



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

June 3, 2026

PVAI2026-0007
3880 South Blvd. W. and 3861 S. Adams Rd. – Variances for Building Setbacks

REQUEST	The applicant is requesting a variance from <i>Section 138-8.401 Setback Requirements</i> 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.
APPLICANT	Tony Perez O'Brien Construction 281 Enterprise Ct., Suite 100 Bloomfield Twp., MI 48302.
LOCATION	3861 S. Adams Rd. and 3880 South Blvd. W., located east of Adams and north of South Blvd. W.
FILE NO.	PVAI2026-0006
PARCEL NO.	15-31-351-020
ZONING	R-4 One Family Residential with the FB Flex Business Overlay
STAFF	Chris McLeod, Planning Manager

Requested Variance

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.

The FB District is a form-based regulation that is designed to allow for compact development that is designed to serve pedestrians, bicyclists and motor vehicles equally, provides places for planned and/or informal social activity and recreation, reduces impervious surface, mitigates impacts to natural environment, and creates building frontages that help define public space of streets.

Context

The subject site is located east of Adams Rd. and north of South Blvd. W. 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-4 One Family Residential and FB Flex Business Overlay District	Largely Vacant, existing Lorna Stone House (Historic Resource)	Multiple Family Residential
North	R-4 One Family Residential and FB Flex Business Overlay District	Doxa Church	Multiple Family Residential
South	R-4 One Family Residential and FB Flex Business Overlay District and the City of Troy	Vacant Property, Single Family Residences and the City of Troy	Multiple Family Residential
East	R-4 One Family Residential with FB Flex Business Overlay District and SP Special Purpose District	Vacant Property, Single Family Residences and Senior Living (Pomeroy)	Multiple Family Residential
West	R-4 One Family Residential District with the FB Flex Business Overlay District and the City of Auburn Hills	Vacant Property, Single Family Residences and the City of Auburn Hills	Multiple Family Residential/City of Auburn Hills

Site Photograph and Survey



Application

As noted, the applicant has requested variances, which if granted, would allow the applicant 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. The applicant is proposing the development pursuant to the requirements of the City's FB Flex Business Overlay District, 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.

The subject site is located on the east side of S. Adams Rd., and on the north side of South Blvd. W.; however, it does not include the property at the immediate intersection. The site includes the historic Lorna Stone house that has been established as one of the city's noncontinuous historic districts and therefore requires preservation pursuant to City Ordinance and review by the Historic Districts Commission for any proposed modifications to the structure itself or the property upon which it is located (see attached HDC draft minutes and agenda item [2026-0219](#) for details). At the May 14, 2026 meeting the HDC postponed the request and it is scheduled to be heard at their June 11, 2026 meeting.

The site is zoned R-4 One Family Residential and includes the FB Flex Business Overlay District. The applicant has submitted plans pursuant to the FB Flex Business Overlay District for a multiple family residential development that includes an apartment building, townhomes and attached ranch units.

Along the S. Adams Rd. frontage, the property is approximately 327 feet in width. The Lorna Stone house is situated essentially right in the middle of the frontage and approximately 68 feet from the right-of-way line for S. Adams Rd. To the north of the historic house, the applicant is proposing a stormwater pond; to the east of the house, the parking for the development will be located approximately 80 feet behind the house; and to the south, the applicant is proposing to preserve the historic cistern which will be included as a part of the pathway systems for the site. Between the historic house and the southern property line along the S. Adams Rd. frontage will also be the entry drive for the development.

