



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT ZONING BOARD OF APPEALS

FLINT ZONING BOARD OF APPEALS

Meeting Minutes

June 21, 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
Suzanne Wilcox, Director of Planning and
Development
Jonathon Mateen, Planner I
Max Lester, Planner 1

Planning Commission Representative: N/A

Absent: N/A

ROLL CALL:

Chairperson Telliga called the meeting to order at 6:05 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 meeting.

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

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

ELECTION OF OFFICERS

Chairperson Telliga turned the meeting over to Jonathon Mateen for the election of officers. Mr. Mateen opened the floor for nomination for Chairperson of the Zoning Board of Appeals.

Chair

Commissioner Kea nominated Matthew Telliga to remain as Chairperson.
Commissioner Yelle nominated Johnnetta Ricks as Chairperson. Commissioner Rocks respectfully declined the nomination.
Commissioner Hardy nominated Jerry Kea as Chairperson. Commissioner Kea respectfully declined the nomination.
Commissioner Coney also nominated Matthew Telliga as Chairperson.



CITY OF FLINT

FLINT ZONING BOARD OF APPEALS

Sheldon Neeley
Mayor

Commissioner McCaskill motioned to reappoint Matthew Telliga as Chairperson Telliga of the Zoning Board of Appeals. Commissioner Coney seconded the motion.

Commissioner Stebbins, yes
Commissioner Hardy, yes
Commissioner McCaskill, yes
Commissioner Yelle, no
Commissioner Dohrman, yes

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

M/S – McCaskill/Coney

8 – yes 1 -no 0 – absent

The motion carried.

Mr. Mateen turned the meeting back over to Chairperson Telliga, who opened the floor to nominations for the Vice-Chairperson of the Zoning Board of Appeals.

Vice-Chair

Chairperson Telliga nominated Jerry Kea as Vice-Chairperson.
Commissioner McCaskill also nominated Jerry Kea as Vice-Chairperson.

Commissioner McCaskill motioned to reappoint Jerry Kea as Vice-Chairperson of the Zoning Board of Appeals. Commissioner Dohrman seconded 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, yes
Commissioner Telliga, yes

M/S – McCaskill/Dohrman

9 – yes 0 -no 0 – absent

The motion carried.

ADOPTION OF AGENDA:

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

Commissioner McCaskill made a motion to approve the agenda of June 21, 2022. Commissioner Coney supported the motion.



CITY OF FLINT

FLINT ZONING BOARD OF APPEALS

Sheldon Neeley
Mayor

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

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

M/S – McCaskill/Coney

9 – yes 0 - no 0 – absent
The motion carried.

ADOPTION OF PREVIOUS MINUTES

Minutes of May 17, 2022

Chairman Telliga asked if there were any changes to the minutes of May 17, 2022.

Commissioner Ricks motioned to approve the minutes as written. Commissioner Stebbins 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, yes
Commissioner Telliga, yes

M/S – Ricks/Stebbins

9 – yes 0 - no 0 – absent
The motion carried.

PUBLIC FORUM:

No one spoke.

REPORTS:

Status of the Draft Zoning Ordinance

Chairperson Telliga delayed this report to later in the meeting.

Staff Report on ZBA 22-8

Mr. Mateen read the staff report for this case.



CITY OF FLINT

FLINT ZONING BOARD OF APPEALS

Sheldon Neeley
Mayor

PUBLIC HEARING:

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).

David McDade, owner of Roark Galt Architects and architect for the project, stepped up to speak. Mr. McDade handed site drawings to the commissioners present at City Hall. Mr. McDade said he joined late in the project and that the need for the variance was brought up after presenting plans to the Zoning Division. Mr. McDade noted that the Zoning Code allowed for hall for hire usage abutting residential property if the building only had fire exits and stationary windows facing the residential properties. Mr. McDade added that he does not believe there is a need for a variance as there is only a fire exit that faces the properties to the west.

Mr. Mateen stated he believed it is speaking of openings facing residential districts.

Mr. McDade stated if that is the case, they do not have any openings that would require a non-use variance.

Chairperson Telliga asked Mr. Mateen if they could withdraw the case at this point. Mr. Mateen stated he was not sure and that he would want to direct the question to the City Attorney.

