

**CITY OF CHARLEVOIX**  
**ZONING BOARD OF APPEALS MINUTES**  
**Wednesday, April 21, 2021 – 6:00 p.m.**  
City Hall Council Chambers  
210 State Street, Charlevoix, MI

**A) CALL TO ORDER**

The meeting was called to order by Chair Hodgson at 6:00 p.m.

**B) ROLL CALL/PLEDGE OF ALLEGIANCE**

Chair: Richard Hodgson  
Vice Chair: Timothy Kish  
Members Present: Shirley Gibson, Ann Gorney, Patricia Miller  
Members Absent: None  
Staff Present: Jonathan Scheel, Zoning Administrator

**C) APPROVAL OF AGENDA**

Chair Hodgson added the Selection of Chair and Vice Chair to the agenda, added the minutes of 11/20/19 to Item D1, and removed the 1/23/20 minutes from Item D2. Motion by Member Kish, second by Member Gorney to approve the agenda as corrected. Motion passed by unanimous voice vote.

Chair Hodgson volunteered to continue as Chair of the Zoning Board of Appeals and Tim Kish agreed to continue as Vice Chair. Chair Hodgson closed the nominations and all members voted in favor of Richard Hodgson as Chair and Tim Kish as Vice Chair.

**D) APPROVAL OF MINUTES**

1. Motion to Approve or Amend the Meeting Minutes – 11/20/2019, 7/15/2020 and 8/19/2020

Chair Hodgson stated on the 7/15/20 minutes, they identified the requirements, but were listing the Code applicable to fences in the 2<sup>nd</sup> line under Staff Presentations 153.145(a) which is for fences and it appears again on page 2 and needs to be corrected to the proper reference. Chair Hodgson stated on the 8/19/20 minutes, under Member Gibson's motion he would like to add "the variance for fence opacity". Chair Hodgson stated on the 11/20/19 minutes under Item G, second line, should read Section 153.145 (a).

Motion by Member Gibson, second by Member Kish to approve the meeting minutes of 11/20/19, 7/15/20 and 8/19/20 as corrected. Motion passed by unanimous voice vote.

2. Re-approval of Chairman Approved Minutes per City Attorney – 2/20/2019 and 4/17/2019

Zoning Administrator Scheel stated that the City Attorney advised that it was best to approve the meeting minutes by motion of the Board rather than by the Chair alone. Chair Hodgson stated on the 4/17/19 minutes the Approval of the Minutes should have been for 2/20/19, not 1/23/19. Motion by Member Gorney, second by Member Gibson to re-approve the meeting minutes of 2/20/2019 and 4/17/2019 as corrected. Motion passed by unanimous voice vote.

**E) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST**

**F) CALL FOR GENERAL PUBLIC COMMENT**

**G) OLD BUSINESS**

**H) NEW BUSINESS**

1. Case 2021-1 ZBA, 3-foot Side Yard Variance, 2-foot Rear Yard Variance – 102 & 104 Upright Street, Applicant – Mark Ostmeyer

a. Staff Presentation

Zoning Administrator Scheel explained that he did not read the Ordinance well enough and provide enough information to the applicant on the side yard variance. He stated that the Zoning Ordinance states on a non-conforming lot you would use 10% of the width of that lot and go that much into the setback. He indicated that these were 30' x 100' lots. Zoning Administrator Scheel stated that the Ordinance allows averaging of the front yard setback. He stated initially when he received this plan it showed the 15' setback and the 2' variance for the rear setback, and after reviewing the plan he spoke to the applicant and asked him if he was willing to move the setback 2' forward so the applicant would meet the provisions of the Ordinance. If the applicant was willing to move the setback and if he was that would dismiss that variance request and Mr. Ostmeyer would withdraw his application and the applicant would have a 13' front yard setback based on the average setback of the properties within the 200' radius of the subject property.

b. Applicant Presentations

Mr. Mark Ostmeyer stated that he had no issues moving forward and removing the need for this whole exercise. He questioned if the average is 11' could he place the building another 2' forward and still not violate any of the restrictions. He stated that one of the issues with the lots was that there was a shared driveway between the properties, and he chose to eliminate that driveway and it was a struggle to fit a garage on the front of these units. Zoning Administrator Scheel responded that he could place the building 2' forward and responded

to questions from the Board members about the calculation for the average setback of the surrounding properties. Mr. Oostmeyer stated that he was willing to withdraw his current application as it was no longer needed.

Member Kish referenced this situation and one he has experienced personally regarding non-standard lots and questioned if the City had a package or at least some detailed explanations that are shared with property owners when they are buying a non-standard lot. He stated that if not it seemed like this type of example showed the need for information to be shared in situations such as these narrow lots and the rules need to be shared in advance with prospective owners. Zoning Administrator Scheel stated that the idea was good, but right now implementation would not work because they have no tie-in to property sales. Discussion followed in general regarding non-conforming lots and how to notify new property owners of the regulations.

**I) ADJOURNMENT**

Motion by Member Gorney, second by Member Miller to adjourn the meeting at 6:38 p.m. Motion passed by unanimous voice vote.

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Joyce M. Golding/fgm

City Clerk

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Richard Hodgson

Chair