



# Rochester Hills

## Minutes

### Zoning Board of Appeals

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

*Chairperson Bill Chalmers; Vice Chairperson Kenneth Koluch*  
*Members: Deborah Brnabic, Jayson Graves, Marvie Neubauer, Jason Sakis and Charles*  
*Tischer*

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Wednesday, February 14, 2024

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*Chairperson Chalmers called the Zoning Board of Appeals meeting to order at 7:00 p.m. Michigan Time.*

## ROLL CALL

**Present** 6 - Deborah Brnabic, Bill Chalmers, Kenneth Koluch, Charles Tischer, Jason Sakis and Marvie Neubauer

**Excused** 1 - Jayson Graves

## Others Present:

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

*Member Graves provided prior notice that he would not be in attendance and was excused.*

## APPROVAL OF MINUTES

[2024-0006](#) August 9, 2023 Zoning Board of Appeals Minutes

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

**Aye** 6 - Brnabic, Chalmers, Koluch, Tischer, Sakis and Neubauer

**Excused** 1 - Graves

## COMMUNICATIONS

*Chairperson Chalmers noted that one communication was received from the Michigan Association of Planning which was distributed to members.*

## PUBLIC COMMENT

*None.*

## NEW BUSINESS

2024-0092

PUBLIC HEARING: File No. PVAI2024-0002

Location: 3364 Crooks Rd., located on the west side of Crooks, south of Auburn Rd., Parcel No. 15-32-228-117, zoned R-4 One Family Residential

Request:

1.) An appeal of the Building department's determination that the structure (deck) that was recently constructed in the front yard, that provides access to the front entrance of the home, is a detached accessory structure in the front yard and therefore not permissible (Note that per Sec. 138-10.105B Decks and Patios, decks are considered accessory structures and shall meet the locational and setback requirements for detached accessory structures, and that per Sec. 138-10.102 Detached Accessory Structures, detached accessory structures shall only be located in the side or rear yard and such structures shall not be located in the front yard.)

2.) If the appeal is not granted, a request for a variance from Sec. 138-10.102 Detached Accessory Structures, to allow a detached accessory structure in the front yard and allow the structure to remain.

*(Staff report dated 2-7-24, Location map, Building Reviewed Site Plan and Sketch, Application, Current Photo and Regulation, Measurement, accident, aerial and 2004 photos, and Public Hearing Notice had been placed on file and became a part of the record thereof.)*

*Present for the applicant was Paul Gilpatrick, 3364 Crooks Road.*

*Mr. McLeod stated that two items were before the Board this evening relative to this request. The first is an administrative appeal of the decision of the Building Department in terms of whether the structure that was constructed constitutes a deck within the front yard. Should that appeal fail, there is a request for a variance to place a deck, which is a detached accessory structure, in the front yard. He explained that the applicant is asking in two different ways for the structure as constructed to remain in its current location. He noted the residential area of Crooks Road and pointed out that it is unique in that a good number of the homes in this area do sit quite close to Crooks Road relative to the normal setbacks, resulting from the expansion of Crooks in prior years. He mentioned that the notch in this particular property is a bit unique and allows for additional setback in the front yard. He showed the historical photographs, noting a deck porch was previously in place that was demolished due to an auto accident, and commented that due to the door having an elevation above final grade something needed to be constructed to gain access. He explained that the applicant reconstructed a wood structure in its place that extends somewhat farther out from the house and is wider along the house, going from the door to the edge of the front building facade.*

*He noted that the ZBA's first discussion item is whether or not the Building Department made the correct determination that the structure as constructed constitutes a deck. He reviewed that the Ordinance indicates that any sort of a wood structure supported by columns off of the ground is a deck structure, and*

*noted that the Ordinance indicates that to meet the detached accessory building requirements of the Zoning Ordinance, detached accessory structures, which also includes sheds and outbuildings, cannot be located within the front yard.*

