



Sheldon Neeley
Mayor

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

FLINT ZONING BOARD OF APPEALS
Meeting Minutes
January 17th, 2023

Board Members Present:

Matthew Telliga, Chair
Jerry Kea, Vice-Chair
Ari McCaskill
Ramie Yelle
Johnnetta Ricks
Lauren Coney
Derek Dohrman

Staff Present:

Tom Sparrow, Assistant City Attorney
William Vandercook, Zoning Coordinator
Max Lester, Planner 1

Planning Commission Representative:

N/A

Absent:

Florlisa Stebbins
John E. Hardy II

ROLL CALL:

Chairperson Telliga called the meeting to order at 6:00 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 – absent
Johnnetta Ricks – appearing in person
John E. Hardy II – absent
Derek Dohrman – appearing in person
Ramie Yelle – appearing in person

ADOPTION OF MARCH 21ST, 2023 AGENDA:

Chairman Telliga asked for any changes/comments to be made to the agenda.
Chairman Telliga added Hardcopy Zoning Code under Unfinished Business.

Commissioner McCaskill made a motion to approve the agenda as amended. Commissioner Coney supported the motion.

M/S – McCaskill/Coney



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The motion carried unanimously by voice vote.

ADOPTION OF OCTOBER 18TH, 2022 MINUTES

Chairman Telliga asked if there were any changes to the minutes of October 18th, 2022.

Commissioner McCaskill motioned to approve the minutes from October 18th, 2022 as presented. Commissioner Coney supported the motion.

Chairman Telliga asked for a roll-call vote

M/S – McCaskill/Coney

The motion carried unanimously by voice vote.

PUBLIC FORUM:

No one spoke.

REPORTS:

No reports.

COMMUNICATIONS:

No communications.

PUBLIC HEARING:

ZBA 23-1: Christopher Bowman requests a use variance at 1109 N. Dort Hwy. Flint, MI 48506 (PID 41-08-280-013) to allow for a fitness center in the MR-2 Mixed Residential district.

Bill Vandercook read the Staff Report for **ZBA 23-1**.

Commissioner Kea asked if the evaluation was based on the newly adopted Zoning Code. Mr. Vandercook confirmed.

Christopher Bowman spoke of the need to move his martial arts gym to a larger location, but the zoning had changed during the process of acquiring the property. Mr. Bowman stated the building was vacant and was previously used as an auto shop. The property has been stabilized since he acquired it. Mr. Bowman stated the building is not suitable for residential uses as it is a concrete building with a slab floor and mechanics bathroom. Mr. Bowman added that he believes cleaning up and renovating the property will be beneficial to the area.

Commissioner Coney read the Rules of the Public Forum.



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David Livingston spoke in support of the request, noting the condition of the property and his support of Mr. Bowman.

Scott Atkinson spoke in support of the request, speaking of Mr. Bowman’s need for a larger location and his desire to relocate to Flint from Grand Blanc Township. Mr. Atkinson added his support for Mr. Bowman’s gym specifically and the programs for kids that he runs.

Chairman Telliga said this property is near the Walgreens that the Board approved previously, adding that he believes it is a great adaptive use.

Commissioner Kea made a motion to approve **ZBA 23-1**: Christopher Bowman requests a use variance at 1109 N. Dort Hwy. Flint, MI 48506 (PID 41-08-280-013) to allow for a fitness center in the MR-2 Mixed Residential district. Commissioner Kea noted the following findings of fact:

- The subject property was rezoned from high-intensity commercial to residential when the new Zoning Ordinance was adopted, limiting the uses available on the site. The property was rezoned by the City of Flint and not the applicant or the applicant’s predecessor in title.
- The parcel is well suited for this use and does not appear to be inconsistent with the character of the area which is mostly commercial and industrial. The N. Dort Hwy corridor is better suited for commercial uses than residential, and granting this variance is consistent with several goals of the Master Plan. These include blight elimination, adaptive reuse promoting economic diversity, and expanding the services available to Flint residents.

Commissioner McCaskill supported the motion.

Chairman Telliga called for a roll call vote.

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

Commissioner Dohrman, yes
Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes

M/S – Kea/McCaskill

6 – yes, 0 – no, 0 – abstain, 2 – absent

The motion carried.



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ZBA 23-2: Robert Brown requests a use variance at 1720 E. Carpenter Rd. Flint, MI 48505 (PID 47-29-126-049, future PID 47-29-126-051) to allow for a gas station and convenience store in the GN-1 Green Neighborhood district.

