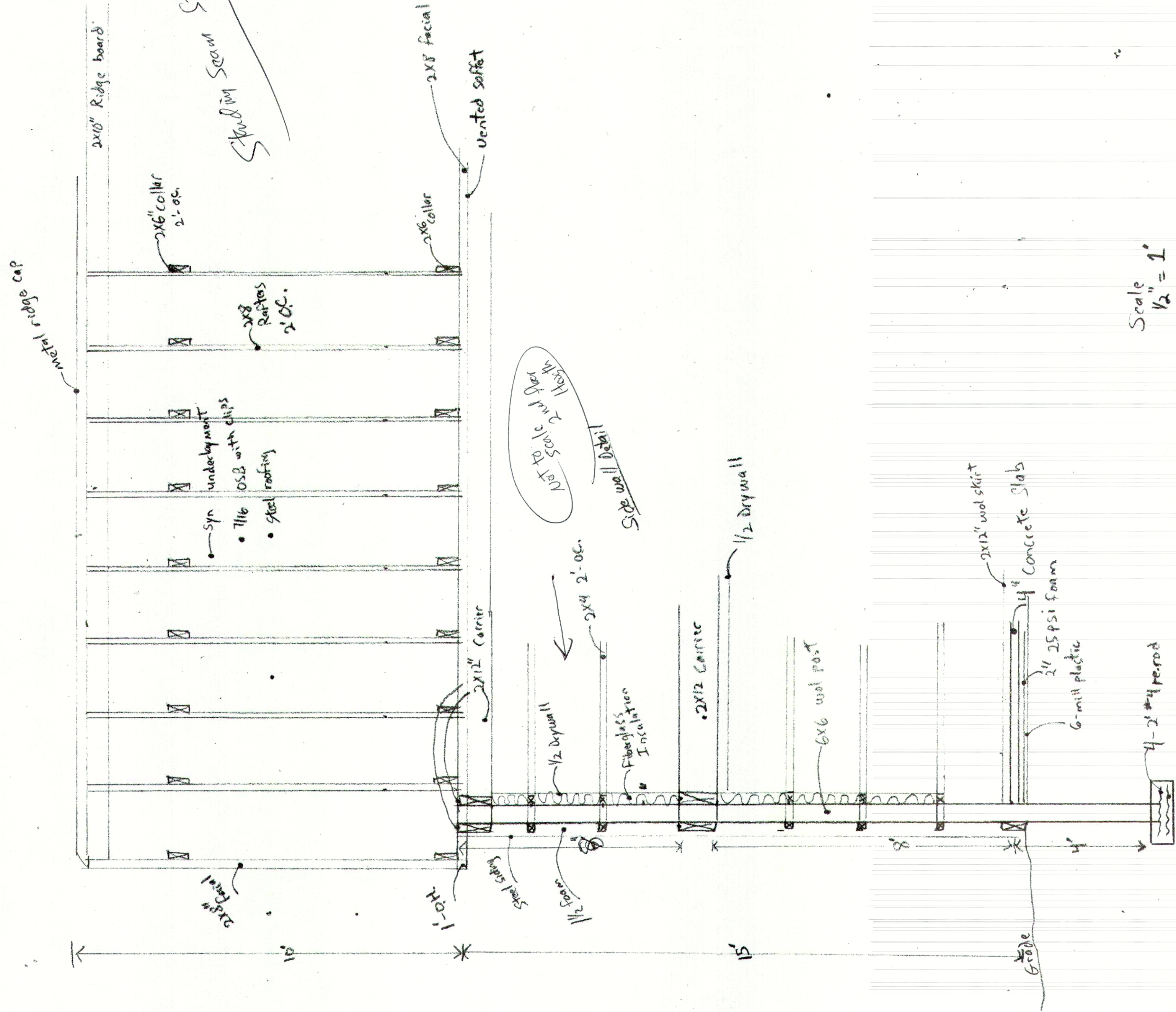


- 18 - 2'x8" concrete post pads 42" deep
- 16 - 6x6" wal post
- 2 - 4x6" wal post
- 2x4 girts 2' OC
- Double 2x12" carriers around perimeter
- Triple 2x12" beam with 6x6" post 8' OC, on 2'x2'x8" concrete pads
- 2 36"x42" windows
- 1 - 42" door
- 1 - 36" door
- 7 - 2'x8" interior concrete pads + beam post

