



Sheldon Neeley  
Mayor

# CITY OF FLINT

FLINT ZONING BOARD OF APPEALS  
MATTHEW TELLIGA, CHAIRPERSON

## FLINT ZONING BOARD OF APPEALS

Meeting Minutes  
December 19th, 2023

**Board Members Present:**

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

**Staff Present:**

Tom Sparrow, Assistant City Attorney  
Brian Acheff, Zoning Coordinator  
Max Lester, Int. Zoning Coordinator  
Dalton Castle, Planner I  
Tyler Bailey, Deputy Director of Business Services

**Planning Commission Representative:**

Unassigned

**Absent:**

**ROLL CALL:**

Chairperson 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 at the City of Flint City Hall as well as via Zoom meetings.

Matthew Telliga, Chair – present  
Jerry Kea, Vice-Chair – present  
Ari McCaskill – present

Lauren Coney – present  
Derek Dohrman – present  
Ramie Yelle – present

**ADOPTION OF DECEMBER 19TH, 2023 AGENDA:**

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

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

**M/S – McCaskill/Coney**

***Motion carried.***

**ADOPTION OF SEPTEMBER 19<sup>TH</sup> & OCTOBER 17<sup>TH</sup>, 2023 MINUTES**

Chairperson Telliga asked if there were any changes to the minutes of September 19<sup>th</sup>, 2023.

Commissioner Kea asked if they had completed the discussion on voting requirements for use variances. Chairperson Telliga said they would go over the requirements during Old Business.



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Commissioner McCaskill motioned to approve the minutes from September 19<sup>th</sup>, 2023, as written. Commissioner Coney supported the motion.

Chairperson Telliga asked for a roll-call vote.

Commissioner Yelle, yes  
Commissioner Telliga, yes  
Commissioner McCaskill, yes

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

**M/S – McCaskill/Coney**

*6 – yes 0 - no 0 – absent*

*The motion carried.*

Chairperson Telliga asked if there were any changes to the minutes of October 17<sup>th</sup>, 2023.

Commissioner McCaskill motioned to approve the minutes from October 17<sup>th</sup>, 2023, as written. Commissioner Coney supported the motion.

Chairperson Telliga asked for a roll-call vote.

Commissioner Yelle, yes  
Commissioner Telliga, yes  
Commissioner McCaskill, yes

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

**M/S – McCaskill/Coney**

*6 – yes 0 - no 0 – absent*

*The motion carried.*

## **PUBLIC FORUM:**

Chairperson Telliga read the Rules of the Public Forum.

No one spoke.

## **REPORTS:**

No reports at this time.

## **COMMUNICATIONS:**

Max Lester stated there have been additional communications regarding ZBA 23-21 & ZBA 23-22. Chairperson Telliga asked that they be read out during their respective public hearings.

## **PUBLIC HEARING:**

**ZBA 23-17:** Tamika Lang requests a Use Variance to allow for a ‘Group Child Care Home’ at



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245 E. Lorado Ave., Flint, MI 48505 (PID # 46-25-251-029).

Tom Sparrow, Assistant City Attorney, stood and explained that with only six commissioners present they do not have enough votes to pass a Use Variance.

Chairperson Telliga explained to the applicant, with apologies from the City of Flint, that they cannot act on this item. He proposed it be moved to the January meeting in which two additional members are expected to be present. Everyone agreed.

Chairperson Telliga stressed the importance of the Planning Commission appointing a liaison as if they had only had one more member present the Zoning Board of Appeals would be able to act on this application.

**ZBA 23-18:** Marathon Flint Oil Co. requests a Non-Use Variance for relief from Section 50-155 Building Foundation Zone Landscaping for the northern elevation of a proposed building at two parcels on Kent St., identified with PID # 41-16-351-023 and 41-16-351-053 (Future combined PID # 41-16-351-054), Flint, MI 48503.

Andrew Roeser presented on behalf of Marathon Flint Oil Co. He explained that no other lot in the industrial area surrounding the parcel in question has the required landscaping.

Max presented the staff report. They explained that it is staff recommendation that the Zoning Board of Appeals review the standards checklist to determine if the applicant is eligible for a Non-Use Variance.

Mr. Roeser said that opening a new business at this location would be enough of an improvement for the area itself and that landscaping is unnecessary.

Chairperson Telliga opened a public hearing. No one spoke.

Commissioner Kea made a motion to deny the application based on it not meeting all the standards outlined in the Zoning Ordinance. Commissioner Yelle supported the motion.

