



**Department of Planning and Economic Development**  
 Staff Report to the Zoning Board of Appeals

February 4, 2026

**PVAI2026-0001**  
**3049 Avalon Rd. – Front Setback Variance for**  
**Porch Addition to the Home**

|                   |   |
|-------------------|---|
| <b>REQUEST</b>    | The applicant is requesting a variance from <i>Sec. 138-5.100 Schedule of Regulations</i> , which requires a 25-foot front yard setback in the R-4 One Family Residential zoning district. The proposed variance, if granted, would allow for the construction of a covered porch addition to the existing home, resulting in a front yard setback of 21'-6". |
| <b>APPLICANT</b>  | Christopher Wagner<br>3049 Avalon Rd.<br>Rochester Hills, MI 48309  |
| <b>LOCATION</b>   | 3049 Avalon Rd., located south of Auburn Rd. and east of Adams Rd.  |
| <b>FILE NO.</b>   | PVAI2026-0001   |
| <b>PARCEL NO.</b> | 15-31-102-011   |
| <b>ZONING</b>     | R-4 One Family Residential  |
| <b>STAFF</b>      | Chris McLeod, Planning Manager  |

**Requested Variance**

The applicant is requesting a 3'-6" foot variance from *Sec. 138-5.100 Schedule of Regulations*, which requires a 25-foot front yard setback in the R-4 One Family Residential District. The front yard setback is proposed to be 21'-6".

The subject site is located south of Auburn Rd. and east of Adams Rd. Below is a table for the zoning and existing and future land use designations for the site and surrounding parcels.

|                      | Zoning                       | Existing Land Use       | Future Land Use                 |
|----------------------|------------------------------|-------------------------|---------------------------------|
| <b>Subject Site</b>  | <b>RE Residential Estate</b> | <b>Residential Home</b> | <b>Neighborhood Residential</b> |
| North                | R-4 One Family Residential   | Single Family Homes     | Neighborhood Residential        |
| South                | R-4 One Family Residential   | Single Family Homes     | Neighborhood Residential        |
| East                 | R-4 One Family Residential   | Single Family Homes     | Neighborhood Residential        |
| West (across Avalon) | R-4 One Family Residential   | Single Family Homes     | Neighborhood Residential        |

