



CITY OF FLINT
ZONING BOARD OF APPEALS
MATTHEW TELLIGA, CHAIRMAN

Meeting Minutes
February 17th, 2026

Board Members Present:

Matthew Telliga, Chairman
Jerry Kea, Vice-Chairman
Lauren Coney
Derek Dohrman
Ramie Yelle
Willie Buford
Ari McCaskill
John Hardy
Carol-Anne Blower, PC Liaison

Board Members Absent:

N/A

Staff Present:

Max Lester, Zoning Coordinator
Glenn Steffens, Assistant City Attorney

ROLL CALL:

Chairman Telliga called the meeting to order at 6:03 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, Chairman – present
Jerry Kea, Vice-Chairman – present
John Hardy – present
Ari McCaskill – present
Ramie Yelle – present

Willie Buford – present
Lauren Coney – present
Derek Dohrman – absent (arrived around 6:30 PM)
Carol-Anne Blower – present

ADOPTION OF THE AGENDA:

Vice-Chairman Kea made a motion to approve the agenda as presented. Commissioner McCaskill seconded the motion. Chairman Telliga asked for a voice vote.

M/S – Kea/McCaskill

The motion carried via voice vote.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

The draft minutes of December 16th, 2025 were presented.

Vice-Chairman Kea requested correction to the word “stated” on Page 3 and removal of the word “there” on Page 4.

Commissioner Coney made a motion to approve the minutes as amended. Commissioner Yelle seconded the motion.

M/S – Coney/Yelle

The motion carried via voice vote.



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PUBLIC FORUM:

Chairman Telliga opened the public forum.

No one spoke. Chairman Telliga closed the public forum.

REPORTS:

Max reported that Dalton Castle – Planner I is no longer employed with the City of Flint.

COMMUNICATIONS:

There were no communications received for this meeting.

PUBLIC HEARING:

ZBA-R 25-04: *Glenn Wilson requests a Non-Use Variance to provide relief from §50-63(C), to allow a six (6) ft. tall privacy fence in the front yard area of the vacant lot identified as PID # 40-23-305-083, located at the intersection of Miller Rd. and Barney Ave.*

Max gave a summary of the staff report via presentation. Max noted the case was remanded by court order with stipulations to get pictures from two neighbors homes, if permitted, and to provide a basis and additional evidence for the setback distance. Max stated the previously indicated minimum front yard setback of thirty (30) feet was incorrectly stated by staff, and that the correct front yard setback is twenty (20) feet. Table 50-63 lists maximum heights for fences and walls, where residential fences are limited to four (4) feet in the front yard area. §50-63(B)(15) states *“The placement of a fence or wall on a vacant lot shall be permitted. The requirements for walls and open fences shall apply.”* Max continued, stating that the definition for yards is based on their relative positions to a principal structure. Because the subject property is vacant, staff utilizes §50-9 Conflicts Between Chapter Standards to determine which standard applies between Table 50-63, §50-63(B)(15), and §50-57(E). Staff’s reading of the ordinance indicated the area one (1) foot back from the inside edge of the sidewalk to twenty (20) feet back limits fences to no higher than four (4) feet tall while all other areas of the property may have a six (6) foot tall fence. Staff believes the intent of the ordinance is to regulate fence heights on all properties even if the property is undeveloped; the ordinance likely does not intend to allow any fence height on a parcel so long as it is vacant. Page 49 of the Imagine Flint Comprehensive Plan states *“Traditional Neighborhoods are comprised primarily of single-family detached homes developed in a manner that maintains a “rhythm” of open space and structures, with relatively uniform setbacks and building heights.”* Max noted that in addition to the front-yard area, there are two required clear vision areas where the driveway meets the property line; structures, plants, and other objects in these areas may not exceed two and a half (2.5) feet tall. Max shared photographs taken from Ms. Katherine Brooks’ driveway in both forward and reverse directions in the center of the driveway, with the bumper at the sidewalk, and the bumper at the end of the apron. Max noted that they did not find sufficient information to conclude that the requirements for Standards 1, 2, or 5 were satisfied.