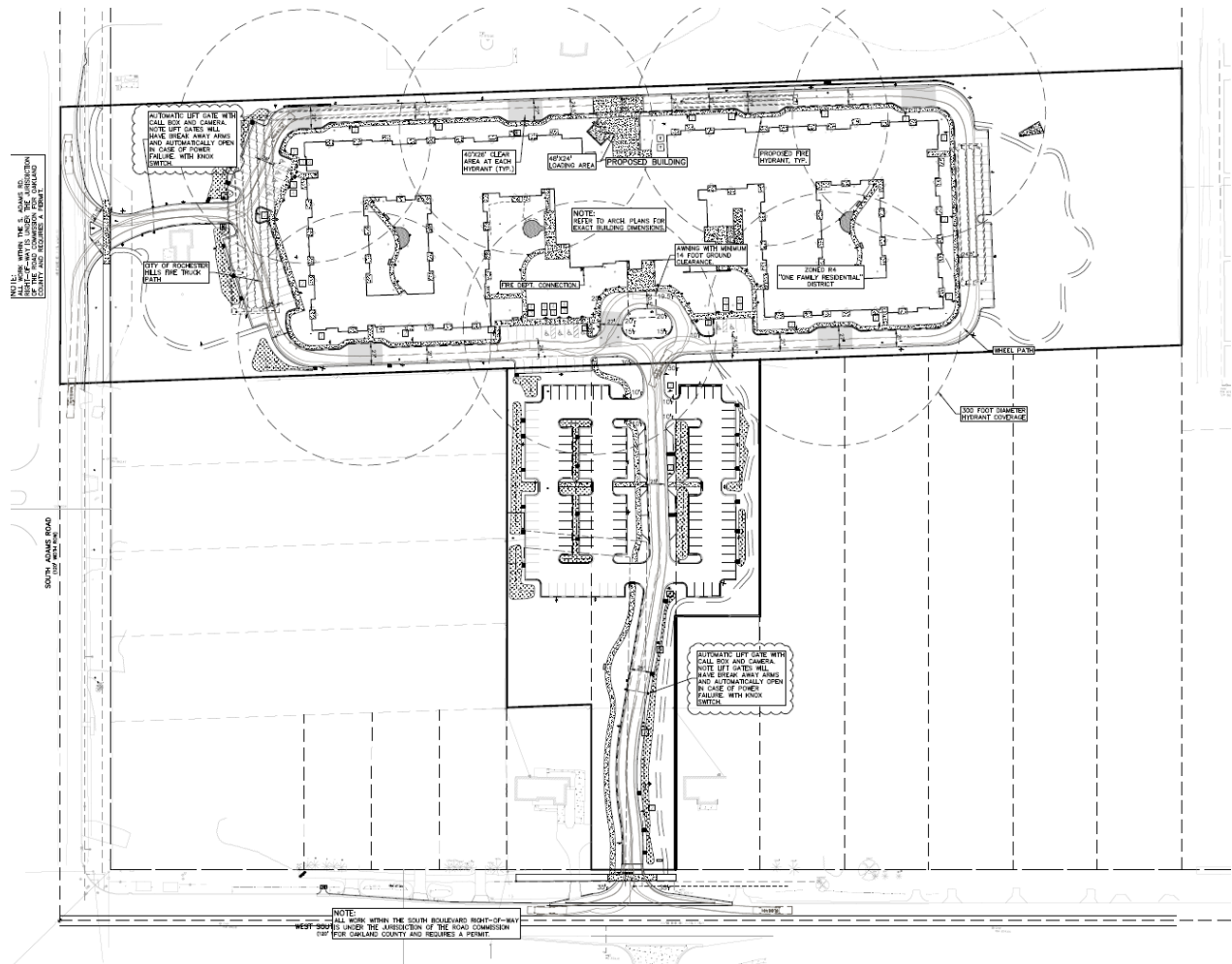
At the south end of the development, along South Blvd. W., the property is 100 feet in width along the South Blvd. W. right-of-way. This limited property width extends northward into the development approximately 195 feet. At that point, the property width expands to approximately 200 feet in width and then again to approximately 300 feet in width. The immediate frontage along South Blvd. W. is planned for the development's entrance road, which extends northward. Once the property expands to the 200-foot width and side yard setbacks can be accommodated, the buildings begin on west side of the entry drive.

