



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT ZONING BOARD OF APPEALS

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Meeting Minutes

March 15, 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:

William Vandercook, Zoning Coordinator
Keizzy Anpalagan, GIS Administrator
Jonathon Mateen, Planner I
Joanne Gurley, Assistant City Attorney

Planning Commission Representative:

Absent:

Carol-Anne Blower

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 Dome Auditorium 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 – 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
Carol-Anne Blower – absent

ADOPTION OF February 15, 2022 AGENDA:

Chairman Telliga asked for any changes/comments to be made to the agenda. Following none, Chairman Telliga ask for a motion to approve the agenda as presented.

Commissioner McCaskill made a motion to approve the agenda as presented. Commissioner Hardy supported the motion.



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M/S – McCaskill/Hardy

Motion carried.

ADOPTION OF February 15th, 2022 MINUTES

Chairman Telliga asked if there were any changes to the minutes of February 15th 2022. Following none, Chairman Telliga asked for a motion to approve the minutes as presented.

Commissioner Stebbins motioned to approve the minutes from February 15th, 2022 as presented. Commissioner McCaskill 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, yes
Commissioner Blower, absent
Commissioner Telliga, yes

M/S – Stebbins/McCaskill

9 – yes 0 - no 1 – absent

The motion carried.

PUBLIC FORUM:

Commissioner Dohrman read the Rules of the Public Forum.

James Miraglia from Branch Rd. spoke of trespassing, theft, biohazardous and dangerous waste in the neighborhood. Mr. Miraglia stated that at a prior meeting someone expressed a desire to renovate nearby apartment buildings, speaker gathered signatures in response and claims they were not listened to.

A speaker from Carr St. confirmed what the previous speaker stated.

Bill Vandercook stated this case appeared before the Zoning Board of Appeals on November 20th, 2018 as ZBA 18-2221: Donald Houghteling requests a use variance to permit multi-family residential at 2957 Carr St. (Parcel ID 47-33-302-006). A motion was made to approve the application with the condition the following housing was allocated to veterans and seniors, the facility is gated, and applicant submitted a security plan for zoning approval.

Mr. Vandercook read the staff report for that case which was in-support.

Commissioner Kea states remembering this case when it last came before the Zoning Board of Appeals and that members of the community voiced concerns for the project. Commissioner Kea asked why this is back at the Zoning Board of Appeals.



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Mr. Vandercook stated it is his understanding that the applicant wishes to use the property for multi-family nonspecific to veterans and seniors.

Commissioner McCaskill asked if the property was not already zoned for multifamily use.

Mr. Vandercook answered that the property is zoned A-2 with a use variance conditionally to service veterans and seniors.

Michael Shuell on behalf of Waterfront Capital, added that there were other conditions as well including security, a doctor's office, a fitness center, and a business center.

Inaudible speaker.

Mr. Vandercook added that some conditions may have been added by the Planning Commission.

Commissioner Kea restates remembering this case and the concerned community members. He states a major concern surrounded security and having a gated community with a fence all around.

Commissioner Yelle discussed conditions not being met that were approved the last time the case went to the Zoning Board of Appeals.

Chairman Telliga states it is his understanding this is a new case as this is a new developer.

~~Commissioner McCaskill states zoning stays with the land and variances stay with the owner, if the land is sold variances don't remain. Mr. Vandercook stated he believed this was correct.~~

Note: Per the May 19th, 2022 Meeting, a variance remains with the land regardless of the owner leaving.

Mr. Shuell clarifies that the property is not zoned for multi-family, it is zoned A-2.

Commissioner McCaskill asked why the property is zoned for single-family when the building was originally built in the sixties as multi-family. Chairman Telliga said he believed the current zoning code was enacted in the seventies. Commissioner Yelle said in 1974 the property was zoned A-2.

Commissioner Ricks expressed concern that the language in the variance regarding screening tenets and visitors is vague.

REPORTS:



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No reports.

COMMUNICATIONS:

No Communications.

PUBLIC HEARING:

ZBA 22-4: Michael Shuell requests a use variance at 2957 Carr Street Flint, MI 48503 (PID 47-33-302-006) to allow for multi-family walk-up apartments in the A-2 Single Family Medium Density district.

Michael Shuell is speaking first for the applicant. Mr. Shuell stated they would like to make use of the vacant property which is currently zoned A-2 Single-family residential. Mr. Shuell acknowledged the concerns of residents.

Unknown speaker asked what would be done to ensure the area is safe. Mr. Shuell expressed that lighting is one way of ensuring safety and that he doesn't believe fencing is a large enough deterrent.

Jim Henry, a resident on Coggins Ave, states there are currently problems with people accessing the property and claimed there are meth labs being set up. Since speaking at the last meeting Mr. Henry claims there are new concerns with public health including, mold, shootings, and drugs. Mr. Henry supports the previous applicant intent for a gated community. Mr. Henry expressed that he doesn't support the new case. Mr. Henry believes testing for meth is one good step.

Chairman Telliga asked staff if a member of the public spoke on a case in the Public Forum section, if they could speak on the case again in the Public Hearing. Attorney Gurley stated that typically the Public Forum is a time to speak on matters unrelated to cases being heard in the meeting, someone should only be able to speak on a case one time.

Chairman Telliga closed the Public Hearing section.

