



Rochester Hills

Minutes

Zoning Board of Appeals

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

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

Wednesday, July 8, 2026

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Secretary Graves called the July 8, 2026 Zoning Board of Appeals meeting to order at 7:00 p.m. Michigan Time.

ROLL CALL

Present 5 - Jayson Graves, Kenneth Koluch, Marvie Neubauer, John Young and Deborah Brnabic
Excused 2 - Charles Tischer and Jason Sakis

OTHERS PRESENT

Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary

APPROVAL OF MINUTES

[2026-0305](#) June 10, 2026 Zoning Board of Appeals Minutes

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

Aye 5 - Graves, Koluch, Neubauer, Young and Brnabic
Excused 2 - Tischer and Sakis

COMMUNICATIONS

Chairperson Koluch reminded members to check their e-mail inboxes for the updated Michigan Zoning Newsletter.

PUBLIC COMMENT

None.

ROLL CALL UPDATE

Member Sakis arrived at 7:04 p.m.

Present 6 - Jayson Graves, Kenneth Koluch, Marvie Neubauer, John Young, Jason Sakis and Deborah Brnabic

Excused 1 - Charles Tischer

NEW BUSINESS

2026-0306 Public Hearing - File PVAI2026-0008

Location: 950 Van Hoosen Rd., located south of Tienken Rd., on the east side of Van Hoosen Rd., Parcel 15-02-477-005, zoned R-4 One Family Residential District.

Request: The applicant is requesting a variance from *Section 138-5.100 Schedule of Regulations* which requires a 25-foot front yard setback in the R-4 One Family Residential zoning district. The applicant is requesting to construct a new covered front porch, encroaching approximately 7 feet 5 inches into the required setback.

(Staff report dated 6/24/26, location map, ZBA application, site plan, floor plans, elevations, photo, public comment, Building Department reviewed site plan, public hearing notice, and HDC minutes dated 3/12/26 had been placed on file and by reference became a part of the record thereof.)

Present for the applicant were Andrew Miller, from Designhaus Architects, located at 3300 Auburn Rd, Auburn Hills, Michigan, Suite 300 and Ms. and Mr. Martins, homeowners.

Chairperson Koluch addressed the audience, noting that anyone wishing to provide public comment regarding this file should fill out the paper at the back of the room and hand it to Ms. MacDonald.

Chairperson Koluch welcomed the applicant and requested their name and address for the record.

Chairperson Koluch outlined the procedural format for the variance request hearing. He instructed the applicant to submit their case and present any additional details beyond the application. Following the presentation, the floor would be turned over to the city staff, followed by public comment, and concluding with questions from the Board. Chairperson Koluch then asked Mr. Miller to begin his presentation.

Mr. Miller stated that they are requesting relief of seven feet, five inches from the 25-foot front yard setback. He explained that there is an existing concrete pad at the front entryway of the house. The proposed project involves installing four-by-four columns into the ground to create a covered porch over this existing entryway. Mr. Miller noted that this addition is intended to shield guests and homeowners from weather when entering the home and to improve the street-facing appearance of the property. He confirmed that the project will not increase the size of the existing concrete slab or expand the current footprint, but will consist solely of adding new columns and a gable roof over the doorway.

Chairperson Koluch noted that the application packet contains the specific

criteria required for the board to approve a variance request. He asked Mr. Miller if he had any additional information or comments to add regarding those criteria beyond what was already submitted. Mr. Miller stated that he did not have anything to add.

Chairperson Koluch noted for the record that Board Member Mr. Sakis had just arrived and was now present at the meeting. Chairperson Koluch then turned the floor over to Planning Manager Mr. McLeod for the staff report.

Mr. McLeod presented the staff report, stating that the request is for a physical encroachment into the front yard setback within the R-4 One Family Residential District, which requires a 25-foot setback. He explained that the front plane of the existing house already sits within the required front yard setback. He noted that the property is located within the Stony Creek Historic District, pointing out that many historic homes in the area do not comply with modern Zoning Ordinances and that this property constitutes an existing nonconforming situation.

