



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

April 2, 2025

PVAI2025-0003

**2480 Harrison Ave. – Side Setback Variance for Attached Garage
Addition to the Home**

REQUEST The applicant is requesting a variance from *Sec. 138-5.100 Schedule of Regulations*, which notes that the required side setback for a principal structure in the R-4 One Family Zoning District is 10 feet. The proposed variance, if granted, would allow for an encroachment of 3.75 feet into the required side setback (south side) for the construction of an attached garage to the existing home.

APPLICANT	Sukhnayak Sohi 2480 Harrison Ave. Rochester Hills, MI 48307
LOCATION	2480 Harrison Ave., located west of Dequindre between Auburn and Hamlin
FILE NO.	PVAI2025-0003
PARCEL NO.	15-25-403-043
ZONING	R-4 One Family Residential
STAFF	Chris McLeod, Planning Manager

Requested Variance

The applicant is requesting a 3.75-foot variance from *Sec. 138-5.100 Schedule of Regulations*, which requires the proposed attached garage to the existing home, to meet a minimum 10-foot side yard setback, with a combined total side yard setback of 20 feet (for both sides combined). The side yard setbacks are proposed 6.25 feet (requiring the variance) and existing 16 feet on the north side.

The subject site is located on the west side of Harrison, west of Dequindre, between Auburn and Hamlin. 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
Subject Site	R-1 One Family Residential	Residential Home	Residential 4
North	R-4 One Family Residential	Single Family Homes	Residential 4
South	R-4 One Family Residential	Single Family Homes	Residential 4
East (across Harrison)	R-4 One Family Residential	Single Family Homes	Residential 4
West	R-4 One Family Residential	Single Family Homes	Residential 4

Site Photograph



Application

As noted, the applicant has requested a variance, which if granted, would allow for an attached garage to be located in the southerly side setback. The garage addition is proposed to be approximately 21.37' in width and approximately 26.37' in depth, totaling approximately 564 square feet. The garage addition is a one-story addition with a peaked roof and will be constructed with vinyl/wood siding and thin stone veneer.

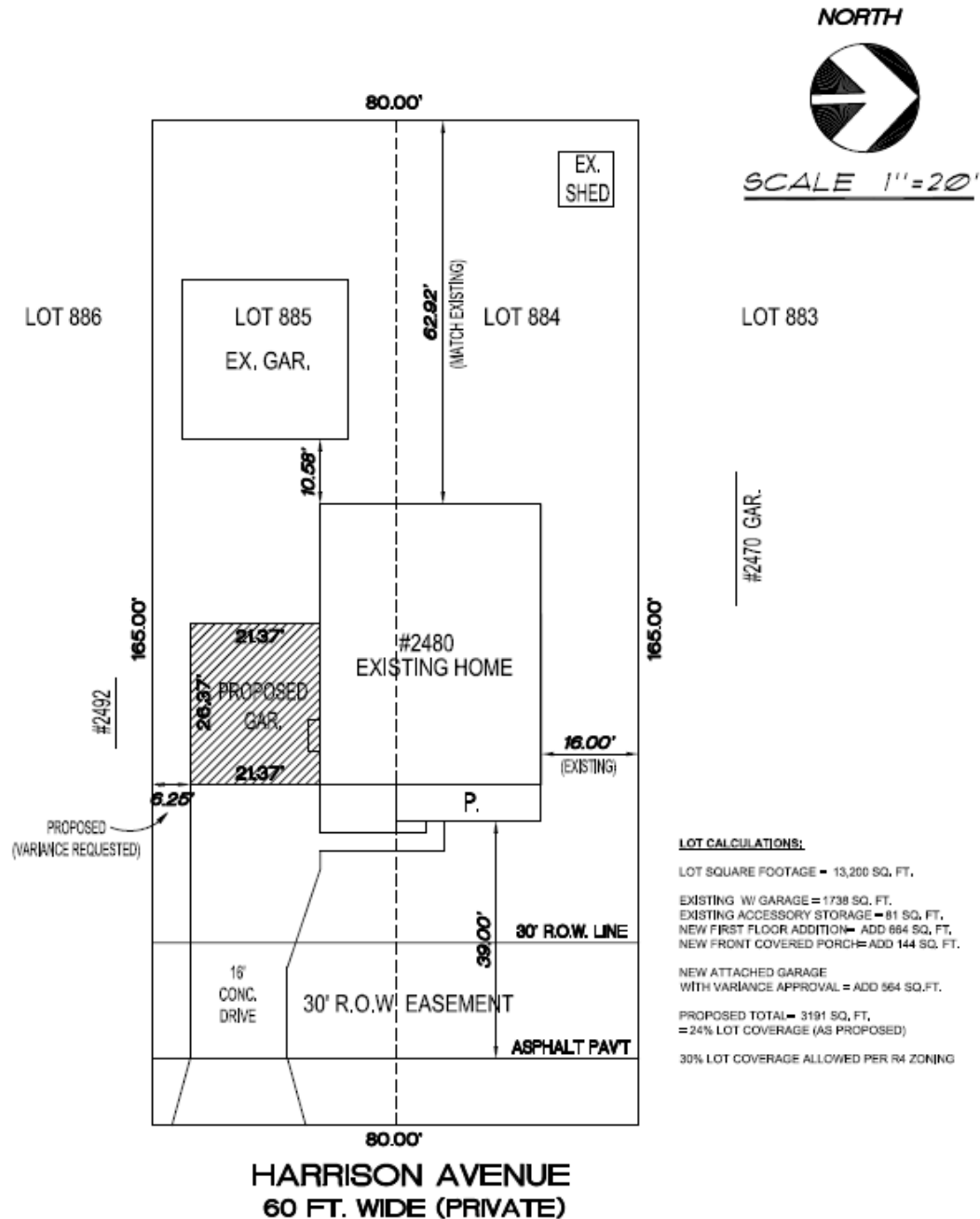
The existing residential structure has a detached garage (accessory) structure which is located behind (to the west) of the existing residence. The plot plan provided does not indicate that the detached accessory would be removed if the variance is granted.

