CITY OF FLINT
ZONING BOARD OF APPEALS
MATT TELLIGA, CHAIRMAN

Meeting Minutes
July 15th, 2025

Board Members Present:
Matthew Telliga, Chair
Jerry Kea, Vice-Chair
John Hardy
Willie Buford
Lauren Coney
Derek Dohrman

Board Members Absent:
Ramie Yelle
Ari McCaskill
Carol-Anne Blower, PC Liaison

Staff Present:
Tom Sparrow, Assistant City Attorney
Max Lester, Zoning Coordinator
Dalton Castle, Planner I

ROLL CALL:
Chairman 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 Council Chambers at Flint City Hall as well as via Zoom.

Matthew Telliga, Chair – present
Jerry Kea, Vice-Chair – present
John Hardy – present
Ari McCaskill – absent
Ramie Yelle – absent
Willie Buford – present
Lauren Coney – present
Derek Dohrman – present
Carol-Anne Blower – absent

ADOPTION OF THE AGENDA:
Commissioner Coney made a motion to approve the agenda as presented. Commissioner Hardy seconded the motion. Chairman Telliga asked for a voice vote.

M/S – Coney/Hardy
The motion carried via voice vote.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING
The draft minutes of May 20th, 2025 were presented.

Commissioner Kea requested minor corrections to wording used on Pages 4, 5, and 6.

Commissioner Buford made a motion to approve the minutes of May 20th, 2025 as amended. Commissioner Coney seconded the motion. Chairman Telliga asked for a voice vote.

M/S – Buford/Coney
The motion carried via voice vote.

PUBLIC FORUM:
Chairman Telliga opened the public forum. No one spoke.
Chairman Telliga closed the public forum.

REPORTS:
There was no new information to report for this meeting.

COMMUNICATIONS:
There were no communications received for this meeting.

PUBLIC HEARING:
There were no public hearings during this meeting.

CITY ATTORNEY REPORT:
Attorney Tom Sparrow stated an appeal has been made to the Genesee County Circuit Court regarding the Zoning Board of Appeal's ("ZBA") decision in ZBA 25-04. Max has filed the case materials with the court. Attorney Sparrow will keep the ZBA updated as the case proceeds.

Vice-Chairman Kea asked if this pertains to the property along Miller Rd. Chairman Telliga confirmed. Commissioner Buford asked if there is a timeframe for compliance. Max responded that staff approaches enforcement on a case-by-case basis. In cases where an appeal is not ongoing staff will give the property owner time to contact staff with a proposed plan of action and timeline to correct the violation. Vice-Chairman Kea recalled the case was primarily focused on how the bulk standards for the zone district and fence regulations applied to this property as written in the Ordinance.

OLD BUSINESS:
Update re: ZBA 23-21 and ZBA 23-22
Max stated they attempted to call the applicant's agent again and was able to speak with him directly. The agent sent an email confirmation that they would like to withdraw the case. Chairman Telliga suggested using certified mail moving forward.

NEW BUSINESS:
§50-80.1 Marihuana Ordinance Overview
Max read the provided informational brief regarding the Marihuana Ordinance.

Chairman Telliga spoke about a previous instance where there were four or more additionally regulated uses within a required buffer. The applicant's solution was to close an adult entertainment business to allow the dispensary to come in. Vice-Chairman Kea asked if buffer distances are measured from property line to property line as the crow flies, rather than via road transit. Max confirmed.

Chairman Telliga asked if there have been cases in the past that utilized any of the exemptions. Max stated there have been some exemptions approved under the Blight Elimination Plan and Park Beautification Plan Exemptions.

Vice-Chairman Kea asked if staff and the applicant will have already gone through many of these scenarios before they get to the ZBA, and if they are at the ZBA, it will be because they are requesting a variance. Max confirmed and added that this document is helpful in reviewing the overall process and options available to the applicant.

By-Laws Review
Chairman Telliga recalled a previous discussion about amending the by-laws to clarify the timeline for an applicant to set a hearing date following a tabled or postponed public hearing. He asked if anyone has seen examples from other cities. Max responded that example by-laws from other Michigan municipalities are included, some require a motion to table to include a specific rescheduled date. Chairman Telliga suggested language requiring an applicant to contact staff with a new meeting date within sixty to ninety days of a tabled hearing. He added that this can be initiated by a certified letter from staff. Max said their intent to come back with a draft revised copy of the by-laws for further review following discussion at this meeting. Vice-Chairman Kea asked for clarification that this is a process staff would initiate and that ZBA members would not need to make these communications with the applicant. Max confirmed and said the purpose of having this language in the by-laws is to ensure the process is clearly outlined and available for everyone.

