



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, November 12, 2025

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Koluch called the November 12, 2025 Zoning Board of Appeals meeting to order at 7:00 p.m. Michigan Time.

ROLL CALL

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

Excused 1 - Marvie Neubauer

Others Present:

*Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary*

Ms. Neubauer provided prior notice that she would not be in attendance and was excused.

APPROVAL OF MINUTES

2025-0469 September 10, 2025 Zoning Board of Appeals Minutes

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

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

Excused 1 - Neubauer

COMMUNICATIONS

Chairperson Koluch noted that members received the Michigan Planner magazine via email.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

2025-0247 Public Hearing - File No. PVAI2025-0004

Location: 2194 S. Livernois Rd., located on the west side of Livernois and south of Hamlin, Parcel 15-28-226-009, zoned R-3 One Family Residential

The applicant is requesting a variance from *Sec. 138-5.100 Schedule of Regulations*, which requires a minimum lot width of 90 feet in the R-3 One Family Residential zoning district. The proposed variance, if granted, would allow for the division of the existing parcel into two separate parcels, each with a width of 88.625 feet.

(Staff Reports dated 11-5-25 and 6-4-25, Location Map, Applicant's Letter dated 4-29-25, Survey, Applicant's Aerial Photo and Application, City Reviews for Land Division, Staff Presentation dated 6-11-25, ZBA Minutes of 6-11-25, Public Hearing Notices of 11-12-25 and 6-11-25 had been placed on file and by reference became a part of the record hereof.)

Present for the Applicant was Mohamed Sultan, Sultan Homes, Inc., owner's representative, and Zeeshanuddin Ghori Mohammed, 2069 Rochelle Park Drive, owner.

Chairperson Koluch introduced this item requesting a variance from the lot width requirement, noting that it had previously come before the Board in June, where the Board granted a postponement to allow the applicant to explore other options rather than seeking a variance. He asked Mr. Sultan to report what had transpired since June.

Mr. Sultan thanked the Board for granting the postponement, and noted that it gave him the opportunity to explore an alternate solution in order to meet the zoning requirements. He explained that one of the options he felt was reasonable was to purchase an adjoining piece of property from the neighboring subdivision, Whispering Willows. He stated that he approached the HOA, and they agreed to sell a portion of their property to allow the proper frontage. He noted, however, that it was determined that the subdivision plat would need to be amended, which requires a lengthy legal process and could be very costly. He stated that subsequently, the HOA did not agree to obtain the signatures of all of the owners or incur the legal fees, so that option was deemed not feasible. He stated that he does not see any other option where he can meet the R-3 requirements. He pointed out that he went through the 2025 Master Plan where all R-3 is newly formed into suburban residential and shows that you can create two to four lots per acre. He requested that the Board approve the plan to split this into two lots which is still aligned with the 2025 Master Plan, noting that it is 1.35 acres and he would be satisfying the new Master Plan.

Chairperson Koluch asked if Whispering Willows' HOA initially said that they would sell a couple of feet so that the lots would be 90 feet each if they did the split, and if that process was investigated.

Mr. Sultan responded that was correct, and stated he spent a certain amount of time to get the plot plan proposal submitted to the HOA and meet with them. He explained that subsequently it was discovered from the City Attorney that it

would require amending the Plat, which they did not agree to. They stated that it would take longer and was very non-feasible to get the signatures of all of the homeowners, and the plan has dropped.

Chairperson Koluch asked for confirmation that there are two ways to do this, one being getting the unanimous consent of all homeowners to submit to the City and the other way would be for court action.

Mr. Sultan responded that he consulted with his attorney and they said that some sort of lawsuit would be required, and the HOA did not want to deal with anything that involved court, which is the reason why this plan has become unfeasible.

Chairperson Koluch commented that while he would point out that it is only a couple of feet, the Board has denied variances for smaller and there really isn't a de minimis amount to consider. He explained that it is more to do with the other factors establishing practical difficulty and there are a couple of ways that this can be done. He mentioned that he has been on the Board for about 15 years and this is only the second or third request related to a lot split, with one being a month or two before this request, which was for a variance of approximately eight to 10 feet and was denied. He asked if any of the Board members had questions.

Ms. Brnabic stated that the simplest way to get the property is to amend the plat versus getting every person in the subdivision to agree. She commented that it was stated that they did not want to go through a legal proceeding.

Mr. Sultan confirmed that the HOA did not want to do that.

Mr. Sakis asked who was with Mr. Sultan today.

Mr. Sultan responded that the owner of the property was with him.