Mr. Shuell stated that he believes having an occupied facility is the best method of addressing issues mentioned by Mr. Henry. Mr. Shell restated his belief that a fenced community would not provide a benefit but is willing to accept that as a condition if residents desire it. Mr. Shull stated that they have no desire to allow meth labs on the premises.

Chairman Telliga asked if the buildings would all be renovated. Mr. Shuell confirmed. Chairman Telliga asked if there would be security cameras on the property. Mr. Shuell said there would be if it was desired.

Commissioner Ricks asked how long camera recordings would be retained. Mr. Shuell said he believes the camera package he uses at his home retains recordings for up to six months.



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Unknown speaker asked if the markets would be market rate and what the range of rent would be. Mike Zhang, Manager at Waterfront Capital, stated they would be affordable, but that the main concern is with security.

Chairman Telliga stated that the basis of their decision cannot be based on the pricing of the units. Commissioner McCaskill also stated that he believed they were getting close to a point of prejudicing their decision and the purpose of the Board was not to determine pricing.

Commissioner Yelle stated his commitment to hearing and taking resident's concerns seriously and that he doesn't believe letting the property remain vacant will make it safe. Commissioner Yelle believes it is important to take the reports of meth labs and mold in the vacant building seriously and that they be addressed.

Mr. Vandercook suggested that time be taken to have the property tested, as the health and safety of the public should be of the highest concern, with the possibility of deciding at a future date.

Commissioner McCaskill asked if there was a redevelopment plan not included in the application. Chairman Telliga asked if there would be an occupancy inspection. Mr. Vandercook stated it would have to be an inspection by an environmental company.

Commissioner Yelle addressed a previous question by Chairman Telliga if the matter can be postponed once started, stating that it is possible. Commissioner McCaskill stated that if the applicant is expected to resubmit the application with additional information the only way to do so would be to deny the current case. Commissioner Yelle disagreed stating the handbook allows for the Board to request additional information regarding public health.

Commissioner McCaskill restates he believes the questions being asked are outside the scope of the Board. Chairman Telliga agreed with Commissioner McCaskill and stated they could approve the application with conditions of cameras and being fenced and gated.

Commissioner Yelle stated that he believed the Board has oversight of public health concerns.

Commissioner McCaskill and Chairman Telliga restated their views.

Commissioner Yelle stated they could postpone the meeting. Commissioner McCaskill said they could postpone the current application for review at a later date but could not request more information not in the current application. Commissioner Yelle asked for Assistant Attorney JoAnne Gurley to respond to the discussion. Attorney Gurley stated there are four powers that the Zoning Board of Appeals have: One is hearing and deciding questions that arise from administering the zoning variance. Two is to interpret zoning maps. Three is to hear and decide matters referred to the Zoning Board of Appeals by ordinance or by statute. Fourth is to consider appeals from the Planning Commission.



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Commissioner Yelle asked if the meeting could be postponed. Attorney Gurley stated the Board could take the application under advisement and return to the matter, but the Board cannot review for new information. The matter can be postponed for further research.

Commissioner Ricks asked if it was within the Board’s purview to ask that the cameras have the footage saved for up to six months. Chairman Telliga stated this would be a part of the motion.

Commissioner Kea asked about language in the application that requests if the application is not accepted, to return to the previously approved variance. Commissioner Kea asked why this application was being presented. Chairman Telliga explained that the new application is seeing to remove several conditions including allocating the spaces for veterans and elderly people.

Commissioner Dohrman made a motion to approve a non-use variance requested by Michael Shuell to allow for multi-family residence at 2957 Carr St. to include security cameras with backup of six months, gates, and fencing.

Commissioner Kea asked if the motion included conditions of fencing, gates, and security cameras with six months backup. Commissioner McCaskill confirmed.

Commissioner Kea supported the motion.

Chairman Telliga called for a roll call vote.

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

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

M/S – Dohrman/Kea

Motion carried –

7 – yes, 2 – no, 0 – abstain, 1 – absent

Mr. Vandercook addressed the residents that his intention was to get in touch with the Building Department and Genesee County Health Department to see if the buildings could still be tested.

CITY ATTORNEY REPORT:

No report.

OLD BUSINESS:

Commissioner Kea expressed concern with inconsistency of packages received for review.

Commissioner Kea stated that he believes all materials need to be included for all applications.

Commissioner McCaskill asked if the last application went though Planning and that he believed



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it looks lightweight. Mr. Vandercook stated that it did not have to go through Planning because it will just be an interior renovation.

Commissioner Yelle expressed concern that there could be liability in approving a variance application if there are later issues with the property that was discussed during the Public Hearing. Commissioner McCaskill stated the correct process should be for inspectors to find problems and ensure they are addressed.

Commissioner Kea stated standardizing packages, processes, and procedures meetings could run more smoothly. Chairman Telliga agreed with Commissioner Kea that having a standard checklist is needed.

Chairman Telliga asked if Suzanne Wilcox could attend the next meeting to discuss the state of the draft Zoning Ordinance or for Mr. Vandercook to respond if possible. Attorney Gurley responded that there was an issue with formatting and that ROWE has been working on the formatting. The next step would be to put them up to City Council. Chairman Telliga asked for an update in each subsequent meeting.

NEW BUSINESS:

ADJOURNMENT:

Commissioner McCaskill made a motion to adjourn. 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 Blower, absent
Commissioner Telliga, yes

M/S –McCaskill/Stebbins

The meeting was adjourned at 7:23 pm.