



Sheldon Neeley
Mayor

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

FLINT ZONING BOARD OF APPEALS
Draft Meeting Minutes
May 21st, 2024

Board Members Present:

Matthew Telliga, Chair
Jerry Kea, Vice-Chair
Ari McCaskill
Ramie Yelle
Lauren Coney
Derek Dohrman
John Hardy

Staff Present:

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

Planning Commission Representative:

Carol-Anne Blower

Absent:

Willie Buford

ROLL CALL:

Chairperson Telliga called the meeting to order at 6:02 p.m. Roll was taken, and a quorum was present. The meeting was held in the Council Chambers at the City of Flint City Hall as well as via Zoom.

Matthew Telliga, Chair – present
Jerry Kea, Vice-Chair – present
Ari McCaskill – present
Lauren Coney – present
Willie Buford – absent

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

ADOPTION OF MAY 21st, 2024 AGENDA:

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

Commissioner Coney made a motion to approve the agenda as presented. Commissioner McCaskill supported the motion.

M/S – Coney/McCaskill

The motion carried via voice vote.

Chairman Telliga gave the floor to staff to conduct the Election of Officers.



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OFFICER ELECTIONS – CHAIRPERSON

Max asked for nominations for the position of Chairperson. Vice-Chair Kea nominated Commissioner Telliga to remain in his position as Chairman. Commissioner Yelle seconded the nomination. Commissioner Telliga accepted the nomination.

Max initiated a roll-call vote.

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

Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes
Commissioner Hardy, yes
Commissioner Blower, yes

M/S – Kea/Yelle

9 – yes, 0 – no, 0 – abstain

The motion carried.

OFFICER ELECTIONS – VICE-CHAIRPERSON

Chairman Telliga asked for nominations for the position of Vice-Chairperson. Chairman Telliga nominated Commissioner Kea to remain in his position as Vice-Chair. Commissioner Yella seconded the nomination. Commissioner Kea accepted the nomination.

Chairman Telliga called for a roll call vote.

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

Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes
Commissioner Hardy, yes
Commissioner Blower, yes

M/S – Telliga/Yelle

9 – yes, 0 – no, 0 – abstain

The motion carried.

ADOPTION OF MARCH 19th, 2024 MINUTES

The draft minutes of March 19th, 2024 were presented.

Commissioner McCaskill made a motion to adopt the minutes as presented. Commissioner Coney supported the motion.

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Chairman Telliga called for a roll call vote.

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

Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes
Commissioner Hardy, yes
Commissioner Blower, yes

M/S – McCaskill/Coney

9 – yes, 0 – no, 0 – abstain

The motion carried via voice vote.

PUBLIC FORUM:

Chairman Telliga read the Rules of the Public Forum.

Mona Munroe-Younis spoke as a resident about marihuana related variance requests that have been reviewed in the past and her opinion that locational restrictions should be more strictly upheld to protect residential uses, schools, churches, etc. Ms. Munroe-Younis recounted an informational session the ZBA received a few years ago from the Michigan Municipal League in that the ZBA must often deny variances to ensure the validity of zoning regulations. Ms. Munroe-Younis described that when variances are granted it limits or removes the ability of the Planning Commission to more finely review and condition approvals when going through for review.

REPORTS:

No reports at this time.

COMMUNICATIONS:

No communications at this time.

PUBLIC HEARING:

ZBA 24-8: Lisa Dawdy, representing District Dort LLC dba JARS Cannabis, requests a Non-Use Variance to provide relief of 953 feet from the required 1,000-foot distance from a Group E Adult-Use Marihuana Retail use to a Substance Abuse Rehabilitation Center. This request is for the property located at 3316 S. Dort Hwy., Flint, MI 48507 (PID # 41-20-476-045).

Max read the staff report and standards checklist for ZBA 24-8.

Frank DeLuca spoke, representing JARS Cannabis with Lisa Dawdy also present via Zoom. Mr. DeLuca stated the history of the property goes back to 2019 when his clients received an approved transfer of ownership for the license. Mr. DeLuca continued that a re-licensure request was sent at that time but was not initially accepted potentially due to reasons including confusion on the address and personnel changes. Mr. DeLuca discussed the nonconforming status of the



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property, the communication with neighbors that that have conducted, a proposed blight plan, and the positive reputation JARS maintains. Mr. DeLuca expressed that the distance measurements are from lot line to lot line, where there is a large parking lot between the actual buildings.

Chairman Telliga asked staff if State licenses have been maintained. Max responded that they could not locate information on the CRA website regarding this address and responded affirmatively that the license would have been inactive for a few years at this point in time.

Chairman Telliga opened the floor to the public. Commissioner Coney read over the Rules of Conduct.

Mona Munroe-Younis spoke in opposition, expressing she has no ill-will towards any companies but that she finds the request disrespectful for a new application due to the close proximity between the proposed location and the nearby facility providing substance abuse rehabilitation services. She also expressed concern over the number of existing facilities along Dort Hwy. and the variances previously given for marihuana uses.

Assistant City Attorney Tom Sparrow added for clarification that there is a pending lawsuit with the City regarding this property and the former marihuana business. The Board discussed the parameters of their review is with the case before them, not with the outcomes that may come from any particular decision.

