



Rochester Hills

Minutes

Zoning Board of Appeals

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

Wednesday, May 13, 2026

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Koluch called the May 13, 2026 Zoning Board of Appeals meeting to order at 7:00 p.m. Michigan Time.

ROLL CALL

Present 6 - Jayson Graves, Kenneth Koluch, Marvie Neubauer, John Young, Deborah Brnabic and Jason Sakis
Excused 1 - Charles Tischer

OTHERS PRESENT

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

APPROVAL OF MINUTES

[2026-0214](#) March 11, 2026 Zoning Board of Appeals Draft Minutes

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

Aye 6 - Graves, Koluch, Neubauer, Young, Brnabic and Sakis
Excused 1 - Tischer

COMMUNICATIONS

Chairperson Koluch noted that communications are now distributed via email and encouraged members to review them at their convenience.

PUBLIC COMMENT

None.

NEW BUSINESS

2026-0215 PUBLIC HEARING - File PVAI2026-0006

Location: 534 Placid Ct., located east of Sheldon Rd. and south of Mead Rd., Parcel 15-02-251-029, zoned R-1 One Family Residential District.

Request: The applicant is requesting a variance from *Section 138-10.101 Attached Accessory Structures* which requires any accessory structure located within ten (10) feet of a main building to be considered attached and therefore having to meet the applicable side and rear setbacks of the main building. The applicant is requesting a setback of eight and one-half (8.5) feet from the main building and if the variance is granted, it would allow the side and rear setbacks for the proposed pavilion to be consistent with those of a detached accessory structure.

(Staff report dated 5/4/26, Location map, ZBA application, Questionnaire, Applicant's letter, Building Department reviewed plans 4/8/26, and the Public hearing notice had been placed on file and by reference became a part of the record thereof.)

Present for the applicant was Melissa Rumminger, homeowner, and Ellen Yerks, Antonelli Landscape.

Chairperson Koluch introduced the item and invited Ms. Yerks to provide a brief statement regarding the application before turning the floor over to City staff for their presentation.

Ms. Yerks presented the case for the variance, stating that she was respectfully requesting the construction of an 18 by 15 foot pavilion in the rear yard of the property. She explained that the proposed structure is intended to be located adjacent to the existing pool and patio area and, per the design, would be on center with the pool. Ms. Yerks noted that due to the unique conditions of the property, strict compliance with current zoning setback requirements presents a practical difficulty for the design and installation. She detailed that the distance from the house to the existing fenced retaining wall is only 27 feet. To center the pavilion with the existing pool and maintain distance from the house, the project results in an eight and a half foot distance rather than the 10 feet requested by the ordinance.

Ms. Yerks explained that the existing layout of the property is not very visible from the neighbors' perspective, as it backs up to a natural area consisting of wetlands and a pond. She described a significant topographical challenge, noting an eight-foot difference between the house door and the yard behind it, which required the owner to create an elevated patio for the existing pool. This elevation leaves a specific space that makes sense for the installation, though it places the structure within the setback or too close to the home. She emphasized that the intent is for outdoor living space and presented written letters of support from neighbors to the Board. Ms. Yerks concluded by stating the Rummingers wish to comply where possible and maintain a good relationship with neighbors and the City, but they were unable to make the design work without the variance request. Chairperson Koluch accepted the

documentation and referred the matter to Mr. McLeod for the staff report.

Mr. McLeod thanked the Chairperson and explained that the request involves the required separation between an accessory structure and the main dwelling. He noted that under city rules and regulations, accessory structures must be at least 10 feet away from the building to be considered detached. If a structure is located 10 feet or less from the main building, it is considered attached and must meet more stringent main structure setbacks, which in this case would have put the side and rear yards out of compliance. After reviewing the matter with the applicant and the Building Department, it was determined that the best approach was to request a variance from the building separation requirement rather than seeking two significant side and rear yard setback variances.