## Site Photograph



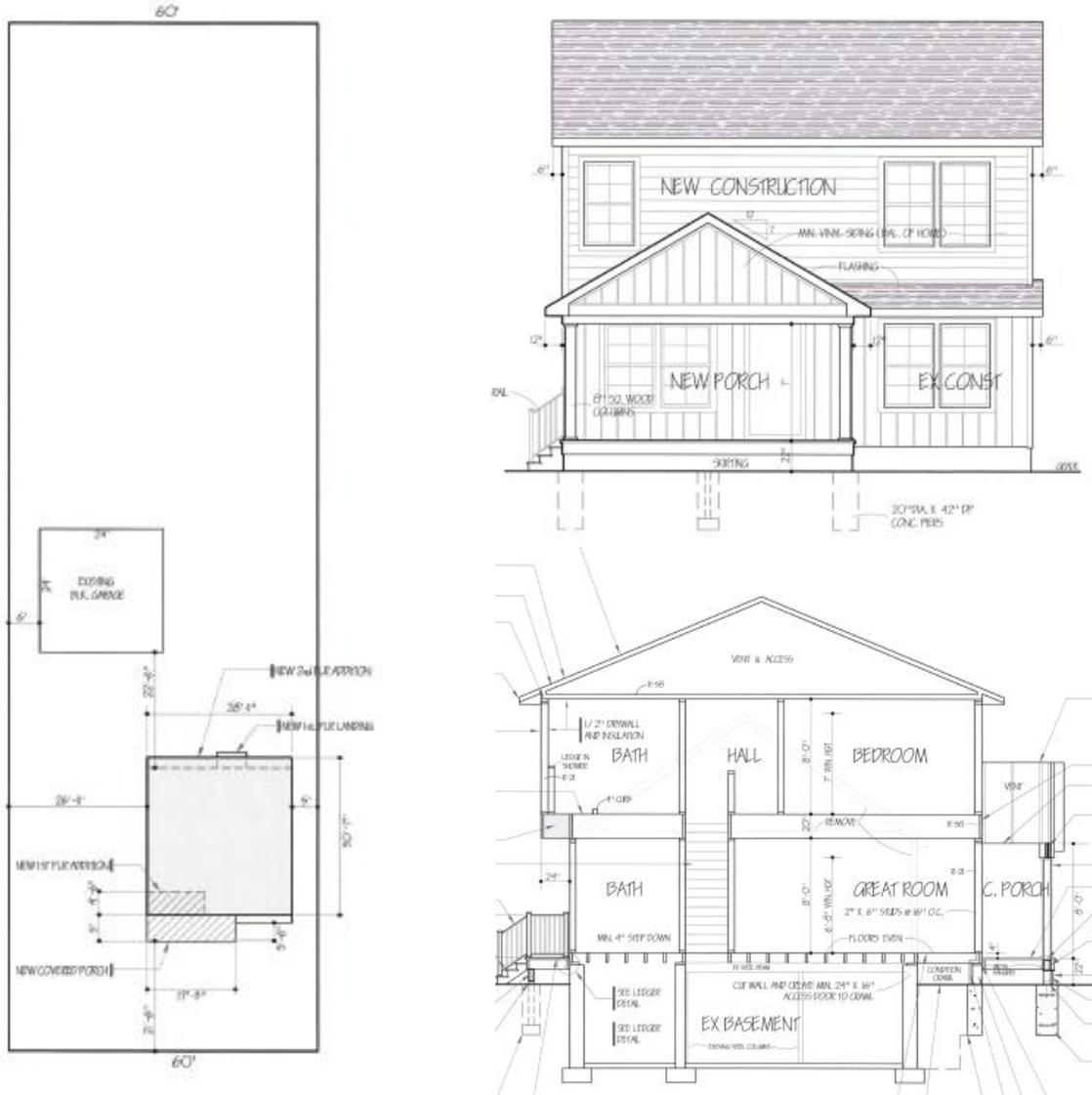
## Application

As noted, the applicant has requested a variance, which if granted, would allow for a covered porch addition to the front façade of the residence to be constructed approximately 3'-6" into the required front yard setback. The property is zoned R-4 One Family Residential, which requires a front yard setback of 25 feet. The Ordinance does have a modifier that indicates the front yard setback may be modified as a result of the averaging of setbacks of those homes within two hundred (200) feet on either side. The review conducted by the Building Department has verified that the required setback remains 25 feet for this particular residence.

The existing residence is a one-story residence of approximately 820 square feet (based on City assessing records) and was originally constructed in 1940. Currently, the Building Department is reviewing plans for major renovations to the residence that would transform the home into a two-story residence and provide an additional bump-out to the front of the residence where the current front porch exists. The bump-out would allow for a more usable, squared off front room for the applicant, and the proposed covered porch could sit in front of this.

It is noted that the current configuration of the one-story residence, without the bump-out and with the existing porch, appears to comply with the required front yard setback. The addition of the bump-out to provide additional livable space for the front room (great room) then requires the front porch to be pushed further towards the road and into the required setback. This configuration is a result of the floor plans and elevations proposed by the applicant and a desire to increase the living area and likely the "usability" of the front room. The proposed front porch configuration is an elevated porch with an overhang that is supported by columns. This type of construction requires the porch, columns and roof overhang to comply with setback requirements for the principal structure. The stairs to access the porch are to the north side of the porch and do not extend any further into the setback than the porch itself.

Along this stretch of Avalon, the home setbacks vary greatly as noted by the applicant and as can be seen by a review of aerial photography (shown above). However, as indicated in the Building Department review, based on a review of homes within 200 feet in each direction of the subject site, the required setback remains twenty-five (25) feet.