Previously Approved Plans

A site plan was previously approved for the subject site. The Priya Senior Living Campus was approved in 2021. The Priya plans included a singular, senior living building that was set back from Adams Road, approximately 229 feet and approximately 641 feet from South Blvd. This development was reviewed and approved under the previous iteration of the City's Flex

Business Overlay District ordinance that allowed for modifications to be granted by the Planning Commission. In the case of Priya, the setbacks, as noted above, were deemed acceptable, and the site plans approved at the September 21, 2021 meeting. As a comparison, the currently proposed setbacks are approximately 234 feet from Adams Road and 246 feet from South Boulevard. The Priya project was nearing the point of construction after receiving their Land Improvement Permit, however, the Priya developer eventually left the project and the approval lapsed.

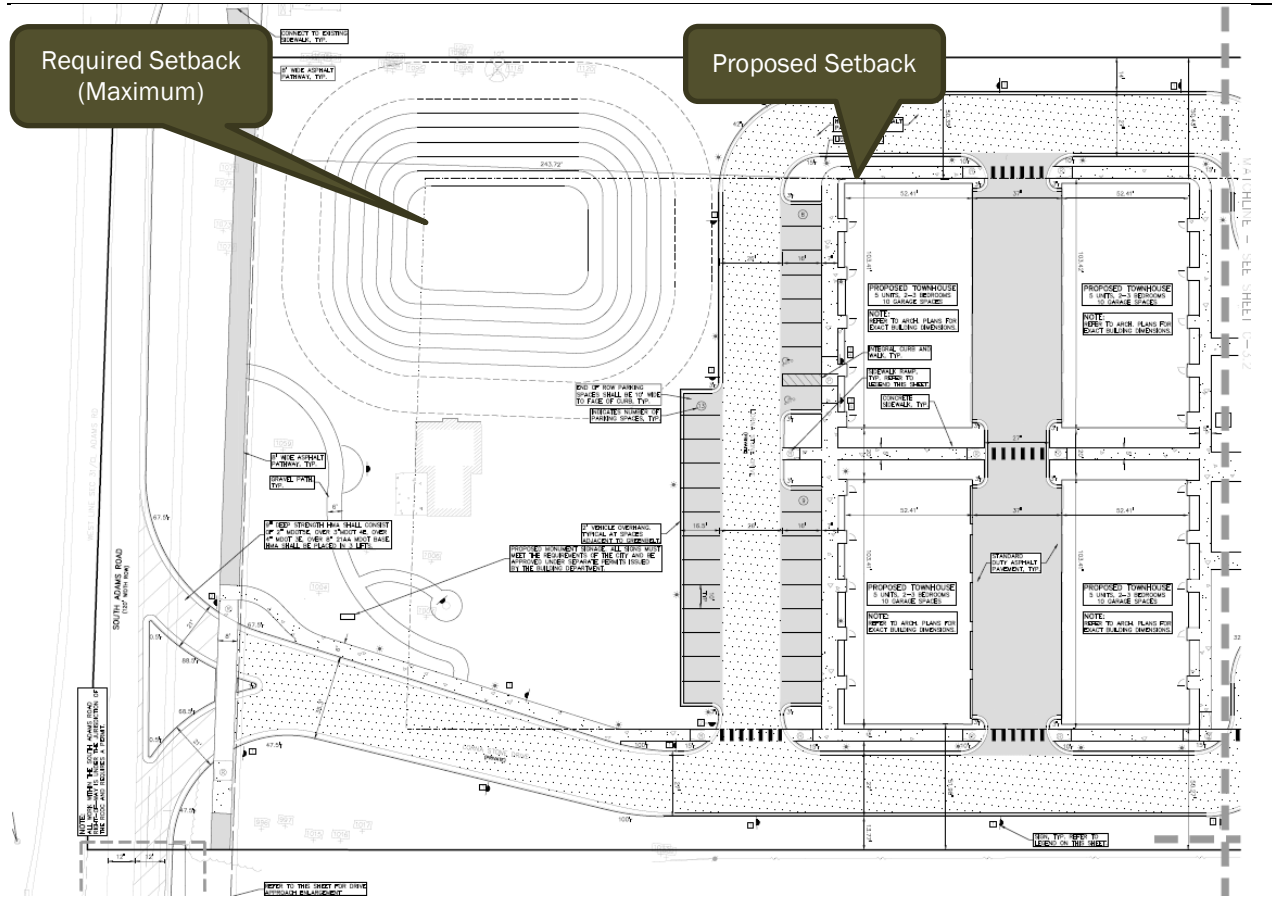
Previously approved Priya plan



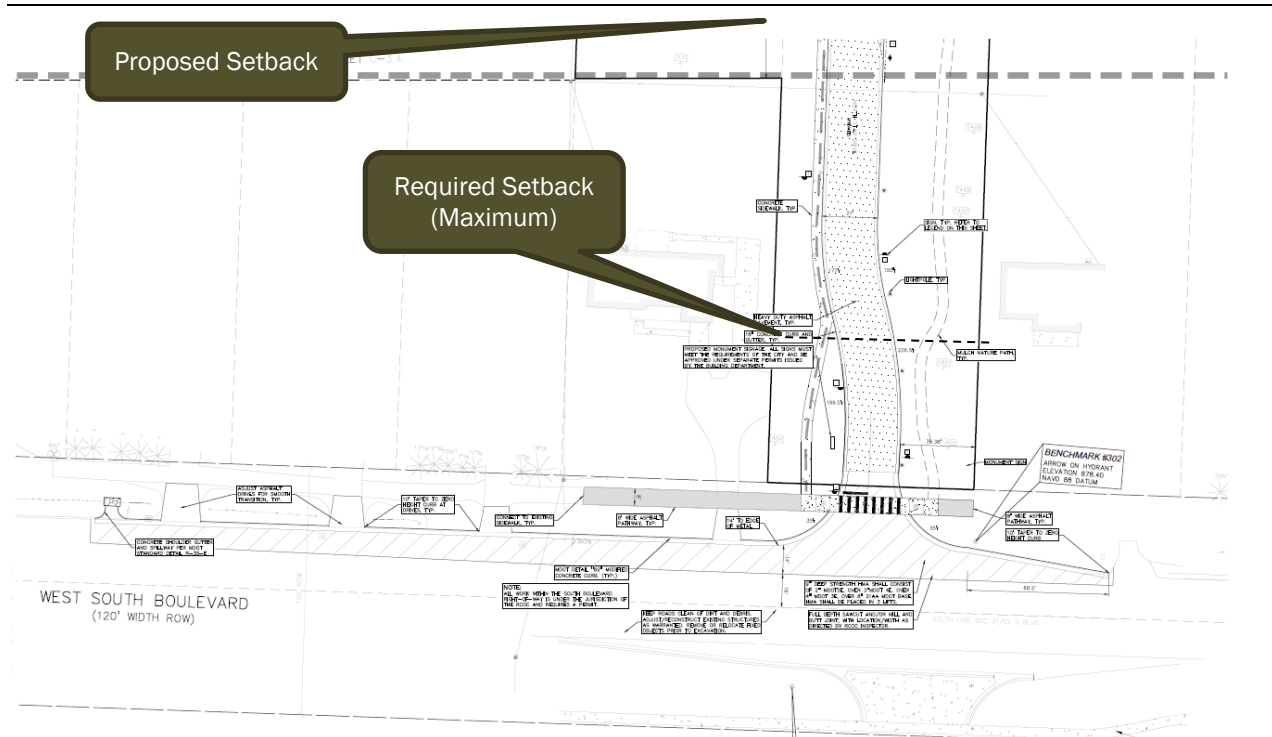
Proposed Plan

As noted previously, the applicant is proposing to utilize the FB overlay in lieu of the underlying R-4 One Family residential district provisions. The proposed plan includes the development of townhome buildings to the western side of the property, an apartment building that is somewhat centrally located and extending to the south, and towards South Blvd. W. are attached ranch style buildings.