Mr. McLeod described the property as a "pretty isolated piece of property" located on a cul-de-sac with only three lots, noting that the surrounding undeveloped areas are conservation and open space. He pointed out that the lot backs into a wetland and wooded area, meaning the proposed structure would not be visible to any neighbors. He confirmed the site and surrounding properties are zoned R1 Single Family.

Turning to the specific ordinance provision, Mr. McLeod cited Section 138-10.101, specifically subsection 2C, which states that for the purposes of determining lot coverage and setbacks, an accessory structure located within 10 feet of the main building shall be considered attached. He displayed the site plan showing the pavilion's proximity to the pool and house, noting that if the pavilion is permitted to be considered a detached structure, it would meet the applicable detached accessory structure setbacks. Specifically, the plan shows a rear yard setback of exactly five feet and a side yard setback of six feet eight inches. He concluded by reiterating that granting this variance is critical for the applicant's configuration, as the setbacks required for an attached structure would otherwise be much more significant.

Mr. McLeod explained that if the proposal were denied, the detached accessory structure would need to be reduced by approximately one and a half feet to become compliant with the ordinance. This adjustment would reduce the 15-foot by 18-foot structure to roughly 16.5 feet in length or width, while the remaining setbacks would stay the same. He presented the overall survey plan, noting that the property is part of an open space subdivision surrounded by undeveloped land. Due to this designation, the property has a slightly reduced rear setback requirement of 30 feet but is otherwise compliant with the R1 district. He said that if the proposal is denied, the accessory structure would have to be reduced by about a foot and a half to become compliant with the ordinance.

Describing the pavilion itself, Mr. McLeod noted it is an open-air structure consisting of posts and columns with a full roof, standing approximately 11 feet 6 inches in height. He clarified that the roof is a solid structure rather than a slated or cantilevered design.

In conclusion, Mr. McLeod reviewed the standards for a dimensional variance that the board must find that the application meets, including that strict

compliance would prevent the homeowner from using the property for a permitted purpose and would be unnecessarily burdensome; that granting the variance would provide substantial justice to the applicant and that a lesser variance would not offer the same relief; that the request is due to the unique circumstances of the property and is not self-created; and that the spirit of the ordinance would be observed while securing public safety and welfare. He then opened the floor for any questions from the Board.

Chairperson Koluch addressed the applicant, noting that the property features a very small backyard where the pool serves as the primary focal point. He observed that the property is unique and that the significant distance between neighbors suggests that granting a variance would not impair light or interfere with adjacent properties. However, he inquired why the size of the structure could not simply be reduced to achieve compliance. He pointed out that the current design appears to overlap the pool slightly and asked if there was a specific reason the pavilion could not be dropped down by the required foot and a half. Ms. Yerks clarified if he was referring to moving the structure closer to the home, which Chairperson Koluch confirmed.

Ms. Yerks explained that the intention was not to be closer to the home, noting that the project had already been reviewed under different ordinances due to its status being neither fully attached nor detached by definition. She stated that the requested size is necessary to accommodate a planned fireplace, counters, and specific furniture that the homeowners have already selected. Furthermore, she noted that the 18-foot width is designed to match the width of the pool, maximizing the limited usable space on the property which currently consists of a mix of lawn and pavers. Ms. Yerks characterized the requested size as standard for such structures and expressed a desire to improve the current aesthetic of the yard.

Chairperson Koluch asked if the fireplace and furniture could be re-specified to fit a slightly smaller footprint to avoid the need for a variance. Ms. Yerks responded that achieving the 10-foot separation requirement would necessitate cutting three feet from the structure to maintain symmetry, which would reduce the width to 15 feet. She argued that such a reduction would significantly limit the functional space available inside the pavilion. Chairperson Koluch then invited questions or comments from the rest of the Board.

Ms. Brnabic inquired why the structure could not be rotated to avoid the need for a variance, as suggested in the staff report. Ms. Yerks explained that the fireplace is positioned on the far left of the design; rotating the pavilion would result in either blocking a house window or obstructing the view of the natural area behind the property. She maintained that the current orientation is best for both the current and future homeowners.

