



**CITY OF FLINT
FLINT ZONING BOARD OF APPEALS
MATTHEW TELLIGA, CHAIRMAN**

**Sheldon Neeley
Mayor**

**FLINT ZONING BOARD OF APPEALS
Meeting Minutes
September 20, 2022**

Board Members Present:

Matthew Telliga, Chair
Jerry Kea, Vice-Chair
Ramie Yelle
Florlisa Stebbins
Johnnetta Ricks

Staff Present:

Joanne Gurley, Assistant City Attorney
Tom Sparrow, Assistant City Attorney
William Vandercook, Zoning Coordinator
Jonathon Mateen, Planner I
Max Lester, Planner 1

Planning Commission Representative: N/A

Absent:

Ari McCaskill
Derek Dohrman
John E. Hardy II
Lauren Coney

ROLL CALL:

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

Matthew Telliga, Chair – appearing in person
Jerry Kea, Vice-Chair – appearing in person
Ari McCaskill – absent
Lauren Coney – absent
Florlisa Stebbins – appearing in-person

Johnnetta Ricks – appearing virtually via call-in
John E. Hardy II – absent
Derek Dohrman – absent
Ramie Yelle – appearing in person

ADOPTION OF SEPTEMBER 20, 2022 AGENDA:

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

Commissioner Stebbins made a motion to approve the agenda of September 20, 2022.
Commissioner Kea supported the motion.

Chairman Telliga asked for a roll-call vote.

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

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

M/S – Stebbins/Kea

5 – yes, 0 – no, 4 - absent



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The motion carried.

ADOPTION OF AUGUST 16, 2022 MINUTES

Chairman Telliga asked if there were any changes to the minutes of August 16, 2022.

Commissioner Stebbins motioned to approve the minutes from August 16, 2022 as presented. Commissioner Yelle supported the motion.

Chairman Telliga asked for a roll-call vote.

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

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

M/S – Stebbins/Yelle

5 – yes, 0 – no, 4 – absent

The motion carried.

PUBLIC FORUM:

N/A

REPORTS:

Status of the draft Zoning Ordinance

Attorney Gurley stated the Permanent Marihuana Ordinance was set to go to second reading at City Council on October 10, 2022, which will also be the public hearing. If approved at this meeting the Marihuana Ordinance will go into effect at the same time as the Zoning Ordinance.

Chairperson Telliga reminded staff to provide a copy of the Marihuana Ordinance and a bound hard copy of the Zoning Ordinance to commissioners upon approval.

COMMUNICATIONS:

No Communications.

PUBLIC HEARING:

No public hearing.

CITY ATTORNEY REPORT:

Attorney Sparrow stated that he received the meeting materials from Mr. Mateen and reported that he researched the new ordinance, and the makeup of the Board will stay the same as it related to number of members and quorum.



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OLD BUSINESS:

Appointment of Planning Commission Representative to the ZBA

Mr. Vandercook stated there was a meeting set with the Clerk's office that was cancelled and that a new meeting will be set to discuss appointments. Mr. Vandercook added that there are outstanding issues with appointing or re-appointing members and with checking to see if the ward boundary change has had any changes on where commissioners live.

Chairperson Telliga noted Commissioner Coney was reappointed and asked for the roster to be updated and sent to the commissioners.

NEW BUSINESS:

ZBA Commissioner Training, Corey Christensen, ROWE

Corey Christensen gave a presentation on the role of the ZBA, statutory authority, procedures, powers, and resources.

Chairperson Telliga asked if City Council approval was needed for a change in ZBA bylaws. Attorney Gurley stated it would need City Council approval and we could also look at adding the ethics provision of the Charter.

Commissioner Kea asked if decisions are based purely on the ordinances passed by the City or are the commissioners meant to use their judgement or opinion. Mr. Christensen answered that in appeals the commissioners are just looking at whether the Planning Commission acted within their authority as ordinances allow. For variances, the commissioners are using their judgement based on the submitted application, the applicant's reasons for why they should receive the variance, and determining if the variance will be allowed due to a practical difficulty or unnecessary hardship depending on the case.

Chairperson Telliga discussed how commissioners were cautioned about meeting with three or more commissioners. Attorney Gurley stated that if they were not deliberating and making a decision or canvassing for a particular opinion on how someone will vote that is okay, the caution comes with what is discussed and that a decision is not made before coming into the public meeting.

Attorney Sparrow asked what the Board would be voting on in terms of a conflict of interest. Mr. Christensen answered that the Board would be voting to determine a conflict of interest if the potential conflicting party does not believe there is a conflict-of-interest present.

Commissioner Yelle asked if conditional approvals stay with the property or the owner. Mr. Christensen answered that the conditions stay with the property and does not go away if the business is transferred.

Mr. Vandercook asked if the Board can set conditions of approval such as additional landscaping outside of the property in question. Mr. Christensen answered that it only could if it is directly



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mitigating an impact caused by the development. Chairperson Telliga added as well if it is provided by ordinance.

The commissioners discussed the importance of the application checklist and ensuring applications are complete.

Mr. Vandercook asked for clarification on non-use variances. Mr. Christensen answered that these usually deal with setbacks and other requirements for a use that are not a use itself.

Commissioner Kea asked if a homeowner wanted to expand their house into the front yard setback, would they apply for a non-use variance. Mr. Christensen answered that they would apply for a non-use variance and unless there was an extraordinary circumstance it would be denied.

Chairperson Telliga asked for examples of a self-created hardship. Mr. Christensen answered that typically there is not a self-created hardship but rather there is no hardship.

Chairperson Telliga asked for information on the training session at ROWE to be given to staff, and for staff to distribute the information to the commissioners if it is relevant.

Chairperson Telliga noted concerns that the commissioners do not know if there are funds available for attending trainings.

ADJOURNMENT:

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

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

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

M/S –Kea/Stebbins

The meeting was adjourned at 7:10 pm.