



Sheldon Neeley
Mayor

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

FLINT ZONING BOARD OF APPEALS
Meeting Minutes
March 21st, 2023

Board Members Present:

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

Staff Present:

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

Planning Commission Representative:

N/A

Absent

Ari McCaskill

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 – absent
Lauren Coney – appearing in person.

Florlisa Stebbins – appearing in person.
John E. Hardy II – appearing in person.
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.

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

M/S – Kea/Coney

The motion carried unanimously by voice vote.



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ADOPTION OF January 17th, 2023 MINUTES

Chairman Telliga asked if there were any changes to the minutes of January 17th, 2023.

Commissioner Kea asked for clarification on the “Absent” section of the January 17th, 2023, Zoning Board of Appeals draft minutes. Commissioner Kea stated that Commissioner Stebbins and Commissioner Hardy are recorded as absent, but that is not consistent with the “Roll Call” section. The “Roll Call” section shows Commissioner Hardy appeared in person and Commissioner Stebbins appears virtually. Commissioner Stebbins indicates that she was present at the meeting, virtually. The Board determined Commissioner Hardy was absent. Max Lester stated that they will revise the January 17th, 2023, minutes to reflect the proper attendance.

Commissioner Kea asked why Commissioner Blower is listed as part of the Zoning Board of Appeals Commission as “absent” when that commissioner seat should say vacant at this time, in the draft meeting minutes. William Vandercook stated that this matter will be discussed later in the meeting. Commissioner Kea emphasizes ensuring the Zoning Board of Appeals minutes are correctly reflecting everything that the Board discusses at meetings.

Commissioner Coney motioned to approve the minutes from January 17th, 2023, with one change, marking Commissioner Stebbins as present virtually. Commissioner Stebbins supported the motion.

M/S – Coney/Stebbins

7 – yes, 0 – no, 0 – abstain

The motion carried.

PUBLIC FORUM:

Chairman Telliga read the procedure for this public forum at this point in the meeting. As each case on the agenda is presented later in the meeting, there will be an opportunity for public forum.

No members of the public spoke.

REPORTS:

No reports.

COMMUNICATIONS:

No Communications.



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PUBLIC HEARING:

Question posed by Commissioner Kea to City of Flint Zoning Staff prior to start of public hearing. Commissioner Kea says he likes the usage of the colored forms, but some applications are missing the respective ZBA case number. Commissioner Kea stated that he would like the ZBA case number written on each form, for each ZBA case. Chairman Telliga agrees with this.

ZBA 23-4: Brian Butkis requests a Non-Use Variance at 719 Harrison St. Flint, MI 48502 (PID 41-18-135-023) to provide 20% relief from the 70% ground-floor transparency requirements for commercial uses in the DE – Downtown Edge District.

William Vandercook read the Staff Report for **ZBA 23-4**.

Chairman Telliga asked the Board if they had any questions for City Zoning staff. Commissioner Kea asked for clarification on site topography. William Vandercook clarified that he misspoke in reading the staff report.

Brian Butkis, the site architect and applicant on behalf of Uptown Reinvestment Corporation and the YMCA. Mr. Butkis stated his group is aware of the importance of the city transparency requirements his group is asking for a variance from. He stated his group acknowledges the transparency requirements improve building security at night as well as improve the atmosphere at street level, outside of the building. Mr. Butkis stated that the transparency requirements are significant for the proposed use. The use of a YMCA, including a pool, kids' zone, after school care for children, office spaces, require more privacy than the transparency requirements will allow. Mr. Butkis stated that while at night, building security will be improved, during the day building privacy will be compromised. Mr. Butkis stated that they do not want the pool within the YMCA to feel like a fishbowl. Mr. Butkis stated the proposed use of the structure is a family fitness center and emphasizes that specific use requires privacy. Mr. Butkis re-emphasizes a point read within the staff report 23-4, the intersection at Wallenberg and E. 4th Street is approximately 8.5ft higher than the intersection of Harrison and 3rd Street, which is contributing to the need for this variance request. Mr. Butkis stated his group is also concerned about the energy code. Balancing 40% transparency requirements on the 2nd and 3rd floors of the building, while attempting to meet the 70% ground floor transparency requirement is a challenge.

Shelly Hilton, CEO of YMCA of Greater Flint area, re-emphasizes that the granting of this variance will much better meet the needs of the YMCA for privacy and security. Kids will be in and around the proposed uses of the first floor of the proposed YMCA, and this reduction will help to meet the needs of security of privacy.