Ms. Brnabic then sought clarification regarding the dimensions, noting that a foot and a half reduction did not seem significant. Ms. Yerks responded that maintaining the 18-foot width is intended to match the pool and keep the space open for gathering, especially since furniture sets and the specified fireplace and counters require significant space. She argued that a three-foot reduction would compromise the use of the structure and the overall design investment.

Ms. Brnabic suggested that the pavilion could be redesigned to avoid losing three feet while still meeting ordinance requirements.

Ms. Yerks said that requiring such concessions would deprive the homeowners of the intended use of their backyard for family gatherings and enjoyment. She noted that while neighbors with larger lots are able to build bigger structures, she felt it was unfair to reduce the dimensions of a relatively modest 18-foot by 15-foot pavilion. She emphasized that the open-air structure represents a property upgrade that provides necessary shade for pool owners and increases overall property value.

In response to a question from Ms. Brnabic, Ms. Yerks stated she believed the homeowners had lived at the residence for more than 10 years. Ms. Brnabic observed that the owners were aware of the property's constraints when they chose the current pool layout. While acknowledging the surrounding open space, Ms. Brnabic emphasized that the Board must follow specific criteria and noted that the project could be made compliant by decreasing the size by a foot and a half. She clarified that because the variance request concerns the separation between the house and the structure rather than side or rear yard setbacks, it does not directly affect neighbors in the same way other variances might. Ms. Brnabic concluded by expressing concern over setting a precedent, noting that the Board must focus specifically on the relationship between the house and the accessory structure.

Ms. Yerks questioned the rationale behind the 10-foot separation requirement, arguing that a foot and a half reduction does not compromise safety, engineering, or the integrity of the home. Chairperson Koluch responded that the lack of a "de minimis" rule means the Board cannot automatically approve minor deviations. He expressed concern that granting a variance based primarily on aesthetics, especially when other design options exist, would set a problematic precedent. He noted that while the owner prefers the current layout, it is not the only way to construct a pavilion on the site. Chairperson Koluch concluded by stating he would not support the request, as he believes the Board should not approve variances simply because an applicant wants a project to look a certain way when compliant alternatives are available. He then invited Ms. Neubauer to provide her comments.

Ms. Neubauer asked if the required foot-and-half variance could be resolved by reducing each side of the structure by 0.75 feet to maintain symmetry while achieving compliance. Ms. Yerks clarified that the variance stems from the 10-foot separation requirement from the house. Mr. McLeod added that the difficulty in achieving symmetry arises because the pool's position likely dictates where the structure must sit to be centered, and pushing it 10 feet off the house would shift it off that center line. He noted that while the pool itself is 16 feet wide, the coping adds a foot on each side, totaling 18 feet. Ms. Yerks confirmed that the structure was sized to 18 feet to remain as open as the pool.

Ms. Neubauer expressed that while the Board wants to support residents' aesthetic choices, they must remain consistent and avoid setting precedents that open the city to litigation. She suggested that the homeowners might need to consider alternatives, such as reducing the size of their furniture or rotating

the structure, to meet the ordinance. Ms. Yerks noted that rotating the structure would create further issues regarding side lot distances and pool alignment. In response to a question about whether the current owner installed the pool, Ms. Yerks stated she did not know.

Ms. Neubauer questioned whether permit records indicated if the property's constraints were self-created, though she noted the property does have unique characteristics. Ms. Yerks argued that the uniqueness of the property lies in the limited available space to build without being too close to the home or lot lines. She stated that while the design could be smaller, the Board exists to provide a "common sense" route for what is best for a property. Ms. Neubauer countered that the Board must follow regulations rather than subjective common sense.

Ms. Yerks maintained that variances are intended for unique circumstances where homeowners, such as those with significant property drops and smaller lots, face less-than-ideal conditions. Chairperson Koluch and Ms. Neubauer both noted that the homeowners could still have a pavilion if it were reduced by the required foot and a half. Ms. Neubauer reiterated that the request felt self-created because it involved such a small adjustment to achieve compliance.