Chairman Telliga asked if this was the same case that was previously heard, with the changes of the front yard setback from thirty (30) feet to twenty (20) feet and the photographs. Max confirmed. Vice-Chairman Kea asked about fence heights in the side-yard areas. Max said the side and rear yards are shaded in pink in the “Setback and Yards Graphic” and these are set behind the front yard area.



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Attorney Steven Robb presented on behalf of the applicant, with the applicant Mr. Wilson present. Mr. Robb said that he would provide an explanation in the reading of the ordinance that provides there should be no setback requirement for fences on vacant lots. He read §50-57(E) which says “...*The term “yard” shall only be used in relation to a lot on which a main building or principal structure has been placed.*” Mr. Robb stated the subject parcel does not have a principal structure and thus the term “yard” cannot be used. He read §50-63(B)(15) “*The placement of a fence or wall on a vacant lot shall be permitted. The requirements for walls and open fences shall apply.*” and §50-57(F)(1)(iii) “*Fences and walls as allowed in Section 50-63.*” He stated fences may encroach in setbacks if they are one (1) foot from the right-of-way. Mr. Robb stated that Table 50-63 sets fence height restrictions based on yards and not lots and reiterated that yards are based on the location of a principal structure. The subject parcel is a separate parcel from the parcel with Mr. Wilson’s home. Mr. Robb read the first sentence of §50-9 “*In cases where two or more standards in this Chapter conflict with one another, the more restrictive standard shall not necessarily control.*” He referenced Article 16, specifically §50-183(B)(7) which states “*Terms not defined in this Article shall have the meaning given in the latest edition of Merriam Webster’s Collegiate Dictionary.*” Mr. Robb said the term “standard” as defined in the Merriam Webster’s Collegiate Dictionary 12th Edition includes “*something established by authority, custom, or general consent as a model or example*” as well as “*a level of quality, achievement, performance, etc., that is considered acceptable or desirable*”. Mr. Robb stated “standard” applies to the workmanship of the fence when using that definition; he added that he does not believe anyone is calling to question the workmanship of the fence. Mr. Robb summarized, stating the fence height restrictions in §50-63(C) do not apply to the subject property.

Commissioner Blower asked how far back the fence goes into the property. Mr. Robb answered that the fence encompasses the two properties and there is no fencing separating the two parcels from each other. Mr. Robb stated the subject parcel is separate from the second parcel with Mr. Wilson’s home; the two parcels cannot be combined because they have different zoning designations.

Commissioner McCaskill said that “front yard” and “frontage” are semantics and that “frontage” means the minimum front setback. Max responded that each term has a different definition in the ordinance. Max said frontage refers to a property line that is adjacent to a right-of-way and is not necessarily the front yard, noting a corner lot can have two frontages. Commissioner McCaskill asked for confirmation that an improvement that is made to a property is subject to the standards of the ordinance for frontage; he posited that someone could not build a house to the curb. He asked whether the Board is discussing frontage or setbacks, were they still talking about the standard of a twenty (20) foot setback. Max responded stating, Table 50-63 sets fence height restrictions based on yards; yards have a specific definition that is in relation to a principal structure on the property. Commissioner McCaskill asked if they were discussing two separate things. Chairman Telliga confirmed. Commissioner McCaskill asked if they were presently discussing fence height or the setback. Chairman Telliga stated they were discussing both. Commissioner Yelle said the fence can present a public health issue when drivers cannot see each other while someone is pulling out of a driveway.

Chairman Telliga opened the floor to public comment. He asked staff if they had received letters regarding this case. Max stated they have the letters received for the remanded hearing. Chairman Telliga said he also wants the letters from the original hearing. Max stated this is a sperate public hearing, but they have the other letters pulled up and can read those as well. Commissioner Blower asked if this is the same case, can members of the public speak again.



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Assistant City Attorney Glenn Steffens said that because the case was remanded and new information was requested, it is acceptable to allow new public comments from those who have spoken previously.

Max read a letter of opposition, received April 13th, 2025 from Tana Lager.

Max read a letter of opposition, received April 13th, 2025 from Eric Lager.

Max read a letter of opposition, received November 6th, 2025 from Bill Erlenbeck.

Max read a letter of opposition, received November 16th, 2025 from Michael and Mary C. Farella.

