



Sheldon Neeley  
Mayor

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

**FLINT ZONING BOARD OF APPEALS**  
**Meeting Minutes**  
**April 18, 2023**

**Board Members Present:**

Matthew Telliga, Chair  
Jerry Kea, Vice-Chair  
Florlisa Stebbins  
Lauren Coney  
Derek Dohrman

**Staff Present:**

JoAnne Gurley, Assistant City Attorney  
Bill Vandercook, Zoning Coordinator  
Max Lester, Zoning Support Planner

**Planning Commission Representative:**

None

**Absent:**

Ari McCaskill  
Ramie Yelle  
John E. Hardy II

**ROLL CALL:**

Chairman Telliga called the meeting to order at 6:02 p.m. Roll was taken, and a quorum was present. The meeting was held in the Dome Auditorium in the South Building of Flint City Hall as well as via Zoom meeting.

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

Florlisa Stebbins – present in-person  
John E. Hardy II – absent  
Derek Dohrman – present in-person  
Ramie Yelle – absent

**ELECTION OF OFFICERS**

Chairman Telliga turned the floor over to Bill Vandercook to conduct the election of officers. Mr. Vandercook opened the floor to nominations for Chairperson. Commissioner Kea motioned to nominate Chairman Telliga to be re-elected as Chair. Chairman Telliga accepted the nomination. Mr. Vandercook asked if there were any other nominations, none were given. Commissioner Stebbins seconded the motion.



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Mr. Vandercook asked for a roll-call vote.

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

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

**M/S – Kea/Stebbins**

*5 – yes 0 – no 0 – abstain*  
*The motion carried.*

Mr. Vandercook returned the floor to Chairman Telliga.

Chairman Telliga opened the floor for nominations for Vice-Chair and motioned to nominate Commissioner Kea. Commissioner Stebbins seconded the motion. Chairman Telliga asked for any other nominations for Vice-Chair, none were given.

Chairman Telliga asked for a roll-call vote.

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

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

**M/S – Telliga/Stebbins**

*5 – yes 0 – no 0 – abstain*  
*The motion carried.*

Chairman Telliga asked Attorney Gurley if an opinion could be given at the next meeting as to whether the Zoning Board of Appeals could continue to hold meetings with a virtual component. Attorney Gurley replied that information was gathered from the Attorney General that meetings can allow the public to participate remotely in conformance with the Americans with Disability Act. Commissioner Dohrman asked if Board members could do so as well. Attorney Gurley replied this includes Board members, but the quorum cannot be the majority of members meeting remotely.



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**ADOPTION OF APRIL 18, 2023 AGENDA:**

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

Commissioner Coney made a motion to approve the agenda of April 18, 2023. Commissioner Stebbins supported the motion.

**M/S – Coney/Stebbins**

*The motion carried via voice vote.*

**ADOPTION OF MARCH 21, 2023 MINUTES**

Chairman Telliga moved to approval of the minutes of March 21, 2023.

Chairman Telliga requested the roll-call votes reflect “yes, no, abstention” rather than “yes, no, absent” and asked that Commissioner Stebbins’ recorded vote be double checked for ZBA 23-5.

Commissioner Kea asked for clarification on the vote count for ZBA 23-5, Max stated they will review the recording to determine the correct count.

Commissioner Kea noted a need to rephrase Paragraph 5 on Page 6 to clarify that during public comment, a family member of the applicant, who is a real estate broker, spoke in favor of the variance.

Commissioner Kea noted a placeholder that was not removed in Paragraph 9 on Page 6.

Commissioner Kea noted that Attorney Tom Sparrow was present for Staff, not Attorney Gurley.

Chairman Telliga motioned to approve the minutes from March 21, 2023 with corrections. Commissioner Coney supported the motion.

Commissioner Stebbins asked that the motion include that she voted “yes” on ZBA 23-5.

Chairman Telliga amended the motion to include the additional change. Commissioner Coney supported the amended motion.

**M/S – Telliga/Coney**

*The motion carried via voice vote.*

**PUBLIC FORUM:**

Chairman Telliga opened the public forum and asked if there was anyone wishing to speak. No one spoke.



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**REPORTS:**

No reports.

**COMMUNICATIONS:**

No Communications.

**PUBLIC HEARING:**

**ZBA 23-7:** Moses Timlin requests a Non-Use Variance to allow for a 15% reduction in ground floor transparency and 14.5% reduction in above ground floor transparency requirements at 200 E. First St (41-18-126-020).