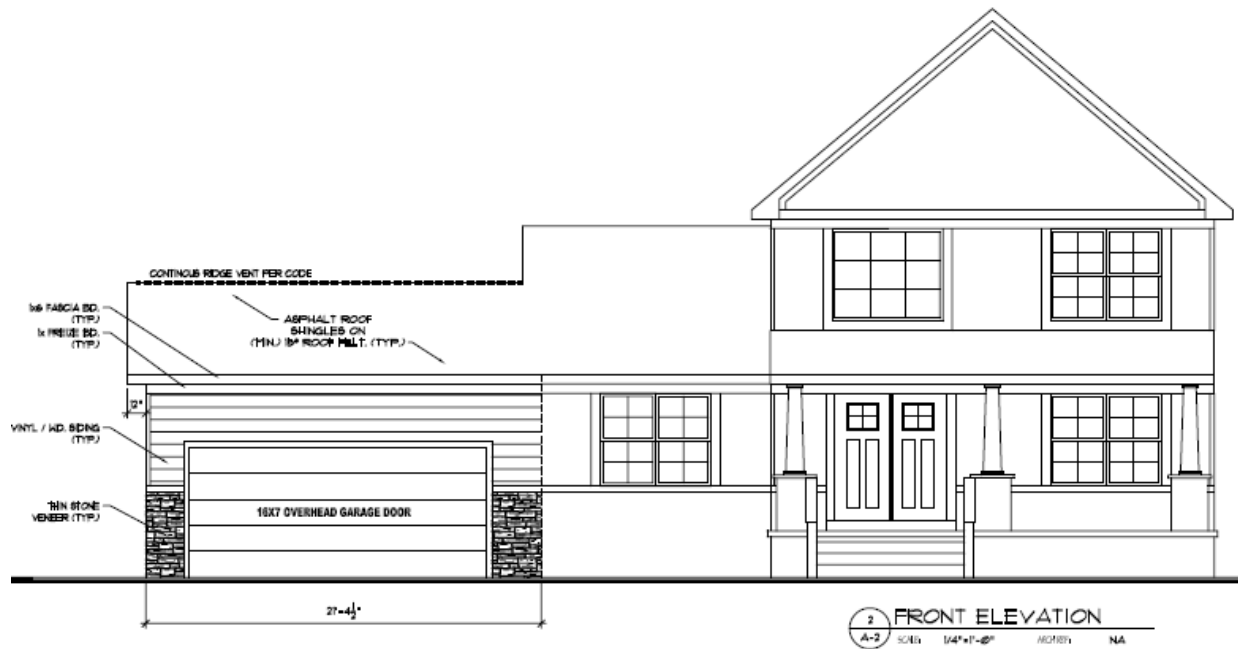
The subject property is generally rectangular with measurements of approximately eighty (80') feet of width along Harrison Avenue and approximately 165' of depth. The existing house is a one (1) story residence, which was constructed in 1940, and is approximately 1,146 square feet in area (plus 702 square feet for a garage area) based on City Assessing records.

The plot plan and floor plan provided show that the proposed garage addition will include a pass through with a double garage door on the front (east) side of the addition and a single door on the back (west) side of the addition to allow passage through the garage addition. This will provide access to the existing garage (detached accessory structure) located behind the residence.

In addition to the proposed garage addition, the applicant is also proposing several other modifications to the

residence that include a new covered porch area and second floor addition/modification. These proposed additions do not require any action by the Zoning Board of Appeals but were noted to show the complete renovation occurring onsite.