Chairman Telliga opened public comment period for ZBA 23-4. No public comments were made.

Chairman Telliga opened applicant response to public comment period for ZBA 23-4. No additional comments were made.



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Chairman Telliga closed public comment period for ZBA 23-4.

Chairman Telliga stated this is one of the most thoroughly presented cases the Board has received. Chairman Telliga commended both the applicant and City Zoning staff for their work on ZBA 23-4.

Commissioner Dohrman made a motion to approve **ZBA 23-4**: Brian Butkis requests a Non-Use Variance at 719 Harrison St. Flint, MI 48502 (PID 41-18-135-023) to provide 20% relief from the 70% ground-floor transparency requirements for commercial uses in the DE – Downtown Edge District. Commissioner Dohrman noted the following findings of fact:

- Standard 1, Unique Conditions to the subject property.
- Standard 2, The proposed use offers uses which require privacy.
- Standard 3, Existing topography on site is the primary reason compliance with the transparency standard is difficult.
- Standard 4, The intent of the transparency requirement is still met.
- Standard 5, The variance complies with the intent of the City Zoning Ordinance and Master Plan.

Commissioner Kea supported the motion.

Chairman Telliga called for a roll call vote.

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

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

M/S – Dohrman/Kea

7 – yes, 0 – no, 0 – abstain

The motion carried.

ZBA 23-5: Shanaya Johnson requests a Use Variance to allow for a Crematory in the CC – City Corridor district at 5404 Clio Rd. Flint, MI 48504 (PID 46-26-351-009).

William Vandercook read the Staff Report for **ZBA 23-5**.

Shanaya Johnson, applicant, stated that she has been working with the City of Flint since 2019. Ms. Johnson has been looking for specialized properties to fit her needs but has been having trouble. She selected to pursue the subject parcel because it is a step away from residences, which is a major concern. She stated the City Zoning Map has changed recently. She stated that this property is midway between meeting her need and not putting other community-oriented



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things in harm or jeopardy. Ms. Johnson stated she has documentation supporting the fact of the proposed crematorium machine not being a nuisance. She stated she has visited other crematoriums with the same machines, she stated in those cases the machines she has witnessed are not a nuisance to respective surrounding areas. She stated if you were outside of the building, you are not able to tell if the machine is running or not. She stated building design contributes to this. She stated the proposed business will be family oriented. She stated the proposed business will be a business-to-business service, working with funeral homes. She contends that her business will draw low traffic flow. Ms. Johnson shared manufacture performance standards, verbally, with the commission.

David Laman, architect for this proposed use, stated that the crematorium equipment is extremely efficient, complete with double chambers for burners. Noise and odors are eliminated through the process of the machine running. Mr. Laman stated the proposed equipment far exceeds state and national standards. Mr. Laman stated they have presented answers to City Zoning Standards on undue hardship.

Commissioner Yelle asked what the potential air pollution emissions from the proposed crematorium equipment are. David Laman stated there is a comparative chart, which shows state standards for particulate emissions. David Laman showed the proposed crematorium equipment air pollution is not more than other uses or activities occurring in the subject CC – City Corridor district.

Commissioner Yelle stated that the manufacture performance standards does not address mercury pollution or other potential pollutants that could be involved in the crematory process. Ms. Johnson stated that when bodies are placed into the crematorium machine, they are not accompanied by a traditional casket. Ms. Johnson stated that further data could be provided speaking to embalmed bodies. Pets are not embalmed traditionally. Not all bodies are embalmed, direct cremation is more popular compared to embalming. Ms. Johnson says that she provides all boxes for bodies, prior to placing the bodies inside the cremator.

Chairman Telliga opens public comment period for ZBA 23-5. No public comments were made.

Chairman Telliga closes public comment period for ZBA 23-5.

Commissioner Dorhman asked Ms. Johnson if she spoke to any neighboring businesses or residents. Ms. Johnson stated she has not. Ms. Johnson stated her subject property is decently separated from neighbors.

Commissioner Kea asked if specific funeral homes need to be utilized by the proposed business. Ms. Johnson stated no, she will utilize funeral homes within Flint and the surrounding areas. Ms. Johnson stated that her target markets are Flint, Saginaw, and Northern Oakland County. Ms. Johnson selected for her business because that is where she grew up, and she realized there is not



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a cremation facility within the city currently. She stated that there is a need for a cremation facility in Flint, and that currently, funeral services are being delayed because there are not enough cremation facilities within the community.