*He stated that once the ZBA makes the determination, if it confirms the Building Department's decision that it does constitute a deck, the Board would go on to determine whether a variance should be granted to allow the structure to stay in the front yard. He stated that if it reverses the Building Department's decision, it would not have to go any further as it would allow the deck to be kept in place. He reviewed the five standards that would be considered in terms of a dimensional variance.*

*Chairperson Chalmers asked if the Board Members had any questions for Mr. McLeod prior to the Applicant addressing the Board.*

*Mr. Koluch asked if there was any other regulation where they could look for help on this, noting that from the ground-up the only option would be a patio, which looks like cement on the ground.*

*Mr. McLeod responded that the only option would be cement or stone steps that would lead up immediately against the residence. He commented that he was not sure that it was intent of the Ordinance to be so restrictive to not allow a structure of this nature. He pointed out that in talking with the Building Department, the structure is technically not secured into the building itself, and stated that if it was attached structurally to the house, this would not be before the ZBA. As it is not attached, it is considered a detached accessory structure. He noted that there are a number of these structures in place throughout the city, and mentioned the Ordinance had been changed about five or six years ago. He stated that in speaking with the Planning Director Sara Roediger, she stated that this was not necessarily the intent of the change at that time.*

*Mr. Koluch asked if the structure that had been destroyed constituted a deck as well.*

*Mr. McLeod responded that it would have.*

*Ms. Neubauer asked if the structure would still constitute a detached structure if handrails were attached from the house to the deck.*

*Mr. McLeod responded that handrails would not necessarily suffice, and he stated that the structure of the foundation and the substructure of the deck would have to be secured to one another.*

*Ms. Neubauer asked if a wooden board underneath could be drilled into the house.*

*Mr. McLeod responded that at that point it would be attached; however, it is his understanding based on the Building Department's determination that this is probably not physically feasible based on how the foundation of the house itself is constructed.*

*Ms. Brnabic questioned whether the porch would be considered a deck if it had been constructed of concrete.*

*Mr. McLeod responded that he believed that if it had been constructed solely of concrete or stone, it would probably pass the Ordinance requirements.*

*Ms. Brnabic suggested that the Ordinance be re-evaluated as to what platform structure and material constitutes a deck.*

*Mr. McLeod responded that he believes the Planning Department is going to re-evaluate the Ordinance in total, so language could be added as to materials. He noted that as the Ordinance reads, it is a platform structure and still constitutes a deck.*

*Chairperson Chalmers asked the applicant if he had anything to add and whether he had pulled a permit or gotten his plans approved.*

*Mr. Gilpatrick responded that he hired a contractor and had a signed contract, and he had a reasonable expectation that they would follow the required steps. He stated that one of the reasons this has even come up is that the speed limits on Crooks Road are not patrolled. He explained that the structure was there for 20-plus years and they need to use it on a regular basis. He noted that he has been at this residence since May 1, 2012. He mentioned that prior to tonight's meeting there was some discussion that potentially an agreement could be arrived at to keep the structure. He commented that the contractor is willing to work with him and the City, and they could improvise to put some sort of rebar through the foundation to lock it in place. He noted that he came in with a cane due to some surgery he had and now has some accessibility concerns.*

*Chairperson Chalmers called for any public comment, and seeing none, he closed the Public Hearing at 7:19 p.m. He moved on to call for Board discussion.*

*Mr. Sakis asked how confident Mr. Gilpatrick was that they might be able to use some sort of process to lock the foundation in place.*

*Mr. Gilpatrick stated that he could physically drill the holes, and rebar is accessible from Lowes. He noted that he would figure out how to include a board in discussions with his contractor.*

*Mr. Sakis questioned whether that would damage the foundation or create other problems.*

*Chairperson Chalmers asked if the home's foundation is a slab or crawl space.*

*Mr. Gilpatrick responded that it is a crawl space.*

*Mr. Sakis noted that the previous deck was destroyed by a car. He stated that he did not wish to be disrespectful, but he would question why they would want to be out there with the risk of that happening.*