Scale
1/2" = 1'
equals



Blanchard House
Pole Barn — Page 5





STAFF REPORT FOR ZONING BOARD OF APPEALS ITEM

TO: Zoning Board of Appeals Members
FROM: Jonathan T. Bowman, Assistant City Manager
DATE: January 6, 2024
RE: 253 E. Main Street – Ionia County Historical Society Request for Variances

Agenda Item: IX.1&2

The following analysis by city staff was prepared to guide the Zoning Board of Appeals in reaching a decision on two non-use (dimensional) variance requests for an accessory structure at 253 E. Main Street.

Applicant: Ionia County Historical Society
253 E. Main Street
Ionia, MI 48846

Address of Subject Property: 253 E. Main Street

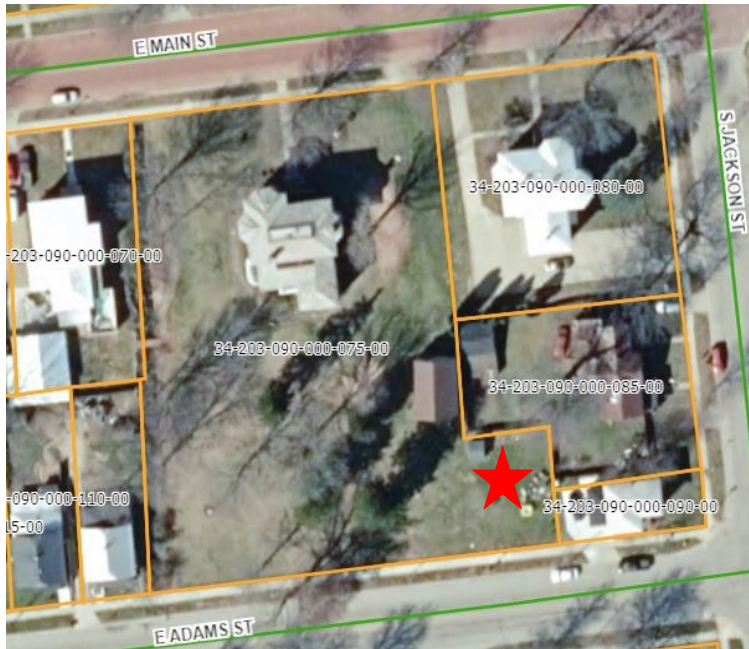
Zoning of Property: Medium Density Residential (MDR) District & East Main Preservation Overlay District

Parcel Size: 1.072 acres

Variance Requests: The applicant is seeking the following variances from the City of Ionia Zoning Ordinance.

1. A 4 ft. variance from Appendix I – “Schedule of Regulations” that requires a 20 ft. front yard setback in the Medium-Density Residential (MDR) District.
2. A 7 ft. variance from Section 1286.01(b)(3) – “Accessory Buildings” that limits accessory structures to a maximum height of 20 ft.

The applicant is proposing to construct a 24 ft. by 40 ft. (960 sq. ft.) accessory structure that is 27 ft. tall on the southeast corner of the property. The parcel is a through lot meaning it is considered to have two front yards for zoning purposes. See the aerial image on the next page for reference. A star represents the proposed accessory structure location.



The indicated location was selected to minimize impact on the property which includes preserving the view of the Blanchard House from the street. The ICHS aims to incorporate the same historical character and design elements found on the property and within the surrounding neighborhood in the new accessory structure. This aligns with the intent of the City’s East Main Preservation Overlay District to preserve the “historical and architectural distinction that contribute significantly to the character and identity of the City” (Section 1269.01(b)).

The requested variances are for the front yard setback and height of the structure. It is important for the Zoning Board of Appeals to consider the surrounding neighborhood and requirements of the East Main Preservation (EMP) Overlay District in its decision.

As related to the setback variance, staff reviewed the front yard setbacks for the 16 residential structures on the same block of Adams Street. This review discovered the average front yard setback to be approximately 11 ft. The ICHS is requesting a 4 ft. variance to allow the structure to be setback only 16 ft. from the property line on Adams Street. The Zoning Ordinance requires a 20 ft. front yard setback for the Medium Density Residential (MDR) District.