Katherine Brooks, a neighbor and resident of the 8th Ward, spoke in opposition to the request. Ms. Brooks stated that Mr. Wilson did not discuss the construction of the fence before it was erected and she found out during the fence construction. Ms. Brooks said she then asked Mr. Wilson about the fence and that she was told that he could do whatever he wanted to his property. Ms. Brooks believes that neighbors should discuss matters such as constructing fences beforehand. Ms. Brooks said that her friends, acquaintances, and members of her congregation have commented on the tall fence adjacent to her home. She believes it is an eyesore and is dangerous as she needs to look behind her to view drivers coming from the side street behind her, other neighbors, and people coming from both sides of Miller Rd. She added that in the wintertime snow gets piled up on the side of her house so she cannot turn around. Ms. Brooks added that the fence is so tall that she cannot see down the road from her porch. She said the fence is a barrier, a headache, and a nuisance. She continued, saying that while Mr. Wilson sees the parcel as his backyard, she sees it as a front yard that is adjacent to her front yard.

Marc Rideout, a neighbor and resident of the 8th Ward, spoke in opposition to the request. Mr. Rideout said that this hearing was a result of the fence not being reviewed prior to construction and the matter of what rules do or do not apply are now occurring. Mr. Rideout's impression of the hearing is that the applicant is seeking an excuse that would allow for a variance after construction. Mr. Rideout referenced a prior comment that there had been no objections about the construction and quality of the fence, stating the fence is already leaning and he does not believe footers were placed in concrete or other solid foundation; he also claimed that he spoke with the fence builder who admitted that this was the first time he had built a fence. Mr. Rideout said the property is being treated as a back-yard by the applicant, but he believes it needs to be setback from the road by at least twenty (20) feet, if not more, to be in line with the other properties on Miller Rd. and fit the character of the neighborhood. Mr. Rideout stated Miller Rd. is a gateway into the city from I-75 and this is the first thing drivers see coming down the road. Mr. Rideout believes the fence is poorly constructed, is an eyesore, and that it was not properly permitted.

Chairman Telliga closed the floor to public comment.

Mr. Robb referenced the pictures from Ms. Brooks' driveway provided by staff, stating they speak for themselves. He continued, stating if the fence is an issue then the trees must also be an issue that requires MDOT to cut them down. Mr. Robb said there are no safety concerns and reiterated that the pictures speak for themselves.

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Vice-Chairman Kea posited that the Zoning Board of Appeals is not meeting to set a zoning standard and noted that he relies upon staff to provide explanations for how the ordinance, as approved by the City Council, prescribes the process to evaluate items. He noted that as a part of staff responsibilities, he assumes they are providing review processes consistent with the ordinance. Vice-Chairman Kea noted that Mr. Robb spoke of various definitions and processes for how the ordinance should be read, and asked staff if they concur, or if the information that has been provided by staff is consistent with the ordinance as approved by City Council. Chairman Telliga asked for clarification that the fence as constructed does not meet the minimum setback and does not meet the height requirement, where the setback should be 20 feet for the current height of six (6) feet. Max responded that this is their view of the ordinance.

Commissioner McCaskill referenced an earlier point from Mr. Robb about the definition of the term “standard”, stating that in planning, the term standard has a meaning as it applies to minimum distance. He said that they do not use the Merriam Webster’s Dictionary. Commissioner McCaskill asked if an application and fee were filed with the Building Safety and Inspections office for the installation of the fence. Max said there was not, but they did not believe it was required. Commissioner McCaskill stated he believes the city does require building permits for fences. Max responded that they believe a building permit is only required for fences that are over a certain height, but they did not recall the exact number. Max said a zoning permit is only needed for fences when a building permit is required, but the zoning ordinance standards must still be met.