Chairman Telliga noted that an elevation drop is noted in the reasoning for needing the variance, but he could not find the calculation for the drop in the materials.

Mr. Vandercook read the staff report and standards checklist.

Moses Timlin introduced Marta Gazda-Auskalnis and Frank Majewski from the SmithGroup and Dr. Wayne and Carol Parker from Michigan State University. Mr. Timlin also introduced himself as a Development Coordinator for Uptown Reinvestment Corporation (URC). Mr. Timlin stated the variance request was designed to meet the spirit of the Zoning Code while balancing the need for privacy and architectural compatibility with the Flint Journal building.

Ms. Gazda-Auskalnis introduced herself and Mr. Majewski as architects working with URC to design the MSU Expansion.

Ms. Gazda-Auskalnis gave a presentation on the project, noting:

- The proposed location is along Harrison St. between 1<sup>st</sup> St. and 2<sup>nd</sup> St., connected to the south façade of the existing Flint Journal building and extending to the corner of 2<sup>nd</sup> St.
- The main entries to the building are on both Harrison St. and the parking lot to the east.
- The first floor includes public interface rooms and an open office area.
- The second and third floors have various office spaces for staff.
- The development has two public right-of-way facing facades on the west and south.
- The building is designed to be very transparent, but the methodology for calculating transparency does not take all the included transparency areas into account.
- There is an approximate 1 foot 8 inch drop in elevation on the west façade and a 2 foot 6 inch drop in elevation on the east façade.

Chairman Telliga opened the floor to the Public Forum. Commissioner Kea read the Rules of the Public Forum.



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Chairman Telliga asked if anyone would like to speak for or against this case. No one spoke. Chairman Telliga closed the Public Forum.

Commissioner Kea asked for clarification if there are two entrances. Ms. Gazda-Auskalnis confirmed. Commissioner Dohrman asked if the façade areas highlighted in purple represent the limited areas that can be included in the transparency calculation. Ms. Gazda-Auskalnis confirmed, noting the ground floor is limited to the 2 foot to 8 foot from ground area and the upper floors have a shadowbox behind some portions of the glass to improve energy efficiency.

Chairman Telliga noted that Zoning staff are reviewing façade transparency requirements. Mr. Vandercook confirmed this, noting if an amendment is warranted it would come along with other potential changes to the Planning Commission (PC).

Commissioner Dohrman made a motion to approve **ZBA 23-7**: Moses Timlin requests a Non-Use Variance to allow for a 15% reduction in ground floor transparency and 14.5% reduction in above ground floor transparency requirements at 200 E. First St (41-18-126-020), based on the following findings of fact:

- It complies with Standard 1 because the property has exceptional topographical slope between 1<sup>st</sup> St. and 2<sup>nd</sup> St. creating a variable slope along Harrison St.
- It complies with Standard 2 because granting the variance would provide substantial justice to the applicant as well as property owners in the same zoning district.
- It complies with Standard 3 because the need for a variance was not self-created.
- It complies with Standard 4 because granting a variance would not cause substantial detriment to adjacent properties in the surrounding neighborhood.
- It complies with Standard 5 because the proposed structure meets Goal 5 of the Downtown designation in the City of Flint Master Plan.

Mr. Vandercook requested the motion include that Moses Timlin is requesting the variance as an agent of the property owner URC FJ, LLC.

Commissioner Dohrman amended the motion to include the requested change. The motion now reads “Commissioner Dohrman made a motion to approve **ZBA 23-7**: URC FJ, LLC/Moses Timlin requests a Non-Use Variance to allow for a 15% reduction in ground floor transparency and 14.5% reduction in above ground floor transparency requirements at 200 E. First St (41-18-126-020), based on the following findings of fact...”

Commissioner Kea supported the motion.



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Chairman Telliga called for a roll call vote.

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

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

**M/S – Dohrman/Kea**

*5 – yes, 0 – no, 0 – abstain*  
*The motion carried.*

**ZBA 23-8:** Mark Johnson requests a Non-Use Variance from Zoning Code Sections 50-155, 50-156, and 50-157 at 927 S. Saginaw St. Flint, MI 48504 (PID 41-18-180-009).

Chairman Telliga asked staff if a landscape plan was requested from the applicant. Mr. Vandercook responded that staff did request a landscape plan that includes various plants and locations and received the documents that are in the meeting packets. Chairman Telliga noted that the information provided may not be substantial enough to make an informed decision and without a detailed plan the case appears to be incomplete.

Mark Johnson responded that he believes they have the materials as presented. Mr. Vandercook clarified that the Board members have an overview with areas labeled A and B, without specifics to exact location, measurements, planting methods, or plant species.