Commissioner Kea has a question for City Zoning staff. He stated typically, this use is permitted in a Production Center zoning district. Commissioner Kea asks staff where Production Center zoning is located in Flint. William Vandercook pulled up the City of Flint Zoning Map to point out these areas. The Zoning Map is shown and discussed; a few areas of the City Zoning Map are zoned for Production Center.

Commissioner Yelle stated that funeral costs are going up. He stated that it is nice to see a business like this being started up that will assist with keeping funeral costs in a good place. Ms. Johnson stated that safety is her priority.

Chairman Telliga asks Ms. Johnson what her background is and how she got into this work. She stated she is an engineer; she is a supervisory engineer currently. She has been in engineering for over 10 years. Her father worked in Deathcare as well.

Chairman Telliga opened the floor to Public comment. A family member of the applicant, who is a real estate broker in the City of Flint, stated she has been involved in the process with the applicant to purchase the subject property and that she hopes the Commission approves this variance.

William Vandercook stated from a zoning standpoint, the zoning coordinator has a responsibility to provide zoning details. The Board can vary from the Zoning Coordinator's findings and report. Commissioner Kea stated that his concern is the capacity of the Board. Commissioner Kea stated that it is his responsibility to carefully evaluate anything that goes in City of Flint neighborhoods.

The Board discussed that no real concerns or threats appear to be present with the proposed use.

William Vandercook stated if the proposed use does become a nuisance, the City could take action on the business. Commissioner Kea continued to state he is concerned with what we allow in our neighborhoods and protecting City of Flint citizens.

Commissioner Yelle made a motion to approve **ZBA 23-5**: Shanaya Johnson requests a Use Variance to allow for a Crematory in the CC – City Corridor district at 5404 Clio Rd. Flint, MI 48504 (PID 46-26-351-009). Commissioner Yelle noted the following findings of fact:

- Standard 1, there are unique conditions to the subject property.
- Standard 2, the zoning was changed by the City of Flint and not by the applicant.
- Standard 3, the requested use will not cause substantial detriment or alter the existing character of the surrounding area.



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- Standard 4, the subject property cannot be reasonably used.
- Standard 5, the requested variance complies with the City Zoning Ordinance and Master Plan.

Commissioner Stebbins supported the motion.

Chairman Telliga called for a roll call vote.

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

Commissioner Dohrman, yes
Commissioner Kea, no
Commissioner Coney, yes
Commissioner Telliga, yes

M/S – Yelle/Stebbins

5 – yes, 2 – no, 0 – abstain

The motion carried.

ZBA 23-6: Matthew Parrinello representing Star Hallwood, LLC requests a Non-Use Variance at 4901 Clio Rd. Flint, MI 48504 (PID 46-34-226-010) from Section 50-114 C.

William Vandercook read the Staff Report for **ZBA 23-6**.

Following the reading of the Staff Report for ZBA 23-6, Chairman Telliga asks if there are any questions for City Staff at this time. Commissioner Yelle asked if the subject parcel within this variance request is for one parcel or if it is multiple parcels. William Vandercook stated that a survey has been done and the Non-Use Variance is based on a proposed property split.

Commissioner Kea stated this is all one shopping center, and the applicant is proposing to change a former grocery store structure into a storage facility.

Chairman Telliga opened the Public Hearing. Mr. Parrinello begins stated they have entered into a proposed lease with the new landowner of the subject property. The new landowner bought the business complex recently with plans to revitalize the entire business complex. The applicant works for a self-storage company, with around 30 self-storage locations, several in the state of Michigan. The self-storage company has been active for about 5 years. The new landowner has installed lots of new pavement and parking lot striping. The new landowner also created a reciprocal easement. As part of the reciprocal easement, Mr. Parrinello is restricted from blocking off any parking areas. As a self-storage business, Mr. Parrinello stated they do not need many parking spaces. Mr. Parrinello understands current ordinance requirements but believes the Ordinance standards they are facing are designed for an outdoor self-storage facility, for which Mr. Parrinello’s employer is not. The proposed storage spaces will be all indoors, and most of the activity on the subject parcel will be contained indoors. Some loading and unloading will occur outside. Mr. Parrinello stated their objectives align with the new landowner, revitalizing



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the existing business complex. Mr. Parrinello stated that installing additional green space would require partial demolition of the new parking lot. Installation of required fencing, per City Ordinance, would be breaking the reciprocal business easement agreement. Based on those facts, Mr. Parrinello is asking for a variance to not install any new landscaping, green spaces, or fencing. Mr. Parrinello stated that if not granted the variance, the applicant’s employer will not be signing a lease agreement to occupy the subject parcel.

