



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

May 4, 2026

PVAI2026-0006

534 Placid Drive – Variance for Minimum Setback Between Accessory and Main Structure

<b>REQUEST</b>	The applicant is requesting a variance from <i>Section 138-10.101 Attached Accessory Structures</i> which requires any accessory structure located within ten (10) feet of a main building to be considered attached and therefore having to meet the applicable side and rear setbacks of the main building. The applicant is requesting a setback of eight and one-half (8.5) feet from the main building and if the variance is granted, it would allow the side and rear setbacks for the proposed pavilion to be consistent with those of a detached accessory structure.
<b>APPLICANT</b>	Ellen Yerks Antonelli Landscape 16171 31 Mile Rd. Ray Twp., MI 48096
<b>LOCATION</b>	534 Placid Ct., located east of Sheldon Rd. and south of Mead Rd.
<b>FILE NO.</b>	PVAI2026-0006
<b>PARCEL NO.</b>	15-02-251-029
<b>ZONING</b>	R-1 One Family Residential District
<b>STAFF</b>	Chris McLeod, Planning Manager

### Requested Variance

The applicant is requesting a variance from *Section 138-10.101 Attached Accessory Structures* which requires any accessory structure located within ten (10) feet of a main building to be considered attached and therefore having to meet the applicable side and rear setbacks of the main building. The applicant is requesting a setback of eight and one-half (8.5) feet from the main building and if the variance is granted, it would allow the side and rear setbacks for the proposed pavilion to be consistent with those of a detached accessory structure.

