

FLINT ZONING BOARD OF APPEALS
Meeting Minutes
August 18, 2020

Board Members Present

Matthew Telliga, Chair
Jerry Kea, Vice-Chair
Ari McCaskill
Carol-Anne Blower
Lauren Coney
Florlisa Stebbins
Johnetta Ricks
John E. Hardy II

Staff Present

Suzanne Wilcox, Director
Bill Vandercook, Planner I
Keizzy Anpalagan, GIS Technician
Kelly Thompson, Assistant City Attorney

Board Members Not Present

Carol-Anne Blower
Jacqueline Jordan

ROLL CALL:

Chairperson Telliga called the meeting to order at 6:03 p.m. Roll was taken and a quorum was present. The meeting was held through Zoom meetings

ADOPTION OF THE AGENDA:

Commissioner Telliga Add: Pledge of Allegiance at the beginning of all meetings

M/S –Ricks/Kea

Motion to adopt the meeting agenda as revised.

Unanimously carried.

Commissioner McCaskill joined the meeting at 6:05

APPROVAL OF MINUTES:

The Board reviewed the minutes of 5-19-2020.

M/S – Kea/McCaskill

Motion to approve the minutes of 5-19-2020.

Unanimously carried

PUBLIC FORUM:

No one spoke during the Public Forum.

REPORTS:

None

COMMUNICATIONS:

None

PUBLIC HEARING:

ZBA 20-2237: Clark Commons LDHA, LLC c/o Norstar Development USA, LP requests a Non-Use set back variance for five buildings within the Clark Commons 3 Project; Block 3.D Building # 29 (PID #'s 40-12-427-032, 40-12-427-017, 40-12-427-018, 40-12-427-019), Block 3.N Building # 45,46, 47 (PID #'s 40-12-206-004, 40-12-206-005, 40-12-206-006, 40-12-206-007, 40-12-206-008, 40-12-206-009, 40-12-206-010, 40-12-206-011), Block 3.P Building # 48 (PID #'s 40-12-207-008, 40-12-207-009, 40-12-207-010).

Adam Coppersmith presented the application on behalf of Norstar Development. Mr. Coppersmith said this is the third phase of a three-phase development. Mr. Coppersmith described the perimeters of the development. Mr. Coppersmith discussed the need to reduce setback requirements. Mr. Coppersmith said the buildings will share common areas and not be separated as individual parcels.

Commissioner Telliga noted the ordinance setback required 30 feet and your minimum is 16' 4". Then asked if that was just for one of the buildings. Mr. Coppersmith said the building setbacks vary. The largest is 25 feet and the narrowest is 16 feet, which is for building number 29. Commissioner Kea noted building 47 had a smaller setback of 15 feet.

Commissioner McCaskill noted that all of the front yard setbacks were the same at 20 feet. Mr. Coppersmith said this was to allow for off-street parking. Commissioner Kea asked if 20 feet front yard setback was within City code. Commissioners concurred this was correct.

Mr. Coppersmith said part of the reason the setback variance was requested was to maintain front yard parking. They did not want to push the buildings back to the rear any further because it would take upfront yard parking space. Mr. Coppersmith said keeping a 20-foot front yard setback aligned with setbacks of other homes in the area.

Commissioner McCaskill asked Mr. Coppersmith if the units will be sharing a common area or green space. Mr. Coppersmith said yes. Then said considering building number 29 there are 5 separate units which all have patios and behind them is common greenspace.

Commissioner Telliga said he had a concern with building number 47 which shows a 15 feet setback and asked how big the patio was off the back of the unit. Mr. Coppersmith said the patio extends out from the building 8 feet and is 10 feet wide. Commissioner Telliga noted this leaves 7 feet to the property line.

Commissioner Telliga asked if anyone from the public wished to speak for or against the development project. No one spoke in favor or opposition of the development.

Commissioner Kea asked Mr. Coppersmith if there were any existing buildings behind the proposed development that would be affected by the variance request or violate their space. Mr. Coppersmith noted the building on Root Street and one-off of Martin Luther King which would be the nearest to adjoining buildings. Commissioner Telliga asked if any buildings needed a variance of fewer than 30 feet that adjoined another dwelling. Mr. Coppersmith said yes, building number 29 a single-family residence fronting Root Street. Commissioner and staff discussed the proposed setback for the building (16'4") and the common area.

Kristin Stevenson, City Planner explained the front yard of the lot was previously off of Root Street before the parcel was combined, which allowed for a 15 feet side yard setback.

Commissioner McCaskill asked if this property used to be zoned commercial before. Ms. Stevenson said it was residentially zoned.

Commissioner Stebbins asked if there was any safety concern in changing the zoning like fire codes. Mr. Coppersmith explained they met the setbacks for fire safety, the minimum side yard setback is 6 feet.

Commissioner Kea asked the applicant if there were plans to fence along the rear of the property. Mr. Coppersmith said at the rear of building 29 there will be a stone retaining wall about 3 feet in height with another 3 feet fence on top of the stone wall for safety.

Ms. Stevenson noted the address as 913 Root Street. Commissioner agreed the home appeared to be vacant, boarded up, and owned by the Land Bank.

Kristina Higgins noted building 47 appears to have a rather large back yard and asked the commissioners to review the backyard. Commissioner McCaskill said any building in this community will be an improvement. Then said the exchange would be while it may encroach on other property the density and infill will stabilize the neighborhood.

Commissioner McCaskill made a motion to approve ZBA 20-2237.