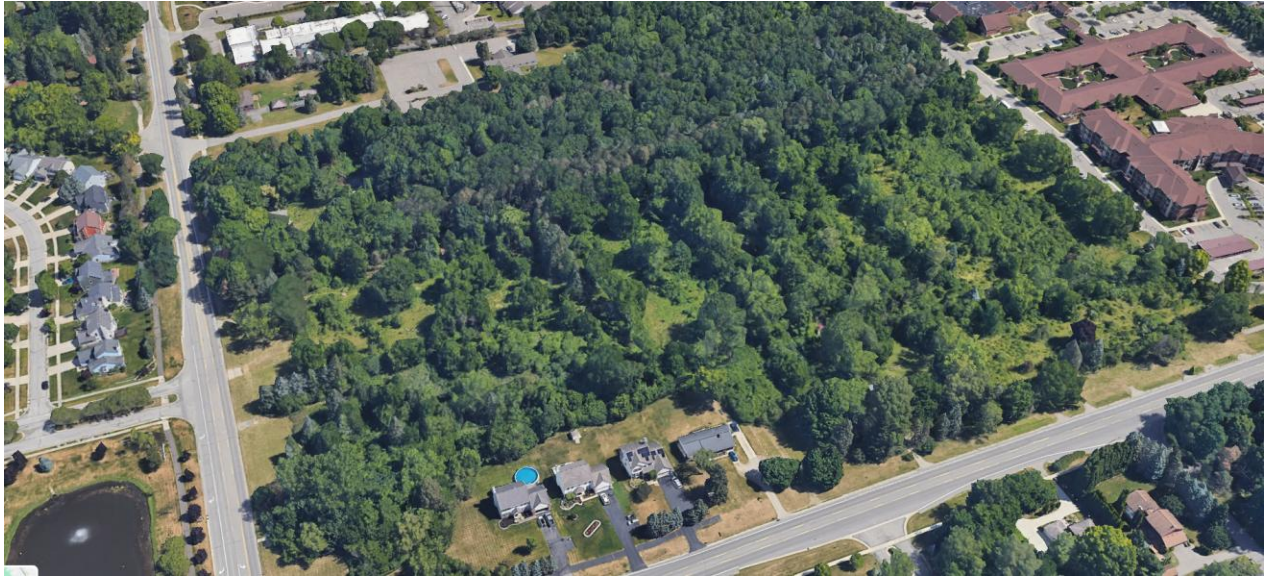
S. Adams Rd. Frontage Site Plan Detail



South Blvd. W. Frontage Site Plan Detail



Google Aerial Imagery



Project Rendering



In summation

The request is:

- ✓ For the development of a multiple family residential development pursuant to the City’s Flex Business Overlay District. The Flex Business Overlay District designation for the property is in addition to the underlying R-4 One Family Residential District and the FB District is a form based regulation that is designed to allow for development that is designed to serve pedestrians, bicyclists and motor vehicles equally, provides places for planned and/or informal social activity and recreation, reduces impervious surface, mitigates impacts to natural environment, creates building frontages that help define public space of streets.
- ✓ A site that was previously approved for a senior living complex that had similar setbacks that were approved as modifications by the Planning Commission under the former iteration of the Flex Business Overlay District.
- ✓ Being requested along S. Adams Rd. as a result of the development being proposed pursuant to the Flex Business Overlay District which requires a build to setback and that there is an existing historical structure on the property in that general location and the review by the City’s Historic consultant that directed that there should be no structures proximate to the historical structure.
- ✓ Being requested along South Blvd. W. as a result of the development being proposed pursuant to the Flex Business Overlay District which requires a build-to setback and that the lot width for the first 195 feet of the property, as measured from South Blvd. W. is only 100 feet in width and the required side yard setbacks for that portion of the property would not allow a building to be constructed.

Ordinance

138-8.401 - Setback Requirements

Buildings in the FB overlay district shall comply with the following minimum and maximum setback requirements. When there is a minimum and a maximum requirement for a setback, the building must be located within the build-to area that is created by the minimum and maximum setback requirement.