Mr. Vandercook handed out a document to the Commissioners of two maps of the property. Mr. Vandercook noted that the two properties were combined to the address and PID listed on the application. Mr. Vandercook clarified that 1720 Carpenter Rd. was previously zoned C-2 and 1716 Carpenter Rd. was previously zoned D-6. The properties were rezoned to GN-1 when the Zoning Code was adopted. The D-6 zoning would have allowed for a gas-station type use. Chairman Telliga asked for confirmation that there has not been a business operating here for some time. Mr. Vandercook confirmed. Chairman Telliga noted that he contacted Councilman Eric Mays about the case.

Mr. Vandercook read the Staff Report for **ZBA 23-2**.

Robert Brown spoke on purchasing the property in March from the Land Bank, specifically for the D-6 zoned property, which was closed in July. Mr. Brown noted his fault in not following rezoning or site plan review processes between August and October. 1716 Carpenter Rd. previously was a laundromat and market. Mr. Brown had to post a performance bond to demolish the building before purchasing the property from the Land Bank. Over the years the property became a dumping ground, which was then cleaned up following the demolition. Mr. Brown noted the nearby residents were happy with the property being cleaned up. This road has multiple industrial uses nearby but no nearby fuel stations. The business is intended to serve passing truck drivers going to nearby industrial uses. Mr. Brown noted in a report that the area lacks food and services.

David Magnotta spoke for Mr. Brown, noting that ingress and egress for trucks is being accounted for that will help reduce congestion around the site. The property is just off Dort Hwy. and due to the large parcel size there will be a distance to the nearby residential properties with the facility up closer to the road. The City would also be able to tax the property again.

Chairman Telliga asked if the applicant will have a liquor license. Mr. Brown answered that he would like to have beer and wine available but does not plan on selling liquor. Mr. Brown added that he would like to sell freshly made food that he believes would be better suited for beer and wine than liquor for workers heading home from the nearby industrial uses.

Chairman Telliga opened the Public Forum. No one spoke.

Commissioner Dohrman asked the applicant if he has spoken with the nearby residents. Mr. Brown stated he spoke with the residents around September 25th, 2022 and the residents noted that they did not have a nearby place to get food. Mr. Brown stated his intention following getting this project off the ground is to purchase several properties in the nearby neighborhood



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and revitalizing the neighborhood. Chairman Telliga noted this should not be considered in the determination for the variance.

Commissioner Yelle asked for confirmation that this will service diesel trucks in the area. Mr. Brown confirmed. Mr. Brown added that he does not intend to have only diesel pumps and that they would be located on the East side of the property. Commissioner Yelle noted potentially harmful impacts to the neighborhood from diesel trucks stopping and fueling here. Mr. Brown stated operations would follow standards set by and be monitored by the EPA. Commissioner Yelle discussed the possibility that granting one variance for a fuel station in a GN-1 district could lead to other fuel stations in GN-1 districts. Chairman Telliga responded that each case must be viewed individually based on the merits of the property in question, noting this location had a gas station in the past.

Mr. Vandercook conferred with Attorney Sparrow on whether the Board had to adopt the findings from staff, Attorney Sparrow answered that they do not.

Commissioner Kea asked for clarification if he heard mention of a fence, barrier, or berm between the property and the neighborhood. Mr. brown stated that he believed this would come up during design when it goes to Planning, noting he was open to suggestions.

Commissioner McCaskill called a Point of Information, stating that even if they grant a variance, the Michigan Department of Environmental Quality still has to approve the site due to the proximity to residences. Mr. Vandercook stated in a Site Plan Review fencing and berms come into play. Commissioner Kea noted that community safety is important, and the property was zoned to GN-1. Commissioner McCaskill called a Point of Information, noting the property was rezoned due to blight. Commissioner Kea continued with a question on whether the Zoning Code has language on the distance from the facilities and residential areas. Chairman Telliga responded that this would come up during the application phase with Planning as well as from the EPA. Commissioner Kea stated he had an incomplete case. Chairman Telliga responded that all cases must go through Planning following a variance being granted. Commissioner Kea added that if the Site Plan is not approved the applicant can appeal to the Board. Chairman Telliga noted the discussion was out of the purview of the Zoning Board of Appeals. Mr. Vandercook added that under the previous D-6 zoning a fuel station was permitted.

Mr. Brown stated that he was in the process of getting surveys and architects towards the end of 2022 and that he attended an October Planning Commission meeting where he requested the parcels maintain their zoning, but he was unaware that it was not the proper way to make the request. This was later clarified with Mr. Vandercook, but the Zoning Code had been adopted.