Commissioner McCaskill asked why there was only one motion for two separate issues. Max asked for further clarification. Commissioner McCaskill said they are asking for the relief for height and setback. Max responded that the setback defines the maximum height of fencing within each of the shaded areas [referencing the “Setbacks and Yards Graphic”]. Staff’s view is that the minimum front setback is represented by the blue shaded area where fencing can be up to four (4) feet tall. Side and rear yards are represented by the pink shaded area encompassing the rest of the property where fencing can be up to six (6) feet tall. Max stated they view it as a single issue because the only item of contention is whether there is a front yard setback or not. Chairman Telliga asked if a motion was made to align the fence with the setback, would the six (6) foot height be allowed. Max said that would essentially be the same as denying the request because the ordinance requirements would be the variance condition. Max added that the Board could consider an alternate setback such as fifteen (15) feet or ten (10) feet if desired. Chairman Telliga asked if the setback was at least twenty (20) feet then the fence could be six (6) feet tall. Max responded that the four (4) foot height restriction applies to fencing in the area within one (1) foot from the inside edge of the sidewalk to twenty (20) feet back. The fencing further back from the twenty (20) foot setback may be up to six (6) feet tall.

Commissioner McCaskill recalled that the applicant was requesting privacy in the previous hearing and added that the four (4) foot tall fence would not resolve the issue of privacy. His view is that the privacy fence should maintain the twenty (20) foot setback. He added that there is a safety element to consider in the motion.

Commissioner Dohrman asked for clarification on the subject parcel being a vacant lot, its relation to Table 50-63, and how staff made the determination of the setbacks. Max answered that Table 50-63 defines the height restrictions for fencing based on yards, and yards are based on the location of a principal structure such as a residence Max said their view is that the ordinance does not intend to exclude vacant lots from fence height restrictions. Because of this, they use §50-9 Conflicts Between Chapter Standards to determine the minimum front setback of the zone...



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district defines the front yard area for the purpose of determining fence height maximums. Commissioner Dohrman asked if §50-9 helps to bridge the gap where there are standards that are not clearly defined. Max confirmed, stating that the minimum front setback is generally in line with the existing front setbacks of the existing housing stock, and should be in line with the Comprehensive Plan which calls for relatively uniform front setbacks within the TN-2 zone district.

Chairman Telliga asked if they motion to deny, does the requirement automatically go back to the twenty (20) foot setback for the six (6) foot tall portions of the fence. Max confirmed.

Commissioner McCaskill made a motion to deny ZBA-R 25-04, being the non-use variance requested by Glenn Wilson to provide relief from §50-63(C), to allow a six (6) ft. tall privacy fence in the front yard area in a TN-2 zone district, at the vacant lot identified as PID # 40-23-305-083, based on staff materials, the discussion held, and the following findings of fact:

- It does not comply with **Standard 1** because compliance with the strict letter of the Zoning Ordinance will not unreasonably prevent the owner from using the property for a permitted purpose and/or will not render conformity with such restrictions unnecessarily burdensome.
- It does not comply with **Standard 2** because the plight is not due to unique circumstances of the property and/or it applies generally to the same zone district or to general neighborhood conditions.
- It does not comply with **Standard 3** because the need for the variance was not created by the applicant or the applicant's predecessors in title.
- It does not comply with **Standard 4** because the variance would cause substantial detriment to adjacent properties and the surrounding neighborhood.
- It does not comply with **Standard 5** because the variance will not be consistent with and would materially impair the purpose and intent of the Comprehensive Plan and Zoning Ordinance.

Commissioner Coney seconded the motion.

Commissioner Blower asked for confirmation that as stated, the motion will deny the request outright without changes. Chairman Telliga confirmed, adding that if a motion for denial is approved the applicant would have to comply with the twenty (20) foot setback to maintain the six (6) foot tall fencing. Commissioner Blower compared the current motion with the motion from the previous hearing where the setback was previously thought to be thirty (30) feet and was not a motion to deny. Commissioner McCaskill noted a denial would default to the ordinance standards. Commissioner Blower asked if the difference between the previously believed thirty (30) foot setback and the currently stated twenty (20) foot setback is the reason the motion changed from conditional approval during the last hearing to denial in this hearing. Commissioner McCaskill stated the intent of the motion is to require the ordinance standard of the twenty (20) foot setback for the six (6) foot tall fencing. He added that he does not believe an undue hardship is present because the fence height falls within the minimum standard requirement. Commissioner Blower asked for confirmation from staff that a denial would mean the ordinance standard would be required. Max confirmed, adding clarification, that the motion with conditions that was made at the previous hearing had the same effect as a denial. Commissioner Blower reworded her question as to why the motions are being...