Max stated they may prefer language that prioritizes setting a specific meeting date when motioning to table or postpone a case. If this is not possible the applicant will need to contact staff within sixty days to set a new hearing date. If the applicant does not comply with this timeline staff will send a certified letter to the applicant, in which they will have seven to fourteen days to respond before the case is withdrawn.

Max suggested adding language regarding conflicts of interest. Max noted that Commissioner Blower sent a suggestion to staff to add language regarding the Planning Commission ("PC") Liaison position, specifically as it relates to that member's duty to exclude themselves when a case they reviewed as a PC member has been appealed to the ZBA. Max also pointed to an example from Detroit where the by-laws clearly state a failed motion for approval constitutes a denied motion. Chairman Telliga stated this is normal under Robert's Rules of Order. Max expressed concern that a failed motion of approval may not necessarily include the reasons for denial unless this occurs during discussion after the motion is made. Commissioner Dohrman reexplained Max's point that when someone makes a motion to approve, they explain how the applicant meets the standards for approval; if that motion does not get enough votes the reasoning for denial may not be plainly stated; however, in a motion for denial the motion maker can clearly state which standard is not met and the reasoning as to why this standard is not met. Vice-Chairman Kea recalls a training that he attended where it was stated that it is better to make a motion in the affirmative and let it not get enough votes. The board members discussed instances where there may not be enough members present to vote on a use variance, or where the number of members present equals the number of affirmative votes needed to approve a non-use variance. Max added that they have seen language in the example by-laws that allows the board to table a decision to the next available meeting if there are not enough members present. Max said that the benefit of adding these items to the by-laws is that they allow these determinations to be based on the approved and posted by-laws, rather than by tradition.

Max noted that the by-laws currently say that members can participate remotely which is no longer permitted by the Open Meetings Act ("OMA"). Max suggested separating this language out and putting it under a conditional section that allows remote participation only when authorized by the OMA. Additionally, language could be added that clarifies the existing public hearing order of operations to be staff report, applicant presentation, public comment, applicant response, motion, discussion, and then a vote. Commissioner Dohrman said this is similar to how Council approaches an item for review. Vice-Chairman Kea said one of the training manuals provided to the board members describes a process of making a motion, getting a second, then going into discussion. Chairman Telliga questioned how a motion can be made until all information has come out. Max stated that most of the information needed to make a decision should have already been provided by the applicant in their application, which is then provided to the board members. New information provided during the hearing should primarily come from residents or from clarifying questions. Chairman Telliga questioned if it is appropriate for the board members to come into the meeting with their minds mostly made up. Max stated that it is okay if members come in with an individually formed idea of how they may vote based on the materials, but the board should not come in with a collective predetermined vote. If the board wishes to change the motion this can be done through amending the motion or withdrawing the motion and creating a new motion.

Vice-Chairman Kea asked for clarification where the by-laws say, “The chair shall decide on all points of order and procedure subject to these rules unless directed otherwise by a majority of the Zoning Board of Appeals in session at the time.” Specifically, if the board members may make a motion to overturn the decision of the chair in respect to points of order and procedure. Max confirmed this would be initiated by a motion from a board member to appeal, followed by a second and a vote. Vice-Chairman Kea asked if the language allowing members to attend electronically needs to be removed. Chairman Telliga said it does because the State no longer allows virtual meeting attendance. Vice-Chairman Kea asked about Article V, Section 4 which allows attendees five minutes to speak during public address, but elsewhere the by-laws allow three minutes during public forum. He asked if these should stay as is or be amended to be equal amounts. Chairman Telliga suggested making both time limits three minutes.

Max suggested adding clarification to the voting section that the number of required votes is based on the maximum membership and not the number of currently appointed members or members present. Max noted the Order of Business in the by-laws lists Public Forum near the end of the meeting rather than the beginning. Chairman Telliga stated we can either amend this or start holding the public forum later in the meeting. He asked if there are benefits to either option. Max stated there is some benefit to the public to hold it earlier, so they do not need to wait through the entire meeting to speak. Commissioner Buford asked if the pledge of allegiance should be added to order of business. Chairman Telliga indicated this would be an appropriate addition. Max will create a draft revised version of the by-laws, and this will be provided to all board members at least five days prior to the meeting of review.

ADJOURNMENT:
Commissioner Hardy made a motion to adjourn. Commissioner Coney seconded the motion.

M/S – Hardy/Coney
The motion carried via voice vote.
The meeting was adjourned at 7:00 p.m.