Ordinance

SECTION 138-5.100 - Schedule of Regulations Table 6. Schedule of Regulations - RESIDENTIAL DISTRICTS

District	Minimum Lot		Maximum Building Height ^A		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 ^B	15 ^{C, D}	30 ^D	35 ^D	1,500	25%
R-1	20,000	100	2	35	40 ^B	15 ^{C, D}	30 ^D	35 ^D	1,500	25%
R-2	15,000	100	2	35	40 ^B	15 ^{C, D}	30 ^D	35 ^D	1,400	25%
R-3	12,000	90	2	30 ^P	30 ^B	10 ^{C, D}	20 ^D	35 ^D	1,200	30%
R-4	9,600 ^R	80 ^R	2	30 ^P	25 ^B	10 ^{C, D}	20 ^D	35 ^D	912	30%
R-5	See Article 6 , Chapter 7 for one-family flex residential district regulations									
RM-1	See Article 6 , Chapter 1 for multiple family district regulations									
RCD	See Article 6 , Chapter 2 for one-family residential cluster district regulations									
RMH	See Article 6 , Chapter 4 for manufactured housing park district regulations									
MR	See Article 6 , Chapter 5 for mixed residential (overlay) district regulations									

As noted, the subject site is zoned R-4 One Family Residential. As noted above, side yard setbacks in the R-4 One Family Residential District are required to be a minimum of ten (10) feet, and a total of twenty (20) feet (total of both sides). The footnotes noted are for corner lots (c) and for reduced side yards if the existing lot is less than sixty (60) feet in width (d), neither of which are applicable in this case.

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 this criterion is nonapplicable, and notes that the proposed addition will be an improvement to the existing property. However, it is noted that the site plan provided shows a significant detached accessory structure to the rear of the primary residence that could be utilized for similar purposes or could provide storage allowing the proposed addition to be smaller in size, therefore minimizing or even eliminating the need for a variance.
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 has indicated that the proposed addition will be an improvement to the existing property and to the neighboring properties. The sidewalls on each side of the garage door are over two (2) feet in width each. It may be possible to construct these sidewalls with less width, thereby potentially reducing the requested variance. This should be discussed with the applicant. Further, the abutting house to the south is located close to the mutual property line. While an exact measurement hasn't been provided, the plot plan provided and a review of the City's GIS system shows the house to the south may also be approximately five (5) feet from the mutual property line. Therefore if the variance is approved, the two (2) structures on the abutting lots would be approximately ten (10) feet from one another.
3. *The plight of the applicant is due to the unique circumstances of the property.* The applicant notes that the location of the as-built home on the property is the unique circumstance. The plot plan submitted shows the house sits approximately twenty-seven (27) feet from the south property line and sixteen (16) feet from the north property line. Both existing setbacks far exceed the minimum required side yard setbacks. The existing sixteen (16) foot side yard setback along the north property line will remain as is. The southern side yard setback is the setback proposed to be reduced from 27' to the requested distance of slightly over 6'. The subject lot is 80 feet in width. Lots on either side of Harrison are generally the same width as the subject lot and the R-4 One Family Residential District requires lots of 80 feet in width. It is noted that setbacks in this area do appear to vary throughout the overall neighborhood. Finally, it is also noted that the existing detached structure within the rear yard of the subject site is already built to a similar side yard setback.
4. *The problem is not self-created.* The applicant notes that the location of the as-built home on the property is why the problem is not self-created.
5. *The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.* The applicant indicates that the proposed attached garage is a residential improvement in the R-4 District and matches the established neighborhood features.

Sample Motions – Variance Request

Motion to Approve

MOTION by _____, seconded by _____, in the matter of File No. PVAI2025-0003, that the request for a variance of 3.75 feet from *Sec. 138-5-100 Schedule of Regulations*, which requires a side setback of 10 ft. in the R-4 One Family Residential zoning district, Parcel Identification Number 15-25-403-043, be **APPROVED** to

allow for the proposed attached garage addition to be constructed at a southerly side setback of 6.25 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 existing detached garage is built apparently to about the same southerly side setback, and the applicant notes that the required combined total side yard setback for the property will still be provided, as the northerly side setback is 16 feet as shown on the survey.
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. PVAI2025-0003, that the request for a variance from Section 138-5.100 *Schedule of Regulations* which requires the proposed attached garage addition to meet a 10 ft. southerly side setback in the R-4 One Family Residential zoning district, Parcel Identification Number 15-25-403-043, 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 an attached garage, albeit potentially a one car garage, that meets the required 10 ft. side setback in a manner that complies with the requirements of the Zoning Ordinance and therefore no practical difficulty has been demonstrated for this property. In addition, a detached accessory structure already exists on the property and can likely be used for the same purposes.
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. There are many properties throughout the City that have similar existing setbacks for an accessory structure and the City does not desire to have principle residential building additions constructed with similar side setbacks. Further, the City has established required setbacks for principle residential structures to ensure that there is adequate separation between buildings that are utilized as livable spaces to ensure privacy, open space, and 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.