*Mr. Gilpatrick responded that he would see it coming.*

*Ms. Brnabic stated that they would not have been able to replace what they had before the accident because that was considered a deck, and asked if the City would have required them to build something with a block foundation.*

*Mr. McLeod responded that in terms of a permit, to meet Ordinance requirements in that particular location it would have had to be constructed in a different method. He explained that an alternative means may have been a block foundation or simple concrete steps up to the door. He commented that there are several ways where access could have been obtained to the front door in that elevated state.*

*Ms. Brnabic commented that everyone would want some sort of landing, and it would have to be something like a small front porch.*

*Mr. McLeod responded that he thinks that the Building Department would have worked with the applicant to try to get some other form of material utilized that would have been compliant. He stated that typically the response is that it would not be allowed, but there are other options. He explained that the Building Department would not have designed it for the homeowner and it would be up to the applicant's contractor and requested they provide a drawing for comment. He mentioned that in speaking to the inspector, the anchors that have been used in other situations are not recognized by the Building Department as being a viable option. He stated that he appreciated the fact that the applicant has offered to continue to resolve this structure and he believes that the Building Department can work with them to try to do that.*

*Ms. Brnabic asked how much of the property was taken or purchased by the Road Commission 20 years ago for Crooks Road, and what the setback was before that happened.*

*Mr. Gilpatrick responded that on the southern half of this existing parcel where the house sits, is an original 50 foot parcel. He explained that in between his home and two homes to the north was originally vacant land, also designated as two 50 foot parcels. He explained that 16 feet of the southernmost parcel had to be given to him as part of the home sale in 2004 in order to meet the minimum 66 foot road frontage requirement, which made an unsellable, unbuildable piece of land in the middle, which included a 50-foot and a 34-foot parcel. He explained that he ended up purchasing that 34 feet a couple of years later, and then he had a 100-foot parcel. He stated that he then sold his parcel so that they could build that house in the middle. Summarizing, he stated that they only took four and a half feet off the original 50 to the south and almost seven feet where you see more grass within that parcel.*

*Mr. McLeod stated that the Road Commission probably adjusted the right-of-way acquisition to minimize the money needed to purchase it.*

*Ms. Brnabic stated that they have the right to have something at the front entrance of their home so they can enter it. She commented that under the circumstances of the Road Commission, and there may be other*

*circumstances as well, that the seven foot should be permitted. She stated that in regard to all of the circumstances going on here, she would grant the variance. She noted that her only comment is that they did not apply for a building permit which was required.*

*Mr. Gilpatrick noted that his initial bill did not have a building permit on it, and after he found out he promptly put in for the permit, and paid the fee. Three days later, the Building Department send him a not approved notice through the BSA-Online portal.*

*Ms. Neubauer stated that she saw a similar situation like this in another city, and commented that it is unfortunate when one relies on contractors and the contractors start off on the wrong foot and have to work backwards to correct the situation. She stated that the Building Department is amazing and in the time since she has been elected she has had the opportunity to meet and work with them and problem-solve on other issues. She commented that she does not think that they would be opposed to continue to work with the applicant for a limited time to resolve the issue. She stated it may behoove the applicant to find someone else to work with the Building Department to figure out how to anchor this to the building or pour concrete or level it out underneath so that it meets the current definition of the Ordinance. She stated that her suggestion would be a 90-day or 60-day period to go back and work with the Building Department and see what can be accomplished in that time. She asked if the applicant was willing to do that.*

*Mr. Gilpatrick commented that he also might suggest using backfill crushed concrete to fill the empty space so it was no longer a raised deck and stated that this also somewhat qualifies under the definition he has heard.*

*Ms. Neubauer stated that she would refer those questions to the Building Department. She asked Mr. McLeod if he would be agreeable if they are willing to continue to work to resolve this situation.*

