



City of Rochester

400 Sixth Street
Rochester, MI 48307
P: (248) 733-3700
F: (248) 733-3170
www.rochestermi.org

ZONING BOARD OF APPEALS REGULAR MEETING AGENDA

Chairman Cody Smith

Zoning Board of Appeals Members:

Denis Fleming, David Gassen, William Thomas & Ray Thietten

Alternate: Sara King & Jay Huh

400 Sixth Street	September 30, 2026	7:00 PM
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1. Call to Order
2. Roll Call
3. Approval of the Minutes
 - A. Consideration of the Minutes: Meeting of May 27, 2026
4. Considerations:
 - A. Consideration of 420 W. Second: Seeking a waiver of 3.76% of permitted lot coverage (30% permitted, 33.76% proposed) within the R-1, One-Family Zoning Classification.
5. Miscellaneous
6. Adjourn

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-651-9061 forty-eight (48) hours prior to the meeting. Staff will be pleased to make the necessary arrangements to provide necessary reasonable accommodations, including auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting.

ZONING BOARD OF APPEALS

CITY OF ROCHESTER

400 SIXTH STREET

ROCHESTER, MI 48307

REGULAR MEETING

May 27, 2026

7:00 P.M.

1. CALL TO ORDER

Chair Thomas called the May 27, 2026 regular meeting of the Zoning Board of Appeals to order at 7:00 p.m.

2. ROLL CALL

PRESENT: Chair William Thomas, Denis Fleming, David Gassen, Cody Smith, Ray Thietten, Sara King

ABSENT: Jay Huh

ALSO PRESENT: City Manager Nik Banda, Planning & Zoning Coordinator Jeremy Peckens

3. MINUTES

A. Consideration of Meeting Minutes from February 25, 2026.

Board members discussed the February 25, 2026 meeting minutes and prior discussion related to findings of fact and procedural updates. Members who were not present at the prior meeting abstained from discussion regarding approval. Following discussion, the Board elected to temporarily table consideration of the minutes for additional review later in the meeting.

MOTION: Mr. Thietten made a motion to approve the meeting minutes as presented. Seconded by Fleming.

VOTE:

YES: Thomas, Fleming, Gassen, Smith, Thietten

NO: None.

Motion Carried.

4. CONSIDERATION

A. Consideration of 824 Miller Avenue: Seeking a Waiver from Section 2125 (2)(a).

City Manager Nik Banda reviewed the request from Consumers Energy for a waiver to allow an eight-foot decorative masonry wall and fence system in a residential zoning district where six feet is permitted by ordinance.

The applicant, Tim Ross of Consumers Energy, presented the modernization plan for the existing natural gas regulator station located on Miller Avenue. Mr. Ross explained that the facility has existed at the location for over fifty years and serves as a critical component of the City's natural gas distribution system. The project includes demolition of the existing aging infrastructure, construction of a new utility building, upgraded underground piping, new monitoring systems, improved landscaping, and decorative security fencing.

The applicant explained that Consumers Energy security standards recommend eight-foot fencing for unmanned critical utility facilities to reduce the risk of unauthorized access and tampering. The proposed project includes decorative masonry walls on three sides of the property and an ornamental aluminum fence along the street frontage to maintain visibility into the site while improving neighborhood aesthetics.

Board discussion included:

- Utility security standards and life-safety considerations.
- Existing zoning allowances for utility infrastructure.
- Support from adjacent neighbors.
- Improvements to screening and appearance compared to the existing facility.
- Potential precedent concerns for residential fence requests.

Board members noted that the request represented a unique utility-related circumstance and would not establish precedent for standard residential fencing requests.

MOTION: Mr. Smith made a motion to approve the waiver request for 824 Miller Avenue based upon the unique nature of the utility facility, utility security standards, public safety considerations, and support from surrounding neighbors. Seconded by Fleming.

VOTE:

YES: Thomas, Fleming, Gassen, Smith, Thietten

NO: None.

Motion Carried.

B. Consideration of 929 W. University: Seeking a Waiver to Allow a Second Sign to be Installed on the Site.

The Board discussed the request from Alpine Dental seeking approval for an additional sign on the property. Staff noted that the applicant and/or sign company representative was not present as required by Board procedures.