Table 10 Setback Requirements

Yard Type	Setback Requirement		Minimum Building Frontage in Build-To Area
	Minimum	Maximum	
Front Yard	15 feet	70 ft	40%

Yard Type	Setback Requirement		Minimum Building Frontage in Build-To Area
	Minimum	Maximum	
Side Yard	Interior: none Perimeter: 25 ft Adjacent to residential: 50 ft. for buildings up to two stories in height	None	n/a
Rear Yard	Interior: none Perimeter: 50 ft Adjacent to residential: 50 ft. for buildings up to two stories in height	None	n/a
Any Yard Adjacent to Residential Uses/Districts for Buildings over Two Stories	The minimum setback is 75 ft when adjacent to multiple family residential uses and three times the building height when adjacent to single family zoned properties		

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 FB Overlay build-to requirements would create an unnecessary hardship on the property due to the unique conditions associated with the existing historic home, the Historic District considerations and the site’s frontage configuration.

The applicant notes that the historic home is positioned in a manner that limits the ability to place new structures within the required build-to area along Adams Rd., while still preserving the character and integrity of the historic property. Further, the applicant notes that the frontage and entrance conditions along South Blvd. do not provide sufficient space to reasonably accommodate both the required road access and building placement at the required setback.

The frontage along South Blvd. is 100 feet in width and the applicant notes that it is not possible to provide the required 50-foot setbacks from the abutting single family residential properties and build within the build-to portion of the property that is only 100 feet in width.

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 granting the requested variances would provide reasonable relief to the applicant while remaining consistent with the intent of the FB Overlay District and surrounding properties. The applicant has indicated that the unique constraints created by the existing historic home, frontage conditions, and required site access do not allow for compliance with the build-to requirement. The applicant also indicates the requested variances allow for reasonable development of the property while preserving the historic character of the site, maintaining safe circulation and minimizing impacts to neighbors.
3. *The plight of the applicant is due to the unique circumstances of the property.* The applicant has indicated that the existing historic home is located approximately 68 feet from the roadway and due to its location and the requirements associated with preserving the historic home's character, compliance with the FB Overlay district requirements is not achievable. Further, that along South Boulevard, strict compliance with the build-to requirements is also not practical due to the overall width and configuration of the site entrance, which limits the ability to position buildings within the required setback area.
4. *The problem is not self-created.* The applicant has indicated the variance request is a result from the unique circumstances that are specific to this property and that they do not apply to other properties in the district. The applicant further states that the west portion of the property along S. Adams contains an existing historic home that is located within a historic district and that the development has been designed to preserve the character and context of the historic site. Further, the applicant has indicated that along South Blvd, the site entrance, the required setbacks and the overall frontage width create limitations that do not allow adequate space for a building within the required setback area.

The applicant correctly notes that the west end of the site does include the Lorna Stone home which is located within the City's adopted noncontiguous historic district. As a part of the overall site plan review that has been taking place, the applicant has coordinated their site design with the City's Historic Consultant and has appeared at last month's Historic District Commission meeting for their consideration (please refer to the meeting agenda link previously provided, and the attached draft meeting minutes). The application was postponed at the last HDC meeting based upon a request for a new rendering, for further information to be provided for the historic cistern onsite, for cut sections of the stormwater system, and verification of the trees being removed onsite. Of note during the review, particularly with the City's Historic Consultant, was the necessity to limit any development around the historic house and that any development (buildings) should be located to the east of the building. This would generally assist the

historic house to maintain its appropriate historic context. The applicant has designed the site plan around the historic house, pursuant to the direction of the City's Historic consultant.

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 would not negatively impact the public safety or neighboring properties and that the variance would allow the property to develop in a thoughtful manner while preserving the historic structure. The applicant also indicated that the cross-access easements that are being provided to the neighboring properties will be a net benefit to those abutting properties for future development. These cross-access blanket easements will allow for future connections of the roadways / maneuvering lanes of the applicant's proposed development and any other proposed development to the west, east or north increasing connectivity and access between sites.

Sample Motions – Variance Request

Motion to Approve

MOTION by _____, seconded by _____, 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.
7. ***(Insert additional rationale as to why variance should be granted)***

Motion to Deny

MOTION by _____, seconded by _____, in the matter of File No. PVAI2026-0007, 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 **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 as the site is zoned for one family residential (R-4) as well as the Flex Business District, allowing for a potential development of single family residential homes, 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 a development pursuant to the Flex Business Overlay District and a development pursuant to the Flex Business Overlay District is an option for the site, not the only way to potentially develop the site.
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.