



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, June 10, 2026

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Secretary Graves called the June 10, 2026 Zoning Board of Appeals meeting to order at 7:00 p.m. Michigan Time.

ROLL CALL

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

OTHERS PRESENT

Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary

APPROVAL OF MINUTES

[2026-0272](#) May 13, 2026 Zoning Board of Appeals Draft Minutes

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

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

COMMUNICATIONS

None.

PUBLIC COMMENT

None.

NEW BUSINESS

[2026-0273](#) PUBLIC HEARING - File PVAI2026-007

Location: 3861 S. Adams Rd. and 3880 South Blvd. W., located east of Adams and north of South Blvd. W., Parcel 15-31-351-020, zoned R-4 One Family

Residential with the FB Flex Business Overlay.

Request: The applicant is requesting a variance from *Section 138-8.401 Setback Requirements* which requires buildings to be constructed with a minimum front yard setback of 15 ft. and a maximum front yard setback of 70 ft. for at least 40% of the property frontage, when the property is developed according to the FB Flex Business Overlay provisions. The applicant is proposing to construct a multi-family residential development on approximately 12.98 acres of land with a setback of 245.92 feet from South Blvd. and 234.71 feet from Adams Road.

(Staff report dated 6-3-26, ZBA Application, Site Plans, Public Hearing Notice, Public Comment, and Draft HDC Minutes dated 5-14-26 had been placed on file and by reference became a part of the record thereof.)

Present for the applicant was Tony Perez, representing O'Brien Construction, located at 281 Enterprise Court, Bloomfield Township, Michigan 48302.

Secretary Graves introduced the variance request for the properties located at 3861 South Adams Road and 3880 South Boulevard, situated east of Adams Road and north of South Boulevard and zoned R-4 One Family Residential. He explained that the applicant is requesting a variance from Section 138-8.401 setback requirements, which dictates that buildings must be constructed with a minimum front yard setback of 15 feet and a maximum front yard setback of 70 feet for at least 40% of the property frontage when developed according to the FB Flex Business Overlay provisions. He noted that the applicant is proposing to construct a multifamily residential development on approximately 12.9 acres of land with a proposed setback of 245.92 feet from South Boulevard and 234.71 feet from Adams Road.

Before inviting the applicant to present their case, Secretary Graves turned the meeting over to Mr. McLeod to provide the City's presentation.

Mr. McLeod thanked Secretary Graves and confirmed that the request involves variances for two front yard setbacks located along South Adams Road and South Boulevard. He clarified that the variance pertains to the Flex Business (FB) district's build-to line, emphasizing that this establishes a maximum setback requirement as well as a minimum. Providing a brief history, Mr. McLeod noted the site had been the subject of several past development proposals, most recently a senior housing complex known as Priya, which featured a single central building with access to both roads.

Describing the site's physical characteristics, Mr. McLeod explained that the vast majority of the property is heavily wooded, particularly behind the historic Lorna Stern house. He noted that this historic stone house, visible from South Adams, sits precisely at the 70-foot build-to line required by the FB district. He described the South Boulevard access as a 100-foot-wide entrance between existing houses that broadens out as it extends north into the property, where the wooded nature of the land becomes slightly more open.

Mr. McLeod then oriented the Board to the surrounding context, identifying a place of worship and the American House to the north, and Pomeroy senior

living to the east. He described the T-shaped layout of the property, pointing out that the individual parcels tucked into its alcoves are zoned single-family residential but carry the same FB overlay as the subject property.

Mr. McLeod presented a rendering of the proposed development to illustrate its overall placement on the subject property. He reviewed the site's zoning map, noting that the single-family residential areas are denoted by an orange-golden color, with cross-hatching indicating the Flex Business (FB) Overlay District. He pointed out that the adjacent green areas, which represent the Special Purpose district utilized for senior housing, also carry the FB overlay.

Mr. McLeod explained that the FB overlay can be applied to individual parcels or combinations of properties totaling two acres or more. He noted that the district allows for some ordinance flexibility, provided the project meets specific design, setback, and parking requirements. Central to the FB district is the "build-to line," which is intended to bring buildings closer to exterior roadways. He explained that while the ordinance establishes a minimum setback of 15 feet and a maximum of 70 feet from roads like South Adams and South Boulevard, it requires at least 40% of the building's frontage to be situated within that threshold. Mr. McLeod cited the TRIO development at Auburn and Livernois as a prominent example of this standard.