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presented in a different form. Max said this would be up to the individual motion maker. Chairman Telliga added clarification that they previously thought that both the setback was thirty (30) feet and that the fence height was limited to four (4) feet for the overall property, so the motion was made with the intent to allow a six (6) foot tall fence behind the front yard area. Now, they understand that the correct front yard setback is twenty (20) feet and that six (6) foot tall fencing is already permitted outside of the front yard area.

Chairman Telliga asked for a roll call vote.

Commissioner Hardy, yes
Commissioner Buford, yes
Commissioner Yelle, yes
Commissioner Dohrman, no
Vice-Chairman Kea, yes

Commissioner McCaskill, yes
Commissioner Coney, yes
Commissioner Blower, no
Chairman Telliga, yes

M/S – McCaskill/Coney

7 – yes, 2 – no, 0 – abstain

The motion carried via roll call vote.

ZBA 26-1a: Athir Shango requests a Use Variance to provide relief from §50-23, to allow a “Vehicle Fuel Station with Convenience Store” in a TN-2 Traditional Neighborhood Medium Density zone district, for the property located at 3402 E. Court St. (PID # 41-16-202-002).

Max gave a summary of the staff report via presentation. The property has an existing single-story office building which was most recently used as a digital marketing and ecommerce business; the current nonconforming use ended a previous use of packaged goods store/corner store. The property was previously zoned D-3 Community Business District which allowed automobile service stations with various conditions such as meeting locational buffer standards, having one access point to an arterial street or principal collector, and a 12,000 square foot minimum lot size standard. The adjacent sections of Court St. and Averill Ave. are classified as minor arterials in the City of Flint Future Functional Classification Map. The Future Land Use Map designates this property as TN-2 Traditional Neighborhood Medium Density along with all other parcels on the block, except for Cook Park. Max noted that if the variance is approved the property would generate a significant increase in traffic. Max said they did not find sufficient information to conclude that the requirements for Standards 1, 2, 4, or 5 were satisfied. Max added that if the Board finds approval is warranted, there are optional conditions of approval to lessen incompatibility concerns with neighboring residential uses provided with the sample motions. Chairman Telliga asked if this use would be allowed under the previous zoning ordinance. Max said the use would have been permitted, though it would have required additional screening and removing some of the uses from the project scope.

Mr. Imad Potres of CK Construction spoke on behalf of the applicant, with the applicant Mr. Athir Shango present. Mt. Potres said Mr. Shango called him after purchasing the subject project the previous year when it was advertised for a retail store, commercial use. They believe this would be a good investment by adding a gas station to the existing property. Mr. Potres said that during the process of preliminary site planning they learned the property was rezoned to TN-2 from D3 [Community Business District], which previously would have allowed this use. They met with Zoning staff to determine the TN-2 zone requirements and the specific relief that would be needed for approval.



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They also used staff feedback to inform decisions on landscaping, the trash enclosure, loading zones, approaches, and sidewalks. Mr. Potres said they have met around ninety percent of the safety requirements. He said in addition to the requested use variance, there are other requests as well. Mr. Potres referenced the site plan and said they utilized the site as much as possible while not altering the structure. The convenience store would be limited to one thousand (1,000) square feet of retail area to meet the ordinance maximum requirement. Mr. Potres said the hardship relates to the existing configuration of the building and property. There is proposed parking in the front and side yards as well as the loading zone, but other site aspects meet ordinance standards as much as possible. Six (6) foot tall fencing is proposed along the south and east property lines. Mr. Potres stated the building has been abandoned for several years and the applicant is planning to modernize the building façades. The variances are needed to move forward with Zoning other departmental reviews.

Commissioner Blower asked why the subject site was selected for the proposed gas station use. Mr. Shango said he recently opened a gas station on Dort Hwy. and Carpenter Rd. with six (6) pumps and 4,500 square feet of retail area, which includes space for his franchise restaurant; he continued, stating that he would like to do the same type of development at the subject property because he knows how to do gas station developments and because he does not know what else he could do with this property. Mr. Shango said that over the past thirty-one years he has had gas stations. Commissioner Blower clarified that she is not asking why a gas station in general, but why this property was selected for that use, noting the property is tucked away in the corner of a residential area and the lot is very tight. Commissioner Blower added, asking what potential benefits Mr. Shango sees to having the requested use at the subject property. Mr. Shango spoke about the Consumers Energy facility to the west and the truck lot to the south which would make this location good for a gas station. Commissioner Blower asked for additional details about the project, such as whether food would be a component. Mr. Shango said he plans to include his carry-out restaurant, Easty Westy, in the building; the gas station would help bring in more customers to make the restaurant more viable. Mr. Shango believes this would be a convenient location and that he has competitive prices. Mr. Shango said he does not believe a restaurant on its own would be able to make up for the costs of renovating the property. Mr. Potres added that Mr. Shango has been a businessman in the city of Flint for over twenty-five years and they would like to invest in the city.