Using a visual aid, Mr. McLeod oriented the Board, identifying Tienken Road to the left of the screen and Van Hoosen Road to the south at the bottom of the screen. He highlighted the location of the Van Hoosen Museum to the far right, along with its counterpart buildings, including the red house to the south. He stated that there are only two occupied houses flanking either side of the subject residence that front or partially front Van Hoosen Rd. He noted that all properties highlighted in gold on the displayed map are situated within the R-4 zoning district. He explained that the R-1 zoning district is located to the west across Van Hoosen Road. He reviewed the standard R-4 district regulations, which require a minimum lot size of 9,600 square feet with an 80-foot width, a 25-foot front yard setback, 10-foot side yard setbacks, a 35-foot rear yard setback, and a maximum lot coverage of 30%.

Displaying a photo from the applicant's submittal materials, Mr. McLeod highlighted the existing front concrete slab and the walkway extending toward Van Hoosen Road. He pointed out for the board's awareness that sidewalks are not present on this side of Van Hoosen Road.

Mr. McLeod then presented the plans reviewed by the Building Department. He pointed out a dotted line on the site plan indicating the required 25-foot front setback, contrasting it with a heavier dark line to demonstrate exactly how the front of the existing home already encroaches into that setback. He clarified that the rest of the proposed building addition, located in an L-shape behind the main front portion of the structure, is fully compliant with the Zoning Ordinance. He emphasized that the Board is only reviewing the proposed 35-square-foot open-air porch structure over the existing front patio area.

Reviewing the architectural elevations, Mr. McLeod oriented the board by noting the front of the house was positioned to the left side of the drawing. He described the porch structure as featuring four-by-four columns and asked the applicant to confirm if they would be wrapped. Mr. Miller confirmed that the columns would be wrapped in cedar.

Mr. McLeod continued his presentation, explaining that because the proposed front porch is a one-story structure, the overhead canopy itself would be permissible under the ordinance if it were cantilevered from the building without columns extending down to the ground. However, he noted that cantilevering a roof out that far would be structurally difficult and would likely require the canopy to be scaled back.

Mr. McLeod reminded the Board that for all dimensional variances, the Zoning Board of Appeals must evaluate the request against the established criteria. The Board must find that adhering strictly to the zoning restrictions would be unnecessarily burdensome and create a practical difficulty. Additionally, they must determine that granting the variance ensures substantial justice to the applicant, that the applicant's plight is due to unique circumstances inherent to the property, that the problem is not self-created, and that the spirit and intent of the Ordinance are observed while maintaining public interest.

Lastly, Mr. McLeod informed the Board that the project had previously been reviewed by the Historic District Commission (HDC). He clarified that the HDC conducted a separate review focused exclusively on aesthetics and architectural compatibility with the Historic District's character, rather than evaluating financial hardship or practical difficulties. The HDC approved both the proposed front porch structure and the larger addition at the rear of the property. Mr. McLeod emphasized that the HDC approval operates under different criteria than the variance criteria the Board must consider. He then concluded his report and offered to answer any questions from the Board.

Chairperson Koluch thanked Mr. McLeod and opened the floor for public comment. Noting that no public comment forms had been submitted to Ms. McDonald, he closed the public comment portion of the hearing.

Chairperson Koluch then asked the applicant when the house was built, noting he believed it was constructed in the 1980s. Mr. Miller confirmed that timeline. He also verified that the house itself is not historic, but rather it is the land that carries the historic designation. Chairperson Koluch agreed, clarifying that the applicant was required to seek approval from the Historic District Commission because of the property's location within the district, which necessitates Commission approval for any changes.

Chairperson Koluch then asked about the progress of the work on the property, specifically referencing proposed projects involving additions to the back and side of the house. Mr. Miller stated that construction has not yet started. He explained that the team wanted to secure both Historic District Commission and Zoning Board of Appeals approvals before commencing work. He added that the project is currently in the building permit application phase, noting that the Building Department has only reviewed the site plan so far and has not yet completed its review of the full construction plan set.

Chairperson Koluch noted that based on available photographs, the home has never had a front porch, including during the ownership of the previous proprietor. He then asked when the current homeowner purchased the property. Mr. Miller stated that the house was purchased in 2018.