## Ordinance

### SECTION 138-5.100 - Schedule of Regulations

Table 6. Schedule of Regulations - RESIDENTIAL DISTRICTS

| District | Minimum Lot  |                 | Maximum Building Height <sup>A</sup> |                 | Minimum Yard Setback (feet) |                    |                 |                 | Min. Floor Area (sq. ft.) | Max. Lot Coverage (all buildings) |
|----------|--|-----------------|--------------------------------------|-----------------|-----------------------------|--------------------|-----------------|-----------------|---------------------------|-----------------------------------|
|          | Area (sq. ft.)   | Width (ft.)     | Stories                              | Feet            | Front                       | Side (each)        | Side (total)    | Rear            |                           |                                   |
| RE       | 43,560   | 120             | 2                                    | 35              | 40 <sup>B</sup>             | 15 <sup>C, D</sup> | 30 <sup>D</sup> | 35 <sup>D</sup> | 1,500                     | 25%                               |
| R-1      | 20,000   | 100             | 2                                    | 35              | 40 <sup>B</sup>             | 15 <sup>C, D</sup> | 30 <sup>D</sup> | 35 <sup>D</sup> | 1,500                     | 25%                               |
| R-2      | 15,000   | 100             | 2                                    | 35              | 40 <sup>B</sup>             | 15 <sup>C, D</sup> | 30 <sup>D</sup> | 35 <sup>D</sup> | 1,400                     | 25%                               |
| R-3      | 12,000   | 90              | 2                                    | 30 <sup>P</sup> | 30 <sup>B</sup>             | 10 <sup>C, D</sup> | 20 <sup>D</sup> | 35 <sup>D</sup> | 1,200                     | 30%                               |
| R-4      | 9,600 <sup>R</sup>   | 80 <sup>R</sup> | 2                                    | 30 <sup>P</sup> | 25 <sup>B1</sup>            | 10 <sup>C, D</sup> | 20 <sup>D</sup> | 35 <sup>D</sup> | 912                       | 30%                               |
| R-5      | See <a href="#">Article 6, Chapter 7</a> for one-family flex residential district regulations    |                 |                                      |                 |                             |                    |                 |                 |                           |                                   |
| RM-1     | See <a href="#">Article 6, Chapter 1</a> for multiple family district regulations                |                 |                                      |                 |                             |                    |                 |                 |                           |                                   |
| RCD      | See <a href="#">Article 6, Chapter 2</a> for one-family residential cluster district regulations |                 |                                      |                 |                             |                    |                 |                 |                           |                                   |
| RMH      | See <a href="#">Article 6, Chapter 4</a> for manufactured housing park district regulations      |                 |                                      |                 |                             |                    |                 |                 |                           |                                   |
| MR       | See <a href="#">Article 6, Chapter 5</a> for mixed residential (overlay) district regulations    |                 |                                      |                 |                             |                    |                 |                 |                           |                                   |

As noted, the subject site is zoned R-4 One Family Residential Zoning District. As noted above, the front yard setback in the R-4 One Family Residential Zoning District is required to be a minimum of twenty-five (25) feet. The footnotes noted are for average front yard setback: **Average Front Setback**. If there are existing homes within 200 feet of a subject lot, on the same side of the street and that have an average setback that differs from the front setback as required within this ordinance by more than ten feet, then the average front setback shall be used as the required front setback, provided, however, that in no instance shall a front yard setback be reduced to less than 20 feet.

## Analysis

In the case of a dimensional variance, the Zoning Ordinance requires the ZBA to make a finding that a practical difficulty exists that precludes the property owner from meeting the requirements of the Ordinance. *Section 138-2.407.B.* provides criteria for determining if a practical difficulty exists. Please refer to the ZBA application for the applicant's full responses to the following criteria.

1. *Compliance with the strict letter of the restrictions governing area, setback, frontage, bulk, height, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.* The applicant has indicated that strict compliance with the ordinance would prevent the construction of a modest, code compliant front porch that would provide safe and functional access to the home. In addition, the addition of the covered porch would allow for reasonable depth for weather protection. The improvement would replace the existing uncovered porch and extend it to the driveway. Finally, he notes that neighboring homes with similar porches are closer to the street than the proposed addition and that the proposed addition would not affect sight lines, drainage or adjacent properties.