Michael Zieldorff, the real estate agent for the property, stated his understanding was that specifics could be brought up during the meeting. Chairman Telliga said without a specific drawn plan it will be hard for the Commission to decide, noting that there is no harm in requesting the case be postponed until more complete documents are ready for the Board to review.

Sarah Gabis, the attorney representing the applicants, stated that her client is seeking a variance for all landscape requirements and providing a landscape plan would be counter-productive to the request, aside from limited landscaping in the areas noted. Ms. Gabis noted the variance is needed because there is a change of use from one permitted use to another. There are no exterior modifications proposed to the site as part of the change of use. Ms. Gabis stated they are willing to come back with more information, but she is unsure how much more information can be provided about planters located in the indicated areas while still aligning to their variance request.

Chairman Telliga noted that in the time from when the previous use ceased and the building has been empty, a new Zoning Ordinance was adopted. Chairman Telliga stated they would like to



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see what is proposed versus what the requirement is in the Ordinance. A plan should be presented that shows the limited landscaping proposed in detail.

Ms. Gabis requested the case be postponed while a new landscape plan is created.

Mr. Vandercook noted that if the use was remaining from bank to bank then landscaping requirements might not trigger due to a legally non-conforming status, however, the landscaping requirement is triggered due to a change in use requiring more than nine parking spaces per Section 50-139 B. Additionally, after further review of 50-155, 50-156, and 50-157 the only section that will be triggered is 50-156.

Chairman Telliga asked staff for clarification that the applicant is allowed one postponement with no extra charges required. Mr. Vandercook confirmed.

Chairman Telliga noted this case is postponed indefinitely.

**CITY ATTORNEY REPORT:**

Attorney Gurley noted Attorney Sparrow prepared a draft of appointment of Zoning Board of Appeals (ZBA) members. There are to be ten ZBA Commissioners, nine from each ward and a tenth from the PC. All ten members may vote, with the exception that the PC member may not vote on an appeal to an issue that they have voted on previously at the PC

Commissioner Dohrman asked who appoints ZBA members. Chairman Telliga answered that Councilmembers make recommendations for a ZBA representative for their ward, which is then voted on by the City Council.

**UNFINISHED BUSINESS:**

*Appointment of Planning Commission Member to ZBA*

Mr. Vandercook responded that the PC does not have the capacity to appoint a representative at this time. Chairman Telliga asked how many PC members are currently serving. Mr. Vandercook responded that there are currently seven. Chairman Telliga asked that staff request to the PC that they appoint a representative to the ZBA. Mr. Vandercook responded that his understanding of the issue is that there was confusion about what the PC representative can vote on and discuss, which has now been answered. Mr. Vandercook stated he will bring this up to the PC.

*ZBA Commissioner Expired Terms and Vacancies*

Mr. Vandercook noted there is a vacancy in Ward 3 to be filled. Commissioner Stebbins noted that she is now in Ward 3 because of the boundary change, and she was reappointed previously. Chairman Telliga stated he needs to verify when Commissioner Stebbins' term expired. Chairman Telliga also noted that Commissioner Hardy is now in Ward 1. As a result, the vacancy is technically in Ward 2. Chairman Telliga also informed Commissioner Dohrman that he can reach out to his Council representative to seek reappointment and that Councilwoman Burns believes Commissioner Kea was already reappointed.



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Chairman Telliga asked staff to contact Dr. Lewis and explain there is a vacancy in Ward 2, adding that he will contact Councilman Murphy and ask that Commissioner Stebbins be reappointed to Ward 3, asking staff to first verify the expiration of her term.

Attorney Gurley added that under Section 50-185 of the new Zoning Code there should be two alternate ZBA members in the case of an absence or removal. Chairman Telliga acknowledged, noting that finding alternates may be difficult but he will discuss this with staff.

Commissioner Kea asked who appoints the alternatives. Attorney Gurley stated City Council appoints the alternates who serve a three-year term.

Commissioner Stebbins added that she was reappointed in September 2020 via Zoom to the City Council, which would make this year a reappointment year regardless. A reappointment would also clear up the issue of being in a new ward.

*Zoning Code Hard Copy*

Chairman Telliga expressed appreciation for the hardcopy of the Zoning Code and that it will be helpful for reviewing cases.

**NEW BUSINESS:**

None.

**ADJOURNMENT:**

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

***M/S –Dohrman/Coney***

*The meeting was adjourned at 7:24 pm.*