



Sheldon Neeley
Mayor

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

FLINT ZONING BOARD OF APPEALS
Draft Meeting Minutes
February 20th, 2024

Board Members Present:

Matthew Telliga, Chair
Jerry Kea, Vice-Chair
Ari McCaskill
Ramie Yelle
Willie Buford
Derek Dohrman
Jon Kingen

Staff Present:

Tom Sparrow, Assistant City Attorney
Max Lester, Int. Zoning Coordinator
Dalton Castle, Planner I

Planning Commission Representative:

Carol-Anne Blower

Absent:

Lauren Coney

ROLL CALL:

Chairperson Telliga called the meeting to order at 6:07 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 – absent
Willie Buford – present

Derek Dohrman – present
Ramie Yelle – present
Jon Kingen - present
Carol-Anne Blower - present

ADOPTION OF JANUARY 16TH, 2024 AGENDA:

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

Chairman Telliga asked that the city marihuana ordinance be discussed in new business.

ADOPTION OF MINUTES

The minutes of December 19th, 2023, and January 16th, 2024, were presented.

Chairman Telliga asked if there were any corrections or edits to the minutes of December 19th, 2023.



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Commissioner McCaskill made a motion to approve the minutes of December 19th, 2023, as presented.

Commissioner Yelle seconded the motion.

Chairman Telliga called for a roll call vote.

Commissioner Buford, yes
Commissioner Kingen, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Blower, abstain

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

M/S – McCaskill/Yelle

Motion carried –
7 – yes, 0 – no, 1 – abstain

Chairman Telliga asked if there were any corrections or edits to the minutes of January 16th, 2024.

Commissioner Yelle made a motion to approve the minutes of January 16th, 2024, as presented.

Commissioner McCaskill seconded the motion.

Chairman Telliga called for a roll call vote.

Commissioner Buford, yes
Commissioner Kingen, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Blower, abstain

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

M/S – Yelle/McCaskill

Motion carried –
7 – yes, 0 – no, 1 – abstain

PUBLIC FORUM:

Chairman Telliga opened the floor for Public Forum. No one spoke.

REPORTS:

No reports.



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COMMUNICATIONS:

No Communications.

PUBLIC HEARING:

ZBA 23-17: Tamika Lang requests a Use Variance to allow for a ‘Group Child Care Home’ in a GI-1: Green Innovation Medium Intensity zoned district located at 245 E. Lorado Ave., Flint, MI 48505 (PID # 46-25-251-029).

Max read the staff report. They stated that the City’s regulation on group childcare homes is not in congruence with state law nor the goals of the Comprehensive Plan. While it would be ideal to fix this issue via text amendments to the ordinance, staff is requesting the Zoning Board of Appeals act on this case to save time for the applicant.

Chairman Telliga asked what the previous zoning of the property was. Max could not recall the specific zoning, but confirmed it was previously residential.

Chairman Telliga asked about the number of children allowed in the home. To Max’s knowledge the law was recently updated to allow 8-14 children. Chairman Telliga clarified that if they intended to have 6 or fewer children then this case would not have needed to come before the ZBA. Max stated that was correct.

Chairman Telliga requested that Max read every permitted land use in the GI-1 district.

Tamika Lang presented her case. She discussed the need for childcare within her neighborhood.

Commissioner Kea asked if there was a fence in the backyard in order to provide children with a safe outdoor area to play in. Ms. Lang explained there is a fence in the backyard and intends to add a fence in the front yard. Chairman Telliga clarified that would fall under the regulations of state licensing.

Commissioner Yelle asked if the property was purchased prior to the new Zoning Code adopted in 2022. Ms. Lang said the property was purchased in December 2023.

Chairman Telliga opened the floor for public hearing. Commissioner McCaskill read the rules of public hearing. Precious, who attended via zoom, was in attendance to support Ms. Lang’s application.



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Commissioner McCaskill made a motion to approve **ZBA 23-17** based on the application meeting the following findings of fact:

- It complies with **Standard 1** because the subject property meets all standards required by state law to permit the use.
- It complies with **Standard 2** because the variance would grant significant justice to the property owner.
- It complies with **Standard 3** because the need for a variance was not self-created.
- It complies with **Standard 4** because granting the variance would not cause substantial detriment to adjacent properties and the surrounding neighborhood because it is a residential use.
- It complies with **Standard 5** because the proposed variance is consistent with the purpose and will not materially intent of the Master Plan, Zoning Ordinance, and Zoning District.

Chairman Telliga said they have a properly stated motion and asked if they have support.

