

**VILLAGE OF PINCKNEY
ZONING BOARD OF APPEALS
PROPOSED AGENDA
SEPTEMBER 13, 2021 – 6:30 pm**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC FORUM

AGENDA:

1. Application for Variance – 935 W. Main St. Sign Variances
2. Application for Variance – 935 W. Main St. Landscape Buffers and Setbacks
3. Request for Water Connection / Water Main Extension (935 W. Main St.)
4. Approve September 13, 2021 ZBA Minutes

PUBLIC FORUM

ADJOURNMENT

Any person who addresses the Village Council during a council meeting of public forum shall be limited to five (5) minutes in length per individual presentation. The clerk will maintain the official time and notify the speakers when their time is up.

Village Hall, 220 S. Howell St., Pinckney, MI 48169 (734) 878-6206

ZBA 2021-001

Applicant: The Means MAAB Partnership, LLC

Location: 935 W. Main Street

Parcel ID: 4714-22-300-003

Request:

- a) Variance to Zoning Ordinance Section 152.203 (C) (1) – Site Development Standards for the RTO (Research-Technology-Office District) which requires a minimum 75-ft front-yard building setback where parking is located in the front yard. The applicant is requesting a variance of 36 feet to allow the existing building a setback of 39 feet.
- b) Variance to Zoning Ordinance Section 152.203 (H) (1) – Site Standards for the RTO (Research-Technology-Office District) which requires that the development site be surrounded along all exterior property boundaries by a continuous landscaped buffer area of a least 100 feet. The applicant is requesting a variance to allow modification of the landscape buffer depth and density to accommodate the existing building.
- c) Variance to Zoning Ordinance Section 152.306 (A)(2) which requires a ground sign in the RTO (Research-Technology-Office District) to have a setback of five feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries. The applicant is requesting a variance of 3.73 feet to accommodate the existing ground sign 1.27 feet from the road right-of-way.
- d) Variance to Zoning Ordinance Section 152.306 (C) which allows a ground sign in the RTO (Research-Technology-Office District) to have a maximum height of 8 feet. The applicant is requesting a variance of one foot to accommodate the existing ground sign at 9 feet in height.

ZBA Findings of Fact:

A. The alleged practical difficulties, hardships or both, are exceptional and peculiar to the subject property or intended use of the property, that do not apply generally to other properties or class of uses in the same district

B. Failure to grant the variance will deprive the property owner of his or her reasonable use as enjoyed by other property owners in the same district and vicinity. This shall include substantially more than mere inconvenience and/or inability to attain a higher financial return

C. Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by failure to grant the variance and the rights of others whose property would be affected by approval of the variance

D. The variance will be consistent with the purpose and intent of this chapter, will not adversely affect the purpose or objectives of the master plan of the village, will not be contrary to the public interest, will not injure the public or private rights of others and will not diminish the value of surrounding properties

E. The conditions and circumstances on which the variance request is based have not been self-created by the applicant or predecessors in title; and

F. The variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and the same zoning district, and shall be the minimum variance that will make possible a reasonable use of the land or structure.

G. *[Other Additional Findings]*

Village of Pinckney
ZONING BOARD OF APPEALS
Notice of Public Hearing

Notice is hereby given that a public hearing will be held on Monday, September 13, 2021 at 6:30 P.M. at the Village of Pinckney Hall, 220 S. Howell Street, Pinckney, MI 48169, for the purpose of receiving public comment on the following variance requests:

ZBA 2021-001

Applicant: The Means MAAB Partnership, LLC

Location: 935 W. Main Street

Parcel ID: 4714-22-300-003

Requests:

- a) Variance to Zoning Ordinance Section 152.203 (C) (1) – Site Development Standards for the RTO (Research-Technology-Office District) which requires a minimum 75-ft front-yard building setback where parking is located in the front yard. The applicant is requesting a variance of 36 feet to allow the existing building a setback of 39 feet.
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- c) Variance to Zoning Ordinance Section 152.306 (A)(2) which requires a ground sign in the RTO (Research-Technology-Office District) to have a setback of five feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries. The applicant is requesting a variance of 3.73 feet to accommodate the existing ground sign 1.27 feet from the road right-of-way.
- d) Variance to Zoning Ordinance Section 152.306 (C) which allows a ground sign in the RTO (Research-Technology-Office District) to have a maximum height of 8 feet. The applicant is requesting a variance of one foot to accommodate the existing ground sign at 9 feet in height.
- e) Variance request from Ordinance Section 51.05 (C) – Water Connection / Existing Private Wells which requires that upon connection of any property to the Water Supply System, any private water well serving the property shall be disconnected from the distribution system to prevent cross-contamination and shall be abandoned in accordance with applicable law. The applicant is requesting to continue use of the existing well on-site after the proposed watermain is extended and connected to the building.
- f) Variance request from Section 51.06 (A)(1) which requires that the water main extend across the total frontage of the lot to be served. The applicant is requesting to extend the proposed watermain only to the east side of the existing building due to utility conflicts and that there are not further properties to the west within the Village limits.

The Village of Pinckney will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the hearing upon 5 days advance notice to the Village Clerk at the address above or by calling 734-878-6206. Public comment can be made at the public hearing or written comments can be made to the Village Clerk at clerk@villageofpinckney.org.

Jill Chapman, Village Clerk

VILLAGE OF PINCKNEY NOTICE OF APPEAL TO
ZBA APPLICATION FOR VARIANCE OR
INTERPRETATION OF ZONING ORDINANCE

Case # ZBA-2021-001 Fee \$500.00 Date: August 23, 2021
Applicant: The Means MAAB Partnership LLC Phone 517-202-1034
Address 5755 Long Pointe Drive, Howell, MI 48843
The above named applicant(s) hereby appeal to the Board of Appeals in accordance with the Village of Pinckney Zoning Ordinance. The property in question is located at: 935
Address: M-36 / Main Street Plat _____
Lot: _____ Tax Code Number 4714-22-300033

Attach Legal Description

A previous appeal _____ has or X has not _____ been made with respect to this property.
Date of previous appeal _____ Decision of previous appeal _____

The appeal is for: (Please circle one)

1. Interpretation of the Zoning Ordinance.
2. To interpret the location of district boundaries on the zoning map.
3. To decide upon requirements for non-conforming lots of record or non-conforming uses.
4. To interpret off-street parking requirements.
5. To hear and decide appeals where it is alleged by the appellant that there is error in regard to interpretation of the provisions of this ordinance in any order, requirement, permit, decision, or refusal made by the Administrative Official in carrying out or in enforcing any provisions of this Ordinance.
6. Other: Specify: Continued use of existing well (after water main installation); Reduction of west landscape buffer to preserve existing drive; modification of east landscape buffer to allow views from adjacent lot
7. Variance: (Variance equals a modification in the literal provisions of an Ordinance when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the property for which the modification is granted.)
 - a. Dimensional Variance X non-conforming existing building, parking areas, and ground sign
 - b. Use Variance

With regard to the above appeal, I (We) apply for the following specific decision: (Specify, for example, building height, variance in lot area, setback, etc.): To allow the building, drive and parking areas to continue as existing; to allow views to the proposed storm water basins from east adjacent lot

I authorize _____ to act as my (our) authorized agent in the hearing on my (our) appeal (Please attach any supplementary information on your appeal.)

Signature: _____

**** OFFICE USE ONLY ****

Date received: 8-26-2021 Property Zoning: _____
Date of Zoning Board of Appeals: 9-13-2021 Date of Publication of Notice 8-30-2021
Decision of Zoning Board of Appeals: _____

Attach further information as necessary.

Signature of ZBA Chair _____ Date: _____

This permit is not transferable.

Please see Fee Schedule for applicable fees.