*Mr. McLeod responded that the Building Department is always willing to look at all potential options and would make the determination whether they are viable. He noted that Mike Viazanko is the City's Building Official and he is always looking for creative ways to solve problems and his staff follow suit.*

*Mr. Koluch stated that in reference to the interpretation of the Building Department, he would propose a motion to support it, as it is a deck. He noted that the proposal that Ms. Neubauer raised is a good one, and that if it is not feasible to adjust it with concrete underneath or bring it to the ground, it could come before the Board for a second time. He stated that if there is no other way to do it, they need to be able to get into their house. He commented that there may be other options to explore in terms of how far they would have to go to keep this as close as they can to the spirit of the Ordinance and still allow someone to be able to access their house in the front. He stated that he does not think having concrete blocks there and nothing else is desired, and the neighbors would not appreciate it. He commented that if the Building Department is able to work with Mr. Gilpatrick that would be the best way. He pointed out that when talking about granting variances, it is best to grant the*

*smallest amount of variance possible; however, if there is another way to do this just by adding fixtures or whatever is necessary that would be the best in terms of the result. He stated that he would agree with the proposal of 60 or 90 days, and this would allow the weather to warm if using concrete. If that is not possible, he would suggest postponing this and coming back in front of the ZBA down the road to take another look at a possible different approach.*

*Chairperson Chalmers stated that he would concur with what his colleagues have said that it seems that there is a way to do this without getting a variance. He stated that it is the applicant's right to come before the Board to be heard and they can render a decision; however, he is not so sure this is the best way. He commented that he feels for the applicant in hiring a contractor and having certain expectations, and then this happens; and he stated that he feels that the contractor should be a part of the conversation on how a rework should happen without an impact on setting potential precedent. He added that it is very difficult for them to vote in favor as this was done without pulling a permit, because it lets the entire city know that they can do work without plans or a permit, which obviously cannot happen. He stated that he does not know that the Board has ever supported a variance where someone did not submit plans and get a permit pulled and just did the work. He commented that this would be a complete dereliction of their duty and charge.*

*Ms. Neubauer stated that the applicant would probably need 120 days as concrete cannot be poured below 45 or 55 degrees.*

*Chairperson Chalmers responded that one thing that is good about the City's Building Department is that when these issues have come up in the past they have been very reasonable when it comes to working things out.*

*Mr. Tischer noted that Mr. Gilpatrick mentioned mobility issues and asked if he would need to make any modifications such as a ramp.*

*Mr. Gilpatrick responded that he is on his feet all day at work, and is up around 14 hours, and his back muscles are tired and hurt and have spasms because of the surgery delay. He stated that he would put a handrail on and has no intention of a ramp for a wheelchair.*

*Chairperson Chalmers asked Mr. Gilpatrick if he was in agreement with the Board postponing this until he has a chance to work with the Building Department and his contractor.*

*Mr. Gilpatrick stated that he had been disappointed after the accident where his was the only house that was damaged that the Building Inspector left a card and did not speak directly to him.*

*Ms. Neubauer made a motion to postpone this item for at least 120 days to give the applicant opportunity to work with the Building Department to resolve this issue. The motion was seconded by Ms. Brnabic.*

*Mr. Sakis suggested that the vote should be taken first on the main appeal before voting on the postponement.*

*Chairperson Chalmers asked Ms. Neubauer to hold her motion for the postponement of the variance, and she concurred.*

*Mr. Koluch moved that the Zoning Board of Appeals concurs with City Staff regarding the interpretation of the proposed structure being a detached accessory structure that is not permissible within the front yard. The motion was supported by Chairperson Chalmers. After calling for a voice vote, he announced that the motion carried unanimously.*

*Moving on to the request for a variance, Ms. Neubauer made a motion to postpone this discussion for 120 days to give the applicant time to work with the Building Department in order to cure the deficiencies in the currently assessed detached structure. The motion was supported by Ms. Brnabic. After calling for a voice vote, Chairperson Chalmers announced that the motion passed unanimously.*

*Chairperson Chalmers asked Mr. Gilpatrick if he was clear on the Board's decision, and wished him luck that this is resolved very quickly.*

**A motion was made by Koluch, seconded by Chalmers, that this matter be Accepted. The motion carried by the following vote:**

**Aye** 6 - Brnabic, Chalmers, Koluch, Tischer, Sakis and Neubauer

**Excused** 1 - Graves

**Resolved**, in the matter of File No. PVAI2024-0002, that the Zoning Board of Appeals concurs with City Staff in the interpretation of the proposed structure being a detached accessory structure that is not permissible within the front yard.