2. *A granting of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.* The applicant indicates that the variance would allow for a modest 3.5-foot encroachment, ensuring that the property can be reasonably enjoyed in the same manner as surrounding homes, many of which have similar porches. The applicant further states the pre-existing home location is the practical difficulty rather than any action of the owner. The applicant notes that 8 of the 16 homes on the street have porches closer to the street than the proposed request and that the request is modest and proportionate, ensuring fairness without setting an adverse impact. Staff does question whether a northward facing porch/entry could be constructed near the front of the home. It would appear that a configuration of this nature would still provide access to the same front room as the currently proposed porch would and eliminate the need for a variance.
3. *The plight of the applicant is due to the unique circumstances of the property.* The applicant has indicated that neighboring homes have porches or entry features closer to the street but due to the original house placement this house requires relief, and also as a result of the lot's shallow depth of the front yard, which limits placement options. As noted, during the Building Department's review of the homes within 200 feet in each direction on the same side of the street, the 25 foot front yard setback remains the required setback given the averages of those homes reviewed.
4. *The problem is not self-created.* The applicant has indicated that the house was constructed in 1940 and the issue was not created by the actions of the applicant. The applicant further notes that due to the original placement of the home relative to the front lot line, a modest addition would require relief and that the proposed addition would adapt the existing structure to modern residential needs. As noted previously in the review, while the existing home is set relatively close to the road, in its current configuration, the home does meet setback requirements. The proposed bump-out addition to the front of the home and the applicant's overall home design with the porch on the front of the house is requiring the covered front porch addition to project further into the required front yard and front yard setback.
5. *The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.* The applicant has indicated that the variance request is for a modest addition and that the addition will not affect visibility, traffic flow, drainage, or emergency access. Further, the applicant has noted that the addition will also provide for a safe, weather protected area to enter and exit the home. Finally, the applicant notes the addition is open air, improves appearance, and maintains adequate front yard green space.

## **Sample Motions – Variance Request**

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### ***Motion to Approve***

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. PVAI2026-0001, that the request for a variance of 3.5 feet from *Sec. 138-5-100 Schedule of Regulations*, which requires a front setback of 25 ft. in the R-4 One Family Residential zoning district, Parcel Identification Number 15-31-102-011, be **APPROVED** to allow for the proposed porch addition to be constructed at front setback of 21.5 feet, 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 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 will be unnecessarily burdensome.
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, 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 that the house was originally constructed in 1940, the applicant is proposing a modest covered front porch that is open air and therefore does not have the same massing and visual impacts of a fully enclosed structure, and that there are a significant number of neighboring homes that have similar setbacks and porch configurations.

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.
7. **(Insert additional rationale as to why variance should be granted)**

### ***Motion to Deny***

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. PVAI2026-0001, that the request for a variance of 3.5 feet from Section 138-5.100 *Schedule of Regulations* which requires the proposed porch addition to meet a 25 ft. front setback in the R-4 One Family Residential zoning district, Parcel Identification Number 15-31-102-011, 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 constructing porch/entrance structure that is not located on the front façade of the building or that is recessed, for entrance into the residence and that complies with the requirements of the Zoning Ordinance 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. There are other homes nearby that do not have a covered front porch.
3. There are no unique circumstances of the property that have been identified by the applicant that necessitate granting the variance. Further, the necessity of the variance is a result of an addition to the existing home which then prompted the front porch to be located further into the front yard and into the required front yard setback and it is likely this could be designed to be located on the side of the home. In addition, the ordinance allows for average of front yard setbacks and utilizing the averaging of front yard setbacks for homes within 200 feet of either side of the subject residence does not allow for a reduction of the minimum required front yard setback. Also, there does appear to be the ability to construct a landing and stairs along the north side of the home, facing the driveway, that does not require a variance and would still gain access to the same room as the one proposed.
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.