



Sheldon Neeley  
Mayor

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

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

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**Board Members Present:**

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

**Staff Present:**

Joanne Gurley, Assistant City Attorney  
Tom Sparrow, Assistant City Attorney  
William Vandercook, Zoning Coordinator  
Max Lester, Int. Zoning Coordinator

**Planning Commission Representative:**

N/A

**Absent:**

Florlisa Stebbins

**ROLL CALL:**

Chairperson Telliga called the meeting to order at 6:01 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 online from  
Albion, MI  
Lauren Coney – appearing in person

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

**ADOPTION OF JULY 18<sup>th</sup>, 2023 AGENDA:**

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

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

**M/S – Coney/Kea**

*The motion carried via voice vote.*



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**ADOPTION OF JUNE 20<sup>th</sup>, 2023 MINUTES**

Chairman Telliga requested that staff check to see if a roll call vote was requested for the Adoption of Minutes section.

Commissioner Kea asked that the clarification of Commissioner Coney motioning to approve the minutes as amended.

Chairman Telliga asked that the minutes reflect Commissioner Hardy was present for the meeting, he was unable to vote due to technical challenges.

Commissioner McCaskill motioned to approve the minutes from June 20<sup>th</sup>, 2023 as amended. Commissioner Coney supported the motion.

**M/S – McCaskill**

*The motion carried via voice vote.*

**PUBLIC FORUM:**

Chairman Telliga read the Rules of the Public Forum. No one spoke.

**REPORTS:**

No reports.

**COMMUNICATIONS:**

No Communications.

**PUBLIC HEARING:**

**ZBA 23-11:** Consumer's Energy requests a Non-Use Variance at 3525 Chicago Blvd. Flint, MI 48503 (PID # 40-23-301-002) to provide 15-foot relief from the 25-foot required rear-yard setback in a TN-2 Traditional Neighborhood Medium Density district.

Max Lester read the Staff Report and Review Standards Checklist.

Joe Lawson is speaking on behalf of Consumer's Energy. Mr. Lawson stated that staff gave a detailed overview of the project and gave additional details. The building is currently about 6 feet from the rear property line, the proposed building will be 10 feet from the property line. The proposed building is also shifted North due to the pipe configuration and moves the building further from the property to the South. The proposed building is 12 feet by 16 feet.

Chairman Telliga asked if the buildings will look similar. Mr. Lawson answered that they would not, the original building is brick, and the proposed building uses an earthy brownish tone metal siding.



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**MATTHEW TELLIGA, CHAIRMAN**

Commissioner Kea asked about the difference in height. Mr. Lawson stated the proposed building has 9-foot-high walls. It is believed that the new building is slightly shorter in addition to being slightly smaller than the original building.

Commissioner Yelle asked if the gas lines are old and if they will be replaced. Mr. Lawson gave a brief overview of how the gas regulator stations function. There are existing pipes on the site servicing the current station. The valves will be upgraded to allow remote shutoff and piping inside and under the facility will be replaced. Commissioner Yelle asked how Consumers Energy will be alerted to a gas leak. Mr. Lawson stated no one would need to call in and it would be automatically reported if a loss of pressure is detected.

Chairman Telliga asked if anyone from the Public would like to speak on the case. No one spoke.

Commissioner McCaskill made a motion to approve ZBA 23-11: Consumer’s Energy requests a Non-Use Variance at 3525 Chicago Blvd. Flint, MI 48503 (PID # 40-23-301-002) to provide 15-foot relief from the 25-foot required rear-yard setback in a TN-2 Traditional Neighborhood Medium Density district, based on the following findings of fact:

Complies with Standard 2 because granting the requested variance would do substation justice to the applicant which is otherwise limited in redeveloping the site without a change of use due to the configuration of the property.

Chairman Telliga asked to add that it complies with Standard 3 as the issue is not a self-created hardship by the property owner or their predecessor in title. Commissioner McCaskill agreed with the addition.

Commissioner Coney supported the motion.