Chairman Telliga asked when the applicant purchased the property. Mr. Potres answered approximately one to one-and-a-half years ago. He stated that they are reviewing the use and many of the individual site details would be decided elsewhere.

Commissioner Yelle asked if there were plans to have diesel fuel pumps on the site. Mr. Shango answered yes. Commissioner Yelle asked the applicant if he had reached out to the nearby residents. Chairman Telliga said it is required by law within three-hundred feet. Commissioner Yelle asked staff if the notice went out. Max responded that they did send out the required notices. Commissioner Yelle asked Commissioner McCaskill if the apartments...

adjacent to the east are low-income housing. Commissioner McCaskill answered that they are market rate; he added that he has concerns for the nearby residential uses, the parcel configuration, and the increase in traffic that would be generated, noting further that a road diet was recently completed here. Commissioner Yelle noted that Court St. to Averill Ave. is a common cut through for motorists when trains stop across Center Rd.



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Chairman Telliga opened the floor to public comment.

A resident of the 3600 block of Averill Ave. indicated he is in favor of this request.

Jesse Collins, a resident at 622 E. Ridgeway Ave., spoke in favor of the request. Mr. Collins stated he has known Mr. Shango for about ten years. Mr. Collins said he is a UAW member and when a meeting hall was closing, Mr. Shango purchased the property, paid for their utilities, and allowed them to remain in the building for over eight years. He said the kitchen that is operating at the established location is making quality food. Mr. Collins said Mr. Shango's sons run his businesses and they are active in the community. He said this corner is dark at night and the gas station would make the corner bright.

Chairman Telliga closed the floor to public comment.

Commissioner Yelle noted concerns of additional lighting with the neighboring residential properties. He continued, stating that he looks to public health when making decisions and he does not believe this is a good location because the residential uses are adjacent. Commissioner Yelle said underground tanks can leak, especially over time. Commissioner Yelle also noted his concern with diesel fuels being located within residential areas. Chairman Telliga said that there were no residents speaking against the variance. Commissioner Yelle responded, saying that he still feels obligated to state his concerns, especially for residents that may not have been able to attend.

Commissioner McCaskill asked staff how close the apartment complex is to the subject property. Max opened the Local Aerial Map and showed that the apartment complex is directly adjacent to the east. Commissioner McCaskill asked which of the current zone districts allow gas stations. Max said their recollection is that gas stations are allowed in the Neighborhood Center and City Corridor zone districts. Commissioner McCaskill asked what the required setbacks are for gas stations adjacent to housing. Max said a subsection in Article 9 generally requires a Type 2 transition yard adjacent to a residential use or zone district, which is a fifteen (15) foot wide landscape buffer. Commissioner McCaskill asked if the property accommodates the required buffer. Max said that would be a part of a separate variance request if this variance is approved.

Commissioner Blower asked if the required three-hundred-foot meeting notice went to property owners and not the residents. Max answered that they try to send a letter to both the occupants and owners, but typically apartment complexes only have a notice sent to the owner. Commissioner Blower asked for confirmation that there is not much certainty that the apartment residents have been notified. Max confirmed. Commissioner Blower noted there is a gas station about one block to the east and another gas station to the west on Court St. and Dort Hwy. Commissioners Blower said the Planning Commission has discussed at length the over saturation of gas stations within the city, including crime rates, 911 calls, and other related issues. Commissioner Blower noted that because the property was purchased last year there was no change in the zoning designation since it was purchased. She...

also reiterated her concerns that this is a very small property that is directly adjacent to residential properties. Commissioner Yelle added that the gas station will only be closed for six (6) hours each day, based on the documents provided by the applicant, between 12:00 am to 6:00 am.



