

# Memo

**To:** Planning Commission/DDA Members  
**From:** Julie Durkin, Zoning Administrator  
**Date:** April 1, 2024  
**Re:** Zoning Administrator's Report

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## Permits & Code Enforcement:

- 7 Land Use Permits were issued –
  - apartment renovation (107/109 E. Main)
  - deck & stairs north end of 107
  - generator
  - interior remodel
  - shed
  - gazebo
  - interior remodel
- 11 Waivers were issued

## Planning Commission Updates:

- Lakeland Knoll: Mr. Blau has made application for a variance to allow the trees within the right-of-way. The current ordinance requires trees to be planted in the front yard outside of the right-of-way. His case will be heard by the ZBA (Council) on April 8<sup>th</sup>. Regardless of the outcome, he will be ready for submittal of the final site plan for consideration at our May 6<sup>th</sup> Planning Commission meeting.

## DDA:

1. Community Garden – Request for two replacement beds: We have a request from Brenda, Garden Coordinator, to purchase two replacement beds. Beds #9 & #13 are wood beds that have simply not held up. They would like to replace them with the metal beds. There is still one unconstructed bed, however it is my understanding that it is made up from leftover parts. I would recommend keeping that as back-up and purchasing new beds. If needed, that additional bed can be constructed for use or used for the parts for repairs to other beds. We can purchase a 2 pack of 8x4 galvanized beds at a cost of \$99.

2. Request for funding under the DDA's Building Improvement Rebate Program: We have received a request from James Shay for reimbursement under the rebate program. I have reviewed the application and documentation (no committee is currently appointed) for eligibility under the program:

### Program Eligibility & Requirements

- The applicant must be the property owner or the business owner (renter). If the business owner (renter), does not own the property, a letter from the property owner approving the proposed improvements must be attached to the application.

### **James & Lynne Shay own & operate Attorney offices at 545 E. Main (project location)**

- To be eligible for a cash rebate, the project must be approved prior to commencement of the improvement and be completed within one year of the application approval. All projects must comply with applicable ordinances and the necessary approvals and/or permits must be obtained before the payment of any rebates and can only apply toward material costs (labor costs are not part of this rebate program).

### **Project is slated to begin Spring 2024 (must be completed within one year of approval) & proper permits from the Village and Livingston County Building will be required.**

- Rebate payments will be available only for materials utilized in the project (not labor) and actual invoices/receipts must be submitted to the committee for reimbursement at the completion of the project. Rebates will only be paid after the completion of the project.

Applicant has provided a breakdown of proposal showing material versus labor. Receipts will be required prior to reimbursement. The 40% of the cost of the materials exceeds the maximum \$3,000 reimbursement established within the guidelines.

- The applicant must be current on all personal property, county, township and village tax payments and utility payments owed to the Village and have no outstanding fines or fees owing the Village of Pinckney.

The applicant is current on all monies owed to the Village (both taxes and utilities). No outstanding invoices.

- The property and/or applicant may not have any outstanding property and/or zoning violations.

No violations exist against the property or property owner.

- The property must be located within the legal boundaries of the Downtown Development Authority District and be operating a business.

Property is located within the DDA.

According to the adopted program guidelines, the program will provide property and/or business owners with cash rebates of up to 40% of the total cost of the project for materials up to a **maximum of \$3,000** at the sole discretion of the DDA Board and as recommended by the Building Improvement Committee. Given the estimated improvements to the building, \$3,000 would be the maximum under the current guidelines.

Further, project plans including estimated costs, are to be submitted to the Committee for review on a monthly basis. The committee was to be comprised of a member of the DDA, Zoning Administrator and a member of the public at large. In 2021 a former member of the DDA was appointed to serve on the sub-committee.

The Board should consider

- a) If a sub-committee of the Board is desired, one should be appointed. As an alternative, given the lack of qualified applications since the program began, the Zoning Administrator could review the documents as required and report back to the Board. Reconsideration of a sub-committee can take place at any time.
- b) Based on the application and information provided, the Board should grant or deny the application from James Shay in an amount not to exceed \$3,000 (or fraction), contingent upon all land use permits and building permits being obtained in conformance with the ordinances of the Village of Pinckney and Livingston County.

#### Other Business:

- DDA Boundary Expansion: It appears that we will NOT be able to expand the DDA boundaries as originally intended. Village Attorney Stoker has provided us with some information regarding the findings required in order to do so. Council would need to make a determination that “... *it is necessary for the best interests of the public to halt property value deterioration and increase property tax valuation where possible in its business district, to eliminate the causes of that deterioration, and to promote economic growth...*”. This would be required fact findings for the new parcels being added, not the entire district. This has been problematic in other jurisdictions and would be in the Village as well. This will affect projects such as the gateway signs which would be outside of the DDA district, including the proposed sign at The Means.
- In 2016, based on the fact that the Village was struggling to recruit and maintain membership on the DDA Board, Council with the support of both the Board and the PC, amended our ordinances to appoint the PC to act as the DDA Board of Directors. Due to residency requirements of the PC, it is difficult for the business community to be represented on the Board. At their March 11<sup>th</sup> meeting, Council considered several alternatives in the make-up of the Planning Commission in order to allow the appointment of business owners without the residency requirement. Council adopted a motion to allow two ad hoc members of the PC. These two members will be able to participate in meetings and discussions but cannot make motions or vote on any action. The two members will be selected and nominated by President Lavey and confirmed with 2/3 vote of the Council. We will keep you informed.