Chairman Telliga called for a roll call vote.

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

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

**M/S – McCaskill/Coney**  
*7 – yes, 0 – no, 0 – abstain*  
**The motion carried.**



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**ZBA 23-12:** Consumer's Energy requests a Non-Use Variance at 3525 Chicago Blvd. Flint, MI 48503 (PID # 40-23-301-002) to allow for chain-link fence material in the front yard areas in a TN-2 Traditional Neighborhood Medium Density district.

Max Lester read the Staff Report and Review Standards Checklist.

Chairman Telliga asked for clarification on fencing that is allowed in front yards. 4-foot-tall fencing is permitted in front yard areas, but chain-link material is not permitted in front yards.

Commissioner Kea asked for clarification as to what is considered the front yard for this area. Max answered that they believe it is along Ballanger Hwy due to the orientation of the building and driveway.

Joe Lawson is speaking on behalf of Consumer's Energy. Mr. Lawson discussed the Transportation Security Administration (TSA) guidelines document mentioned in the Staff Report regarding gas utility stations, noting these are guidelines and not strict requirements. Chain-link is being requested as barbed wire is intended to be incorporated into the overall design. The applicant is open to vinyl-coated chain-link.

Chairman Telliga stated it is his understanding other communities have stopped allowing chain-link fencing with barbed wire for some time now and asked if they have done decorative fencing in other communities. Mr. Lawson stated they have used decorative fencing in other communities. Chairman Telliga discussed that he is uncomfortable with 7 foot high chain-link with a foot of barbed wire, however, also noting that these concerns need to be balanced with security for the site. Commissioner Yelle agreed with the overall point on chain-link material and the need to secure utility infrastructure.

Chairman Telliga asked Mr. Lawson if there is a material option that he feels would provide adequate security at 7-foot-tall. Mr. Lawson said they have a decorative aluminium fence that they can use and requested that chain-link with barbed wire still be permitted on the rear and interior side property lines. Chairman Telliga noted the request pertains to the front yards. Commissioner Yelle noted there are residences abutting to the East and South of the subject property.

Commissioners asked for clarification to the current request. Max responded that the request is for chain-link material in the front yard areas, other yards are not considered in this case.

Discussion was held on barbed wire for fencing. Max added that barbed wire is permitted for utilities in the Zoning Code and is not apart of the current request.



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Commissioner Kea commented that security and appearance are concerns to be considered, noting his foremost concern is security. Commissioner Kea asked if the pedestrian gate is 4 feet tall. Mr. Lawson clarified that it is 4 feet wide, not 4 feet tall.

Commissioners discussed the existing fence noted on the plans on the East property line. This fence belongs to the neighbor. Chairman Telliga asked who maintains the property between the two fences. Mr. Lawson stated gravel will be used in the yard up to that point.

Chairman Telliga asked staff for clarification in how to make a motion for decorative aluminium or another type of fencing. Max responded that if the Board believes decorative aluminum is the best material, a motion for denial would ensure the applicants have to use decorative metal based on approved materials from the Zoning Code.

Commissioner Dohrman asked if the only property line that is being considered is the front property line along Ballanger Hwy. Max confirmed this is correct. Mr. Lawson stated he believes they would maintain the decorative aluminium all the way around the Ballanger Hwy. property line to the Chicago Blvd. property line.

Max read a communication from Dennis Pfeiffer, resident and Councilman from the 8<sup>th</sup> Ward, expressing opposition to an 8-foot-tall chain-link fence.

Chairman Telliga asked if anyone from the Public would like to speak on the case. No one spoke.

Commissioner Dohrman made a motion to deny ZBA 23-12: Consumer's Energy requests a Non-Use Variance at 3525 Chicago Blvd. Flint, MI 48503 (PID # 40-23-301-002) to allow for chain-link fence material in the front yard areas in a TN-2 Traditional Neighborhood Medium Density district based on the following findings of fact:

Does not comply with Standard 1 because there are not exceptional or unique aspects of the property or exceptional circumstances necessitating the need for the request.