Chairperson Koluch acknowledged that the property was purchased in 2018. He referenced the applicant's variance application, which argued that the problem was not self-created because the current owners purchased the property with the existing nonconforming setback. Chairperson Koluch pointed out that the previous owners would have faced the exact same modern compliance restrictions and would have had to seek both a variance and aesthetic approval from the HDC if they had attempted the same project.

Chairperson Koluch noted that requests to cover existing front or side porches are among the most common items brought before the ZBA, but stated that the majority of them are not approved. He explained that these denials typically stem from a failure to meet the variance criteria regarding practical difficulty and self-created hardships. He clarified that a Zoning Ordinance restricting a preferred project does not constitute an external problem; rather, the burden is on the applicant to prove the hardship is not self-created. To illustrate, he provided a hypothetical example where a car crashing into and destroying the front of a house might justify a variance to restore the structure, as that situation would clearly not be self-created.

In contrast, Chairperson Koluch characterized the proposed covered porch as a structural addition and a personal preference rather than an absolute necessity. He observed that the home has functioned for 40 years without a covered entryway. He stated that because the restriction does not deprive the owners of their primary property rights, the lack of an external, non-self-created hardship would be his primary objection to approving the request. Chairperson Koluch then invited other members of the Board to ask questions or offer comments, turning the floor over to Ms. Brnabic.

Ms. Brnabic expressed agreement with Chairperson Koluch, noting that the Board has denied several similar requests in the past, citing specific examples from November 2021 and April 2022. She acknowledged that covered porch requests are common and stated that they are subject to the setback requirements of the main building, which prohibit projections of more than three feet into the yard.

While expressing personal understanding of why a homeowner would desire a covered front porch, Ms. Brnabic emphasized that the Board must strictly adhere to its established evaluation criteria. She stated that the request represents a personal preference rather than a practical difficulty, clarifying that a true practical difficulty requires a scenario where it is nearly impossible or exceptionally difficult for an applicant to follow the Ordinance. Ms. Brnabic inquired if the applicant had read the criteria the Board is required to follow. She concluded by stating that while she would like to assist, the primary role of the Board is to interpret and uphold the Zoning Ordinance unless a uniquely compelling hardship is demonstrated.

Ms. Neubauer expressed sympathy as a resident and neighbor, stating that while she would personally love to allow the request, the Board must consistently enforce the rules for all residents across the board. She noted that granting the variance when the Board has consistently denied similar requests

for other applicants would be unfair. She stated that while it is unpleasant to deny such requests, the Board has no choice but to follow the established criteria.

Ms. Neubauer pointed out that purchasing a property puts the buyer on notice regarding the existing rules, and both the owners and the Board must follow the Zoning Ordinance in place. She explained that granting an exception for one individual could create a problematic precedent for future cases. While she appreciated the applicant following the proper legal channels by coming before the Board, she reiterated that her duty as a Board member requires upholding the rules. She concluded by offering the applicant a moment to present any additional arguments that might demonstrate how the project satisfies the variance criteria, such as proving the issue is a non-self-created problem or a true impossibility, though she noted she did not currently see how it fit those requirements.

Chairperson Koluch then invited a woman from the audience to approach the podium. Ms. Neubauer assisted by directing her to sit next to Mr. Miller and speak into the microphone.

At the request of Chairperson Koluch, the resident identified herself as Jill Martins of 950 Van Hoosen Road, noting that her husband, Michael, was also present. Ms. Martins requested clarification on the specific definition and meaning of a "self-created" problem.

At the request of Ms. Neubauer, Mr. McLeod displayed the variance criteria on the screen. Ms. Neubauer explained the first two criteria, noting that the strict letter of the regulations must be unnecessarily burdensome, and that granting a variance must provide substantial justice consistently to both the applicant and other property owners in the district. She explained that a problem is considered "self-created" when the request is based on a personal want rather than a structural or situational need. She stated that because the zoning rules and regulations were already in effect when the property was purchased, requesting an alteration based on a personal preference constitutes a self-created problem under the Ordinance.

Chairperson Koluch added that the existing concrete slab was grandfathered into compliance when the home was purchased, as the home was built under different historical setback standards, and the city does not require homeowners to tear up existing slabs for minor historical non-conformities. Ms. Neubauer suggested that for any future home purchases, buyers should have their realtors verify the zoning regulations beforehand if specific property modifications are non-negotiable for them.