The second variance request is related to the height of the structure. The applicant indicates that the variance is needed to match the historical architecture on the property. The Blanchard House and its carriage house were built in 1880. Uniquely, the Blanchard House is one of three buildings within the City of Ionia on the National Historic Register (#93002346). This adds another level of scrutiny as designs must be approved by a historic architect through the State of Michigan. The City’s Zoning Ordinance limits accessory structures to a maximum height of 20 ft. The applicant requested a 7 ft. variance to allow the height of the accessory structure to be 27 ft. The applicant expressed the desire to match the roof pitch of the carriage house seen in the picture provided.



The request appears to align with design standards from Section 1269.05(a) of the EMP Overlay District that states,

“The building shall have roofs compatible with nearby buildings, meaning that roof pitches and material shall be similar in design and composition to those in the surrounding neighborhood and must match that of other buildings on the same lot as deemed appropriate by the Zoning Administrator.”

These factors should be taken into consideration by the Board when making a decision on both variances.

Analysis of Standards for Approval of Variances

Section 1244.05 of the Zoning Ordinance states that the Zoning Board of Appeals (ZBA) may only grant a non-use variance in cases where there is reasonable evidence of practical difficulty in the official record of the hearing. The applicant is required to present evidence of the practical difficulty. Page 6 and 7 of the submitted variance application summarizes the applicant's evidence. The non-use variance standards are listed below, along with my brief analysis of each variance request.

The ZBA must find that all of the standards are met before it can approve each variance request.

Variance Request# 1. A 4 ft. variance from Appendix I – “Schedule of Regulations” that requires a 20 ft. front yard setback in the Medium-Density Residential (MDR) District.

General Standards for All Variances

In consideration of all appeals and all proposed variations to this Chapter, the Board shall first determine that the proposed variation 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 surrounding area.
- e. Impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Ionia.

Standards for a Non-Use Variance

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.

- The parcel is a through lot with frontage on both Main and Adams Streets. This may be considered a unique circumstance as a majority of parcels within the MDR District are not through lots.

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 discussed in the previous standard, the property is a through lot creating two front yards. Front yards require a greater setback distance and the enforcement of the setback makes the southeast corner of the property difficult to use because of its shape and the other required setbacks.

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.

- While the accessory structure could be built in a different location on the property, setbacks make using the intended portion of the property more difficult due to its shallow depth in comparison to the rest of the parcel. The status of the property on the National Historic Register should also be considered.

Standard 4

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

- The setback is not detrimental to adjacent property. As previously mentioned, the average front yard setback for adjacent properties is less than what the applicant has proposed.

Standard 5

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

- The intent of the ordinance is to create uniformity in the City of Ionia and preserve the historic nature of the EMP District. The front yard setback from Adams Street will not impair this intent especially due to the unique circumstances of the property and comparison to adjacent structures.

Standard 6

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

- The ICHS is working to comply with the City's zoning ordinance and the requirements of the National Historic Registry. While the location of the accessory structure is within the control of the applicant, there are many factors at play.

Variance Request# 2. A 7 ft. variance from Section 1286.01(b)(3) – “Accessory Buildings” that limits accessory structures to a maximum height of 20 ft.

General Standards for All Variances

In consideration of all appeals and all proposed variations to this Chapter, the Board shall first determine that the proposed variation will not:

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

Standards for a Non-Use Variance

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.

- The property is listed on the National Historic Register which creates unique circumstances that do not apply generally to other properties in the zoning district. The applicant referenced that this property is only one of three in the entire City with this historic designation.

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.

- Section 1269.05(a) of the East Main Preservation District intends to maintain historic architectural features. Matching the roof pitch on the new accessory structure to the carriage house from 1880 would seem to align with this intent. The age of the structures on the parcel may be considered to provide unique circumstances.

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.

- The design of the structure was approved by a historic architect recommended by the Michigan State Historic Preservation Office in part because of the proposed roof pitch. The property is held to a higher historic standard due to its status on the National Historic Registry.