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Commissioner McCaskill noted concern that in addition to the use variance, if approved, the applicant would still need to receive non-use variances because the lot does not accommodate ordinance all requirements.

Commissioner Hardy asked about the direction the apartments are facing and whether lighting would have an impact on the adjacent property. Chairman Telliga said the apartment is to the east. Commissioner McCaskill said there are windows facing the subject property.

Vice-Chairman Kea said he has a concern like those raised by Commissioner Yelle, in that the proposed underground fuel tanks are shown along the property line that is shared with the apartment complex. He added that diesel vehicles coming in and out of the area could have a negative impact on the residents in the apartment complex. He noted that there is a small buffer space between the subject property and the single-family houses to the south.

Commissioner Dohrman said he does not disagree with the concerns raised, but he said that there is a gas station within his neighborhood and said it can be convenient for many people to have a place to buy food within walking distance. Commissioner Dohrman reiterated concerns about lighting and the impact it can have on the apartment complex.

Commissioner Dohrman made a motion regarding ZBA 26-1a to approve the use variance requested by Athir Shango to allow a “vehicle fuel station” with three two-sided pumps and a 1,000 s.f. convenience store in a TN-2 Traditional Neighborhood Medium Density zone district, for the property located at 3402 E. Court St. (PID # 41-16-202-002), based on staff and applicant materials, the discussion held, and the following findings of fact:

- It complies with **Standard 1** because the property cannot be reasonably used or cannot yield a reasonable return for the purposes permitted in that zone district.
- It complies with **Standard 2** because the plight is due to unique circumstances of the property and does not apply generally to the same zone district or to general neighborhood conditions.
- It complies with **Standard 3** because the need for the variance was not created by the applicant or the applicant’s predecessors in title.
- It complies with **Standard 4** because the variance shall not alter the essential character of the neighborhood, nor be a detriment to adjacent properties.
- It complies with **Standard 5** because the variance shall be consistent with, and not materially impair, the purpose and intent of the Comprehensive Plan and Zoning Ordinance.

Commissioner McCaskill seconded the motion.

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Chairman Telliga asked for a roll call vote.

Commissioner Hardy, no
Commissioner Buford, no
Commissioner Yelle, no
Commissioner Dohrman, yes
Vice-Chairman Kea, yes

Commissioner McCaskill, yes
Commissioner Coney, yes
Commissioner Blower, no
Chairman Telliga, no

M/S – Dohrman/McCaskill

4 – yes, 5 – no, 0 – abstain

The motion failed via roll call vote.

Chairman Telliga asked the applicant if he would like to withdraw his next case. Mr. Shango responded affirmatively.

ZBA 26-1b: *Athir Shango requests three (3) Non-Use Variances to provide relief from §50-57(G) to allow underground fuel tanks in required front and side yards; relief from §50-121(C) to allow reduced landscaping along the east and south property lines where a Type 2 transition yard is required; and relief from §50-143(L)(1) & (L)(2) to allow parking in the front yard area and side yard setback, in a TN-2 Traditional Neighborhood Medium Density zone district, for the property located at 3402 E. Court St. (PID # 41-16-202-002).*

The application was withdrawn by the applicant.

ZBA 26-2: *Gary Drago of Drago’s Corvettes requests a Use Variance to provide relief from §50-37, to allow the “Vehicle Sales”, “Vehicle Repair and Services”, and “Auto Parts Sales” uses in a GI-2 Green Innovation High Intensity zone district, for the property located at 2501 S. Dort Hwy. (PID # 41-21-151-015).*

Max gave a summary of the staff report via presentation. The property hosts an existing single-story commercial building. The most recent use was a retail showroom for American Carpet Mart. The owner is requesting a Use Variance to move his business, Drago’s Corvettes, from its current location at 2330 S. Dort Hwy. to the subject property, which is approximately 300 feet from the subject property. This portion of S. Dort Hwy. is predominantly commercial in nature; not including vacant properties, commercial uses exist to the north, west, and south of the subject property, including multiple automotive-related uses, retail stores, and some marijuana-related businesses. Max noted the property was previously zoned D-6 General and Highway Commercial Service District which allowed this use with various development requirements. The manufactured home community to the southeast is no longer operational and is unlicensed. The Future Land Use Map designates this property, along with the properties to the north and west, as Green Innovation. Max said they did not find sufficient information to conclude that the requirements for Standard 2 was satisfied. Max added that if the Board finds approval is warranted, they may add conditions, however, staff did not propose any recommended conditions for this request.