PROPERTY DESCRIPTION:

GENERAL INFORMATION:

PARCEL NO.: 4714-22-300-003 (RECONFIGURED)

ZONING: RTO (RESEARCH TECHNOLOGY OFFICE)

AREA: 7.26 ACRES +-

LEGAL DESCRIPTION (EXISTING):

PROPERTY DESCRIPTION FOR PARCEL 1, TAX NO. 4714-22-401-153 & PARCEL 2, TAX NO 4714-22-300-003, PER WARRANTY DEED, FILE NO. 20-31863-5, DATED APRIL 10, 2018:

The following described premises situated in the Village of Pinckney, County of Livingston, and State of Michigan, and particularly described as follows:

PARCEL 1: Lots 19 to 22, Inclusive; Lots 27 to 30, Inclusive;

Lots 33 to 52, Inclusive; Lot 129 and the West 1/2 of Lot 130, "Haze's Addition to the Village of Pinckney" according to the Plat thereof filed in Liber 1 of Plats, Page(s) 7, records of Livingston County, State of Michigan EXCEPT that part of Lots 19, 21, 22, 27, 28, 29, 30, 33 and 130 and a part of Streets Putnam, Mead and Reeves of Haze's Addition to the Village of Pinckney, described as follows: Beginning at a point on a lot line and the property line between the Pinckney Community Schools and the Pinckney Cemetery, South 18.58 feet from the Northeast corner of Lot 19 of said Addition: running thence along the lot lines and the property line between the Pinckney Community Schools and the Pinckney Cemetery property line South 611.06 feet; thence North 54 degrees 36 minutes West 251.89 feet; thence North 23 degrees 49 minutes East 508.45 feet along a line right angles to Highway M-36 and the point of beginning on the existing Southerly Right of way line of Highway M-36 and side lot lines extend to the waters edge of the Mill Pond.

The following described premises situated in the Township of Putnam, County of Livingston, and State of Michigan, and particularly described as follows:

PARCEL 2: RECORDED AS Part of the Southwest 1/4 of Section 22, Town 1 North, Range 4 East, Township of Putnam, Livingston County, Michigan, commencing at the Northeast corner of the Southwest 1/4 of Section 22, Township 1 North, Range 4 East and on the South line of lands owned by the Michigan Air Line Railway Company; running thence South to the water's edge of the Pinckney Mill Pond; thence Westerly along said water's edge to a point 53 rods due East from the West line of the East 1/2 of the Southwest 1/4 of said Section 22 and being the East line of lands deeded by Francis M Reason to William Mercer by deed dated January 5, 1895 and recorded in Liber 98 of Deeds, page 318, Livingston County Records; thence North along the East line of said land so deeded to Mercer to the South line of the lands owned by Michigan Air Line Railway Company; thence East along said railway line 27 rods, more or less, to the place of beginning; EXCEPT all that part thereof lying North of the center of the Highway known as M-49; AND ALSO EXCEPT that part described as: Commencing at a point 1,225.88 feet South and 2,713.92 East of the West 1/4 corner of said Section 22; thence North 71 degrees 47 minutes 00 seconds West 52.50 feet; thence South 89 degrees 38 minutes 00 seconds West 182.64 feet; thence North 75 degrees 04 minutes 00 seconds West 146.59 feet; thence South 83 degrees 41 minutes 00 seconds West 64.00 feet; thence South 5 degrees 26 minutes 30 seconds East about 38.00 feet to the North bank of the Mill Pond; thence Easterly along the edge of said pond, as it winds and turns, about 450.00 feet; thence North 1 degree 40 minutes 40 seconds West about 28.00 feet to the point of commencement, it being the intention of the grantors to convey all of the lying below contour elevation 881 United States Geological Survey Data.

PROPOSED METES & BOUNDS DESCRIPTION - RECONFIGURED PARCELS 1 & 2:

(PROJECT SITE) PROPOSED PARCEL 2: A PART OF THE SOUTHWEST 1/4 OF SECTION 22, T1N R4E, VILLAGE OF PINCKNEY, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF EXISTING PARCEL 2, THENCE ALONG THE RIGHT-OF-WAY LINE OF M-36 / MAIN STREET (66 FOOT WIDE), S70°49'11"E, A DISTANCE OF 627.53 FEET; THENCE S18°49'24"W, A DISTANCE OF 240.00 FEET; THENCE N70°49'11"W, A DISTANCE OF 50.00 FEET; THENCE S18°49'24"W, A DISTANCE OF 446.34 FEET; THENCE S85°47'23"W, A DISTANCE OF 54.14 FEET; THENCE N78°54'37"W, A DISTANCE OF 146.59 FEET; THENCE S79°50'23"W, A DISTANCE OF 63.57 FEET; THENCE N04°07'46"W, A DISTANCE OF 827.12 FEET TO THE POINT OF BEGINNING. CONTAINING 7.26 ACRES, MORE OR LESS.

Requests Referring To:

RTO Building front/north setback; RTO landscape buffers west, north, and east sides

Existing sign setback & RTO height

Building water-well continued use and watermain extension extent

Variances requested for building setback and site landscape buffers are requested from Zoning Ordinance Section 152.203 (C)(1) and (H)(1) - RTO (Research-Technology-Office) Site Development Standards. Specifically, the required minimum 75-ft front-yard building setback where parking is located in the front yard and the 100-ft landscape buffer on 'all exterior property boundaries . . . so as to completely obscure the planned development from surrounding roads and properties.' Request is for a reduction of the front yard setback from 75-ft to a minimum of 39-ft to allow the existing building to come into conformity and to allow modification of the landscape buffer depth and density.

Variance request from Zoning Ordinance Section 152.306 (A)(1) and (C) - Signs. Specifically, the required 5-ft setback from a public right-of-way (R.O.W.) for a ground sign and the maximum 8-ft ground sign height in the RTO District. Request for decrease in setback and increase in height.

Variance request from Ordinance Section 51.05 (C) – Water Connection / Existing Private Wells. Request for the continued use of the existing well on-site after the proposed watermain is extended and connected to the building. Variance request from Section 51.06 (A)(1). Request to extend the proposed watermain only to the east side of the existing building due to utility conflicts and that there are not further properties to the west within the Village limits.

Narrative Summary:

Overall - Recent Re-Zoning & Request Context: The existing site includes the former Pinckney Elementary School Building and former play fields located on two parcels. The school building occupies the west parcel (parcel 1) containing +-8.54 acres and parking and play areas occupied the east parcel (parcel 2) of +-6.02 acres. When an active school, both parcels were zoned R-1 Residential with the School as a Special Use. Both parcels (1 and 2) received conditional re-zoning on January 25, 2021, from R-1 to RTO (Research-Technology-Office).

The resulting project is the renovation of an existing building. It is an extensive renovation but still includes inherent limitations on working within existing walls and the existing building and site configuration. The project will allow a substantial improvement to the building and site making it an attractive asset to the immediately adjacent properties and the Village as a whole. However, these proposed changes and improvements have created 'existing non-conforming' issues when reviewed against the new RTO standard requirements and it has been deemed that variances are required to formally approve modification of requirements to allow the project to go forward while still meeting ordinance intent. The improvements cannot be completed without the variances.

The proposed project has received support of the Plan Commission with Preliminary Site Plan Approval on August 2, 2021, and through the granting of associated business licenses by the Village Council (on/about August 23, 2021).