Mr. McLeod reported that based on permit records, the pool was permitted in 2014 and the current owners purchased the home in 2018, suggesting they purchased the property as it currently exists. Following this clarification, Ms. Neubauer concluded her questioning. Chairperson Koluch then polled the Board for further questions or comments.

Mr. Graves noted that during his research into the property's condition, he observed significant encroachment onto the city-owned green space. He pointed out that a trampoline and evidence of lawn maintenance were visible on city property in photos from March, though these were not shown in the applicant's current materials. He emphasized that the owner should be made aware that this encroachment needs to be addressed. Ms. Neubauer and Chairperson Koluch thanked Mr. Graves for the comment.

Chairperson Koluch briefly opened and then closed the floor for public comment after confirming no members of the public wished to speak on the matter. Following the public hearing, Ms. Neubauer made a formal motion to deny the variance request.

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, Brnabic and Sakis

Excused 1 - Tischer

Resolved, in the matter of File No. PVAI2026-0006, that the request for a variance of approximately 1.5 feet from Sec. 138-10-101 Attached Accessory Structures, which requires that any accessory structure that is within ten (10) feet of a main building to be considered attached and therefore having to meet the applicable side and rear setbacks of the building, in the R-1 One Family Residential zoning district, 534 Placid and Parcel

Identification Number 15-02-251-029, 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, the pool has already been constructed and the applicant could build a smaller accessory structure and thereby comply with the requirements of the Zoning Ordinance and therefore no practical difficulty has been demonstrated for this property. Further, 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 since the necessity of the variance is a result of the request for an accessory structure that is approximately 18' in width and that an accessory structure that is approximately 16'5 in width would not necessitate a variance.
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

2026-0216 Request for Election of Officers - Chairperson, Vice Chairperson and Secretary for a one-year term to expire the first meeting in April 2027
Chairperson Koluch introduced the final agenda item regarding the annual election of officers.

Ms. Neubauer moved that Kenneth Koluch to remain as Chairperson of the Zoning Board of Appeals, and the motion was seconded by Mr. Graves. Chairperson Koluch called for a voice vote and announced that the motion passed unanimously.

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

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

Excused 1 - Tischer

Resolved, that the Rochester Hills Zoning Board of Appeals hereby appoints Ken Koluch to serve as its Chairperson for a term to expire the first meeting in April 2027.

2026-0216 Request for Election of Officers - Chairperson, Vice Chairperson and Secretary

for a one-year term to expire the first meeting in April 2027

Ms. Neubauer moved that Charles Tischer to remain as Vice Chairperson, and the motion was seconded by Ms. Brnabic. Chairperson Koluch called for a voice vote and announced that the motion passed unanimously.

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

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

Excused 1 - Tischer

Resolved, that the Rochester Hills Zoning Board of Appeals hereby appoints Chip Tischer to serve as its Vice Chairperson for a term to expire the first meeting in April 2027.

2026-0216

Request for Election of Officers - Chairperson, Vice Chairperson and Secretary for a one-year term to expire the first meeting in April 2027

Ms. Neubauer moved that Jayson Graves to remain as Secretary, and the motion was seconded by Chairperson Koluch. Chairperson Koluch called for a voice vote and announced that the motion passed unanimously.

Chairperson Koluch noted that the officers were elected for a one-year term and thanked the Board for their continued confidence.

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

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

Excused 1 - Tischer

Resolved, that the Rochester Hills Zoning Board of Appeals hereby appoints Jayson Graves to serve as its Secretary for a term to expire the first meeting in April 2027.

NEXT MEETING DATE

June 10, 2026

ADJOURNMENT

There being no further business to discuss, a motion was made by Neubauer, seconded by Graves, to adjourn the meeting at 7:29 p.m.

Minutes were approved as presented/amended at the
_____ *2026 Regular Zoning Board of Appeals Meeting.*

Kenneth Koluch, Chairperson
Rochester Hills Zoning Board of Appeals

