



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT ZONING BOARD OF APPEALS

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Meeting Minutes

August 16, 2022

Board Members Present:

Matthew Telliga, Chair
Jerry Kea, Vice-Chair
Ari McCaskill
Ramie Yelle
Florlisa Stebbins
Johnnetta Ricks
Lauren Coney
Derek Dohrman
John E. Hardy II

Staff Present:

Joanne Gurley, Assistant City Attorney
Tom Sparrow, Assistant City Attorney
William Vandercook, Zoning Coordinator
Jonathon Mateen, Planner I
Max Lester, Planner I

Planning Commission Representative:

N/A

Absent:

N/A

ROLL CALL:

Chairperson Telliga called the meeting to order at 6:01 p.m. Roll was taken, and a quorum was present. The meeting was held in the Council Chambers at the City of Flint City Hall as well as via Zoom meetings.

Matthew Telliga, Chair – appearing in person
Jerry Kea, Vice-Chair – appearing in person
Ari McCaskill – appearing virtually in Flint, MI
Lauren Coney – absent

Florlisa Stebbins – appearing virtually in Flint, MI
Johnnetta Ricks – appearing virtually in Flint, MI
John E. Hardy II – appearing in person
Derek Dohrman – appearing in person
Ramie Yelle – appearing in person
Carol-Anne Blower – absent

ADOPTION OF AUGUST 16, 2022 AGENDA:

Chairman Telliga asked for any changes/comments to be made to the agenda.

Bill Vandercook asked that Appointment of Planning Commissioner to ZBA be removed from Unfinished Business and be discussed during the New Business section.

Commissioner Kea made a motion to approve the agenda of August 16, 2022 with the revisions requested by staff. Commissioner McCaskill supported the motion.

Chairman Telliga asked for a roll-call vote.



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Commissioner Stebbins, yes
Commissioner Hardy, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Dohrman, yes

Commissioner Kea, yes
Commissioner Ricks, yes
Commissioner Coney, absent
Commissioner Telliga, yes

M/S – Kea/McCaskill

8 – yes 0 - no 1 – absent
The motion carried.

ADOPTION OF JUNE 21, 2022 MINUTES

Chairman Telliga asked if there were any changes to the minutes of June 21, 2022.

Commissioner McCaskill motioned to approve the minutes from June 21, 2022 as presented.
Commissioner Kea supported the motion.

Chairman Telliga asked for a roll-call vote.

Commissioner Stebbins, yes
Commissioner Hardy, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Dohrman, yes

Commissioner Kea, yes
Commissioner Ricks, yes
Commissioner Coney, absent
Commissioner Telliga, yes

M/S – McCaskill/Kea

8 – yes 0 - no 1 – absent
The motion carried.

PUBLIC FORUM:

No one spoke.

REPORTS:

Status of the Draft Zoning Ordinance

Attorney Gurley stated the Draft Zoning Ordinance passed and that there is a special meeting the next day of the Planning Commission to go over the Permanent Marihuana Ordinance.

Chairperson Telliga asked when the effective date of the Zoning Ordinance is. Attorney Gurley Responded October 29th, 2022.



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Status of the Permanent Marihuana Ordinance

Attorney Gurley reiterated that there was an open special meeting tomorrow of the Planning Commission with the Cannabis Regulatory Agency. The Permanent Marihuana Ordinance will be in Public Hearing during the regularly scheduled meeting on August 23, 2022.

Commissioner Kea asked if there was anything in the Permanent Marihuana Ordinance that would affect ZBA decisions in the future. Chairperson Telliga replied that he asked the same thing and that until it is totally in effect there may be changes made. Attorney Gurley stated there may be changes made that impact grandfathered establishments and these will be communicated once it goes through the proper processes.

COMMUNICATIONS:

No Communications.

PUBLIC HEARING:

ZBA 22-9: Wade Trim requests a non-use variance to allow a parking reduction of 50% at 719 Harrison St. Flint MI 48502 (PID # 41-18-135-023)

Mr. Vandercook read the staff report. Mr. Vandercook stated that under the current Zoning Ordinance the required parking amount is 287 parking spaces, but under the future Zoning Ordinance going into effect October 29, 2022, the required amount is 146 parking spaces. Mr. Vandercook added that a consideration is that the building parcel has limited spacing but there is an off-site parking agreement that can make up for the additional spaces.

Chairperson Telliga asked if a motion made would need to specify that it goes into effect on October 29, 2022. Mr. Vandercook said there is not as the non-use variance request is based on the current ordinance and the calculations under the future ordinance is for additional consideration.

Russel Losey from Wade Trim, representing the YMCA, spoke on a new mixed-use development. Mr. Losey stated there are 142 parking spaces provided on the building parcel and there are up to 40 spaces provided for on an adjacent DDA lot.

Chairperson Telliga asked where the DDA parking lot is located. Mr. Losey answered that the lot is bound by 3rd Street and the vacated 4th Street, the vacated 4th Street sits between the building parcel and the DDA lot.

Chairperson Telliga requested that agendas with the Rules for Public Speaking on the back be provided in future meetings.

Chairperson Telliga opened the floor to public speakers. No one spoke.



