

FLINT ZONING BOARD OF APPEALS
Rescheduled Meeting Minutes
November 23, 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
Jacqueline Jordan

Staff Present

Jeff Schiffman, Lead Planner
Keizy Anpalagan, GIS Technician
Kelly Thompson, Assistant City Attorney
Corey Christensen, ROWE Consultant

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:

There were no changes to the agenda.

M/S –Ricks/Kea

Motion to adopt the meeting agenda.
Unanimously carried.

APPROVAL OF MINUTES:

There were no minutes to approve.

PUBLIC FORUM:

No one spoke during the Public Forum.

REPORTS:

Jeff Schiffman introduced himself. He is the new lead planner and he is starting his third week at the city. His previous experience includes work with the Land Bank in Cleveland.

COMMUNICATIONS:

None

PUBLIC HEARING:

ZBA 20-2244: Flint Housing Commission, requests a non-use variance at 5701 Edgar Holt Drive (PID # 47-30-301-003) to permit six existing units to be enlarged to allow for

the property to create barrier-free accessible units.

Jason Borrer, the director of development for the Flint Housing Commission gave an overview of the project. It's a 93-unit apartment townhome built in 1984. There are 16 buildings on the property including one building which serves as a community space and management office. There are 63 two bedroom units, 23 one bedroom units, and 10 four bedroom units. The property is public housing. They intend to renovate the property and part of those renovations include providing ADA accessible units. They are going to convert five of the two bedroom units into three bedroom units by adding another bedroom on the ground floor per ADA requirements. This is the purpose of the variance request.

Chairperson Telliga opened the meeting up to public comment. No one spoke for or against the variance request.

Chairperson Telliga asked for clarification on the number of units being converted and the ADA requirements necessitating this expansion. The applicant replied that the ADA requires 5% of units to be barrier free.

Commissioner Kea asked the applicant if the ADA is the American Disabilities Act. The applicant replied yes. Commissioner Kea then asked Staff to clarify why a variance is necessary. Mr. Christensen replied that per the referenced sections of the zoning ordinance, no legal nonconforming use can be expanded. The addition of five-bedroom units to the property represents an expansion of the use and therefor is not permitted by the Zoning Ordinance. This is why the applicant was advised to seek a variance from the ZBA.

Commissioner Ricks asked the applicant why they are not seeking a rezoning. The applicant replied that Staff has recommended seeking a variance first. Commissioner Ricks then asked if this property had gone to Planning Commission. Commissioner Blower replied that it had not and Mr. Christensen replied that it most likely went to the Planning Commission in the 1980s but there was no record found.

Commissioner McCaskill made a motion to approve the requested non-use variance by the Housing Commission.

M/S – McCaskill/Blower

Motion to approve ZBA 20-2244 as presented.

Unanimously carried.

ZBA 20-2245: Lisa Adams requests anon-use variance to permit a Daycare in the D-1 district at 2744 Flushing Road (PID# 40-11-301-035)

This request has been withdrawn.

CITY ATTORNEY REPORT:

Mrs. Thompson discussed the draft zoning code. Staff is aiming to get it on the second council agenda in December. Before this can happen, the draft zoning code needs to

be put in ordinance format. The code is over 100 pages long and so this process may take longer than hoped. The proposed permanent marijuana ordinance is also on track to go to Council next month. This has already gone through first reading and the public hearing so now the hope is to have Council hold a second reading and vote.

Chairperson Telliga spoke on the importance of adopting the draft zoning code. The ZBA frequently hears variance requests for projects that would not need a variance if the draft zoning code was adopted. He is concerned that one of these requests might be denied even though they probably shouldn't have needed to come to the ZBA in the first place since the draft zoning code was approved by the Planning Commission over three years ago.

OLD BUSINESS:

Commissioner Hardy requested an updated roster be distributed. Mrs. Thompson replied that Suzanne and Bill are working hard on this and last she knew they had been speaking with the Clerk's office to get it finalized.

NEW BUSINESS:

Commissioner Kea asked for clarification from Staff regarding the reports that were distributed for tonight's variance request. There were no checkmarks in the boxes as there usually are. Mr. Christensen replied that this was a change made to make the ZBA's staff reports more consistent with other communities. Staff did not check the boxes in order to avoid the appearance of leading the board in its decision.

Chairperson Telliga thanked the board members for their dedication and willingness to meet on an unscheduled date. Historically the ZBA has had difficulty reaching a quorum but the current group has had great attendance, and this is no longer a problem. Chairperson Telliga went on to thank everyone for their preparedness at each meeting.

ADJOURNMENT:

M/S – Key/Ricks

The meeting was adjourned at 6:45 pm.

Unanimously carried.