**2024-0092**

PUBLIC HEARING: File No. PVAI2024-0002

Location: 3364 Crooks Rd., located on the west side of Crooks, south of Auburn Rd., Parcel No. 15-32-228-117, zoned R-4 One Family Residential

Request:

1.) An appeal of the Building department's determination that the structure (deck) that was recently constructed in the front yard, that provides access to the front entrance of the home, is a detached accessory structure in the front yard and therefore not permissible (Note that per Sec. 138-10.105B Decks and Patios, decks are considered accessory structures and shall meet the locational and setback requirements for detached accessory structures, and that per Sec. 138-10.102 Detached Accessory Structures, detached accessory structures shall only be located in the side or rear yard and such structures shall not be located in the front yard.)

2.) If the appeal is not granted, a request for a variance from Sec. 138-10.102 Detached Accessory Structures, to allow a detached accessory structure in the front yard and allow the structure to remain.

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

**Aye** 6 - Brnabic, Chalmers, Koluch, Tischer, Sakis and Neubauer

**Excused** 1 - Graves

**Resolved**, in the matter of File No. PVAI2024-0002, that the Zoning Board of Appeals postpones the request for a variance from Sec. 138-10.102 Detached Accessory Structures, to allow a detached accessory structure in the front yard and allow the structure to remain for 120 days, to give the applicant time to work with the Building Department in order to cure the deficiencies in the currently assessed detached structure.

**2024-0085**

**PUBLIC HEARING - File No. PVAI2024-0001**

Location: 1990 E. Avon Rd., located south of the intersection of E. Avon and Dequindre, Parcel No. 15-13-427-001, zoned NB Neighborhood Business with the MR Mixed Residential Overlay

Request: A variance request from Sec. 138-3.105 *Nonconforming Uses of Structures and Land* which if granted would allow for the construction of an addition to the existing residence. The plans include the demolition of a portion of the home's existing living space and an attached garage, and the construction of an addition with an attached garage to the south side of the home.

*(Staff report dated 2-7-24, Location map, Combined Plan Set, ZBA Application, CBI Design Letter dated 1-9-24, Homeowner Letter, Additional Documentation and Public Hearing Notice had been placed on file and became a part of the record thereof.)*

*Present for the applicant were Mike and Kathryn Titus, property owners, and Robert Clark, 981 Allston Drive, Rochester Hills, Architect for the Titus'.*

*Chairperson Chalmers introduced this item and asked for the staff report.*

*Mr. McLeod noted that tonight's request is for an expansion of a nonconforming structure. He explained this is the residence that is associated with Yates Cider Mill and it is actually zoned for Neighborhood Business (NB) and has been zoned in that manner for some time. He noted that it is at the intersection of East Avon, Dequindre, and where the new roundabout is at 23 Mile Road. He stated that this particular parcel is 0.64 acres and the variance requested would allow for an expansion of an existing non-conforming residential structure in the NB District. He commented that after discussion with the City Attorney as to whether this would constitute a use variance, staff concurs that this would be a non-use variance, a dimensional variance to expand a non-conforming structure. He displayed how the residence sits relative to the cider mill and noted that the photographs were pre- or just at the beginning of the roundabout construction. He pointed out that farther east, a portion of the property actually sits within Shelby Township. He stated that the structure is toward the back of the building and would not be coming any closer to the roadway or to the side property lines. He displayed the floor plan of the proposed addition, noting that it does take away a portion of the structure and then adds onto it in a more*