Commissioner McCaskill clarified for the record that the surrounding community is entirely commercial. Chairperson Telliga responded saying that the character of the surrounding area may change over time.

Chairperson Telliga called for a roll call vote.

Commissioner Telliga, yes  
Commissioner Coney, yes  
Commissioner McCaskill, no

Commissioner Yelle, yes  
Commissioner Dohrman, yes  
Commissioner Kea, yes



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### **M/S – Kea/Yelle**

*Motion failed –*

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

Commissioner McCaskill made a motion to approve the application based on it meeting the standards outlined in the Zoning Ordinance. Commissioner Dohrman supported the motion.

Chairperson Telliga called for a roll call vote.

Commissioner Telliga, no  
Commissioner Coney, no  
Commissioner McCaskill, yes

Commissioner Yelle, no  
Commissioner Dohrman, no  
Commissioner Kea, no

### **M/S – McCaskill/Dohrman**

*Motion failed –*

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

**ZBA 23-19:** Marathon Flint Oil Co. requests a Non-Use Variance for relief from Section 50-68 C., the requirement to provide a sidewalk along public rights-of-way for new developments at two parcels on Kent St. with no addresses, identified with PID # 41-16-351-023 and 41-16-351-053 (future combined PID # 41-16-351-054), Flint, MI 48503.

Max presented the staff report. They explained that it is staff recommendation that the Zoning Board of Appeals review the standards checklist to determine if the applicant is eligible for a Non-Use Variance.

Mr. Roeser presented on behalf of Marathon Flint Oil Co. He explained that the area is industrial and does not currently have sidewalks. Many lots have fences up to the property lines, meaning if constructed the sidewalk would lead to a dead-end reaching the fence at the property line.

Chairperson Telliga & Commissioner Yelle discussed the future implications of having a sidewalk built on the property. They discussed the unfortunate nature of having a “sidewalk to nowhere” at time of construction and acknowledged the future benefits if neighboring lots become more developed.

Commissioner Kea explained his thought process & consideration of intent of the city’s Master Plan.

Commissioner Dohrman expressed sympathy for the applicant but said that if variances to avoid building sidewalks continue to be allowed then sidewalks will never be developed in the area.

Commissioner McCaskill expressed that he would agree if not for the commercial nature of the area.



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Commissioner McCaskill made a motion to approve the application based on it meeting the standards outlined in the Zoning Ordinance. Commissioner Coney supported the motion.

Chairperson Telliga called for a roll call vote.

Commissioner Telliga, no  
Commissioner Coney, yes  
Commissioner McCaskill, yes

Commissioner Yelle, no  
Commissioner Dohrman, no  
Commissioner Kea, no

**M/S – McCaskill/Coney**

*Motion failed –*

*2 – yes, 4 – no, 0 – abstain, 0 – absent*

**ZBA 23-20:** Marathon Flint Oil Co. requests a Non-Use Variance for relief from Section 50-63 B. 10. to allow for barbed wire on fencing and to allow for chain-link fencing in the front yard area at two parcels on Kent St. with no addresses, identified with PID # 41-16-351-023 and 41-16-351-053 (future combined PID # 41-16-351-054), Flint, MI 48503.

Max presented the staff report. They explained that it is staff recommendation that the Zoning Board of Appeals review the standards checklist to determine if the applicant is eligible for a Non-Use Variance.

Commissioner Kea commented that the board has seen similar applications to this one.

Mr. Roeser presented on behalf of Marathon Flint Oil Co. He stressed the importance of security and the requirements laid out by Homeland Security.

Commissioner Dohrman asked the applicant if they had considered alternative options to secure the property.

Mr. Roeser explained the lengths other properties have gone to in terms of security. The neighboring property went as far as electrifying their fence.

Chairperson Telliga asked staff what alternative options exist for the applicant.

Max explained the regulations laid out in the Zoning Ordinance.

Commissioner McCaskill noted the applicant has a fair point that fuel delivery requires a reasonable level of security.

Commissioner Kea referenced similar cases. Chairperson Telliga reminded the board to not consider other cases when deliberating on ZBA 23-20.

Commissioner Dohrman said the applicant seems to have other valid security options such as security cameras and increasing the height of the fence.



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Commissioner McCaskill made a motion to approve the application based on it meeting the standards outlined in the Zoning Ordinance. Commissioner Coney supported the motion.