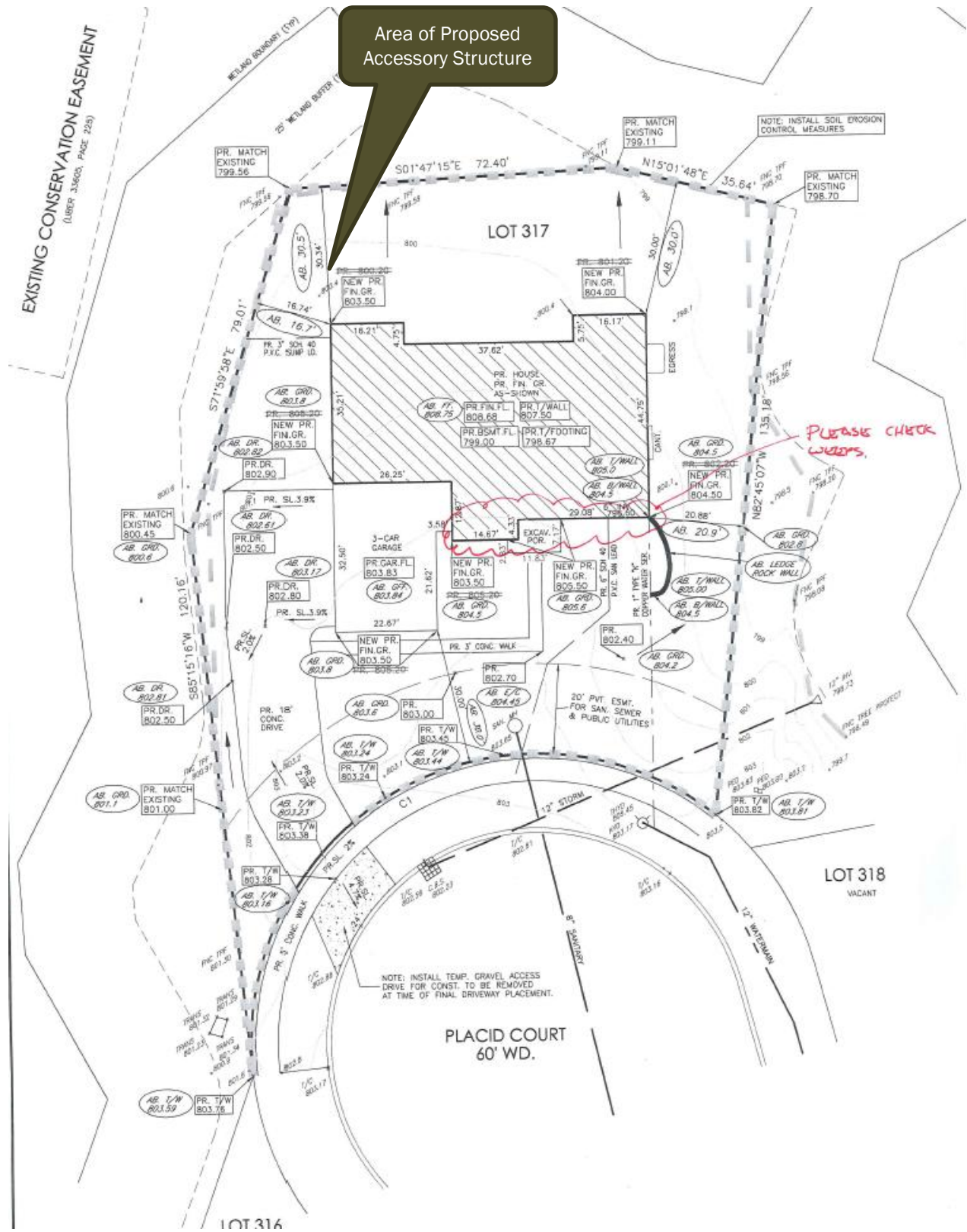
## Context

The subject site is located east of Sheldon Rd. and south of Mead 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>R-1 One Family Residential</b>	<b>Residential Home</b>	<b>Open Space Residential</b>
North	R-1 One Family Residential	Open Space	Open Space Residential/Conservation Open Space
South	R-1 One Family Residential	Open Space	Open Space Residential/Conservation Open Space
East	R-1 One Family Residential	Open Space	Open Space Residential/Conservation Open Space
West	R-1 One Family Residential	Single Family Homes	Open Space Residential/Conservation Open Space

## Site Photograph and Survey





## Application

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As noted, the applicant has requested a variance, which if granted, would allow for a reduction in the required setback between a detached accessory structure and the main building. The City's Zoning Ordinance requires that a detached accessory structure be located a minimum of ten (10) feet from main structure. If the detached accessory structure is located closer than ten (10) feet it is considered to be a part of the main structure and therefore must meet the same setbacks of the main structure. ([Section 138-10-101 Attached Accessory Structures](#))

The proposed detached accessory structure is proposed as a part of the overall backyard development that includes an extensive pool and patio area at the rear of the residence. The detached accessory structure is proposed to be an open-air structure, with a full roof. The footprint (outside edge of supporting columns) of the proposed structure is 15' by 18', however, there is also a one-foot overhang extending beyond the columns along each side of the structure. Based on the sizes noted, the footprint of the proposed structure is 270 square feet. The lot coverage of the existing house and all accessory structures, including the proposed structure is approximately 18%, compliant with City requirements for the R-1 One Family Residential District.

The proposed detached accessory structure would be located 8.5 feet from the main structure. Ten feet is required for the structure to be considered detached (reason for the variance request). Based on the survey provided, the structure will be five (5) feet from the east property line. This setback is compliant with the requirements of a detached accessory structure. The setback from the north property line 6'-8", which is also compliant with the requirements for a detached accessory structure. The required side and rear setback for a detached accessory structure of 270 square feet is five (5) feet ([Section 138-10.102 Detached Accessory Structures](#)).

The existing main building (residence) is located thirty (30) feet from the rear property line and the proposed detached accessory structure is proposed to be located between the main building and the rear property line. It is also noted that due to topographic conditions of the property, the pool and patio are raised closer to the rear property line with the use of a retaining wall, including a decorative fence. This reduces the effective distance between the rear of the main building and the rear property line to twenty-seven (27) feet.

The property itself is approximately 0.36 acres and is somewhat unique in that it is not a traditional rectangular property, and that three sides of the property abut common open space/natural areas. The property can be seen here on the [City's Your Property's Story](#) map here. The only property line that does not abut common open space/natural areas is the front property line, which abuts the cul-de-sac.