Does not comply with Standard 2 because granting the variance would supply a substantial property right not afforded to other properties in the same zoning district and in the neighboring area.

Commissioner McCaskill supported the motion.



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

Chairman Telliga called for a roll call vote.

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

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

**M/S – Dohrman/McCaskill**

*7 – yes, 0 – no, 0 – abstain*

***The motion carried.***

**ZBA 23-13:** Consumer’s Energy requests a Non-Use Variance at 3525 Chicago Blvd. Flint, MI 48503 (PID # 40-23-301-002) to provide 4-foot height relief from Table 50-63 to allow for an 8-foot tall open fence in the front yard areas in a TN-2 Traditional Neighborhood Medium Density district.

Max Lester read the Staff Report and Review Standards Checklist.

Chairman Telliga asked if the variance requested only applies to fence height and only along Ballanger Hwy. Max confirmed.

Joe Lawson is speaking on behalf of Consumer’s Energy. Mr. Lawson stated the staff report laid things out nicely and offered to answer any questions.

Chairman Telliga asked if anyone from the Public would like to speak on the case. No one spoke.

Max read a communication from Dennis Pfeiffer, resident and Councilman from the 8<sup>th</sup> Ward, expressing opposition to an 8-foot-tall chain-link fence.

Commissioner Dohrman made a motion to approve ZBA 23-13: Consumer’s Energy requests a Non-Use Variance at 3525 Chicago Blvd. Flint, MI 48503 (PID # 40-23-301-002) to provide 4-foot height relief from Table 50-63 to allow for an 8-foot tall open fence in the front yard areas in a TN-2 Traditional Neighborhood Medium Density district based on the following findings of fact:

Complies with Standard 1 because there are exceptional circumstances or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district or in the general vicinity.

Complies with Standard 2 because granting the requested variance would allow the preservation and enjoyment of a substantial property right of those in the same zoning district and in the neighboring area.



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FLINT ZONING BOARD OF APPEALS  
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Commissioner Coney supported the motion.

Chairman Telliga called for a roll call vote.

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

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

**M/S – Dohrman/Coney**

*7 – yes, 0 – no, 0 – abstain*

***The motion carried.***

**CITY ATTORNEY REPORT:**

Attorney Sparrow spoke on voting restrictions for the Planning Commission Representative on the Zoning Board of Appeals, noting they cannot participate or vote in a public hearing in a case that they voted on as a member of the Planning Commission.

Mr. Vandercook asked if the representative can give a report on the case. Attorney Sparrow stated they can give a report, they just cannot vote.

Attorney Sparrow also discussed quorum. In order to meet quorum six of ten members are required, regardless of whether seats are vacant or filled. Six are needed to vote on non-use variances and seven are needed for use variances.

Max asked for clarification on the first topic, whether participation includes deliberations. Attorney Sparrow stated they do not need to leave; they simply cannot vote on the case.

**OLD BUSINESS:**

Discussion was held on the vacant seat for Ward 3 and status of expired terms.

**NEW BUSINESS:**

Chairman Telliga made a motion to initiate an executive closed session. Attorney Gurley cited MCL 15.268 E. and stated the reason to enter closed session is to discuss pending litigation.

Commissioner Kea supported the motion.



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Chairman Telliga called for a roll call vote.

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

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

**M/S – Telliga/Kea**

*7 – yes, 0 – no, 0 – abstain*

***The motion carried.***

The Board entered the executive closed session at 7:34 p.m.

The Board exited the executive closed session at 8:00 p.m.

Mr. Vandercook announced that this will be his last meeting as he is taking a job in Traverse City, MI.

Commissioner Dohrman asked Attorney Sparrow asked for clarification on the majority members of the Board. Attorney Sparrow responded that the opinion that was passed out that our ordinance points to the Board having ten members and the language is based on this.

**ADJOURNMENT:**

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

***M/S – Kea/Yelle***

***The motion carried via voice vote.***

***The meeting was adjourned at 8:04 p.m.***