Mr. Gary Drago spoke to his request. His current business is at 2330 S. Dort Hwy. and he would like to move it across the road to the subject property. Mr. Drago has a “B” dealers license. He specifically deals with Corvettes including service, parts sales, and a little amount of wholesale and retail. He is open five days a week between...



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9:00 am to 5:00 pm. The operations will be very similar to the operations occurring across the street including mechanical, electrical, and restorations. Mr. Drago said he does not do bodywork. Mr. Drago stated his building has been sold twice in the last three years and the current owner wants to occupy the building. He added that the current owner has allowed him to remain in the building while he works to move his business. Mr. Drago stated he purchased the property in April 2024 and had hoped to be in the building by Christmas 2024, but he has not been able to occupy the building. In the meantime his rent has tripled at his current location while also paying for the subject property. Mr. Drago said he wants to remain on Dort Hwy. as he has been located here since 1985. He stated that he will improve the property which at present is vacant.

Chairman Telliga opened the floor to public comment.

Nicholas Buzzetta of 2525 S. Dort Hwy. spoke in favor of the request. Mr. Buzzetta said he believes this is a great addition for Dort Hwy. He noted that they moved in the previous year following a similar process. Mr. Buzzetta stated that it will be nice to have a neighbor next door that will help to keep the neighborhood clean and maintained. He added that other franchise dealers are much further away and are expensive.

Marc Rideout, a resident of the 8th Ward, spoke in favor of the request. Mr. Rideout said that he graduated with the applicant from Flint Southwestern in 1971; he believes Mr. Drago is a man of his word who will fulfill his responsibilities ethically, with quality, and with pride.

Chairman Telliga closed the floor to public comment.

Chairman Telliga said this is a fifty-year-old business located across the street and it will occupy a vacant building.

Commissioner Yelle made a motion regarding ZBA 26-2 to approve the use variance requested by Gary Drago to provide relief from §50-37, to allow the “Vehicle Sales”, “Vehicle Repair and Services”, and “Auto Parts Sales” uses in a GI-2 Green Innovation High Intensity zone district, for the property located at 2501 S. Dort Hwy. (PID # 41-21-151-015), based on staff and applicant materials, the discussion held, and the following findings of fact:

- It complies with **Standard 1** because the property cannot be reasonably used or cannot yield a reasonable return for the purposes permitted in that zone district.
- It complies with **Standard 2** because the plight is due to unique circumstances of the property and does not apply generally to the same zone district or to general neighborhood conditions.
- It complies with **Standard 3** because the need for the variance was not created by the applicant or the applicant’s predecessors in title.
- It complies with **Standard 4** because the variance shall not alter the essential character of the neighborhood, nor be a detriment to adjacent properties.
- It complies with **Standard 5** because the variance shall be consistent with, and not materially impair, the purpose and intent of the Comprehensive Plan and Zoning Ordinance.

(continued on next page)



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Commissioner McCaskill seconded the motion.

Chairman Telliga asked for a roll call vote.

Commissioner Hardy, yes
Commissioner Buford, yes
Commissioner Yelle, yes
Commissioner Dohrman, yes
Vice-Chairman Kea, yes

Commissioner McCaskill, yes
Commissioner Coney, yes
Commissioner Blower, yes
Chairman Telliga, yes

M/S – Yelle/McCaskill

9 – yes, 0 – no, 0 – abstain

The motion carried via roll call vote.

CITY ATTORNEY REPORT:

Assistant City Attorney Steffans said he looks forward to working with the board and staff.

OLD BUSINESS:

By-Laws Review – On hold, pending legal review.

NEW BUSINESS:

No new business.

ADJOURNMENT:

Commissioner McCaskill made a motion to adjourn. Commissioner Dohrman seconded the motion.

M/S – McCaskill/Dohrman

The motion carried via voice vote.

The meeting was adjourned at 7:50 p.m.