*modernized fashion. He reviewed the proposed elevations, noting that the additional square footage is very contextual to the existing structure. He mentioned that while it was questioned whether this property was within the historic district, while obviously quite old, it is not; and he noted that this actually helps out the applicant in this instance. He explained that it is approximately a 1,300 square foot expansion, with a demolition of approximately 700 square foot of existing structure, yielding a net gain of roughly 600 square feet with a proposed addition and a new garage configuration as well. He mentioned that if this property was to be residential, the setbacks would be maintained appropriate with residential standards.*

*Chairperson Chalmers asked if any of the Board members had questions for Mr. McLeod; and seeing none at this time, he called for the applicant.*

*Mr. Clark stated that he is the architect for Mr. and Mrs. Titus on this project, and mentioned that he is also a resident of Rochester Hills. He explained that this is a rather unique parcel, and he has been involved with this parcel for many years, doing other work on the residence. He stated that the residence predates any of the Ordinances at this particular time, and mentioned that they worked with the Planning Department on how to address this issue. He explained that they did significant manipulation in order to maintain the setback dimensionally for the district that it is in, even though it is a residence in a non-residential district. He noted that with the existing garage being removed, it was a very impractical structure and with the changes that the Road Commission made to the driveway, it made it potentially worse. He stated that they have opened up the dimension between it and some of the other structures to yield the ability to get a vehicle in that is appropriate to today's standards.*

*Chairperson Chalmers thanked the Tituses for being such long residents of the community, and commented that everyone likes their business. He asked if any members of the public wished to speak. Seeing none, he closed the public hearing portion and called for Board comments and questions.*

*Ms. Brnabic stated that she looked into the history of the cider mill and questioned whether the build date of 1901 was correct for the home. She asked if the property was part of the original 80 acres purchased back in the 1800s and if Mrs. Titus was the daughter of Les Posey. She commented that this property has been in the Yates-Posey family for years. She asked if anyone in the family ever initiated a rezoning, and if it was just done by the City.*

*Chairperson Chalmers invited Mr. Titus to address this question.*

*Mr. Titus confirmed that this was correct.*

*Ms. Brnabic mentioned that it looked like the rezoning was a part of master planning back in 1975.*

*Mr. McLeod responded that looking back at historical zoning maps, the 1975 map was where they saw the change occur, and the assumption is that it was done as a part of an overall map change. He noted that with there is not much historical documentation associated with why certain zonings were changed or*

*not change; the reasons get a little gray over time because there would have been so many different discussions that are not always memorialized.*

*Ms. Brnabic stated that she was looking at it from a long-term perspective that the house has been there since 1901 and it is 123 years old, and owned by either the Yates family or the Posey family which purchased it in 1959, so they have owned it for 65 years. Prior to that it was owned by the Yates, and these families have been using this residence all these years. She stated that under these circumstances, if it was zoned residential they would meet the setbacks and would not be asking for a variance. She added that while the addition is 1,300 square feet, by the time they demolish a portion, they are adding 578 square feet. She asked why the property has a MR overlay on it, noting that it is 0.63 acres and the qualification to use the overlay is 10 acres or more.*

*Mr. McLeod noted that the overall cider mill property, including this property, and the property just to the south of it are all included in the R-5 district in the Master Plan's Future Land Use. He added that if all of the properties were combined, it would probably get to 10 acres. He pointed out that the Planning Commission will be going into the Master Plan update this year, and this could be one area where it could be looked at and cleaned up a bit.*

*Ms. Brnabic stated that given the circumstances, she does not have a problem granting the variance for this.*

*Mr. Tischer stated that he would agree with Ms. Brnabic. He mentioned that he also sits on the Historic Districts Commission and is not really sure why this particular property was not included. He thanked the applicants for at least leaving the front part of the house the same. He stated that he would say that this has been a home since 1901 and even the City does not know how this property got that designation around 1975. He stated that he is in favor of the variance.*