Commissioner Kea made a motion to amend the motion as stated:

“Applicant’s request of a setback variance from Chapter 50, Article IV – “B” Two Family District and Article IX – “D3” Community Business District. The setback variance request is to allow for five (5) multi-family residential buildings to be built:

The subject parcels in Block 3.D for Building #29 (PID # 40-12-427-032, -017, -018, -019) are zoned “D-3” as are the adjacent parcels in the block bordered by Root St., Louisa St., MLK Ave., and 5th Ave.

The subject parcels in Block 3.N for Buildings #45, 46, 47 (PID # 40-12-206-004, -005, -006, -007, -008, -009, -010, -011) are zoned “B” as are the parcels in the block bordered by Mary St., Crosby St., Avenue B., and Donald St.

The subject parcels in Block 3.P for Building #48 (PID 40-12-207-008, -009, -010) are zoned “B” and the adjacent parcels in the block bordered by Crosby St., Avenue C., Wood St., and Donald St. are zoned “B” and “C-1” Multi-family Walk-Up Apartments.

The applicant has the option to purchase agreements from the Genesee County Land Bank (documentation attached). The properties are currently vacant and the applicant intends to use these parcels to build five (5) four-unit multi-family rental developments.

The proposed buildings do not meet the rear setback requirements of 30’ for “B” and “D-3” districts. The project is part of the City of Flint’s Choice Neighborhood Initiative and part of the greater Clark Common’s Phase III project.”

Commissioner McCaskill supported the amendment to the motion.

M/S – Kea/McCaskill

Motion to approve ZBA 20-2237 as presented.

Unanimously carried.

CITY ATTORNEY REPORT:

Mrs. Thompson discussed the proposed permanent marijuana ordinance which has been presented to City Council and read through one time. Mrs. Thompson said we are waiting on the final reading and vote from City Council on the ordinance. Commissioner Telliga asked once the Council passes the ordinance if Mrs. Thompson can share it with the Board. Mrs. Thompson said yes.

OLD BUSINESS:

ZBA Training

Commissioner Telliga acknowledged the training materials had been delivered to Commissioner and thanked Mr. McCaskill for his assistance with compiling the materials for the Commissioners.

NEW BUSINESS:

Commissioner McCaskill said it may be beneficial to talk with Commissioners about setbacks. Suzanne Wilcox asked if a presentation would be helpful. Commissioner Telliga said that's what he has in mind. Commissioner McCaskill agreed and said form-based code or use base code would be beneficial because there is defiantly a transition from one to the other.

Ms. Wilcox said we could put this on the agenda for next month and do a mini-presentation on setbacks, form base code, the master plan, and changes proposed in the draft zoning code. Commissioner Telliga asked for the item to be placed on the next agenda.

Commissioner Kea asked Ms. Wilcox what is happening with the draft zoning ordinance. Ms. Wilcox said the draft zoning code was approved by the Planning Commission and brought forward to the City Council, but has not been adopted. Ms. Wilcox said Council decided to work on Chapter 50, the medical marijuana ordinance at that time, which resulted in our current marijuana ordinance. Staff is currently working with Council to have the permanent marijuana ordinance adopted. Some Council members would like to see the ordinance brought up before the City Council concurrently while working on the marijuana ordinance.

Ms. Wilcox said we are encouraging Council to adopt the permanent marijuana ordinance so we can bring the zoning code to Council. Ms. Wilcox discussed community outreach sessions that were held to remind people what the zoning and draft zoning code entails. The staff has also had a couple of informational sessions with the administration and City Council.

Commissioner Kea asked if we are using the current zoning code until the new code is approved. Ms. Wilcox said yes, we are working under the current zoning code. Ms. Wilcox asked the Commissioners to encourage their City Council member to adopt the draft marijuana ordinance so we can move on the adopting the draft zoning ordinance.

Commissioner Kea said as a legislative body we always want to make sure we are staying within the boundaries of the law, so when we are talking about authorizing variances we can only use the zoning code that is currently approved. Commissioner Keas said it was concerning when staff analysis comes in part from proposed codes. Ms. Wilcox explained when a staff report is prepared for ZBA Commissioners, current and future code is considered. Being you are an appellate body that provides variances from the existing code, which is your purpose. Ms. Wilcox said staff is trying to help Commissioner understand what is currently adopted and what is derived from the draft zoning code and future master plan. Ms. Wilcox said the idea is to provide ZBA Commissioner with as much information as possible because you can provide variances from the zoning code.

Commissioner McCaskill said the Master plan should inform Commissioners decisions on variances. Commissioner Telliga noted the Master Plan was updated. Ms. Wilcox said the Imagine Flint Master plan is the plan we are currently operating under right now. Then said it's the zoning code that has not been applied. Commissioner Telliga said they conflict with one another.

Commissioner Telliga said some cases are brought up before the ZBA Commission that if the new zoning ordinance passed they wouldn't even have the case come before the Commission. Ms. Wilcox explained there are many cases brought before the Commission that are inconsistent with the old outdated archaic zoning code. Ms. Wilcox said at some point when the draft zoning code is adopted there will be some cases that won't have to come before the Commission.

Ms. Wilcox said we are trying to spur development outside of downtown and continue to rebuild our city. She discussed the need for incremental development north of downtown and south of downtown so we can see neighborhoods rebuilt throughout the City of Flint. Ms. Wilcox said downtown development is something we are proud of, but we want to see that happen across the city.

ADJOURNMENT:

M/S – Ricks/Stebbins

The meeting was adjourned at 7:04 pm.

Unanimously carried.