Commissioner McCaskill made a motion to approve **ZBA 23-2**: Robert Brown requests a use variance at 1720 E. Carpenter Rd. Flint, MI 48505 (PID 47-29-126-049, future PID 47-29-126-051) to allow for a gas station and convenience store in the GN-1 Green Neighborhood district.



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Commissioner McCaskill noted the following findings of fact:

- The subject parcel was rezoned from high-density commercial to residential when the new Zoning Ordinance was adopted which severely limited the use permitted on the site. The parcel was rezoned by the City of Flint and not the applicant or the applicant’s predecessor in title.
- The parcel is well suited for this use and does not appear to be inconsistent with the character of the area which is commercial and industrial. Carpenter Rd. is well suited for commercial development and without granting the variance it is unlikely the parcel will be developed as residential considering the proximity to two industrial zoned parcels and the fact that it was previously used for a fuel station which requires expensive remediation.

Commissioner Coney supported the motion.

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

Commissioner Dohrman, yes
Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes

M/S – McCaskill/Coney

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

The motion carried.

ZBA 23-3: Robert Brown requests a non-use variance at 1720 E. Carpenter Rd. Flint, MI 48505 (PID 47-29-126-049, future PID 47-29-126-051) to provide an additional 1,400 sq. ft. for a convenience store.

Mr. Brown stated there is an existing building on the property that is a little over 2,500 square feet and he intends to remodel the existing structure which still has water and gas running to it. Mr. Vandercook clarified that the building is around 2,400 square feet.

Chairman Telliga opened the floor to Public Hearing. No one spoke.

Mr. Brown added that the building has been secured and cleared of needles. As it is structurally sound, he would like to utilize the existing building.

Commissioner McCaskill made a motion to approve **ZBA 23-3:** Robert Brown requests a non-use variance at 1720 E. Carpenter Rd. Flint, MI 48505 (PID 47-29-126-049, future PID 47-29-126-051) to provide an additional 1,400 sq. ft. for a convenience store. Commissioner McCaskill noted the following findings of fact:



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- The existing building is 2,400 square feet and would need 1,400 square feet demolished to comply with Zoning Codes. Strict application of the Zoning Ordinance would require the applicant to demolish a considerable portion of the existing structure.
- The variance would not cause substantial detriment to the neighboring properties.

Commissioner Kea offered an amendment to add ZBA 23-3 to the motion. Commissioner McCaskill agreed.

Commissioner Kea supported the motion.

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

Commissioner Dohrman, yes
Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes

M/S – McCaskill/Kea

6 – yes, 0 – no, 0 – abstain, 2 – absent

The motion carried.

CITY ATTORNEY REPORT:

No report to give.

UNFINISHED BUSINESS:

Hardcopy Zoning Code – Chairman Telliga reminded staff that the members of the Board were promised a bound hardcopy of the Zoning Code for their reference. Mr. Vandercook noted the new Zoning Code is significantly larger than the previous Code which may take more time to prepare than for the next meeting. Attorney Sparrow requested a copy. Chairman Telliga suggested making a few extra copies for new commissioners.

Appointment of Planning Commission Representative to the ZBA – Mr. Vandercook stated Suzanne Wilcox has been in discussion with the Clerk’s Office and Council members to make appointments to the vacant Planning Commission seats. Chairman Telliga added that the Mayor appoints Planning Commissioners but may speak with Council Members when making a decision.

ZBA Expired Terms and Vacancies – Mr. Vandercook stated the Commissioners have received a printout of the current terms. Chairman Telliga stated he had spoken with his Councilmember about reappointment. Chairman Telliga asked if Commissioner Kea had been reappointed yet. Commissioner Kea stated he was assured that his Councilmember had taken this to the City Clerk and that he would be reappointed until 2025. Max Lester noted Commissioner Hardy has an expired term, Commissioner Dohrman and Chairman Telliga have terms expiring this year.



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NEW BUSINESS:

Commissioner Kea noted that everything the ZBA does is recorded and needs to be accurate and clear. Commissioner Kea stated he believes it is inappropriate for the applicant to offer new information that was not provided in the packets. Chairman Telliga stated he was not sure if that was correct, but agreed adding that when making motions he has been adamant that they are comprehensive and accurate.

ADJOURNMENT:

Commissioner Dohrman made a motion to adjourn. Chairman Telliga supported the motion.

M/S –Dohrman/Telliga

The motion carried unanimously by voice vote.

The meeting was adjourned at 7:31 pm.