Commissioner Yelle seconded the motion.

Chairman Telliga called for a roll call vote.

Commissioner Buford, yes
Commissioner Kingen, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Blower, yes

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

M/S – McCaskill/Yelle

Motion carried –

8 – yes, 0 – no, 0 – abstain

ZBA 24-1: McNicol Properties/Crooked Ladder requests a Use Variance to allow a Group G – Class A Marihuana Microbusiness in a GN-1: Green Neighborhood zoned district located at 2730 S. Dort Hwy., Flint, MI 48507 (PID # 41-20-278-019).

Max read the staff report. It is staff recommendation to review the standards and determine if the application is eligible for the requested variance.

Chairman Telliga asked Max the previous zoning of the property as well as those adjacent. Max said they were a combination of D-6 and E. Commissioner Blower clarified that those designations reflect high commercial areas.

Commissioner McCaskill read sections E.1 and E.2 of the local marihuana ordinance.



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Max read aloud the definition and the allotted functions of a Class A Marihuana Microbusiness.

Commissioner McCaskill read the purpose and intent of GN-1 zoning.

Chairman Telliga said the site plans provided by staff are too small for himself or Commissioner Kea to see.

John McNicol presented the application. He believes that the staff's report properly reflected the need for a variance. He discussed the timeline of himself and his wife purchasing the property and confirming with zoning staff that it was eligible for their intended business. Chairman Telliga asked when the property was purchased. Mr. McNicol said either April or May of 2022. Chairman Telliga clarified that this was roughly 6 months prior to the rezoning in October 2022 which changed the property from a commercial zoning to a residential one.

Chairman Telliga opened the floor for public hearing. No one spoke.

Chairman Telliga expressed his sympathy for the issues the applicant is facing. Commissioner Blower commented on how the applicant is dealing with the issues commonly caused by the Green zoning designation.

Commissioner McCaskill made a motion to approve **ZBA 24-1** based on the application meeting the following findings of fact:

- It complies with **Standard 1** because it will not alter the essential character of the neighborhood because.
- It complies with **Standard 2** because the need for a variance was not self-created by the applicant to the applicant's predecessor in title because.
- It complies with **Standard 3** the use will be compatible with adjacent uses of land because.
- It complies with **Standard 4** because the plight is due to unique circumstances peculiar to the property and not general neighborhood conditions because.
- It complies with **Standard 5** because issuance of the variance will still ensure the spirit of the ordinance remains intact because.

Chairman Telliga said they have a properly stated motion and asked if they have support.

Commissioner Buford seconded the motion.

Chairman Telliga commented that he is in full support of this motion. He clarified that the motion will need 7 of the available 8 votes to pass.

Chairman Telliga called for a roll call vote.



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Commissioner Buford, yes
Commissioner Kingen, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Blower, yes

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

M/S – McCaskill/Buford

Motion carried –

8 – yes, 0 – no, 0 – abstain

Commissioner Blower was excused at 7:07 p.m.

ZBA 24-2: McNicol Properties/Crooked Ladder requests Non-Use Variance relief of 300 ft. from the 300 ft. required distance from a residential zone for a Group G – Class A Marihuana Microbusiness located at 2730 S. Dort Hwy., Flint, MI 48507 (PID # 41-20-278-019).

Max read the staff report. Staff recommendation is to approve the application based on the properties within the 300 ft. distance all being commercial in nature in spite of their residential zoning.

Chairman Telliga explained that the previous action on ZBA 24-1 allowed the use of a Class A Marihuana Microbusiness on the property, however that use is still not allowed due to the proximity to residentially zoned property. That is the issue of ZBA 24-2.

Chairman Telliga said that the letters of support for ZBA 24-2 may be allowed in despite not being included in the original materials provided to the Commissioners. He noted he would not normally allow this but is willing to give the benefit of the doubt that this was a mistake considering the delays the applicant has faced.

Max read a letter of support for ZBA 24-2 that has been signed by Al's Coney Island, Ace Speedy Supply, O'Reilly's Auto parts, Eric Frederick, Dort Liquor, Lisa Thompson, and Duke's Car Stereo.

Mr. McNicol presented the application again. He stressed that each neighbor that signed the letter of support were businesses or representatives thereof. He said this to show that none of his neighbors are residents despite having their properties zoned as such.

Chairman Telliga opened the floor for public hearing. Candice McNicol spoke in favor of the application. She stressed again that the adjacent properties were all previously zoned as commercial.