Chairman Telliga opened public comment. No public comments were made, no additional comments from City staff at this time.

Chairman Telliga closed public comment.

Commissioner Hardy asked Mr. Parrinello about the wetland on the South end of the subject parcel and whether their plans have any effect on that wetland. Mr. Parrinello responded that they should not, and the applicant does not have plans to occupy that area.

Commissioner Stebbins made a motion to approve **ZBA 23-6**: Matthew Parrinello representing Star Hallwood, LLC requests a Non-Use variance at 4901 Clio Rd. Flint, MI 48504 (PID 46-34-226-010) from Section 50-114 C. Commissioner Stebbins noted the following findings of fact:

- Standard 1, there are unique conditions to the subject property.
- Standard 2, the landscaping requirements would be a substantial detriment to the applicant in using the vacant building within the plaza.
- Standard 3, the need for this variance was not self-created.
- Standard 4, the proposed use is not detrimental to the surrounding properties.
- Standard 5, the subject property and use complies with the City Zoning Ordinance and Master Plan.

Commissioner Coney supported the motion.

Chairman Telliga called for a roll call vote.

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

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

M/S – Stebbins/Coney
7 – yes, 0 – no, 1 – absent
The motion carried.

CITY ATTORNEY REPORT:



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No report.

OLD BUSINESS:

Appointment of Planning Commissioner to ZBA, William Vandercook, Zoning Coordinator

Max Lester stated the Planning Commission is waiting for their vacancies to be filled, before appointing a Planning Commissioner to the Zoning Board of Appeals. Max stated the Planning Commission has two vacancies currently. Ward 2 and Ward 9 are vacant.

William Vandercook stated the Planning Commission is not ready to appoint a member to the ZBA due to current capacity.

ZBA Commissioner Expired Terms and Vacancies, William Vandercook, Zoning Coordinator

Chairmen Telliga stated that he will be reappointed soon and asked his fellow Board members if any of them need to be reappointed soon.

Commissioner Kea asked for a point of clarification from the City Attorney on what the procedure is to be reappointed to the ZBA. The City Attorney said he will get back to Commissioner Kea with the answer.

NEW BUSINESS:

Max stated they met with Lead Planner Roy Lash, and there should be an order in for new binders, to create hard copies of the Zoning Ordinance for all members of the Zoning Board of Appeals.

The City Attorney stated the Zoning Ordinance is very challenging to read without an index or a directory. Chairmen Telliga supported the City Attorney's statement. Max stated they will include a table of contents with the Zoning Ordinance hard copies.

Upcoming Officer Elections – Next Regularly Scheduled Meeting

Chairmen Telliga asked City Staff if they think there will be a variance case to hear next month. Max says they will stay in contact with Chairmen Telliga about upcoming cases.



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Future Joint Meeting with Development Boards and Commissions

Max stated that the City of Flint is attempting to get RRC – Redevelopment Ready Communities, certification. Max stated the City is nearing completion of RRC certification, one of the few items remaining to earn that certification is conducting a joint meeting with the Planning Commission, Zoning Board of Appeals, and the Historic District Commission. There is not a proposed date for this meeting at this time, Max wanted to let the ZBA know this is on the horizon.

Commissioner Kea asked Max what the purpose of the meeting is. Max stated that a Guide to Development is being created by planning consultant, Rowe Professional Services, in an attempt to make the City easier to do business with developers. Commissioner Kea stated that State law is very clear in saying that the Planning Commission and Zoning Board of Appeals are independent bodies. Commissioner Kea is a little concerned about meeting with other bodies while reviewing the same materials. Chairmen Telliga described the purpose of RRC. William Vandercook assures commissioner Kea that no specific case information will be exchanged at this joint meeting. Goals and objectives for the City as a whole will be discussed.

ADJOURNMENT:

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

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

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

M/S – Coney/Stebbins

The meeting was adjourned at 7:50 pm.