Daniel Wilson, 2150 Willow Leaf Court, stated that he was the HOA President. He stated that there is no way that they would be able to get everyone's signatures, as they have absentee owners and renters, and the association has yearly meetings. He pointed out that it is a 40 year old subdivision and he has been on their board for 35 years. He added that the owners would not understand it.

Mr. Sakis asked what the relationship is between Mr. Sultan and the owner.

Mr. Sultan responded that the owner is a friend of his and it is a business relationship. He explained that he is trying to help the owner split the property.

Mr. Sakis asked Mr. Mohammed whether he purchased the property in 2022, and at that time if he had any idea that he was going to be splitting the property.

Mr. Mohammed responded that it is the reason why he bought the property, and he commented that he has a brother who stays in Rochester Hills and they wanted to build two homes side by side. He added that they have aging parents

and thought they could stay with them in shifts.

Mr. Sakis asked if they had a real estate agent helping them with the purchase.

Mr. Mohammed responded that he did; however it was not brought up that there was a 90 foot minimum.

Mr. Tischer asked if to exercise the court option they offered to compensate the homeowner's association so there was no out-of-pocket cost for them.

Mr. Wilson responded that the original agreement was that there would be no cost. He pointed out that they already granted the approval for the water main easement across the property, and subsequently they found out that the lot was too small and they were approached for the property sale. He noted that they checked their bylaws and it is in their rights to do that; however, it was determined that everyone's plot plan would have to change because of the boundaries of Whispering Willows. He noted that he polled a handful of the residents and it was 50-50 to do it.

Mr. Sakis asked staff about a shared driveway, which was mentioned as a possibility.

Mr. McLeod responded that this was more of a recommendation if this went forward, as whenever there are lots that access directly onto a major thoroughfare, they try to limit the number of driveways. He mentioned the area near the corner of Livernois and Avon, where one or two of those homes have mutual or shared driveways where one drive comes off of the road and then forks off to each home. He stressed that the idea is to minimize the conflict points entering and exiting the thoroughfare. He pointed out that they would still have to go through obtaining a driveway permit and the Engineering Department would determine an appropriate location for the driveways.

Chairperson Koluch asked if staff had a map of the surrounding area to determine if there were nearby homes oriented the same way.

Mr. McLeod responded pointing out a home just to the north on a significant piece of property, and another within a couple of hundred feet across on the east side of Livernois on a larger property. He showed properties further to the south on larger lot sizes. He explained that while they may not be typical subdivision lots, one cannot say that there are not other lots with similar characteristics, size and configuration within the city. He commented that whenever they look at this, they say whether or not the variance would convey special privileges to this particular lot owner. He added that they also look at what the potential impact would be for someone who had a similar lot, and would ask for a width of 87 or 86. He questioned where the line would be drawn and how it would be delineated as to why those are separate situations.

Chairperson Koluch commented that this is the sticking point for him. He acknowledged that it is only a couple of feet; however, it could be five or ten. He stated that he needs something else to show that there is something unique about this property, and he commented that he does not know how he can

support this request. He pointed out that it seems like they have exhausted the other options in terms of bringing the homeowner's association on board and getting unanimous consent, which he does not think would happen.

He stressed that this was the size of the lot when it was purchased and it has always been a bit short of being large enough to split, and he does not see anything extra that supports it. He pointed out that there are larger lots up and down the road with homes facing the road, so this lot is not unique to the area.

Mr. Tischer asked if the applicant tried going to the north for the needed property.

Mr. McLeod responded that the size of those lots did not have any room to spare, and those homes were probably built right at their condominium setback.

Chairperson Koluch asked if any member of the public wished to speak.

Mr. Wilson responded that he does not have anything additional to offer, and stated that he understands that the Board does not want to set a precedent. He commented that it is the owner's fault for not checking that out in advance if that is what he wanted to do. He pointed out that the City would get the tax base of two houses, but he understands the reason for not granting the split.

Mr. Mohammed stated that he wanted to build two homes side by side and building one home is not feasible, as it would cost too much money.

Mr. Sultan questioned how the 2025 Master Plan would affect this request as it would reform the existing zoning to Suburban Residential, which is a planning tool to build affordable houses.