## In summation

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The proposed accessory structure is:

- ✓ An open-air structure that is 15'x18', 270 square feet
- ✓ Noncompliant with the minimum setback from the main building (10' required)



- a. The accessory structure is attached by a common wall through which a doorway provided direct access from the principal building into the accessory structure; or
  - b. The accessory structure is attached by a breezeway with a floor area of 70 square feet or greater. The distance between the main structure and the accessory structure attached by a breezeway shall not be greater than ten feet.
  - c. For the purpose of determining lot coverage and setback, an accessory structure located within ten feet of a main building shall be considered "attached".
3. The maximum height for attached accessory structures shall be the maximum height permitted in the zoning district or the height of the principal structure, whichever is less.

As noted in Section 138-10.101, subsection (2)(c), any accessory structure that is located within ten (10) feet of the main building is considered to be attached for lot coverage and setback requirements.

## Analysis

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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 10-foot separation requirement eliminates the ability to construct a functional pavilion in the only logical location. In addition, the rear yard depth being 30' and the majority of that space being occupied by patio and pool leaves limited usable space and increasing the setback from the building would push the structure further into the required side and rear setbacks which is not permissible. With each of the responses, Staff does raise the question as to whether the accessory structure can be turned while allowing for the same size structure and thereby meeting all setbacks and not requiring a variance. It appears, based on the drawings submitted, there are no planned, defined improvements under the structure, therefore seating areas could be modified to accommodate the change in structure layout.
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 requested deviation is minor in nature and will not alter the character of the neighborhood. Further, the applicant has indicated that the structure is located in the rear yard, adjacent to the natural wetland and pond and is not otherwise visible to abutting residential properties. Finally, the

applicant has indicated that any less of a variance would require the structure to be pushed into the required side and rear yard setbacks.

3. *The plight of the applicant is due to the unique circumstances of the property.* The applicant has indicated that the property is unique in that there is limited rear yard depth (approx. 30 feet), the presence of a full depth rear setback, existing raised patio and pool constructed due to grade conditions, and the property backs into wetlands and has no neighbors.
4. *The problem is not self-created.* The applicant did not provide a direct response within the application, please refer to the Appeal Statement Letter. The applicant has indicated that the hardship is not self-created due to the location of the home, the required setbacks and the natural features of the property.
5. *The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.* The applicant did not provide a direct response to this standard.

## Sample Motions – Variance Request

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### Motion to Approve

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. PVAI2026-0006, that the request for a variance of approximately 1.5 feet from Sec. 138-10-101 *Attached Accessory Structures*, which requires that any accessory structure that is within ten (10) feet of a main building to be considered attached and therefore having to meet the applicable side and rear setbacks of the building, in the R-1 One Family Residential zoning district, 534 Placid and Parcel Identification Number 15-02-251-029, be **APPROVED** to allow for the reduced setback of an accessory structure to a main structure, thereby allowing the accessory structure to meet detached accessory structure setbacks, 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 entire property and without the variance would be unnecessarily burdensome on the applicant to construct an accessory structure that would normally meet all other required setbacks.
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 property has no immediately abutting neighbors due to the abutting open space, the area on which the accessory

structure will be constructed is an elevated patio with a defined space/area.

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.
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. PVAI2026-0006, that the request for a variance of approximately 1.5 feet from Sec. 138-10-101 Attached Accessory Structures, which requires that any accessory structure that is within ten (10) feet of a main building to be considered attached and therefore having to meet the applicable side and rear setbacks of the building, in the R-1 One Family Residential zoning district, 534 Placid and Parcel Identification Number 15-02-251-029, 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 their property in its current configuration since a residence has been constructed on the site, the pool has already been constructed and the applicant could build a smaller accessory structure and thereby comply with the requirements of the Zoning Ordinance and therefore no practical difficulty has been demonstrated for this property. Further, this condition was present when the current owner purchased the 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.
3. There are no unique circumstances of the property that have been identified by the applicant that necessitate granting the variance at this time since the necessity of the variance is a result of the request for an accessory structure that is approximately 18' in width and that an accessory structure that is approximately 16'5 in width would not necessitate a variance.
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.