Board discussion referenced prior sign approvals within the City and visibility concerns related to the heavily landscaped frontage.

MOTION: Mr. Flemming made a motion to approve the waiver request for 929 W. University Allow a Second Sign to be Installed on the Site with the condition that if the property owner wanted more signs on the site they would have to come back to the ZBA for another waiver. Seconded by Gasson.

Mr. Smith made an additional request as part of the motion to approve for this sign ordinance to be taken up to PC as this is the 2nd approval the ZBA has done and thus has set a precedent.

VOTE:

YES: Thomas, Fleming, Gassen, Smith, Thietten

NO: None.

Motion Carried.

C. Consideration of 307 Highland Avenue: Seeking a Waiver of Section 2102.

Vice Chair Flemming presided over discussion of the request due to Chair Thomas' involvement with the project.

Staff reviewed the request from Timothy Doyle seeking a two-foot variance from the required five-foot side yard setback for construction of a new detached garage. The applicant proposed demolishing an existing deteriorated non-conforming garage and constructing a new garage at the same existing three-foot side setback.

Mr. Doyle addressed the Board and reviewed neighborhood conditions, noting that multiple surrounding properties contain garages with similar setbacks that predate current zoning standards. The applicant explained that maintaining the existing setback would preserve additional backyard space for family use.

Board discussion included:

- Historic zoning changes related to garage setbacks.
- Existing non-conforming garages in the surrounding neighborhood.
- Hardship versus usability considerations.

- Potential precedent concerns.
- Existing driveway configuration and available maneuvering area.

Several Board members noted that the garage could still be constructed in compliance with the ordinance despite reduced backyard area.

Following discussion, the applicant elected to voluntarily withdraw the request without prejudice.

No action was taken by the Board. Do to the property owner withdrawing the request.

D. Consideration of 321 W. Third: Seeking a Waiver from Section 2000.

Staff reviewed the request from Cheryl Boodram seeking a variance from the required combined side yard setbacks within the R-T zoning district in order to construct a one-car garage/workshop addition onto an existing non-conforming home.

Discussion included the steep grade conditions along Oak Street, the lack of sidewalks, existing greenbelt area, and the placement of the existing non-conforming structure.

MOTION: Mr. Smith made a motion to approve the waiver request for 321 W. Third Street based upon the unique lot conditions, steep grade conditions, existing non-conforming structure placement, and limited impact on neighboring properties. Seconded by Fleming.

VOTE:

YES: Thomas, Fleming, Gassen, Smith, Thietten, King

NO: None.

Motion Carried.

5. MISCELLANEOUS

A. Election of Officers

The Board discussed prior revisions to the Zoning Board of Appeals Rules of Procedure and the need to ensure updated procedures are formally codified and available online.

MOTION: Mr. Fleming nominated Cody Smith for Chairperson of the Zoning Board of Appeals. Seconded by Gassen.

VOTE:

YES: Thomas, Fleming, Gassen, Smith, Thietten

NO: None.

Motion Carried.

MOTION: Mr. Gassen nominated William Thomas for Vice Chairperson of the Zoning Board of Appeals. Seconded by Smith.

VOTE:

YES: Thomas, Fleming, Gassen, Smith, Thietten

NO: None.

Motion Carried.

Board members also discussed:

- Updating and codifying the ZBA Rules of Procedure.
- Prior training materials provided by McKenna.
- Future review of procedural updates.
- Board reappointment notifications.

6. ADJOURN

Chair Thomas adjourned the meeting.