The following narratives are separated into 3 sections to address the 3 primary categories of variances requested. They are organized around the required 'findings of fact' listed under the Variances Section 152.444 (B):

Building Setback and Landscape Buffers:

Practical Difficulties: It is the combination of conflicts with the ordinance as a result of the re-zoning, fire/emergency vehicle access around the back of the building, and the desired enhancement of the district that cause the difficulties in this particular case. The existing building front/north setback varies with an average of 55-ft and a minimum of 39-ft. Although this met R-1 Zoning requirements (30-ft) and the existing average setback would still be in compliance with the RTO 50-ft setback without front yard parking, existing portions of the building setback became non-conforming with the re-zoning approval and the need to maintain some of the existing parking in the front yard. Demolition of a significant portion of the building and/or significantly altering the parking configuration are not possible without jeopardizing the feasibility of the entire proposed business.

The existing site also has other limitations created as part of the adoption of the re-zoning and its associated landscape requirements. An approximately 11-13.5-ft landscape area with mature trees exists along the west side, a 10-77-ft varying width lawn and landscape area are along the north side/M-36 side, and an existing paved parking lot is located at the northeast corner of parcel 1 within in an otherwise lawn-type buffer zone. All these sides require a 100-ft wide dense landscape buffer per the RTO district ordinance (An existing dense wooded buffer of 100-ft+ to the south, bordering Honey Creek is proposed to be maintained). A 'balance' is proposed to provide landscaping that fits within the limitations of the existing site while still meeting the intent of the ordinance.

The west side buffer is limited due to the existing building configuration and the need to maintain access to the rear of the building for emergency vehicle access, deliveries, and vehicular parking. There is a 'pinch-point' at the northwest corner of 42.75-ft from the existing building corner to the property line. Subtracting the minimum 24-ft wide vehicular driving lane and the building foundation landscaping area requirement does not allow for more RTO mandated landscape buffer. In lieu of the strict 100-ft depth, the mature trees are proposed to be maintained, and the existing area supplemented with new trees to maximize the landscape buffering intent of the ordinance. Similarly, the building frontage is limited by the existing location and configuration of the building, but substantial improvements are also proposed to improve the landscape buffering and ordinance intent. The former paved bus loading/unloading area is proposed to be removed and replaced with lawn and landscape plantings. This will provide for the majority of the 56-77-ft area between the building and the M-36 back of curb to be landscaped. The quantity of the landscaping meets and exceeds that required in the Landscape Ordinance. It is requested that this be allowed to be the equivalent in benefit as to the 100-ft width buffer dimension in the ordinance.

Although the majority of the east side landscape buffer could be achieved it is the recommendation of the Plan Commission that landscape views be opened up from the cemetery and from a proposed walking path along the east property line of parcel 2 to a creek overlook. In lieu of a strict 100-ft deep primarily tree planting, the proposed stormwater detention basin area at the south end of parcel 1 to have substantially more landscape within and around its perimeter that is not otherwise required by ordinance. The project cannot be constructed without these variations without significantly impacting project feasibility. All these arrangements have met support of the Plan Commission in their Preliminary Site Plan approval it is sought to 'formalize' these recommendations with approval of this variance request.

Reasonable Use: In a similar way as described in the preceding paragraphs it is proposed that the requested setback and landscape buffer allow for continued reasonable use of the property. The restrictions of the Zoning Ordinance RTO District will render conformity unnecessarily burdensome. The requested variances will allow for continued emergency vehicle and practical access to all sides of the building and without an outright request of total relief of the requirements. Rather it is a modification still meeting the intent of an attractive, well landscaped property and gateway to the Village.

Public Benefit: Approval of the requested variances will allow the proposed rehabilitation of the former school to proceed. This will be substantial public benefit as it will convert an abandoned, derelict building that has been subject to much vandalism, to a new private use onto the tax rolls.

Consistency in Purpose and Intent of the Ordinance: Converting a former derelict public building into a viable, private business on the tax rolls will create substantial value to surrounding properties. It will convert a building that has been vacant and vandalized over several years back into a well-maintained property that will affectively serve as a gateway entrance to the Village in the public interest. The project is intended to make this site considered 'existing, non-conforming' to come into substantial compliance with the current zoning ordinance – in appearance, landscaping, and architectural quality.

Not Self-Created: The issues were a consequence of the re-zoning district that was recommended to allow the project to go forward. They are relatively minor overall, have met the support of the Plan Commission and will not adversely impact neighboring properties.

Limitation Consistency / Minimum Variance: The request seeks to allow the existing building to continue as a viable use. The requests are the minimum in context and are accompanied by compensating actions to meet the intent of the Village ordinances, the district and the site's unique location as a 'gateway' to the Village.

Signage Setback and Height:

Practical Difficulties: The former Pinckney Elementary sign is currently existing non-conforming but otherwise in good condition. It previously had the school's name on the upper half and with detachable type on the lower portion for messages. It is located between the road right-of-way (ROW) and a substantial buried gas main. As such, it is understood that the base of the sign needed to be located closer to the ROW to avoid hitting this line (1.28-ft instead of 5-ft per ordinance) and it necessitated its present 't-shape' to allow for the needed size while keeping the base 'foot-print' small. Any new sign would have similar difficulties in location in this area without locating it too far away from the roadway to negate its effectiveness.

Reasonable Use: Request is the continued use of the existing sign. As noted, a new sign will have similar setback difficulties. There would also be conflicts with other existing electrical light poles and vision clearance issues with the existing driveways on either side of the current sign location if substantially shifted east or west. The purpose of the sign is to identify the retail portion of the business – the 'dispensary' – that is proposed to be located at the east end of the existing building and utilize the existing parking lot also east of the existing building. Therefore, the identification sign needs to be in this area than further west. The 9-ft existing height of the sign

versus the 8-ft maximum allowed in the RTO – is simply asked to be a ‘grandfathered’ existing non-conforming item of the existing sign. Minimal modification of the sign is proposed. Aside from re-painting, the sign will be brought into further compliance by eliminating the dark-colored detachable lettering on the existing lower half of the sign in lieu of translucent back-lit lettering on a dark background.

Public Benefit: It is acknowledged that ‘substantial’ public benefits will be limited with a relatively basic business identification sign. However, as a request for the continued use of a long-time existing sign there will be no new impact on adjacent properties. There is also proposed to be a formal Village Welcome sign to be located along M-36/Main Street on the one of the two parcels of subject property. There is an understood desire to keep the Welcome and premise identification signs separated far enough apart so as not interfere or be associated with one another. A previously proposed location for the Welcome sign further west has been questioned to be in potential conflict with existing street trees that are to be maintained. A new possible location at the far east end of the property, adjacent to the cemetery and proposed Creek overlook pathway will also make the current building identification sign more desirable in its present location.

Consistency in Purpose and Intent of the Ordinance: The existing sign and it’s proposed minor modifications will be consistent with the intent of the ordinance:

- Placement of signs that will not conceal or obscure adjacent businesses.
- To keep the number of signs to a reasonable level to identify businesses and products.
- To keep signs within a reasonable scale with respect to the buildings they identify.
- To reduce visual distraction and obstructions to motorists and vehicular traffic.
- To promote a quality manner of display which enhances the character of the Village.
- To prevent the proliferation of temporary signs.
- To eliminate the potential for adverse effects on neighboring properties.

Not Self-Created: It is an existing sign not installed by the present property owner.

Limitation Consistency / Minimum Variance: As an existing, non-conforming sign no new privilege is requested and therefore no new impact will be placed on adjacent properties. As other limitations, primarily utilities and drives dictated its current placement this is a minimal request to allow its continued use.

Water-Well Continued Use & Watermain Extension:

Practical Difficulties: The existing well served the entire former school including several toilet rooms facilities, classroom sinks, and other plumbing needs. These needs will be substantially reduced but other needs will be increased. The well is in otherwise good condition and is well-suited to meet these new needs. The proposed propagation of plants requires substantial amounts of water of a specific consistent volume and precise quality. This can best be achieved through a dedicated source such as from a well. A small deviation in water quantity or quality can wipe-out the entire grow facility.