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Commissioner Kea asked if the proposed addition that will be seen under ZBA 24-3 will affect the 300 ft. buffer zone. Chairman Telliga said it would not.

Commissioner McCaskill made a motion to approve **ZBA 24-2** based on the application meeting the following findings of fact:

- It complies with **Standard 1** the proposed use will not alter the essential character of the neighborhood because.
- It complies with **Standard 2** the problem was not a self-created hardship because.
- It complies with **Standard 3** the use will be compatible with adjacent use of land.
- It complies with **Standard 4** the plight is due to unique circumstances peculiar to the property and not due to general neighborhood conditions.
- It complies with **Standard 5** issuance of the variance will still ensure the spirit of the ordinance remains intact.

Chairman Telliga said they have a properly stated motion and asked if they have support.

Commissioner Dohrman seconded the motion.

Chairman Telliga called for a roll call vote.

Commissioner Buford, yes
Commissioner Kingen, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Blower, absent

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

M/S – McCaskill/Dohrman

*Motion carried –
7 – yes, 0 – no, 0 – abstain*

Commissioner Dohrman was excused at 7:27 p.m.

ZBA 24-3: McNicol Properties/Crooked Ladder requests Non-Use Variance relief of 10.7 feet from the required 15-foot smaller side yard setback and 15 feet from the required 50-foot aggregate side yard setback minimum in a GN-1: Green Neighborhood zoned district located at 2730 S. Dort Hwy., Flint, MI 48507 (PID # 41-20-278-019).

Chairman Telliga stressed to staff that the size of the provided site plan will be an issue for review of this case. He asked if there were any options to accommodate himself and Commissioner Kea.



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Max put the site plan on the projection screen.

Max read the staff report. Commissioner Kea interrupted to ask about the neighboring parcels and orientation of the site plan.

Mr. McNicol explained that to the East of the site is Al's Coney Island, to the West is empty woods, and to the North is vacant lots.

Commissioner Kea asked about the fire lane requirements for a site plan. Chairman Telliga commented that the applicant is maintaining the current side yard setback on the South property line.

Max finished reading the staff report. It is staff recommendation that the ZBA review the standards and approve the application if they believe all are met.

Chairman Telliga commented that he is highly familiar with this property as he is known to frequent Al's Coney Island across the street.

Chairman Telliga clarified to the remainder of the Board that this case is simply to review the setback requirements. He said that in order to meet the requirement Mr. McNicol would have to reduce the width of the building by 10 ft.

Mr. McNicol stressed that the addition would simply maintain the existing nonconforming setback requirements. He then stressed that the neighboring lot which would be most affected is currently vacant.

Commissioner Kea commented that they must consider that it may not always be vacant.

Commissioner McCaskill made a motion to approve **ZBA 24-3** based on the application meeting the following findings of fact:

- It complies with **Standard 1** it will not alter the essential character of the neighborhood.
- It complies with **Standard 2** the need for a variance was not self-created by the applicant to the applicant's predecessor in title.
- It complies with **Standard 3** the use will be compatible with adjacent uses of land.
- It complies with **Standard 4** the plight is due to unique circumstances peculiar to the property and not general neighborhood conditions.
- It complies with **Standard 5** issuance of the variance will still ensure the spirit of the ordinance remains intact.

Chairman Telliga said they have a properly stated motion and asked if they have support.

Commissioner Buford seconded the motion.



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Chairman Telliga called for a roll call vote.

Commissioner Buford, yes
Commissioner Kingen, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Blower, absent

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

M/S – McCaskill/Buford

Motion carried –
6 – yes, 0 – no, 0 – abstain

CITY ATTORNEY REPORT:

No report.

OLD BUSINESS:

Chairman Telliga welcomed the new members John Kingen, Willie Buford, and Carol-Anne Blower to the board.

Chairman Telliga said he had spoken with members of City Council regarding the reappointments of Commissioners Yelle and Kea. Chairman Telliga will also speak with Commissioner Hardy regarding his reappointment. Max clarified that Commissioner Kea had been appointed.

NEW BUSINESS:

City of Flint Marihuana Ordinance

Chairman Telliga requested this document be added to their ZBA notebooks.

ADJOURNMENT:

Commissioner Yelle made a motion to adjourn. Commissioner Buford seconded the motion.

Commissioner Buford, yes
Commissioner Kingen, yes
Commissioner McCaskill, yes
Commissioner Yelle, yes
Commissioner Blower, absent

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

M/S – Yelle/Buford

The meeting was adjourned at 7:59 pm.