*Mr. Koluch moved the motion to approve the variance. The motion was seconded by Mr. Sakis. After calling for a voice vote, Chairperson Chalmers announced that the motion passed unanimously.*

**A motion was made by Koluch, seconded by Sakis, that this matter be Granted. The motion carried by the following vote:**

**Aye** 6 - Brnabic, Chalmers, Koluch, Tischer, Sakis and Neubauer

**Excused** 1 - Graves

**Resolved**, in the matter of File No. PVAI2024-0001, that the request for a variance from Sec. 138-3.105 Nonconforming Uses of Structures and Land which if granted would allow for the construction of an addition to the existing residence, Parcel Identification Number 15-13-427-001, 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 shall be considered by the City to be in conformity with the Zoning Ordinance with respect to the proposed addition to the residence for which this variance is granted.

1. Compliance with the strict letter of the Zoning Ordinance would prohibit the reasonable use of the property as has been previously enjoyed for the past 100 plus years and will be unnecessarily burdensome.
2. Granting the variance will preserve a substantial property right for the applicant.
3. A lesser variance will not provide substantial relief, and would not be more consistent with justice to other property owners in the area.
4. There are unique circumstances of the property that necessitate granting the variance as described in the above criterion; specifically the fact that the existing residence has been utilized as such for the last 100 plus years and it has been zoned for commercial purposes since at least 1975; the expansion will not increase the overall intensity of the use onsite but rather allow the structure to be updated and modernize; and the residence is a part of a larger campus, being the Yates Cider Mill, that distinguishes the subject property from other properties elsewhere in the City with respect to compliance with the ordinance regulations. The commercial zoning necessitates the need for a variance in this case. If the property were zoned R-3 or R-4, it does not appear likely that a variance would be needed.
5. The granting of this variance would not be materially detrimental to the public welfare or existing or future neighboring uses.
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**

**2024-0005** Request for Approval of the 2024 Meeting Schedule

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

**Aye** 6 - Brnabic, Chalmers, Koluch, Tischer, Sakis and Neubauer

**Excused** 1 - Graves

**Resolved**, that the Rochester Hills Zoning Board of Appeals hereby establishes its 2024 meeting schedule at the February 14, 2024 Regular Meeting as follows:

**ROCHESTER HILLS ZONING BOARD OF APPEALS**  
**2024 MEETING DATES\***

<b>January 10, 2024</b>	<b>July 10, 2024</b>
<b>February 14, 2024</b>	<b>August 14, 2024</b>
<b>March 13, 2024</b>	<b>September 11, 2024</b>
<b>April 10, 2024</b>	<b>October 9, 2024</b>
<b>May 8, 2024</b>	<b>November 13, 2024</b>
<b>June 12, 2024</b>	<b>December 11, 2024</b>

*\*Meetings will be held on the second Wednesday of the month at 7:00 p.m. The Zoning Board of Appeals reserves the right to add Special Meetings or Workshops as necessary.*

*Meetings may be cancelled if no applications are received in the appropriate timeframe.  
Meetings will be held in the Auditorium of the City Municipal Offices at 1000 Rochester Hills Dr., Rochester Hills, MI 48309.*

*Agendas are available on the City's Web Page at [www.rochesterhills.org](http://www.rochesterhills.org).*

**NEXT MEETING DATE**

*- March 13, 2024*

**ADJOURNMENT**

*There being no further business to discuss, it was moved by Neubauer, seconded by Koluch, to adjourn the meeting at 8:09 p.m.*

*Minutes prepared by Jennifer MacDonald.*

*Minutes were approved as presented/amended at the \_\_\_\_\_  
2023 Regular Zoning Board of Appeals Meeting.*

\_\_\_\_\_  
*William Chalmers, Chairperson  
Rochester Hills  
Zoning Board of Appeals*

\_\_\_\_\_  
*Jennifer MacDonald, Recording Secretary*