Commissioner McCaskill called a Point of Information, stating that he was not sure if fire egress and setbacks were mutually exclusive. Commissioner McCaskill also said that he wasn't sure if this is a building code issue rather than a zoning code issue.

Mr. McDade stated this was not a building code issue and that within the building code they were fine.

Mr. Mateen addressed Attorney Gurley stating he could not find information whether the applicant could withdraw during the case and that they have already accepted payment and application materials and sent them to all commissioners.

Attorney Gurley stated the applicant could withdraw because no action has been taken, until it could be determined if they need a variance or not. Attorney Gurley asked Mr. Mateen what section of the Zoning code Mr. Mateen was looking at. Mr. Mateen responded with Section 50-47, Subsection 3.

At 6:31 pm Commissioner Dohrman exited the meeting.

Chairperson Telliga suggested to postpone the case so the applicants can meet with staff to further discuss if a variance is required.

Mr. McDade asked to postpone the case. Chairperson Telliga postponed ZBA 22-8.



CITY OF FLINT

FLINT ZONING BOARD OF APPEALS

Sheldon Neeley
Mayor

Commissioner Kea commented that this should be discussed with staff prior to coming before the Zoning Board of Appeals.

CITY ATTORNEY REPORT:

Attorney Gurley stated the first reading of the Draft Zoning Ordinance passed and the second reading will likely take place in July. Attorney Gurley stated that per the Michigan Zoning Enabling Act there needed to be a publishing of the ordinance prior to the second reading.

Attorney Gurley also said that the Attorney's Office is transitioning Attorney Tom Sparrow to cover the Zoning Board of Appeals, with the transitioning being complete around mid-July or August.

OLD BUSINESS:

Appointment of Planning Commission Representative

Mr. Mateen stated that a representative has not been selected yet, currently there are seven of the nine commissioners on the Planning Commission, and they will rely on staff for a Zoning Board of Appeals report and minutes in the meantime.

Mr. Mateen relayed that the Planning Commission and staff determined the Planning Commission representative can vote and discuss cases in the Zoning Board of Appeals unless the case had appeared before the Planning Commission already. Mr. Mateen referred to a handout on the Zoning Board of Appeals information packet showing the Genesee County communities that have a Planning Commission representative on their Zoning Board of Appeals.

Chairperson Telliga asked if the Zoning Board of Appeals by-laws could be amended to be clearer and align with language in the Michigan Zoning Enabling act.

Attorney Gurley said there would likely not be a problem with amending the by-laws, but it would need to go before City Council. Chairperson Telliga asked Attorney Gurley to confirm if it needs to go to City Council and asked Mr. Mateen to keep the matter on in Old Business for the time being.

ZBA Document Checklist

Mr. Mateen referred to an itemized checklist detailing what would be required for Zoning Board of Appeals applications including: the application, aerial map, non-use variance checklist, and the additional document for ZBA appointees to Planning Commissions throughout the county.

Commissioner Kea spoke about the purpose of the checklist being to ensure necessary materials are included with every packet for every case.



CITY OF FLINT

FLINT ZONING BOARD OF APPEALS

Sheldon Neeley
Mayor

Commissioner Training

Mr. Mateen stated he spoke with Corey Christenson from ROWE who is willing to do a training session. Mr. Christensen will be available for the July and August meeting. The August meeting was selected for the intended training session.

Suzanne Wilcox Draft Zoning Code Update

Suzanne Wilcox spoke on the Draft Zoning code stating that Attorney Gurley gave a good overview, adding that once the Zoning Code is adopted Planning Staff will have a lot of work to do updating forms and documents in an intended 90-day period before the Code goes into effect. Additionally, the Marihuana Ordinance will need to be updated as well.

Chairperson Telliga asked Mr. Mateen to keep the Zoning Board of Appeals updated on the Marihuana Ordinance.

Ms. Wilcox suggested that a presentation could be given to the Zoning Board of Appeals on the Draft Marihuana Ordinance changes.

NEW BUSINESS:

ADJOURNMENT:

Commissioner McCaskill made a motion to adjourn. Commissioner Hardy 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, yes
Commissioner Telliga, yes

M/S –McCaskill/Hardy

The meeting was adjourned at 6:52 pm.