Respectfully submitted,

Jeremy Peckens

Planning and Zoning Administrator



City of Rochester

400 Sixth Street
Rochester, MI 48307
P: (248) 651-9061
F: (248) 651-2624
www.rochestermi.org

September 21, 2026

TO: Zoning Board of Appeals

RE: Staff Report - ZBA 420 W. Second Street

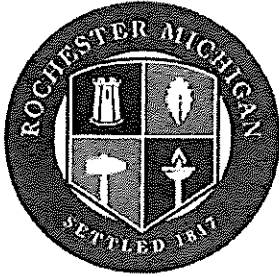
Scott Fisher of Cranbrook Custom Homes, representing Carl and Valentina Kaspari, owners of 420 W. Second Street are seeking a variance from the permitted maximum lot coverage requirements of the City's Zoning Ordinance, in order to construct a new home, saving the existing detached garage. The property is located on the north side of W. Second Street between Wilcox Street and Oak Street, zoned R-1, One Family Residential, Sidwell Parcel 15-15-208-028. The specific variance being sought is as follows:

- A waiver of 3.76% of permitted lot coverage (30% permitted, 33.76% proposed) within the R-1, One-Family Zoning Classification.
- 1. The site contains 0.24 acres of land, with a frontage of 60.00 feet along W. Second Street and has a depth of 171.00 feet. The property has an existing home and detached garage on it, and the home is scheduled to be removed, and they are proposing to save the existing garage in its entirety.
- 2. The petitioner in his application points out that removing half of the existing garage to meet the 30% permitted lot coverage would compromise the balance of the garage.
- 3. The request is a self-inflicted hardship as the new home could be downsized to meet the permitted lot coverage.

Sincerely,

Nik Banda

Nik Banda
City Manager & Economic Development Director



City of Rochester

400 Sixth Street
Rochester, MI 48307
P: (248) 651-9061
F: (248) 651-2624
www.rochestermi.org

ZONING BOARD OF APPEALS APPLICATION FOR HEARING

Date Filed: 8/5/26 Amount of Fee Paid: \$ 500.00

Location of Property: 420 W. Second St. Rochester

APPELLANT: Cranbrook Custom Homes (Scott Fisher)

Address: 13001 23 Mile Rd. #200, Shelby Township

Phone: 810-348-3320 E-MAIL: sfisher@lombardohomes.com

OWNER:
Carl and Valentina Kaspari

Address:
13201 Stephens Rd, Warren, 48089

Phone: 810-560-3356 E-MAIL: carlkaspari3@gmail.com

DEADLINES:

- The completed Application for Hearing must be received by the City Clerk no later than Noon, three (3) weeks prior to the next regular meeting of the Zoning Board of Appeals.
 - If the time limit is met, the City will make a reasonable effort to schedule consideration of said plan during the next regular meeting of the Zoning Board of Appeals.
 - Submittals received after the cut-off time will be placed on the agenda of the subsequent meeting.
- Note: The Zoning Board of Appeals normally meets the fourth Wednesday of each month at 7:00 P.M. in the Municipal Building, 400 Sixth Street. Please check the City website for the date of each meeting.*

REQUIREMENTS:

- Provide all required documentation and check to the City Clerk.
- Provide DIGITAL & 10 COPIES of the blueprint drawings of the site plan (pre-folded to 1/4 size with the blueprint seal on the outside).
- Provide DIGITAL & 10 COPIES of the completed Application.
- Provide DIGITAL & 10 COPIES of correspondence and any written documents.
- Provide a check payable to the City of Rochester in the amount of \$500.00.
- Provide DIGITAL blueprints, application, correspondence and any written documents to the City Manager's Office at citymanager@rochestermi.org.

APPEARANCE IS REQUIRED:

APPLICANT OR A REPRESENTATIVE FOR THE APPLICANT MUST ATTEND THE ZONING BOARD OF APPEALS MEETING IN ORDER TO ANSWER ANY QUESTIONS BY THE ZBA MEMBERS.


Where you live.

FAILURE OF THE APPLICANT OR APPLICANT REPRESENTATIVE TO ATTEND THE ZONING BOARD OF APPEALS MEETING MAY RESULT IN TABLING CONSIDERATION OF THE APPEAL OR DENIAL OF THE APPEAL.

Complete the appropriate section below. Additional information is to be supplied on separate sheets if the space provided on this form is inadequate. Attach plans, drawn to scale, showing shape and dimension of lots, buildings and lines of proposed building to be erected, altered or changed, also indicating setbacks, relationship to neighborhood lots and other pertinent information.

SECTION 1. Interpretation or Administrative Review

The appellant respectfully requests that an interpretation be made by the Board of Appeals of Article 20, Section 2000, of the City Zoning Ordinance.

An appeal is requested for a review of a determination made by the Zoning Ordinance enforcing officer. (See Section 3002a)

An appeal is made for an interpretation of the Zoning Map as follows. (Article 1, Section 100)

An interpretation of the Zoning map is requested for the following reasons:

SECTION 2. Variance (A variance is for a structure otherwise prohibited by the ordinance and can be granted only in showing an undue hardship or practical difficulty. See Article 30, Section 3001b.)

The appellant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of his property because the following peculiar or unusual conditions are present which justify a variance:

Requesting a variance for an additional 3.76% (33.76% total) lot coverage variance in order to keep second half of
existing 4 car detached garage. tearing down half of existing garage is not feasible and will cause structural
damage to remaining half of the garage.

The following unnecessary hardship will result if the variance is not granted:
Removing 1/2 of the existing detached garage will cause the need to remove the other half as well. Removing the
trench footing of the other half will cause root damage to the 32" landmark Black Walnut tree that site 10' off the garage corner.

By signing this application, the undersigned hereby grants full authority to the City of Rochester, its agents, employees, representatives and/or appointees to enter upon the undersigned lands and properties for the purpose of inspection and examination incidental hereto.

Signature of Owner:

CARL JOHN KASPARI
(Print Name)

Date: 7-3-26

Signature of Applicant (if not Owner):

Scott Fisher
(Print Name)

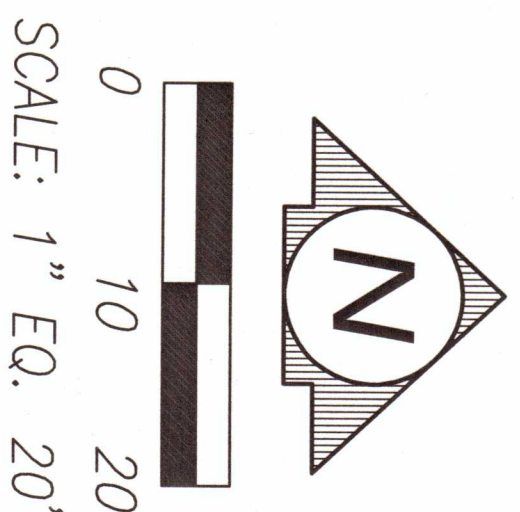
Date: 8-4-26

REVIEWED AND CONFIRMED VARIANCE IS NEEDED:

CITY OF ROCHESTER CODE INSPECTOR

Date: _____

PLOT PLAN
SITE ADDRESS:
420 W. SECOND ST.



18 FT. WIDE ALLEY
S89°45'40"E R
S89°45'17"E M 60.00'R&M

ZONING SETBACKS:

FRONT: 25 FT.
SIDES: 5 FT. MIN. / 15 FT. TOTAL
REAR: 35 FT.
LOT COVERAGE: 30% MAX.

LOT INFO:

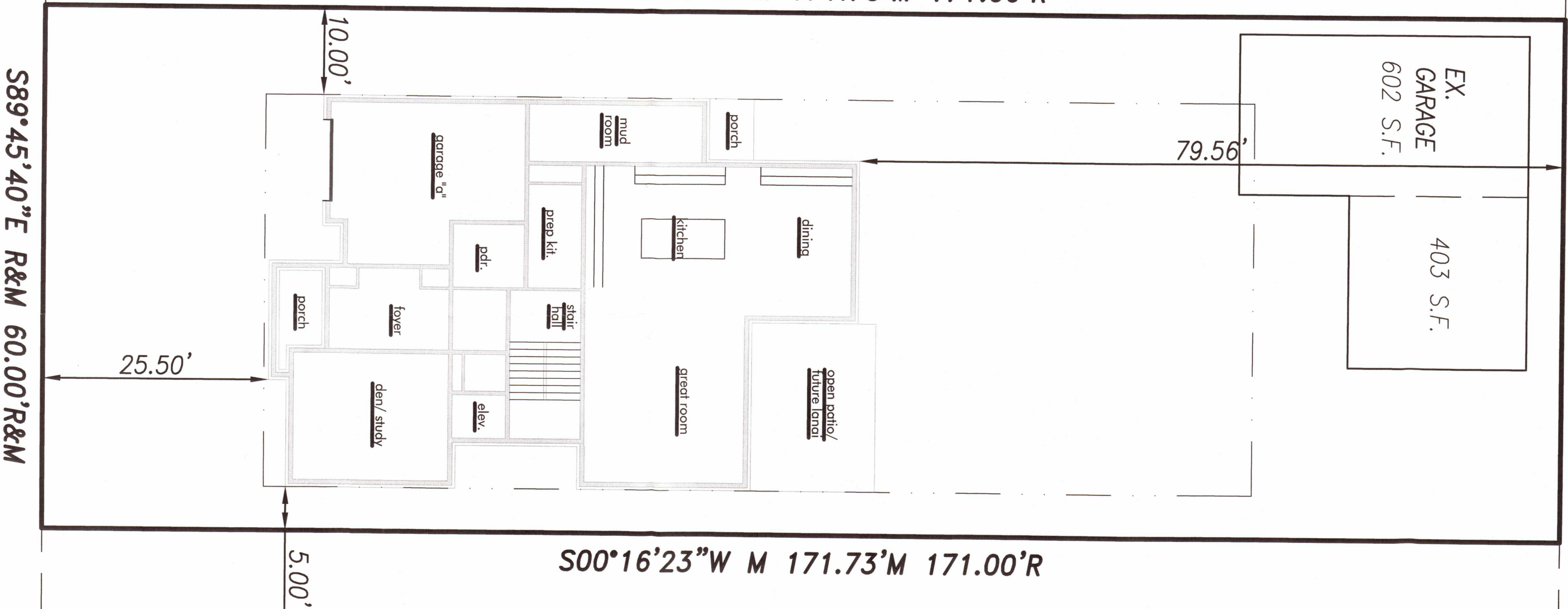
EXISTING CONDITIONS:
LOT AREA: 10,304.25 S.F.
LOT COVERAGE 30%: 3091 S.F. ALLOWABLE
PROP. HOUSE: 2474 S.F.
EX. WEST 2 CAR GARAGE: 602 S.F.
EX. EAST 2 CAR GARAGE: 403 S.F.
EX. TOTAL GARAGE (TO REMAIN): 1005 S.F.

COVERAGE 2474+1005/ 10,304.25 S.F. =
33.76%. ASKING FOR 3.76% VARIANCE WITH
EXISTING DETACHED GARAGE.

426 W 2ND ST
PIN: 15-15-208-027

S00°16'23"W M 171.73'M 171.00'R

S00°16'23"W M 171.73'M 171.00'R



W. SECOND ST.



P 248.651.0592 F 248.656.7099
Mail@ReichertSurveying.com
140 Flumerfelt Lane - Rochester, MI 48306

SCALE: 1"=20'	DRAWN: B.G.R.
DATE: 8/4/26	CHECK: G.H.R.
JOB # 26-097	SHEET: 1 OF 1

LEGAL DESCRIPTION: **LOT 122** OF "SUPERVISOR'S
PLAT NO. 4" BEING A REPLAT OF OUTLOTS 1
TO 13 INCL. OF ORIGINAL PLAT OF VILLAGE OF
ROCHESTER, T.3N., R.11E., CITY OF
ROCHESTER, OAKLAND CO., MICHIGAN, AS
RECORDED IN L.34 OF PLATS, P.49, O.C.R.

NO.	DATE	DESCRIPTION	BY

SEAL:



LEGEND:

- | | |
|---|--|
| ☒ FOUND IRON | ☐ EX. BUILDING |
| ☐ SET IRON | ☐ EX. CONCRETE |
| ☐ R RECORD DISTANCE | ☐ EX. ASPHALT |
| ☐ M MEASURED DISTANCE | ☐ EX. FENCE |
| ☐ P PLAT DISTANCE | ☐ EX. OVH. WIRE |
| ☐ PR. GRADE | |
| ☐ PR. CONCRETE | |
| ☐ PR. BUILDING | |

PREPARED FOR:
ANYWHERE LOMBARDO
13001 23 MILE RD. STE#200
SHELBY TWP., MI 48315
(585) 453-3875