Commissioner Yelle stated he is familiar with the Hope Network Behavioral Health facility. He said that they are a mental healthcare facility and it received approvals to do this type of care in 2018 but has not utilized it at this time, as communicated in a phone call between himself and the facility staff.

Chairman Telliga closed the floor to the public.

Mr. Deluca stated they reached out to Hope Network Behavioral Health and did not receive a response. He reiterated that the front of the building and parking lot face the rear of the building for the proposed use, and that the lapse of the previous license was not the fault of the applicant.

Commissioner McCaskill asked Atty. Sparrow for clarification on who is bringing the lawsuit forward. Atty. Sparrow responded that it is District Dort, LLC. Max added that a change of ownership was approved in 2019 from Sinan Desilva to Gjergj Sinistaj.

Commissioner Blower asked staff if Hope Network Behavioral Health is currently licensed as a Substance Abuse Rehabilitation Center. Max stated that they believe so but also that they are not aware of State licenses for this specific treatment option. Commissioner Blower discussed the standards as they relate to the actual operations within the nearby facility as well as how to measure distances between properties, not paying mind to which parts of a building face another.



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Commissioner McCaskill made a motion to deny the non-use variance requested by District Dort LLC dba JARS Cannabis to provide relief of 953 feet from the required 1,000-foot distance from a Group E Adult-Use Marihuana Retail use to a Substance Abuse Rehabilitation Center based on the following findings of fact:

- It does not comply with Standard 1, there are no unique conditions to the subject property because the distances calculated are based on the established nearest lot line to nearest lot line standard.
- It does not comply with Standard 2, the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the neighboring area.
- It does not comply with Standard 3, the immediate practical difficulty causing the need for the variance was created by the applicant or the applicant's predecessors in title.
- It does not comply with Standard 4, the variance would cause substantial detriment to adjacent property and the surrounding neighborhood.
- It does not comply with Standard 5, the variance would not be consistent with, and would materially impair, the purpose and intent of the Master Plan and Zoning Ordinance including the zoning district.

Commissioner Yelle supported the motion. Chairman Telliga called for a roll call vote.

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

Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes
Commissioner Hardy, yes
Commissioner Blower, yes

M/S – McCaskill/Yelle

9 – yes, 0 – no, 0 – abstain

The motion carried.

ZBA 24-9: Lisa Dawdy, representing District Dort LLC dba JARS Cannabis, requests a Non-Use Variance to provide relief of 142 feet from the required 300-foot distance from a Group E Adult-Use Marihuana Retail use to a Residential Property or Residentially Zoned District. This request is for the property located at 3316 S. Dort Hwy., Flint, MI 48507 (PID # 41-20-476-045).

Max read the staff report and standards checklist for ZBA 24-9.

Frank DeLuca spoke, representing JARS Cannabis with Lisa Dawdy also present via Zoom. Mr. DeLuca referred back to the comments made for the previous request and added that aside from the MetroPCS cell phone store the entire strip mall is vacant. Chairman Telliga opened the floor to the public.



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Mona Munroe-Younis spoke in opposition, expressing that a 300 ft. buffer is not a large distance to maintain and that regardless of how many residences are within that area, they are protected.

Chairman Telliga closed the floor to the public.

Mr. DeLuca declined to speak further.

Commissioner McCaskill spoke on the duty to protect residents and their properties when considering a requested variance. Commissioner Blower spoke on the marihuana ordinance rewrites which allowed an option for applicants to get around location buffers from residents by proposing and following through on a Blight Elimination Plan for the surrounding area.

Commissioner McCaskill made a motion to deny the non-use variance requested by District Dort LLC dba JARS Cannabis to provide relief of 142 feet from the required 300-foot distance from a Group E Adult-Use Marihuana Retail use to a Residential Property or Residentially Zoned District based on the following findings of fact:

- It does not comply with Standard 1, there are no unique conditions to the subject property because the distances calculated are based on the established nearest lot line to nearest lot line standard.
- It does not comply with Standard 2, the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the neighboring area.
- It does not comply with Standard 3, the immediate practical difficulty causing the need for the variance was created by the applicant or the applicant's predecessors in title.
- It does not comply with Standard 4, the variance would cause substantial detriment to adjacent property and the surrounding neighborhood.
- It does not comply with Standard 5, the variance would not be consistent with, and would materially impair, the purpose and intent of the Master Plan and Zoning Ordinance including the zoning district.

Commissioner Kingen supported the motion. Chairman Telliga called for a roll call vote.

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

Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes
Commissioner Hardy, yes
Commissioner Blower, yes

CITY ATTORNEY REPORT:

No report.



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OLD BUSINESS:

No old business.

NEW BUSINESS:

Vice-Chair Kea thanked staff for following up on a reported violation and seeing the matter resolved. Vice-Chair Kea spoke on the Zoning Ordinance language update for enforcement options. Commissioner Blower confirmed the recommendation for approval of the enforcement text amendments from Planning Commission to Council as well as scheduling a public hearing to review language for childcare uses.

ADJOURNMENT:

Commissioner McCaskill made a motion to adjourn. Commissioner Blower supported the motion.

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

Commissioner Kea, yes
Commissioner Coney, yes
Commissioner Telliga, yes
Commissioner Blower, yes

M/S –McCaskill/Blower

The meeting was adjourned at 7:13 pm.