Ms. Martins explained that covering the porch would protect their front door, which requires replacement because it bakes and deteriorates in the western sun, and would provide energy improvements. Ms. Neubauer expressed neighborly empathy, noting her own front door experiences a similar issue, but reiterated that the project must still be denied because it cannot legally overcome the variance criteria.

Ms. Martins asked for confirmation regarding Mr. McLeod's previous statement

that a cantilevered awning over the porch would be permissible under the Ordinance without requiring a variance, provided it did not utilize footings or columns on the ground.

Mr. McLeod clarified that a specific provision in the Zoning Ordinance allows for structural projections into required yards. He advised the applicant to coordinate directly with the building department to determine the maximum allowable projection, specifically how the calculation applies given that the front facade of the house already sits within the front yard setback.

Mr. Miller explained that the architectural design utilized columns because the dimensions of the existing concrete pad extended further than a standard cantilever could structurally support, which originally triggered both the setback and projection restrictions of the Ordinance. He noted they chose this design path to utilize the existing slab without tearing it up. Mr. Miller asked if the existing non-conforming nature of the home's position could be considered a unique circumstance. Chairperson Koluch replied that it does not qualify as a unique circumstance because the project involves a new, voluntary addition to the structure. Mr. Miller acknowledged the Board's position.

Ms. Neubauer recommended that the applicant consult with the building department, noting that staff members are creative and willing to collaborate on alternative solutions. She identified herself as the City Council representative to the Board and invited the homeowners to email her if any issues arose, though she anticipated a smooth process. Ms. Neubauer reiterated that the existence of alternative design options confirms that the present hardship is a self-created problem under the Ordinance, as the constraint is simply that the Zoning Ordinance does not permit the specific design the applicant prefers. Sharing a personal anecdote, Ms. Neubauer noted that her own home features a front door deteriorating from identical solar exposure, yet she is subject to the same city-wide regulations and cannot build a covering. She stated that while she personally sympathizes as a neighbor, her duty to maintain consistency across the city requires her to vote against the variance request.

Chairperson Koluch agreed, stating that in his 15 years of service on the Board, this decision is entirely consistent with historical precedent. He explained that seeking to build a new structural addition that extends into a restricted setback area constitutes a self-created problem, which disqualifies applicants from meeting the variance criteria 99% of the time, barring highly unusual circumstances.

Ms. Martins observed that her neighbors on both sides of her property have covered porches that encroach forward. Ms. Neubauer commended the applicants for following the appropriate legal channels, noting that some non-compliant structures in the city were built unlawfully. Ms. Martins clarified that the neighboring homes are much older. Chairperson Koluch and Ms. Neubauer agreed, noting that the neighboring structures were likely built under prior zoning rules and were subsequently grandfathered into compliance when the current Zoning Ordinance was adopted. Ms. Martins confirmed that one adjacent home is exceptionally old and the other is of significant age as well.

Chairperson Koluch and Ms. Neubauer complimented the appearance and location of the subject property, acknowledging familiarity with the residence from community events along Van Hoosen Road. Both reiterated that despite their personal admiration for the home and their dislike of denying such requests, the Board is legally bound to strictly uphold the variance criteria, which the application fails to meet.

Chairperson Koluch called for a motion to vote. Prior to the formal motion, Chairperson Koluch noted for the record that although public comment had been closed, a correspondence regarding this file was received via email from a resident earlier that day. Ms. Neubauer requested that the email be formally incorporated into the meeting record, which Chairperson Koluch approved.