Mr. McLeod responded that the Planning Commission and City Council adopted the new Master Plan for the City on Monday. He explained that it condenses terminology and titles within the Master Plan designations. He noted that within that, there are options for potentially shifting house configurations around provided that no additional density is granted, and if a lot was supposed to yield a unit, it would yield one unit whether under the 2018 or 2025 Master Plan. He stressed that the Master Plan was very clear along with the Planning Commission and Council's direction that the density was to remain as-is. He mentioned that while the Master Plan takes into account wetlands or environmental features, if the Zoning Ordinance was amended it would allow for these things; however, it would take a zoning amendment to get these things done. He pointed out that the premise is to potentially push houses a little closer together to save a wetland; however, the density would not be any different. He reiterated that it is not designed to get additional housing, it is designed to move houses and housing configurations around to preserve natural features or accommodate extenuating circumstances on a property.

Chairperson Koluch stated that if there were additional things that could be considered it would be good to have something else to fall back on; however, as of right now the requirements for practical difficulty have not changed with the adoption of the Master Plan. He stated that he does not think that he can vote

in favor of this. He noted that as there was not anyone else from the public wishing to speak, he would close public comment and ask Board members for additional comments or a motion.

Ms. Brnabic moved the motion to deny which was presented in the meeting packet, and that motion was seconded by Mr. Graves.

After calling for a roll call vote on the motion to deny, Chairperson Koluch noted that the motion to deny passed unanimously.

Mr. Sultan asked if it would be possible to put a small road in to access the back of the property.

Mr. McLeod responded that in terms of any lot that is created, it has to have frontage on a public or private road. He explained that they would have to create a full-width roadway, which would eat up a significant portion of the lot. He stated that the Ordinance does not allow for just a driveway to come into the back of the property to provide access. He mentioned that private roads are built to public road standards, with a 60-foot easement.

Mr. Sultan stated that a private road 50-foot wide would still accommodate R-3 zoning.

Mr. McLeod responded that it would have to be 60 feet and not 50 feet, and would still have to meet minimum area and lot frontage requirements. He stated that this is something that could be considered, and would require a site plan. He commented that conceptually that is a possibility; and added that they would have to provide an approved turnaround of either a cul-de-sac or a T-turn that would be acceptable to the Fire Department, which continues to eat up property. He stated that in concept a road could be discussed; however, he thinks it would take up property very quickly. He pointed out that it would cost a lot of money to add a road for one lot.

Mr. Sultan asked if the road had to be 60 feet or could be 50 feet.

Mr. McLeod responded that the road would need to be 60 ft., as private roads are to be built to the City's public road standard.

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

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

Excused 1 - Neubauer

Resolved, in the matter of File No. PVAI2025-0005, that the request for a variance from Section 138-5.100 Schedule of Regulations which requires the parcels to have a minimum lot width of 90 feet in the R-3 One Family Residential Zoning District, Parcel Identification Number 15-28-226-009, 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 the existing parcel for residential purposes in a manner that complies with the requirements of the Zoning Ordinance as demonstrated by the fact

that there is an existing residential structure on the parcel and that other similar lots with residential structures exist in close proximity to the subject parcel and therefore no practical difficulty has been demonstrated for this 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 as there are other properties in close proximity that either meet minimum ordinance requirements for lots of 90 feet in width and 12,000 square feet, or if not platted, are similar in size to the subject parcel.
3. There are no unique circumstances of the property that have been identified by the applicant that necessitate granting the variance. The property size and configuration has not been modified from its original configuration and there are other properties proximate to the subject site and throughout the City that have similar lot widths and the City does not desire to perpetuate the number of lots within the City that do not comply with minimum lot width standards. Further, the City has established the minimum lot width standards for residential zoning districts to ensure that there is not an over densification of the City and as a means to maintain consistent character of existing residential neighborhoods.
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

Mr. McLeod reported that Planning Commission and City Council adopted the new Master Plan, and he explained that the online plan can be accessed off of the Planning home webpage. He explained that it is designed to be a fully interactive Master Plan with the idea that it would not be a paper document. He stated that it is built off of localized neighborhoods utilizing the high school service areas, with a citywide version as well. He mentioned that the Rochester High School boundary encompassed a large geographic area, and it was split at Rochester Road into two separate neighborhoods. He invited the Board members to view the Plan.

He mentioned that while the next meeting date is December 10, a request for a sign variance for Henry Ford Hospital (previously Ascension) was not quite ready and would most likely come before the Board in January.

Mr. Tischer stated that when that case comes before the Board he would have to recuse himself as he is affiliated with the hospital.

NEXT MEETING DATE

- Wednesday, December 10, 2025, 7:00 p.m.

ADJOURNMENT

There being no further business to discuss, it was moved by Mr. Graves,

seconded by Mr. Young, to adjourn the meeting at 7:34 p.m. Minutes prepared by Jennifer MacDonald.

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

Jennifer MacDonald, Recording Secretary