Chairperson Telliga called for a roll call vote.

Commissioner Telliga, yes  
Commissioner Coney, yes  
Commissioner McCaskill, yes

Commissioner Yelle, no  
Commissioner Dohrman, yes  
Commissioner Kea, no

### **M/S – McCaskill**

*Motion failed –*

*4 – yes, 2 – no, 0 – abstain, 0 – absent*

**ZBA 23-21:** CitySwitch II, LLC., representing CSX Transportation Inc., requests a Non-Use Variance seeking relief of 355 feet from the required 500-foot setback for Wireless Communication Facilities from a residential district and at a parcel along Douglas Ave. with no address, identified with PID # 41-04-153-015.

Max presented the staff report. They explained that it is staff recommendation that the Zoning Board of Appeals review the standards checklist to determine if the applicant is eligible for a Non-Use Variance.

John Sindyla presented on behalf of CitySwitch II, LLC. He said that despite being zoned to allow for this use there is nowhere on this property that the proposed tower could be placed while meeting all required setbacks. He explained that the existing zoning patterns show all neighboring properties are commercial.

Chairperson Telliga opened public hearing.

Ron Redick, an attorney, spoke against the allowance of a Non-Use Variance. He said this application is not so much requesting a Variance as it is requesting to ignore the Zoning Ordinance. He then explained how the application does not meet the standards for a Variance, referencing section 50-126 J of the Zoning Code.

Cliff Carlin spoke in favor of the application, stating that he hopes that the tower will improve his cell connection.

Jared Hopkins asked if there were negative affects caused by the tower being constructed.

Commissioner Kea commented on the significance of the amount of relief requested from the Zoning Ordinance.



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Commissioner McCaskill commented on the need for the communications tower for safety purposes. He asked the applicant if, based on their research, this was the best location for this tower.

Mr. Sindyla explained he was not aware of the rationale for deciding the location of the tower. He then asked to table the applications ZBA 23-21 & ZBA 23-22 to confer with his client.

ZBA 23-21 & ZBA 23-22 were tabled until future notice by the applicant.

**ZBA 23-22:** CitySwitch II, LLC., representing CSX Transportation Inc., requests a Non-Use Variance seeking relief of 65 feet from the southern property line, relief of 56 feet from the eastern property line, and relief of 24 feet from the western property line from the required 75-foot setback for Wireless Communication Facilities from all property lines at a parcel along Douglas Ave. with no address, identified with PID # 41-04-153-015.

**Tabled during previous discussion.**

### **CITY ATTORNEY REPORT:**

No report at this time.

### **OLD BUSINESS:**

#### **Appointment of Planning Commissioner to ZBA**

Chairperson Telliga stated his patience “is gone” on this topic. He said he is tired of excuses & it is unacceptable they had to turn a case away due to the lack of an appointment to the Liaison role.

Tyler Bailey explained there is little staff can do to expedite action by the Planning Commission. He explained new legal advice has clarified the role and he hopes that knowledge will be useful in communications with the Planning Commission.

Chairperson Telliga said he is considering writing a letter to the Mayor and City Council regarding the inaction of the Planning Commission.

Mr. Bailey said he cannot speak to the motives of the Planning Commission.

Chairperson Telliga asked Attorney Sparrow to work with him on drafting the letter he previously discussed. Attorney Sparrow agreed.

Commissioner Yelle commented on the City Council not appointing the other two members of the Zoning Board of Appeals.

Commissioner Kea discussed voting requirements with Attorney Sparrow.



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Mr. Bailey asked that the fact the Board lacks members appointed by the City Council from Wards one, two, and three be included in the letter.  
Chairperson Telliga explained that someone from Ward 2 has been appointed and an individual from Ward 1 will soon be appointed.

Commissioner Kea asked who Tyler Bailey is.

Mr. Bailey introduced himself and explained his role as Deputy Director of Business Services.

## **ZBA Commissioner Expired Terms & Vacancies**

### **NEW BUSINESS:**

Mr. Bailey introduced the City’s new Zoning Coordinator, Brian Acheff, and new Planner I, Dalton Castle.

### **ADJOURNMENT:**

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

Commissioner Telliga, yes  
Commissioner Coney, yes  
Commissioner McCaskill, yes

Commissioner Yelle, yes  
Commissioner Dohrman, yes  
Commissioner Kea, yes

### ***M/S –Coney/Dohrman***

*The meeting was adjourned at 8:04 pm.*