The well will have limited capability to serve both the plant grow operation and to serve any fire suppression needs of the rehabilitated building. A new watermain extension is proposed to extend from its existing terminus near Coleman Street, approximately 1,800 feet to serve the fire suppression and domestic water needs of the new facility. However, the watermain needs only to extend to the east side of the building. The former school building, specifically Parcel 1 is the last

parcel within the Village limits. There is therefore limited value to the extension compared to the cost of installing it and the conflicts with existing utilities occupying the same right-of-way area not conflicting with the street paving, curb and gutter and mature street trees that the Village wants to maintain.

Reasonable Use: The well is existing and is in good condition. No new permitting or construction is required. The plant water use will be completely segregated from other domestic uses such as toilets or sinks with no possibility of cross-contamination. The watermain extension will provide a substantial benefit to the Village for future water connections up through a line correlating with Webb Street at no cost to the Village residents. The variance request is simply not to extending it further where the value would substantially diminish.

Public Benefit: The watermain proposal offered is substantial public benefit to the surrounding community. The continued use of the existing facility well is to keep water supply heavy use systems separate and not a special privilege that will make possible a reasonable use of the renovated building. It should also be noted that the school previously operated with an agreement with the Village to meter well usage from which to calculate a reasonable sanitary sewer rate payment for use of the public sanitary sewer system. As the new facility will continue to use the public sanitary a similar arrangement is already in discussions as part of the Final Site Plan approval process.

Consistency in Purpose and Intent of the Ordinance: The purpose of the water connection ordinance is to prevent cross-contamination of the public water supply with an unknown or unregulated water supply. By keeping the plant grow-use water completely separate with a dedicated water well source this will meet the safety and public welfare intent of the ordinance.

Not Self-Created: The project is the renovation of an existing building and facilities. The present condition is an existing condition that is simply proposed to continue to be utilized.

Limitation Consistency / Minimum Variance: The request is the continuance of a present, existing condition. Other adjacent properties are served by wells. The proposal is offered as an actual benefit to the surrounding community to keep water supply systems separate and not a special privilege that will make possible a reasonable use of the renovated building.



JAMES W. ROSS
 LICENSE NO. 10000
 STATE OF MICHIGAN
 PROFESSIONAL ENGINEER

JBoss Engineering
 Engineers Program Partners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI. 48843
 517-946-8396 FAX 517-948-1670

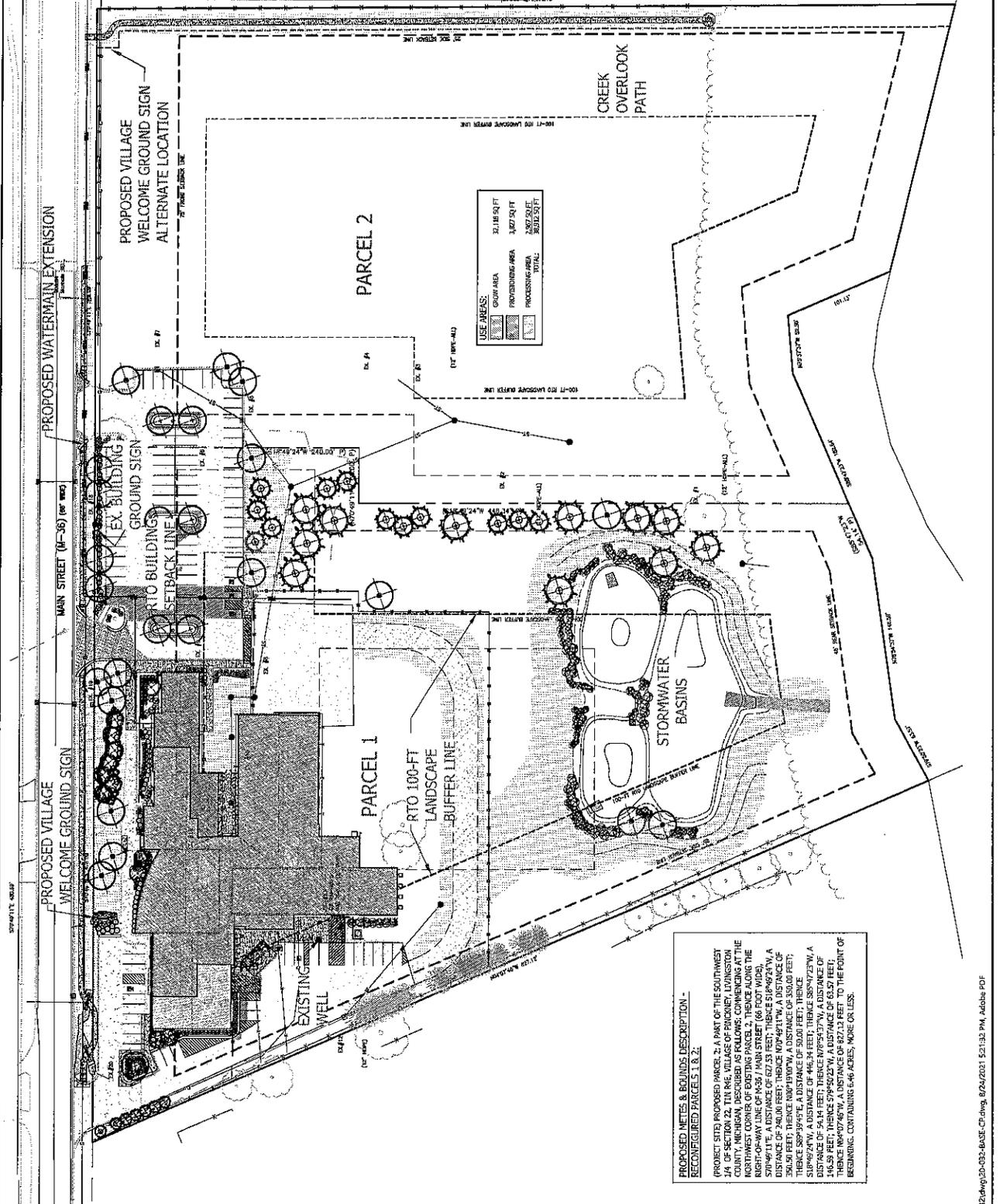
THE MEANS
 MR. CHRIS BOKX
 118 WEST BUCKINGHAM STREET
 ANN ARBOR, MI 48106-1404
 517-924-4944

VARIANCE EXHIBIT

NO.	DATE	REVISION (BY)	BY	DATE
1				

DESIGNED BY: PC
 DRAWN BY: PC
 CHECKED BY: JWR
 SCALE: 1" = 40'
 JOB NO. 20-032-9
 DATE: 8/24/21
 SHEET NO. 1

SITE STATISTICAL DATA:
 ZONING: RTO
 DEVELOPMENT TYPES / USE: OFFICE, RETAIL, PROCESSING WHOLESALE FOR FOOD PRODUCTS
 GROSS SITE AREA: 7.26 AC (313,408 SQ. FT.) (PROPOSED)
 BUILDING SQUARE FOOTAGE (FOOTPRINT): 38,820 SQ. FT. GROSS (INCL. 450 SQ. FT. ADDITION) (2.13%)
 PERVIOUS SURFACE (EXCLUSIVE OF BUILDINGS SURFACE): 64.3%
 PERVIOUS SURFACE: 1.88 ACRES (82.25%)
 MIN. SETBACKS REQUIRED:
 FRONT: 75-FT (WITH FRONT PARKING)
 REAR: 10-FT (WITH FRONT PARKING)
 SIDES: 25-FT (NO ADJACENT RESIDENTIAL)
 ALL SIDES (45.0 ACRES): 100-FT LANDSCAPE BUFFER
 MAX. LOT COVERAGE: 40%
 MAX. BLDG. HT: 35-FT / 7.25 STORIES
 EXISTING BUILDING:
 FRONT (NORTH): 39-23-FT (VARIES - MIN.)
 REAR (SOUTH): 1,010 (VARIES - MIN.)
 SIDE (WEST): 42-65-FT (VARIES - MIN.)
 SIDE (EAST): 203-20-FT (PROPOSED - MIN.)
 LOT COVERAGE: 12.27% (BUILDING)
 SQA: BLDG: 107; EXISTING



THE MEANS PROJECT
 1221 E GRAND RIVER AVE.
 HOVELL, MI 48843
 517.949.4836 FAX 517.949.1970

THE BOSS
Engineering
 Engineers, Planners, Designers, Landscape Architects

PROJECT: THE MEANS
 DRAWN BY: PC
 CHECKED BY: AS NOTED
 SCALE: AS NOTED
 JOB NO. 20-032-9
 DATE: 9/24/21
 SHEET NO. 2

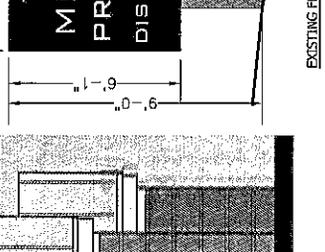
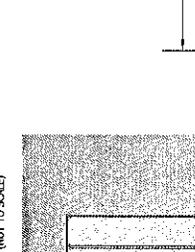
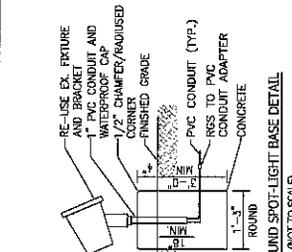
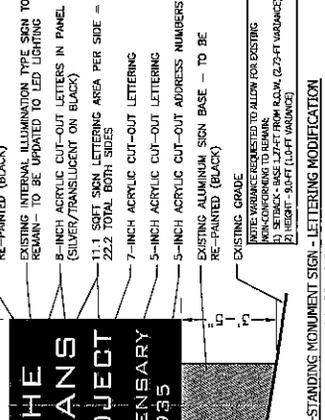
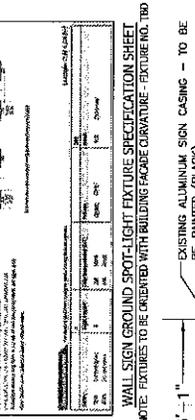
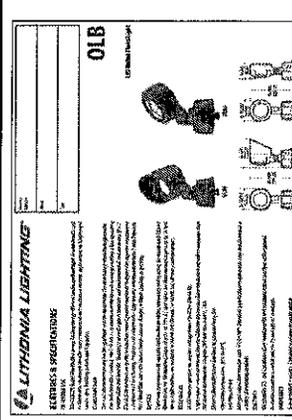
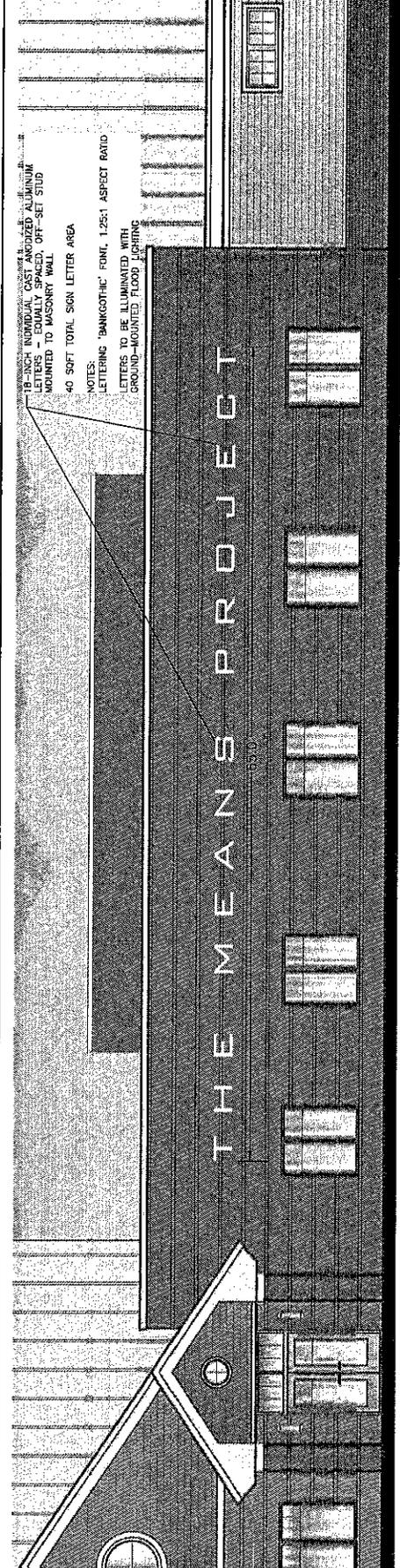
MR. CHRIS BOWK
 118 HANCOCK BLDG. SUITE 200
 2400 W. TRINITY
 48106-1418
 517.949.738

EXISTING ALUMINUM SIGN CASING - TO BE RE-PAINTED (BLACK)
 EXISTING INTERNAL ILLUMINATION TYPE SIGN TO REMAIN - TO BE UPDATED TO LED LIGHTING
 8-INCH ACRYLIC CUT-OUT LETTERS IN PANEL (SILVER/TRANSLUCENT ON BLACK)
 11.1 SOFT SIGN LETTERING AREA PER SIDE = 22.2 TOTAL BOTH SIDES
 7-INCH ACRYLIC CUT-OUT LETTERING
 5-INCH ACRYLIC CUT-OUT ADDRESS NUMBERS
 EXISTING ALUMINUM SIGN BASE - TO BE RE-PAINTED (BLACK)
 EXISTING GRADE

WALL SIGN GROUND SPOT-LIGHT FIXTURE SPECIFICATION SHEET
 NOTE: FIXTURES TO BE ENERGIED WITH BUILDING FACILITY WIRING - FIXTURE RCD, 180

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	WALL SIGN GROUND SPOT-LIGHT FIXTURE	2	EA		
2	11.1 SOFT SIGN LETTERING AREA PER SIDE	2	SQ FT		
3	7-INCH ACRYLIC CUT-OUT LETTERING	2	EA		
4	5-INCH ACRYLIC CUT-OUT ADDRESS NUMBERS	2	EA		

RE-USE EX. FIXTURE AND BRACKET
 1" PVC CONDUIT AND WATERPROOF CAP
 1/2" CHAMFERED/RAUSED FINISHED GRADE
 PVC CONDUIT (TYPE)
 RES TO PVC CONDUIT ADAPTER
 CONCRETE
 1"-5" ROUND
 WALL SIGN GROUND SPOT-LIGHT BASE DETAIL
 (NOT TO SCALE)



*Sign Variance-
§152.306 (A)(1) and (C)*

PROPOSED RESOLUTIONS

GRANTING AND/OR DENYING

REQUESTED VARIANCES

FOR

The Means MAAB Partnership, LLC

September 13, 2021

**PROPOSED RESOLUTION
OPTION 1 - GRANTING VARIANCE**

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for a variance requested by The Means MAAB Partnership, LLC of 5755 Long Pointe Drive, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.306, *Permitted Ground Signs* as to ground sign setback and height, for the property located at 935 Main Street (M-36), Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-22-300-003 and legally described as set forth in Attachment A, as follows:

1. A practical difficulty exists that justifies flexibility in applying the strict letter of the Zoning Ordinance, being the particular conditions of this use, and the particular request in question, that provides justification for such flexibility. Applicant requests to continue use of an existing non-conforming sign of the Pinckney Elementary School which was placed closer to the right-of-way due to a substantial buried gas line adjacent to the right-of-way. Any new sign would have similar difficulties in location in this area without locating it too far away from the roadway to negate its effectiveness. A practical difficulty on the Applicant and on the community results when a business cannot effectively and safely identify its location and availability to passing motorists. The requested variance is for this property only.
2. That the failure to allow the requested sign will deprive the owner of the needed identification of the property, and it is not merely an inconvenience and/or inability to attain a higher financial return.
3. That the granting of the variance will result in substantial justice being done, considering the public benefits of allowing for the business to be effectively and safely identified to passing motorists and the general public, and it should not create hardships to the public or the rights of others, and there will be no adverse impact on adjoining parcels or the adjoining areas will result by granting the variance as the proposed sign is the same size as the existing valid non-conforming sign. The continued use of a long-time existing sign will have no new impact on adjacent properties.
4. The granting of the variance is not contrary to the public interest, nor would it violate the intent of the ordinance, which is to provide reasonable identification of businesses in a way that will not impact the safety of the general public; and the proposed sign would not be injurious to the public welfare or the property values in the area.
5. That the granting of the variance would not constitute a special privilege, but is unique to this property, the location and size of the existing non-conforming sign

on the property, and its proposed use, and the variance requested is the minimum variance that will make possible a reasonable identification of the property and will maintain the same size as the existing valid non-conforming ground sign.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties, the variance of Petitioner is hereby granted so the proposed use of the existing sign location and dimensions may be retained, with a 1.28 foot set back and a maximum height of 9 feet.

**PROPOSED RESOLUTION
OPTION 2 - GRANTING VARIANCE WITH CONDITIONS**

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for variances requested by The Means MAAB Partnership, LLC of 5755 Long Pointe Drive, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.306, *Permitted Ground Signs* as to ground sign setback and height, for the property located at 935 Main Street (M-36), Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-22-300-003 and legally described as set forth in Attachment A, as follows:

1. A practical difficulty exists that justifies flexibility in applying the strict letter of the Zoning Ordinance, being the particular conditions of this use, and the particular request in question, that provides justification for such flexibility. Applicant requests to continue use of an existing non-conforming sign of the Pinckney Elementary School which was placed closer to the right-of-way due to a substantial buried gas line adjacent to the right-of-way. Any new sign would have similar difficulties in location in this area without locating it too far away from the roadway to negate its effectiveness. A practical difficulty on the Applicant and on the community results when a business cannot effectively and safely identify its location and availability to passing motorists. The requested variance is for this property only.
2. That the failure to allow the requested sign will deprive the owner of the needed identification of the property, and it is not merely an inconvenience and/or inability to attain a higher financial return.
3. That the granting of the variance will result in substantial justice being done, considering the public benefits of allowing for the business to be effectively and safely identified to passing motorists and the general public, and it should not create hardships to the public or the rights of others, and there will be no adverse impact on adjoining parcels or the adjoining areas will result by granting the variance as the proposed sign is the same size as the existing valid non-conforming sign. The continued use of a long-time existing sign will have no new impact on adjacent properties.
4. The granting of the variance is not contrary to the public interest, nor would it violate the intent of the ordinance, which is to provide reasonable identification of businesses in a way that will not impact the safety of the general public; and the proposed sign would not be injurious to the public welfare or the property values in the area.
5. That the granting of the variance would not constitute a special privilege, but is unique to this property, the location and size of the existing non-conforming sign

on the property, and its proposed use, and the variance requested is the minimum variance that will make possible a reasonable identification of the property and will maintain the same size as the existing valid non-conforming ground sign.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties, the variance of Petitioner is hereby granted so the proposed use of the existing sign location and dimensions may be retained, with a 1.28 foot set back and a maximum height of 9 feet.

BE IT FURTHER RESOLVED, that the variance granted to Petitioner shall be subject to strict compliance with the following conditions:

1. The variance shall apply only to this property
2. That the sign shall be erected in strict accordance with the specifications submitted with the variance and with the design and site plan as approved by the Planning Commission.
3. _____

_____.
4. _____

_____.
5. _____

_____.

**PROPOSED RESOLUTION
OPTION 3 - DENIAL OF VARIANCE**

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for variances requested by The Means MAAB Partnership, LLC of 5755 Long Pointe Drive, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.306, *Permitted Ground Signs* as to ground sign setback and height, for the property located at 935 Main Street (M-36), Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-22-300-003 and legally described as set forth in Attachment A, as follows:

1. That the use variance requested is not necessary because the property is not unique and is a general condition of other commercial properties in the area.
2. That the proposed sign is not a permitted use in the Research-Technology-Office (RTO) Zoning District and the property at issue may be utilized without the requested sign of the proposed size or set back.
3. That the granting of the variance could unduly burden adjacent properties.
4. That the location of the site is not unique and is a general condition of other RTO District sites that utilize conforming signage.
5. The claimed need of this size of sign on the development's size was self-created as it is the developer that seeks to modify the existing non-conforming sign.
6. That Petitioner has failed to establish that the conforming signage would create an undue hardship or practical difficulties.
7. That the granting of the variance would be injurious to the public welfare and the property in the area and would not be consistent with the general purposes of the Pinckney Zoning Ordinance and would continue and extend a non-conforming sign structure.

BE IT FURTHER RESOLVED, that based on the aforementioned findings, Petitioner's request for a sign variance is hereby denied.

PROPERTY DESCRIPTION:

GENERAL INFORMATION:

PARCEL NO.: 4714-22-300-003 (RECONFIGURED)
ZONING: RTO (RESEARCH TECHNOLOGY OFFICE)
AREA: 7.26 ACRES +-

LEGAL DESCRIPTION (EXISTING):

PROPERTY DESCRIPTION FOR PARCEL 1, TAX NO. 4714-22-401-153 & PARCEL 2, TAX NO 4714-22-300-003, PER WARRANTY DEED, FILE NO. 20-31863-5, DATED APRIL 10, 2018:

The following described premises situated in the Village of Pinckney, County of Livingston, and State of Michigan, and particularly described as follows:

PARCEL 1: Lots 19 to 22, inclusive; Lots 27 to 30, inclusive;

Lots 33 to 52, inclusive; Lot 129 and the West 1/2 of Lot 130, "Haze's Addition to the Village of Pinckney" according to the Plat thereof filed in Liber 1 of Plats, Page(s) 7, records of Livingston County, State of Michigan EXCEPT that part of Lots 19, 21, 22, 27, 28, 29, 30, 33 and 130 and a part of Streets Putnam, Mead and Reeves of Haze's Addition to the Village of Pinckney, described as follows: Beginning at a point on a lot line and the property line between the Pinckney Community Schools and the Pinckney Cemetery, South 18.58 feet from the Northeast corner of Lot 19 of said Addition: running thence along the lot lines and the property line between the Pinckney Community Schools and the Pinckney Cemetery property line South 611.06 feet; thence North 54 degrees 36 minutes West 251.89 feet; thence North 23 degrees 49 minutes East 508.45 feet along a line right angles to Highway M-36 and the point of beginning on the existing Southerly Right of way line of Highway M-36 and side lot lines extend to the waters edge of the Mill Pond.

The following described premises situated in the Township of Putnam, County of Livingston, and State of Michigan, and particularly described as follows:

PARCEL 2: RECORDED AS Part of the Southwest 1/4 of Section 22, Town 1 North, Range 4 East, Township of Putnam, Livingston County, Michigan, commencing at the Northeast corner of the Southwest 1/4 of Section 22, Township 1 North, Range 4 East and on the South line of lands owned by the Michigan Air Line Railway Company; running thence South to the water's edge of the Pinckney Mill Pond; thence Westerly along said water's edge to a point 53 rods due East from the West line of the East 1/2 of the Southwest 1/4 of said Section 22 and being the East line of lands deeded by Francis M Reason to William Mercer by deed dated January 5, 1895 and recorded in Liber 98 of Deeds, page 318, Livingston County Records; thence North along the East line of said land so deeded to Mercer to the South line of the lands owned by Michigan Air Line Railway Company; thence East along said railway line 27 rods, more or less, to the place of beginning; EXCEPT all that part thereof lying North of the center of the Highway known as M-49; AND ALSO EXCEPT that part described as: Commencing at a point 1,225.88 feet South and 2,713.92 East of the West 1/4 corner of said Section 22; thence North 71 degrees 47 minutes 00 seconds West 52.50 feet; thence South 89 degrees 38 minutes 00 seconds West 182.64 feet; thence North 75 degrees 04 minutes 00 seconds West 146.59 feet; thence South 83 degrees 41 minutes 00 seconds West 64.00 feet; thence South 5 degrees 26 minutes 30 seconds East about 38.00 feet to the North bank of the Mill Pond; thence Easterly along the edge of said pond, as it winds and turns, about 450.00 feet; thence North 1 degree 40 minutes 40 seconds West about 28.00 feet to the point of commencement, it being the intention of the grantors to convey all of the lying below contour elevation 881 United States Geological Survey Data.

PROPOSED METES & BOUNDS DESCRIPTION - RECONFIGURED PARCELS 1 & 2:

(PROJECT SITE) PROPOSED PARCEL 2: A PART OF THE SOUTHWEST 1/4 OF SECTION 22, T1N R4E, VILLAGE OF PINCKNEY, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF EXISTING PARCEL 2, THENCE ALONG THE RIGHT-OF-WAY LINE OF M-36 / MAIN STREET (66 FOOT WIDE), S70°49'11"E, A DISTANCE OF 627.53 FEET; THENCE S18°49'24"W, A DISTANCE OF 240.00 FEET; THENCE N70°49'11"W, A DISTANCE OF 50.00 FEET; THENCE S18°49'24"W, A DISTANCE OF 446.34 FEET; THENCE S85°47'23"W, A DISTANCE OF 54.14 FEET; THENCE N78°54'37"W, A DISTANCE OF 146.59 FEET; THENCE S79°50'23"W, A DISTANCE OF 63.57 FEET; THENCE N04°07'46"W, A DISTANCE OF 827.12 FEET TO THE POINT OF BEGINNING. CONTAINING 7.26 ACRES, MORE OR LESS.

*Landscape Buffer & Setback
Variance-§152.203(C)(1) & (H)(1)*

PROPOSED RESOLUTIONS

GRANTING AND/OR DENYING

REQUESTED VARIANCES

FOR

The Means MAAB Partnership, LLC

September 13, 2021

OPTION 1 - GRANTING VARIANCES

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for variances requested by The Means MAAB Partnership, LLC of 5755 Long Pointe Drive, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances §152.203, *Research-Technology-Office District Site Development Standards, §§ (C)(1), Yards and setbacks, Front yard, and §§ (H)(1), Enclosure and screening*, for the property located at 935 Main Street (M-36), Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-22-300-003 and legally described as set forth in Attachment A, as follows:

1. The site is existing, and the Applicant will make improvements to the building and the site. The site is an existing nonconforming use, and the building and site configurations will not allow the required setbacks and buffer without demolition of a significant portion of the building and/or significantly altering the parking configuration, without jeopardizing the feasibility of the use of the site. The variances will also allow for retaining many of the current mature trees and the addition of additional landscaping and green space. The practical difficulties and hardships are exceptional and peculiar to the subject property and its intended use that do not apply generally to other properties or class of uses in the same district.
2. The variances requested are consistent with the use as enjoyed by other property owners in the same district and vicinity and result from the existing building and site's configuration. The requested variances will allow for continued emergency vehicle and practical access to all sides of the building and it is a modification still meeting the intent of an attractive, well landscaped property and gateway to the Village.
3. The granting of the variances will allow the proposed rehabilitation of the former school to proceed. This will be substantial public benefit as it will convert an abandoned, derelict building that has been subject to much vandalism to a new private use onto the tax rolls.
4. The variances are consistent with the purpose of the Zoning Ordinance to bring sites more completely into compliance without being overly burdensome or unreasonable. The site improvements and the upgrades to the existing site are consistent with the objectives of the Village to encourage property improvements and redevelopment. Its recent recognition and certification as "Redevelopment Ready Community" indicates the Village's intent to work with local businesses in redeveloping existing properties. The project is intended to make this site considered 'existing, non-conforming' to come into substantial compliance with the current zoning ordinance – in appearance, landscaping, and architectural quality.

The granting of the variances requested will facilitate the completion of the proposed renovations and improvements, will not injure the public or private rights of others, and will enhance the value of surrounding properties.

5. The conditions and circumstances on which the variance requests are not based on self-created circumstances. The existing improvements and conditions on the property have been in existence for a number of years. The Applicant did not create the current conditions and is proposing improvements consistent with the goals of the Village to redevelop existing parcels as is reasonable and practical.
6. The variances will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and the same zoning district, and shall be the minimum variance that will make possible a reasonable use of the land or structure.

The variances being requested do not constitute a special privilege. The Applicant is upgrading the existing site and providing significant improvements which will enhance the area. The variances requested are reasonable and will encourage the redevelopment of the property.

7. That the Petitioner has established that practical difficulties and hardships exist in constructing the landscape buffer on this property that justifies the granting of the requested variances.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties and hardships, the variances of Petitioner are granted allowing for a reduction of the front yard setback from 75 feet to a minimum of 39 feet to allow the existing building to come into conformity and to allow modification of the landscape buffer depth and density as requested and as approved by the Planning Commission in its Preliminary Site Plan approval.

**PROPOSED RESOLUTION
OPTION 2 – PARTIALLY GRANTING VARIANCES
WITH CONDITIONS**

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for variances requested by The Means MAAB Partnership, LLC of 5755 Long Pointe Drive, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances §152.203, *Research-Technology-Office District Site Development Standards*, §§ (C)(1), *Yards and setbacks, Front yard*, and §§ (H)(1), *Enclosure and screening*, for the property located at 935 Main Street (M-36), Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-22-300-003 and legally described as set forth in Attachment A, as follows:

1. The site is existing, and the Applicant will make improvements to the building and the site. The site is an existing nonconforming use, and the building and site configurations will not allow the required setbacks and buffer without demolition of a significant portion of the building and/or significantly altering the parking configuration, without jeopardizing the feasibility of the use of the site. The variances will also allow for retaining many of the current mature trees and the addition of additional landscaping and green space. The practical difficulties and hardships are exceptional and peculiar to the subject property and its intended use that do not apply generally to other properties or class of uses in the same district.
2. The variances requested are consistent with the use as enjoyed by other property owners in the same district and vicinity and result from the existing building and site's configuration. The requested variances will allow for continued emergency vehicle and practical access to all sides of the building and it is a modification still meeting the intent of an attractive, well landscaped property and gateway to the Village.
3. The granting of the variances will allow the proposed rehabilitation of the former school to proceed. This will be substantial public benefit as it will convert an abandoned, derelict building that has been subject to much vandalism to a new private use onto the tax rolls.
4. The variances are consistent with the purpose of the Zoning Ordinance to bring sites more completely into compliance without being overly burdensome or unreasonable. The site improvements and the upgrades to the existing site are consistent with the objectives of the Village to encourage property improvements and redevelopment. Its recent recognition and certification as "Redevelopment Ready Community" indicates the Village's intent to work with local businesses in redeveloping existing properties. The project is intended to make this site considered 'existing, non-conforming' to come into substantial compliance with the current zoning ordinance – in appearance, landscaping, and architectural quality.

The granting of the variances requested will facilitate the completion of the proposed renovations and improvements, will not injure the public or private rights of others, and will enhance the value of surrounding properties.

5. The conditions and circumstances on which the variance requests are not based on self-created circumstances. The existing improvements and conditions on the property have been in existence for a number of years. The Applicant did not create the current conditions and is proposing improvements consistent with the goals of the Village to redevelop existing parcels as is reasonable and practical.
6. The variances will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and the same zoning district, and shall be the minimum variance that will make possible a reasonable use of the land or structure.

The variances being requested do not constitute a special privilege. The Applicant is upgrading the existing site and providing significant improvements which will enhance the area. The variances requested are reasonable and will encourage the redevelopment of the property.

7. That the Petitioner has established that practical difficulties and hardships exist in constructing the landscape buffer on this property that justifies the granting of the requested variances.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties and hardships, the variances of Petitioner are granted allowing for a reduction of the front yard setback from 75 feet to a minimum of 39 feet to allow the existing building to come into conformity and to allow modification of the landscape buffer depth and density as requested and as approved by the Planning Commission in its Preliminary Site Plan approval.

BE IT FURTHER RESOLVED, that the variances granted to Petitioner shall be subject to strict compliance with the following conditions:

1. The variances shall be used within one (1) year from this date.
2. The property development must comply in all respects with the site plan as approved by the Planning Commission.
3. _____
_____.

4. _____
_____.

5. _____
_____.

6. _____
_____.

7. _____
_____.

**PROPOSED RESOLUTION
OPTION 3 - DENIAL OF VARIANCES**

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for variances requested by The Means MAAB Partnership, LLC of 5755 Long Pointe Drive, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances §152.203, *Research-Technology-Office District Site Development Standards, §§ (C)(1), Yards and setbacks, Front yard, and §§ (H)(1), Enclosure and screening*, for the property located at 935 Main Street (M-36), Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-22-300-003 and legally described as set forth in Attachment A, as follows:

1. That the setback and landscape buffer variances requested are not necessary because the lot is not unique and is condition of other properties in the area.
2. That the granting of the variances could unduly burden adjacent property.
3. That the granting of the variances would result in new non-conforming use contrary to the intent of the Zoning Ordinance.
4. That the parcel may be used in full conformity with the Zoning Ordinance without variances.
5. That the Petitioner has failed to establish the required practical difficulties to be granted a variance.
6. That the granting of the variances would be injurious to the public welfare and the property in the area and would not be consistent with the general purposes of the Pinckney Zoning Ordinance.

BE IT FURTHER RESOLVED, that based in the aforementioned findings, Petitioner's request for the setback and landscape buffer variances are hereby denied.

PROPERTY DESCRIPTION:

GENERAL INFORMATION:

PARCEL NO.: 4714-22-300-003 (RECONFIGURED)
ZONING: RTO (RESEARCH TECHNOLOGY OFFICE)
AREA: 7.26 ACRES +-

LEGAL DESCRIPTION (EXISTING):

PROPERTY DESCRIPTION FOR PARCEL 1, TAX NO. 4714-22-401-153 & PARCEL 2, TAX NO 4714-22-300-003, PER WARRANTY DEED, FILE NO. 20-31863-5, DATED APRIL 10, 2018:

The following described premises situated in the Village of Pinckney, County of Livingston, and State of Michigan, and particularly described as follows:

PARCEL 1: Lots 19 to 22, inclusive; Lots 27 to 30, inclusive;

Lots 33 to 52, inclusive; Lot 129 and the West 1/2 of Lot 130, "Haze's Addition to the Village of Pinckney" according to the Plat thereof filed in Liber 1 of Plats, Page(s) 7, records of Livingston County, State of Michigan EXCEPT that part of Lots 19, 21, 22, 27, 28, 29, 30, 33 and 130 and a part of Streets Putnam, Mead and Reeves of Haze's Addition to the Village of Pinckney, described as follows: Beginning at a point on a lot line and the property line between the Pinckney Community Schools and the Pinckney Cemetery, South 18.58 feet from the Northeast corner of Lot 19 of said Addition: running thence along the lot lines and the property line between the Pinckney Community Schools and the Pinckney Cemetery property line South 611.06 feet; thence North 54 degrees 36 minutes West 251.89 feet; thence North 23 degrees 49 minutes East 508.45 feet along a line right angles to Highway M-36 and the point of beginning on the existing Southerly Right of way line of Highway M-36 and side lot lines extend to the waters edge of the Mill Pond.

The following described premises situated in the Township of Putnam, County of Livingston, and State of Michigan, and particularly described as follows:

PARCEL 2: RECORDED AS Part of the Southwest 1/4 of Section 22, Town 1 North, Range 4 East, Township of Putnam, Livingston County, Michigan, commencing at the Northeast corner of the Southwest 1/4 of Section 22, Township 1 North, Range 4 East and on the South line of lands owned by the Michigan Air Line Railway Company; running thence South to the water's edge of the Pinckney Mill Pond; thence Westerly along said water's edge to a point 53 rods due East from the West line of the East 1/2 of the Southwest 1/4 of said Section 22 and being the East line of lands deeded by Francis M Reason to William Mercer by deed dated January 5, 1895 and recorded in Liber 98 of Deeds, page 318, Livingston County Records; thence North along the East line of said land so deeded to Mercer to the South line of the lands owned by Michigan Air Line Railway Company; thence East along said railway line 27 rods, more or less, to the place of beginning; EXCEPT all that part thereof lying North of the center of the Highway known as M-49; AND ALSO EXCEPT that part described as: Commencing at a point 1,225.88 feet South and 2,713.92 East of the West 1/4 corner of said Section 22; thence North 71 degrees 47 minutes 00 seconds West 52.50 feet; thence South 89 degrees 38 minutes 00 seconds West 182.64 feet; thence North 75 degrees 04 minutes 00 seconds West 146.59 feet; thence South 83 degrees 41 minutes 00 seconds West 64.00 feet; thence South 5 degrees 26 minutes 30 seconds East about 38.00 feet to the North bank of the Mill Pond; thence Easterly along the edge of said pond, as it winds and turns, about 450.00 feet; thence North 1 degree 40 minutes 40 seconds West about 28.00 feet to the point of commencement, it being the intention of the grantors to convey all of the lying below contour elevation 881 United States Geological Survey Data.

PROPOSED METES & BOUNDS DESCRIPTION - RECONFIGURED PARCELS 1 & 2:

(PROJECT SITE) PROPOSED PARCEL 2: A PART OF THE SOUTHWEST 1/4 OF SECTION 22, T1N R4E, VILLAGE OF PINCKNEY, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF EXISTING PARCEL 2, THENCE ALONG THE RIGHT-OF-WAY LINE OF M-36 / MAIN STREET (66 FOOT WIDE), S70°49'11"E, A DISTANCE OF 627.53 FEET; THENCE S18°49'24"W, A DISTANCE OF 240.00 FEET; THENCE N70°49'11"W, A DISTANCE OF 50.00 FEET; THENCE S18°49'24"W, A DISTANCE OF 446.34 FEET; THENCE S85°47'23"W, A DISTANCE OF 54.14 FEET; THENCE N78°54'37"W, A DISTANCE OF 146.59 FEET; THENCE S79°50'23"W, A DISTANCE OF 63.57 FEET; THENCE N04°07'46"W, A DISTANCE OF 827.12 FEET TO THE POINT OF BEGINNING. CONTAINING 7.26 ACRES, MORE OR LESS.