Mr. McLeod displayed the previously approved Priya plan and explained why that development did not require a variance. He detailed that the Flex Business District underwent a major overhaul between 2022 and 2023, which consolidated three separate districts (FB-1, FB-2, and FB-3) into a single FB district. During this process, the Planning Commission and City Council opted to make the ordinance stricter by reducing allowable density and height. Under the previous ordinance, the Planning Commission had the authority to grant design "modifications," which allowed them to approve the Priya plan without the developer needing to meet the stricter legal threshold of a variance.

Mr. McLeod noted that the Priya plan featured a South Adams setback very similar to the current proposal, though its South Boulevard setback was significantly larger because it consisted of a single building located on the northern portion of the property. He also pointed out that the Priya development was approved for approximately 170 senior living units, whereas the current application is capped at about 132 units.

Returning to the current proposal, Mr. McLeod illustrated how the 70-foot build-to line runs directly through the western facade of the historic Lorna Stern house. He explained that, practically speaking, strict adherence to the zoning ordinance would require the developer to demolish the historic structure. However, the City's historic consultant, Kristine Kidorf, advised the applicant to leave the area immediately adjacent to the house open to preserve its historic context. In order to comply with this historic preservation guidance, the developer pushed the proposed buildings further east and away from South Adams Road, which directly resulted in the need for the current setback variance.

Mr. McLeod provided a closer look at the proposed plans, illustrating how the

build-to line runs directly through the front facade of the historic house on the property. He noted that the applicant's proposed setback of approximately 234 feet from South Adams Road, rather than the maximum 70 feet required by ordinance, places the front of the new townhouses significantly further back on the site.

Turning to the South Boulevard frontage, Mr. McLeod explained that the property is only 100 feet wide where it meets the roadway. He noted that while the required build-to line sits roughly in line with the existing homes along South Boulevard, the applicant's proposed setback is further back near the proposed ranch-style houses. He explained that a building could not physically fit within that narrow 100-foot-wide access corridor; and the standard setbacks for a non-FB utilized property would overlap in the middle, eliminating any buildable area. Therefore, the developer placed the proposed building as close to South Boulevard as physically possible, starting precisely where the property begins to widen.

Mr. McLeod concluded his presentation by reviewing the standard criteria for dimensional variances. He reminded the Board that they must evaluate whether strict compliance with the ordinance would prevent the owner from using the property for a permitted purpose, whether granting the variance would ensure substantial justice for the applicant and surrounding property owners, whether the issue stems from unique property conditions and is not self-created, and whether the spirit of the ordinance and public safety are preserved. He then concluded his report and offered to answer any questions from the Board.

Secretary Graves then invited the applicant to present his case.

Mr. Perez stated that the development team had made every effort to work with the Historic District Commission to preserve the integrity of the historic home on the site. He explained that they relocated the proposed roadway toward the south to create a park-like setting and maintain a respectful distance from the historic structure. He noted that they would be returning to the Historic District Commission the following evening to address minor final comments. Regarding the South Boulevard frontage, Mr. Perez reiterated that the access point is simply too narrow to accommodate a compliant roadway, noting that the team has worked diligently with city staff to reach the current design and feels they have exhausted all other layout options.

Secretary Graves opened the floor to the Board for comments. Ms. Neubauer expressed her full support for the request, stating that the proposal meets the necessary criteria for a variance. She highlighted that the practical difficulty is not self-created, praised the applicant's efforts to protect the historic home, and acknowledged the highly unusual shape of the parcel. Ms. Neubauer stated her intent to make a motion to approve the request.

Secretary Graves then opened the public hearing for this agenda item.

John Wiant - 1934 Rainbow Dr., Rochester Hills - said he is a resident and the facilities manager for the church located immediately north of the subject property. Mr. Wiant expressed his organization's strong support for the

proposed development. He noted that his church also contends with an oddly shaped parcel and understands the development challenges. Mr. Wiant observed that the subject property has suffered from neglect and abuse over the years due to a lack of immediate oversight. He praised the aesthetic quality of the proposed plans and added that the church looks forward to welcoming new residents to the area.

Secretary Graves thanked Mr. Wiant for his comments and invited Ms. Neubauer to state her formal motion.

A motion was made by Neubauer, seconded by Brnabic, to approve the request for variances of approximately 175.92 feet from South Boulevard and 164.71 feet from South Adams Road from the Section 138-8.401 setback requirements for the properties located at 3861 South Adams Road and 3880 South Boulevard West. Ms. Neubauer stated that the approval is based on the finding that a practical difficulty exists on the property as demonstrated in the record of proceedings, and it includes the six pre-printed conditions provided in the board packet.