Standard 4

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

- The increased height of the accessory structure caused by the roof pitch would not be detrimental to adjacent property nor the surrounding neighborhood. Furthermore, the variance may help the structure preserve the historic character of the neighborhood as required by in the EMP District.

Standard 5

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

- In this situation, it may be argued that a variance would support the intent and purpose of the EMP District by replicating the roof pitch common in the time period when other structures on the property were built.

Standard 6

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

- The historic nature of the property was not created by the applicant.

Requested Action

It is requested that the Zoning Board of Appeals evaluate the two non-use variance requests and reach a decision on each separate variance. Approval of the non-use variances require reasonable evidence of practical difficulty, found if all six of the standards are met. Motion sheets are provided for each variance request.



MOTION SHEET FOR ZBA AGENDA ITEM
Ionia County Historical Society – 253 E. Main Street

Agenda Item: IX.1

Variance Request # 1

A 4 ft. variance from Appendix I – “Schedule of Regulations” that requires a 20 ft. front yard setback in the Medium-Density Residential (MDR) District.

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.

Non-Use Variance Standards

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.

Standard 2: That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

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.

Standard 4: The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

Standard 5: The variance will not impair the intent and purpose of this Ordinance.

Standard 6: That the immediate practical difficulty causing the need for the variance request was not created by action of the applicant.

Motion Options:

1. Decision to Approve

Moved by _____ and seconded by _____ to approve a 4 ft. variance from Appendix I – “Schedule of Regulations” for the Ionia County Historical Society located at 253 E. Main Street. This approval is based on the findings that the non-use variance complies with the General Standards of Section 5.185(3)(h) and the six non-use standards, as detailed and discussed above.

2. Decision to Reject

Moved by _____ and seconded by _____ to reject a requested 4 ft. variance from Appendix I – “Schedule of Regulations” for the Ionia County Historical Society located at 253 E. Main Street. This decision is based on the findings that the non-use variance does not comply with the General Standards of Section 5.185(3)(h) and the six non-use standards, as detailed and discussed above.

3. Decision to Approve with an Amended Variance

Moved by _____ and seconded by _____ to approve a 4 ft. variance from Appendix I – “Schedule of Regulations” for the Ionia County Historical Society located at 253 E. Main Street as amended by the Zoning Board of Appeals. This approval is based on the findings that the amended non-use variance complies with the General Standards of Section 5.185(3)(h) and the six non-use standards, as detailed and discussed above.

Amended Variance:



MOTION SHEET FOR ZBA AGENDA ITEM
Ionia County Historical Society – 253 E. Main Street

Agenda Item: IX.2

Variance Request # 2

A 7 ft. variance from Section 1286.01(b)(3) – “Accessory Buildings” that limits accessory structures to a maximum height of 20 ft.

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.

Non-Use Variance Standards

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.

Standard 2: That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

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.

Standard 4: The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

Standard 5: The variance will not impair the intent and purpose of this Ordinance.

Standard 6: That the immediate practical difficulty causing the need for the variance request was not created by action of the applicant.

Motion Options:

1. Decision to Approve

Moved by _____ and seconded by _____ to approve a 7 ft. variance from Section 1286.01(b)(3) – “Accessory Buildings” for the Ionia County Historical Society located at 253 E. Main Street. This approval is based on the findings that the non-use variance complies with the General Standards of Section 5.185(3)(h) and the six non-use standards, as detailed and discussed above.

2. Decision to Reject

Moved by _____ and seconded by _____ to reject a requested 7 ft. variance from Section 1286.01(b)(3) – “Accessory Buildings” for the Ionia County Historical Society located at 253 E. Main Street. This decision is based on the findings that the non-use variance does not comply with the General Standards of Section 5.185(3)(h) and the six non-use standards, as detailed and discussed above.

3. Decision to Approve with an Amended Variance

Moved by _____ and seconded by _____ to approve a 7 ft. variance from Section 1286.01(b)(3) – “Accessory Buildings” for the Ionia County Historical Society located at 253 E. Main Street as amended by the Zoning Board of Appeals. This approval is based on the findings that the amended non-use variance complies with the General Standards of Section 5.185(3)(h) and the six non-use standards, as detailed and discussed above.

Amended Variance: