



Rochester Hills

Minutes

Zoning Board of Appeals

1000 Rochester Hills Dr
Rochester Hills, MI
48309
(248) 656-4600
Home Page:
rochesterhills.org

Chairperson: Kenneth Koluch; Vice Chairperson: Charles Tischer; Secretary: Jayson Graves
Members: Deborah Brnabic, Marvie Neubauer, Jason Sakis, and John Young

Wednesday, September 9, 2026

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Koluch called the September 9, 2026 Zoning Board of Appeals meeting to order at 7:00 p.m. Michigan Time.

ROLL CALL

Present 7 - Jayson Graves, Kenneth Koluch, Charles Tischer, Marvie Neubauer, John Young, Jason Sakis and Deborah Brnabic

OTHERS PRESENT

Chris McLeod, Planning Manager
Mike Johnson, Ordinance Inspector
Jennifer MacDonald, Recording Secretary

APPROVAL OF MINUTES

[2026-0379](#) July 9, 2026 Zoning Board of Appeals Minutes

A motion was made by Young, seconded by Neubauer, that this matter be Approved. The motion carried by the following vote:

Aye 7 - Graves, Koluch, Tischer, Neubauer, Young, Sakis and Brnabic

COMMUNICATIONS

Chairperson Koluch noted that the monthly Michigan Zoning Newsletter had been sent via email.

PUBLIC COMMENT

None.

NEW BUSINESS

[2026-0380](#) SIGN BOARD OF APPEALS

PUBLIC HEARING - File PVAI2026-0009

Location: The Hampton Village shopping center located on the east side of

Rochester Rd. north of Auburn Rd., Parcel 15-26-351-005, zoned CB Community Business with the FB Flex Business Overlay. The proposed sign location is along S. Rochester Rd., at the shopping center entrance drive near Chili's and Red Lobster.

Request: The applicant is requesting a variance from *Section 134-5 Monument Signs* which allows a sign area of one square foot per each five feet of linear street frontage, up to a maximum of 200 square feet, with a maximum height of seven feet. The applicant is proposing one (1) thirty (30) square foot, seven (7) foot tall monument sign located along Rochester Rd. for a proposed Chick Fil-A within the existing Hampton Village shopping center parking lot. The proposed sign would be in addition to the approximately existing 372 square feet of monument sign(s) located along Rochester Rd. and an additional approximate 232 square feet of monument sign(s) along Auburn Rd. for various tenants within the shopping center. The shopping center has 6,353 ft. of linear road frontage.

(Staff Report dated 9/2/26, Location Map, Application & Photos, Sign Details, Site Plan, and Public Hearing Notice were placed on file and by reference became a part of the record hereof.)

Present for the applicant were Rich Dippolito, with Brixmore Property Group; Justin Lurk, with Chick-fil-A; and Leslie Accardo, with PEA Group.

Chairperson Koluch introduced the item and invited the applicant representatives to approach the podium and state their names and affiliations for the record. He then outlined the meeting procedure before turning the floor over to the applicants to begin their presentation.

Mr. Lurk addressed the Board and provided background on the proposed development. He stated that Chick-fil-A has been seeking a suitable location in the City of Rochester Hills for six or seven years, noting that the proposed site is situated one lot back from Rochester Road. He explained that securing signage along Rochester Road is a key requirement for internal approval by Chick-fil-A's real estate committee. Mr. Lurk outlined the unique nature of the property, explaining that the shopping center functions as a single seven-acre parcel containing over a dozen distinct condominium units that act like separate lots. He noted that under the City sign code, the maximum total monument signage allowed for a single shopping center is capped at 200 square feet. He pointed out that based strictly on the property's linear street frontage, the development would otherwise qualify for up to 1,270 square feet of signage if the maximum limit did not exist.

Mr. Lurk detailed the applicant's proposal, which consists of a 30-square-foot, seven-foot-tall monument sign. He explained that adding the proposed sign would bring the total signage across the shopping center to approximately 634 square feet, remaining well below half of the amount that would otherwise be permitted based on street frontage. He noted that existing nonconforming signage likely stemmed from prior code standards when the center was originally developed in the late 1980s or early 1990s. He concluded by stating that the unique structure of the parcel and condominium arrangement presents a practical difficulty, and offered to answer questions from the Board.

Mr. McLeod provided the staff report, noting that Chick-fil-A has submitted new site plans proposing to locate within the Hampton Village Shopping Center. He explained that the Zoning Board of Appeals typically hears variance requests before a proposal proceeds to the Planning Commission, and while the applicant is close to completing their site plans, they sought a decision on the sign variance first. Mr. McLeod stated that the Building Department reviewed the request and determined that the existing signage on the property already exceeds the maximum amount permitted by the Ordinance. He clarified that while the property operates under a condominium structure with different ownerships, the City recognizes the development as a single Parcel ID. He noted that adding the proposed sign would bring the overall total signage to just over 600 square feet, which is approximately 400 square feet above the allowable limit. He indicated that the proposed monument sign would be located at the southeast corner of one of the main shopping center entrances between Chili's and Red Lobster.

Mr. McLeod explained that because the property does not have individual Parcel IDs for each unit, references are made to landmarks. He noted that the proposed sign is located on the southeast corner adjacent to the main entrance on Rochester Rd. He pointed out on a map that the proposed Chick-fil-A would sit behind the first tier of restaurants along the ring road surrounding the shopping center. He added that the development has three frontages: Rochester Road, Auburn Road to the south, and Barclay Drive to the rear. Mr. McLeod displayed visual perspectives showing the proposed sign location, existing landscaping, and current signs for neighboring restaurants. He presented the overall site plan for the shopping center and clarified that site design, traffic, and layout matters for the proposed Chick-fil-A were not before the Board, as the hearing was strictly limited to the variance request for the monument sign. He highlighted proposed pedestrian connections and site access improvements running from Rochester Road into the development that the City, Chick-fil-A, and Brixmor have discussed for future construction phases.

Mr. McLeod confirmed that all physical attributes of the seven-foot-tall sign comply with City Ordinance standards, with the sole exception being that it exceeds the total allowable sign area for the shopping center. He concluded by reiterating that the applicant seeks a determination on the sign variance prior to advancing through subsequent stages of the planning process, and opened the floor to questions from the Board.

Chairperson Koluch opened public comment and introduced resident Mr. Przybysz.

John Przybysz, 3120 Primrose Dr. - spoke in opposition to the variance request, stating that allowing deviations from City sign ordinances sets a negative precedent for future developers. He expressed concerns regarding community quality of life, increased traffic along Rochester Road, side-street congestion, and crime in the surrounding East Brooklands neighborhood. He cited past commercial developments and transportation changes that negatively impacted residential areas and urged the Board to deny the request.

to prevent further ordinance exceptions.

Chairperson Koluch thanked Mr. Przybysz for his remarks, closed public comment, and turned the meeting back to the Board. Chairperson Koluch questioned Planning Manager McLeod regarding the nearby Target property, asking whether it sits on a separate parcel and if its status impacts the total allowable signage calculations for the subject development.

Mr. McLeod stated that the Target property operates as a separate parcel with its only street frontage being a small section extending to Rochester Road. He noted that under current Ordinance standards, Target would technically be allowed a sign of approximately 12 square feet, though its existing signs on Rochester Road and Auburn Road exceed that allowance. He clarified that while staff evaluated the shopping center holistically, the Target sign square footage could technically be deducted from the overall total calculation if the Board chose to do so. Chairperson Koluch inquired about how nonconforming signs are regulated under the Ordinance and asked how the City addresses situations where an overall property contains hundreds of square feet of existing nonconforming signage.

Mr. McLeod, joined by Building Department Sign Reviewer Mike Johnson, explained that the City typically permits a change of copy on nonconforming signs for new or rebranded businesses, provided the total display area does not increase. He noted that structural modifications must be evaluated by the Building Department to move the structure closer toward compliance. He added that following discussions with Building Official Jodi Welch, if an existing nonconforming sign structure were completely destroyed, current interpretations indicate it could not be rebuilt as-of-right and would require variance relief from the Zoning Board of Appeals due to exceeding the 200-square-foot maximum threshold. Chairperson Koluch asked whether relocating an existing nonconforming sign would change its legal status. Mr. McLeod confirmed that under the strict interpretation of the Sign Ordinance, moving a sign to a new location deems it a new sign, requiring full compliance with current Ordinance standards.

Ms. Neubauer noted her familiarity with the applicant from her role on the Planning Commission and recalled prior discussions regarding locating near the Target store. She asked Mr. Lurk directly if obtaining the sign variance on Rochester Road was a deal-breaker for Chick-fil-A. Mr. Lurk responded that internal real estate committee approval for the project was contingent upon having signage on Rochester Road. He stated that if the variance were denied, the applicant would have to resubmit the proposal internally for reevaluation, which could potentially jeopardize the deal.

Ms. Neubauer expressed concern that representatives with ultimate settlement authority were not present. She noted that while the applicant is requesting significantly more sign area than allowed by code, the underlying Sign Ordinance itself may contain internal conflicts between its intent and practical application for large shopping centers. She stated a desire to avoid excessive signage along the corridor while ensuring the regulations remain fair and reasonable. Ms. Neubauer suggested tabling the application to allow City staff

time to evaluate potential revisions to the Sign Ordinance and to afford the applicant time to consult with individuals holding decision-making authority. She then asked the applicant if they would be willing to table the request.

Mr. Lurk stated that the applicant was open to discussion and explained that the reason they had not yet appeared before the Planning Commission was because internal executive approval was contingent upon securing the sign variance. Ms. Neubauer clarified that the applicant could have a sign under the code, just not a sign of the proposed size. Mr. Lurk noted that Chick-fil-A was requesting a 30-square-foot sign, acknowledging that the overall shopping center already exceeds the allowable maximum. He reiterated that the seven-acre parcel contains 12 condominium units and noted that had Brixmor executed lot splits when the center was originally developed in the 1980s or 1990s rather than a condominium structure, the present variance request might not have been necessary.

Ms. Neubauer noted that lot splits were not executed and reiterated her desire to align the intent and practical application of the Sign Ordinance. Speaking in her capacities as a Planning Commissioner and City Council member, Board Member Neubauer addressed public commenter Mr. Przybysz, assuring him that the City works to balance developer property rights with resident protections. She emphasized that the City actively manages development height and density to maintain safety standards, encouraged him to continue utilizing the police department for public safety concerns, and offered her personal assistance as an advocate if needed.

Chairperson Koluch asked Mr. McLeod to confirm whether the applicant would have to wait 12 months to re-file if the application were denied. Mr. McLeod clarified that the 12-month restriction applies specifically to resubmitting the exact same application. He explained that if the applicant returned sooner with a significantly modified request, or if the Ordinance itself were amended in a way that still required a variance, staff would likely allow them to return to ensure due process, often in consultation with Chairperson Koluch. Chairperson Koluch noted that if Chick-fil-A is firm on placing the monument sign in the proposed location, a denial would prevent them from returning with the same proposal for 12 months, even if circumstances at Hampton Village were to change. He observed that tabling the matter, as suggested by Ms. Neubauer, would preserve the applicant's ability to return with the same request later if conditions change.

Mr. Tischer expressed concern that granting the variance under the existing regulations could set a precedent across the City, noting that while the 2001 Sign Ordinance standards may be outdated for an older complex, he would vote no based on how the Ordinance is currently written. He stated a preference for addressing the underlying issues through an Ordinance revision if City Council and staff were to undertake that process.

Ms. Brnabic agreed with Ms. Neubauer regarding the need to review the Sign Ordinance, noting uncertainty about how individual parcels within the plaza were originally evaluated. She acknowledged Chick-fil-A's desire for a sign on an interior lot and asked Mr. Lurk to confirm if seeking the sign variance first was

intended to avoid site plan review expenses before proceeding to the Planning Commission. Mr. Lurk confirmed that Ms. Brnabic's understanding was correct. Ms. Brnabic voiced concern that approving the request under current standards would establish a precedent for future sign requests on interior lots. She stated that the Ordinance needs to be evaluated at the City level and asked about the potential time-frame for such a review, noting that Ordinance revisions do not always move quickly.

Mr. McLeod addressed the potential timeframe for an Ordinance revision, explaining that because the Sign Ordinance is a regulatory ordinance rather than a zoning amendment, it does not require a Planning Commission public hearing and can go directly to City Council for two readings. He estimated that under a best-case scenario, the process would take a couple of months. Mr. McLeod cautioned that staff would need to carefully draft the language to evaluate city-wide impacts and establish proper guardrails. He noted that sign ordinances are often a lightning rod that attract significant public attention and debate regarding potential visual impacts, which could extend the timeline beyond optimistic estimates.

Ms. Brnabic raised concerns regarding the existing square footage of nonconforming signage across the shopping center, noting that the existing signs are unlikely to be removed voluntarily by property owners or tenants. She questioned how an Ordinance update or review would address a situation where current nonconforming signage remains in place. Mr. McLeod responded that staff has discussed the possibility of requiring a comprehensive sign package for large properties like Hampton Village. He explained that sign ordinances often manage large, complex developments by evaluating an overall master sign package for the entire property rather than handling individual variances. He noted that depending on Brixmor's future plans, additional tenants or buildings could be added beyond the proposed Chick-fil-A development.

Mr. McLeod noted that in prior discussions with Brixmor, the question was raised whether an overall sign package should be created for the property. He explained that because it is a large property with substantial building square footage, ordinances often address sites of this size or complexity by requiring a comprehensive sign package to evaluate as a whole. He added that without knowing Brixmor's future direction for the shopping center, the potential exists for additional tenants or buildings beyond the proposed Chick-fil-A.

Mr. McLeod recalled that when Chick-fil-A initially began discussions and it became apparent that signage would be an issue, staff recommended revising the existing signs. Specifically, staff suggested bringing the tall main shopping center signs down to the ground to align closer with the seven-foot height requirement set by the Ordinance, as they do not comply with height standards. He noted that while those suggestions were offered to reposition the signs to meet height requirements regardless of square footage, no action was taken on them.

Mr. McLeod questioned whether a future Ordinance amendment should require a collective design package for signage, including an overall theme and unified design that all signage within the center must conform to in order to reach higher

signage levels. He emphasized that crafting an Ordinance requires considering all perspectives, including the impact on the shopping center, what the shopping center aims to achieve, and the desires of the City, planners, and the public. He concluded by stating that an opportunity exists to have a broader conversation regarding the overall signage for the shopping center.

Chairperson Koluch confirmed that no other Board members had additional questions or comments and then addressed the applicant representatives. He asked whether they wished for the Board to issue a final decision during the meeting or if they preferred to table the application. He noted that while the Board could vote that evening, the outcome might not be favorable based on the prior discussion. He explained that tabling the request would allow them to explore other options and preserve their right to return before the Zoning Board of Appeals at a later date. Mr. Lurk responded that the applicant initially sought a determination because they viewed the seven-acre parcel, featuring over 440,000 square feet of retail space restricted by a 200-square-foot sign maximum, as a unique situation. He acknowledged the Board's position and the duty to uphold the 200-square-foot Ordinance limit, noting his own experience serving his hometown Zoning Board of Appeals and Planning Commission. Mr. Lurk then requested permission to confer briefly with the property owner representative, which Chairperson Koluch granted.

While the applicant representatives conferred, Ms. Neubauer asked Mr. McLeod how many properties in the City share a similar size and condominium division structure. She noted that if the situation only applied to a single location, revising the Ordinance might not be appropriate. Chairperson Koluch mentioned the Winchester property as another potential example. Mr. McLeod stated that while not to the same extent, two or three properties within the Winchester development, as well as properties near The Village and Papa Joe's, might share similar characteristics. He added that the approval history of those developments must also be evaluated, pointing out that Hampton was originally approved as a Planned Unit Development (PUD).

Mr. McLeod continued explaining that City staff and the property owners had previously searched for an original Planned Unit Development (PUD) document or master sign package that might have established higher signage allowances for Hampton Village, but no such records could be located. He noted that other properties in the City share similar characteristics and would need to be evaluated under any Ordinance revision, citing the Meijer shopping center, The Village, and Winchester. He explained that because PUDs or consent judgments sometimes dictate sign standards, staff must analyze existing approvals to determine how a potential Ordinance amendment would apply. He added that the Ordinance cannot be created for a single property and must establish specific criteria or thresholds to limit its scope. Ms. Neubauer noted her agreement that an Ordinance cannot be designed for just one site, stating she was interested in understanding how the scope could be limited appropriately.

Mr. Dippolito identified himself as the Vice President of Redevelopment for Brixmor Property Group. He stated that Brixmor acquired the shopping center over 20 years ago and has been unable to locate original files or explain why the

center contains large structures with minimal signage. He expressed interest in creating a master sign plan for the center, but outlined the challenges involved due to existing lease obligations with over 50 tenants across the 470,000-square-foot shopping center. He explained that while some tenants might cooperate with sign changes if equivalent signage is provided, others might demand compensation, complicating any property-wide sign reconfiguration.

Mr. Sakis noted that certain existing monument signs, such as those for Olive Garden and Taco Bell, may not be necessary given their direct visibility from the street. He expressed concern that granting a variance could prompt requests from other interior tenants, such as Spencer Gifts, Five Below, or Ulta, and asked when the existing tenant leases expire.

Mr. Dippolito stated he did not have exact lease expiration dates available, but agreed that tenants directly along the road often do not require monument signage as much as interior tenants. He explained that because the sign rights were granted decades ago, those tenants hold legal rights to the existing signs. He added that several interior tenants have lease provisions granting them rights to pursue street visibility if additional signage becomes available. He acknowledged that managing tenant sign allocation is an internal responsibility, but agreed it would be beneficial to remedy the situation so interior tenants lacking street frontage could obtain visibility.

Mr. Lurk acknowledged the complexity of the situation, noting that the 200-square-foot maximum sign limit is the primary obstacle for a 470,000-square-foot shopping center. He explained that the proposed sign was intended to direct traffic among the development's five entrances and assist customer navigation. He stated that after discussing lease constraints with Brixmor, the applicant chose to seek a variance based on the unique hardship of the site. Chairperson Koluch asked whether the applicant preferred the Board to proceed with a decision or to table the request as previously discussed. Mr. Lurk requested that the Board table the matter.

Ms. Neubauer made a motion to postpone the application, which was seconded by Mr. Tischer. Mr. McLeod recommended that the motion specify that the postponement is pursuant to the applicant's agreement to allow staff, administration, and the applicant to explore a potential Sign Ordinance amendment. Ms. Neubauer restated her motion for the reasons stated on the record, moving to postpone the application pursuant to the applicant's agreement to allow the opportunity to work with staff to find a suitable time to return following a review of the Ordinance by staff and administration, or until the applicant withdraws the application.

A motion was made by Neubauer, seconded by Tischer, that this matter be Postponed. The motion carried by the following vote:

Aye 7 - Graves, Koluch, Tischer, Neubauer, Young, Sakis and Brnabic

Resolved, in the matter of File No. PVAI2026-0009, that the Rochester Hills Zoning Board of Appeals hereby postpones the request for a variance from Section 134-5 Monument

Signs to allow a freestanding ground monument sign located along Rochester Rd. for a proposed Chick-fil-A within the existing Hampton Village shopping center parking lot, for the reasons stated on the record and to give the opportunity pursuant to the applicant's agreement to work with staff in order to find a more suitable time to reapply after a review by staff administration of the ordinance or the applicant withdraws his application.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

October 14, 2026

ADJOURNMENT

There being no further business to discuss, a motion was made by Neubauer, seconded by Graves, to adjourn the meeting at 7:58 p.m.

Minutes prepared by Jennifer MacDonald

*Kenneth Koluch, Chairperson
Rochester Hills
Zoning Board of Appeals*

Jennifer MacDonald, Recording Secretary