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Moses Timlin spoke on the project, stating they want this to be a model for downtown development. Mr. Timlin expressed support for walkable downtown developments.

Commissioner Yelle asked for clarification on the numbers given earlier. Mr. Vandercook stated the building parcel has 142 parking spaces and an additional 40 spaces on the DDA lot. Mr. Losey added that there is street parking within 300 feet of the site as well. Mr. Vandercook stated that the applicants are offering to provide more parking than the 50% reduction that the new ordinance would allow.

Commissioner McCaskill recalled this parcel had the old YMCA and did not remember them having parking. Chairperson Telliga added that many downtown businesses do not have parking.

Commissioner Dohrman made a motion to approve the non-use variance request by Russel Losey, agent on behalf of Stephanie Fenton, CFO of HSHAY, LLC, to provide for 50% relief from the current parking code in the D-3 district based on the following findings of fact: 1. Strict application of the zoning ordinance would render this property unusable for any entertainment use. 2. The minimum relief necessary is 50% from the current parking code requirements. 3. Numerous buildings in the downtown area have been approved either by reducing the parking calculations and or through parking agreements. 5. The future ordinance being enacted on October 29, 2022 allows for the requested reduction in parking.

Commissioner McCaskill supported the motion.

Chairman Telliga called for a roll call vote.

Commissioner Stebbins, yes
Commissioner Hardy, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Dohrman, yes

Commissioner Kea, yes
Commissioner Ricks, yes
Commissioner Coney, absent
Commissioner Telliga, yes

M/S – Dohrman/McCaskill

Motion carried –

8 – yes, 0 – no, 0 – abstain, 1 – absent

CITY ATTORNEY REPORT:

Attorney Gurley introduced Tom Sparrow, the City attorney assigned to the Zoning Board of Appeals starting in September. Attorney Sparrow indicated that he would be available to appear at meetings in person. Mr. Sparrow asked to be included in the mailing list for Zoning Board of Appeals meeting materials and to receive a copy of the Zoning Board of Appeals member handbook.



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Attorney Gurley spoke about a legal opinion that came from the Michigan Supreme Court regarding the definition of an aggrieved party. Attorney Gurley stated she would send information to the Commissioners and indicated this is the Saugatuck Dunes. Attorney Gurley stated that the opinion could impact how the commissioners look at appeals and that an aggrieved party does not have to be a property owner.

OLD BUSINESS:

ZBA Commissioner Training

Chairperson Telliga stated that the commissioner training will be held at next month's meeting and asked for training materials to be sent before the meeting.

ZBA 22-8: Michael J. Demasi requests a non-use variance to provide full relief from the 50-foot setback requirement entertainment facilities are required to maintain from residential districts at 4202 Fenton Rd. Flint MI (PID # 40-25-277-042).

Mr. Vandercook indicated that this application has been withdrawn. Chairperson Telliga asked if they ended up not needing a variance. Mr. Vandercook confirmed.

Appointment of Planning Commissioner to the ZBA

Mr. Vandercook stated staff met with the Clerk's Office and that appointments were made under a former City Manager that may have disrupted term staggering in commissions. Mr. Vandercook stated the Clerk's office wants to communicate with the Mayor's Office and City Council to resolve any issues and to appoint or re-appoint members. Mr. Vandercook also indicated that the recent change in ward boundaries may affect some appointments and the City Clerk's office is working with staff to determine if any commissioners may now live in a different ward. Chairperson Telliga stated that he talked with Commissioner Coney and Councilmember Worthing who will attempt to re-appoint Commissioner Coney. Chairperson Telliga also indicated the Councilmember Burns will re-appoint Commissioner Kea. Commissioner Hardy stated that at the time Councilmember Maurice Davis had reassigned his appointment, although he is not sure if there may have been an issue. Commissioner Hardy stated he would have another conversation with Councilmember Lewis to resolve this.

Chairperson Telliga asked what about the status of having a Planning Commission representative on the Board. Mr. Vandercook said it was his understanding that Commissioner Blower has been appointed as the Planning Commission Secretary and that she may still come to some meetings. Chairperson Telliga stated that there is either someone appointed or not and that this impacts quorum. Mr. Vandercook referenced an opinion sent to the Planning Commission by Attorney Gurley. Attorney Gurley stated that opinion was based on whether the appointed Planning Commission representative can participate in discussions of cases that are being appealed from the Planning Commission that they have voted on. Attorney Gurley stated this is something that could sway the ZBA decision and is not allowed, but discussions on other cases is allowed. Attorney Gurley added that changes to by-laws appears to need to be approved by City Council. Chairperson Telliga stated they would move forward as a nine-member board.



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NEW BUSINESS:

ADJOURNMENT:

Commissioner Kea made a motion to adjourn. Commissioner McCaskill supported the motion.

Commissioner Stebbins, yes
Commissioner Hardy, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Dohrman, yes

Commissioner Kea, yes
Commissioner Ricks, yes
Commissioner Coney, absent
Commissioner Telliga, yes
PC Representative,

M/S –Kea/McCaskill

The meeting was adjourned at 6:18 pm.