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

Aye 6 - Graves, Koluch, Neubauer, Young, Sakis and Brnabic

Excused 1 - Tischer

Resolved, in the matter of File No. PVAI2026-0008, that the request for a variance of approximately 7.5 feet from Sec. 138-5.100 Schedule of Regulations, which requires a front yard setback of 25 feet in the R-4 One Family Residential zoning district, 950 Van Hoosen Rd. and Parcel Identification Number 15-02-477-005, be **DENIED** because a practical difficulty does not exist on the property as demonstrated in the record of proceedings and based on the following findings:

1. Compliance with the strict letter of the regulations of the Zoning Ordinance will not prevent the owner from utilizing their property in its current configuration since a residence has been constructed on the site and therefore no practical difficulty has been demonstrated for this property. A covered front porch is not a requirement of the ordinance or the building code. The applicant has not shown that additional design options were explored to utilize the south side of the home, where the covered front porch could be constructed compliant with setback requirements. Finally, this condition was present when the current owner purchased the property.
2. Granting the variance will not do substantial justice to nearby property owners as it would confer special benefits to the applicant that are not enjoyed by other property owners in the vicinity.
3. There are no unique circumstances of the property that have been identified by the applicant that necessitate granting the variance at this time.
4. The granting of the variance would be materially detrimental to the public welfare by establishing a precedent that could be cited to support similarly unwarranted variances in the future. The granting of this variance could encourage further incursions upon the Zoning Ordinance which would result in further variances being considered by the Zoning Board of Appeals and could be construed as removing the responsibility of meeting the requirements of the Zoning Ordinance from applicants.

ANY OTHER BUSINESS

Chairperson Koluch asked if there was any other business for the Board to consider and inquired about the next scheduled meeting date. Ms. Brnabic

expressed interest in reviewing and potentially amending the Ordinance regarding covered front porches. She noted that because the Board receives these requests frequently, it would be beneficial to find a way to permit open-air covered porches while establishing strict regulations to ensure they could never be enclosed into sunrooms or other structures. She asked Mr. McLeod for insight.

Mr. McLeod confirmed that the Ordinance is a living document that can be amended. He stated that while regulations should not be altered for individual cases, a recurring frequency of specific variance requests provides a good opportunity to evaluate whether a provision is no longer working or should be modified based on community desire. He noted that he does not necessarily think the current influx of requests has reached the point of a trend yet, but it remains a good opportunity to take a look. He outlined a potential regulatory framework for the Planning Commission to consider, emphasizing the need to establish a maximum square footage threshold, under which a porch could be permitted administratively, and over which an applicant would still require a variance from the ZBA. He added that defining what legally constitutes "open air" versus an "enclosure" would require heavy scrutiny to avoid conflicting interpretations.

Mr. McLeod informed the Board that the Planning Commission regularly reviews a rolling tally of administrative amendments compiled by City staff each year. He explained that while amending the Zoning Ordinance is a function of the Planning Commission and City Council, staff could introduce this topic to the Planning Commission to initiate the conversation. He noted that because these administrative amendments are typically addressed in the fall, the timing is appropriate if the Planning Commission chooses to take it up. Mr. McLeod concluded by stating that staff would add the front porch ordinance to the list of potential items for discussion with the Planning Commission.

Ms. Brnabic asked for clarification on whether a formal motion was required to initiate the ordinance review request. Mr. McLeod confirmed that a motion was not necessary, noting that communication between City staff and the two Board members who also serve on the Planning Commission would ensure the request was successfully conveyed. Ms. Brnabic then sought reassurance that the entire Board supported reviewing the Ordinance, which was met with general consensus.

Chairperson Koluch suggested that any future review should explicitly differentiate between rear patio porches, front porches, and side porches, noting that the Board has historically denied numerous requests for rear porch coverings as well. He shared a preliminary thought to frame the regulatory limits as a percentage of the total roof space or home square footage (suggesting a maximum cap such as 5%) to prevent the rule from being abused, though he noted this would be a topic for later discussion.

Mr. Sakis expressed his perspective, stating that he does not have an issue with rear porch modifications, but finds potential changes to front porch regulations more problematic due to differing circumstances. Chairperson Koluch agreed that there is a distinct difference between the two scenarios,

reiterating that the specific nuances would be reserved for a later discussion.

Chairperson Koluch asked if there was any further business to discuss. Hearing none, he called for a motion to adjourn.

NEXT MEETING DATE

August 12, 2026

ADJOURNMENT

There being no further business to discuss, a motion was made by Brnabic, seconded by Graves, to adjourn the meeting at 7:31 p.m.

Minutes prepared by Jennifer MacDonald

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

Jennifer MacDonald, Recording Secretary