Secretary Graves opened the floor for discussion on the motion. Ms. Brnabic shared information for the Board's awareness regarding a consultation she had with Mr. McLeod prior to the meeting. She noted that this is approximately the fourth development proposal for the property in the last two decades, and she had expressed concern that if the current site plan did not move forward, the variance might permanently run with the land. She informed the Board that Mr. McLeod assured her this would not be the case; if the project does not move forward within a year, the variance will expire alongside the site plan, requiring any future developers to return to the Board.

Secretary Graves thanked Ms. Brnabic for the clarification. He agreed that it is a critical point to make on the record, emphasizing the importance of avoiding unintended precedents or leaving active variances attached to undeveloped land that could impact entirely different future proposals.

Mr. McLeod expanded on the point regarding the variance running with the land. He explained that a variance must be enacted, meaning construction must commence, within one year. If the project fails to move forward within that timeframe, the variance becomes void and cannot be applied to future developments. He noted that this stipulation helps prevent the site-specific variance from setting a strict precedent for future, unrelated proposals.

Secretary Graves expressed his appreciation for the applicant's diligence in meeting the city's requirements and their hard work in preserving the historic property. He noted that the proposed plan suits the surrounding area well and, as a side note, encouraged the applicant to protect as many trees as possible during the development process.

Ms. Neubauer added comments for the record, emphasizing that the current proposal is less dense than the original plan for the site and successfully saves the historic building. She stressed that the variance is being granted based strictly on this site-specific plan, its unique density and height, and the

applicant's efforts to preserve the historic home. She noted that outlining these specific reasons ensures the decision does not serve as a blanket precedent for future requests.

Ms. Brnabic asked if the project's progression was dependent on receiving a Certificate of Appropriateness from the Historic District Commission. Mr. McLeod confirmed that it was, detailing that the applicant still needed approval from the Historic District Commission, as well as site plan and tree removal permit approvals from the Planning Commission.

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

Aye 5 - Graves, Neubauer, Young, Sakis and Brnabic

Excused 2 - Koluch and Tischer

Resolved, in the matter of File No. PVAI2026-0007, that the request for variances of approximately 175.92 feet from South Blvd and 164.71 feet from S. Adams Rd. from Sec. 138-8-401 Setback Requirements, which requires buildings to be constructed with a minimum front yard setback of 15 ft. and a maximum front yard setback of 70 ft. for at least 40% of the property frontage, when the property is developed according to the FB Flex Business Overlay provisions, 3861 S. Adams Rd. and 3880 South Blvd. W. and Parcel Identification Number 15-31-351-020, be **APPROVED**, because a practical difficulty does exist on the property as demonstrated in the record of proceedings and based on the following findings. With this variance, the property and the subject structures shall be considered by the City to be in conformity with the Zoning Ordinance for all future uses with respect to the setbacks for which this variance is granted.

1. Compliance with the strict letter of the Zoning Ordinance would prohibit the reasonable use of the property and without the variance would be unnecessarily burdensome on the applicant and not desirable by the City due to the presence of a significant historical structure which will be preserved as a result of the requested variance and the existing unique parcel configuration along South Blvd. W.

2. Granting the variance will preserve a substantial property right for the applicant and thus substantial justice shall be done.

3. A lesser variance will not provide substantial relief, would not be more consistent with justice to other property owners in the area, and would not provide the opportunity to maintain the historical character and context for the Lorna Stone House.

4. There are unique circumstances of the property that necessitate granting the variance as described in the above criterion, specifically that the property includes a significant historical structure identified by the City, the Lorna Stone House. This historical structure is located in the build-to area that would normally be required along S. Adams Rd., and the City's Historic Consultant has indicated that no buildings should be constructed in the immediate area adjacent to the historic home. Further, that the property frontage along South Blvd. W. is only 100 feet in width, which would not allow for a building that would meet required side yard setbacks and also allow for an access drive to be located appropriately, and that property width extends north from South Blvd. W. approximately 195 feet, well beyond the required build-to setback requirement.

5. The granting of this variance would not be materially detrimental to the public welfare or existing or future neighboring uses since the subject property does not have an immediately abutting neighbors as the properties to the southwest and southeast of the subject site also include the FB Flex Business Overlay District and could be developed in a similar fashion and the property to the north is already developed as a place of worship.

6. Approval of the requested variance will not impair the supply of light and air to adjacent properties, increase congestion, increase the danger of fire, or impair established property values in the surrounding area.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

July 8, 2026

ADJOURNMENT

There being no further business to discuss, a motion was made by Young, seconded by Sakis, 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*

Jennifer MacDonald, Recording Secretary