

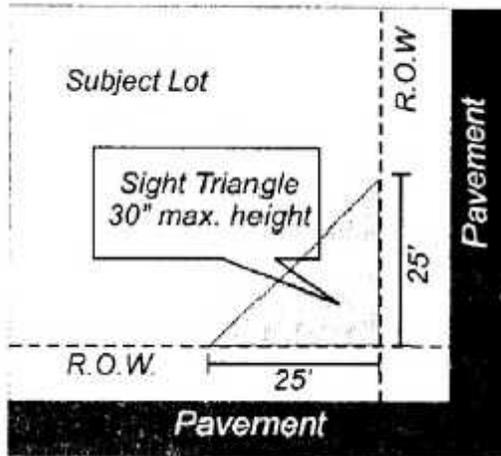
# Memo

To: Council Members/Zoning Board of Appeals  
From: Julie Durkin, Zoning Administrator  
Date: December 9, 2021  
Re: Variance Request – 250 N. Mill Street

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The applicant has recently acquired the Shelter's Funeral Home and wishes to remove the existing non-conforming sign and replace with a new sign. The property is currently zoned R-3 High Density Residential. Section 152.419 (E)(2) states that the copy of a non-conforming sign may not be amended or changed, unless specifically designed to be changed periodically as in reader board signs, without bringing the use into compliance with the requirements of this chapter. The applicant is seeking a variance for both the size and the location as follows:

- a) Variance to Section 152.306 (C) which permits ground signs within the R-3 Zoning District a maximum of 6 square feet per side or a total of 12 square feet for a two or more faced sign. The applicant is requesting a variance to allow a sign 12 square feet per side of a two-faced sign for a total of 24 square feet.
- b) Variance to Section 152.261(E) which requires a visibility site triangle on a corner lot formed at the intersection by drawing a straight line between the road right-of-way lines at a distance along each line of 25 feet from their point of intersection. The applicant is requesting a variance to reduce the required distance for the sight triangle to 12.5 feet.



If granted as presented, the applicant will be decreasing the existing non-conformity by reducing the size from 44 square feet to 24 square feet and by relocating the sign from 18 inches (1.5 feet) from the right-of-way to approximately nine (9) feet from the right-of-way.

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

PAID  
11/16/21

PAID ESCROW \$1,000.00

Case # ZBA-2021-002 Fee \$250. Date: 11/11/21

Applicant Borek Jennings Funeral Home, Shelters Chapel Phone 734-878-3172

Address 250 N. Mill St. Pinckney MI 48169

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: N. Mill + Unadilla

Address: 250 N. Mill St Plat \_\_\_\_\_

Lot: \_\_\_\_\_ Tax Code Number \_\_\_\_\_

Attach Legal Description

A previous appeal \_\_\_\_\_ has or 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  
7. Other: Specify:  
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 TO SIGN ORDINANCE  
b. Use Variance

With regard to the above appeal, I (We) apply for the following specific decision: (Specify, for example, building height, variance is lot area, setback, etc.):

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

Signature: [Handwritten Signature]

\*\*\*\*\* OFFICE USE ONLY \*\*\*\*\*

Date received: 11/16/21 Property Zoning: \_\_\_\_\_  
 Date of Zoning Board of Appeals: 12/13/21 Date of Publication of Notice 1/23/21  
 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.



Borek  
Jennings  
funeral home

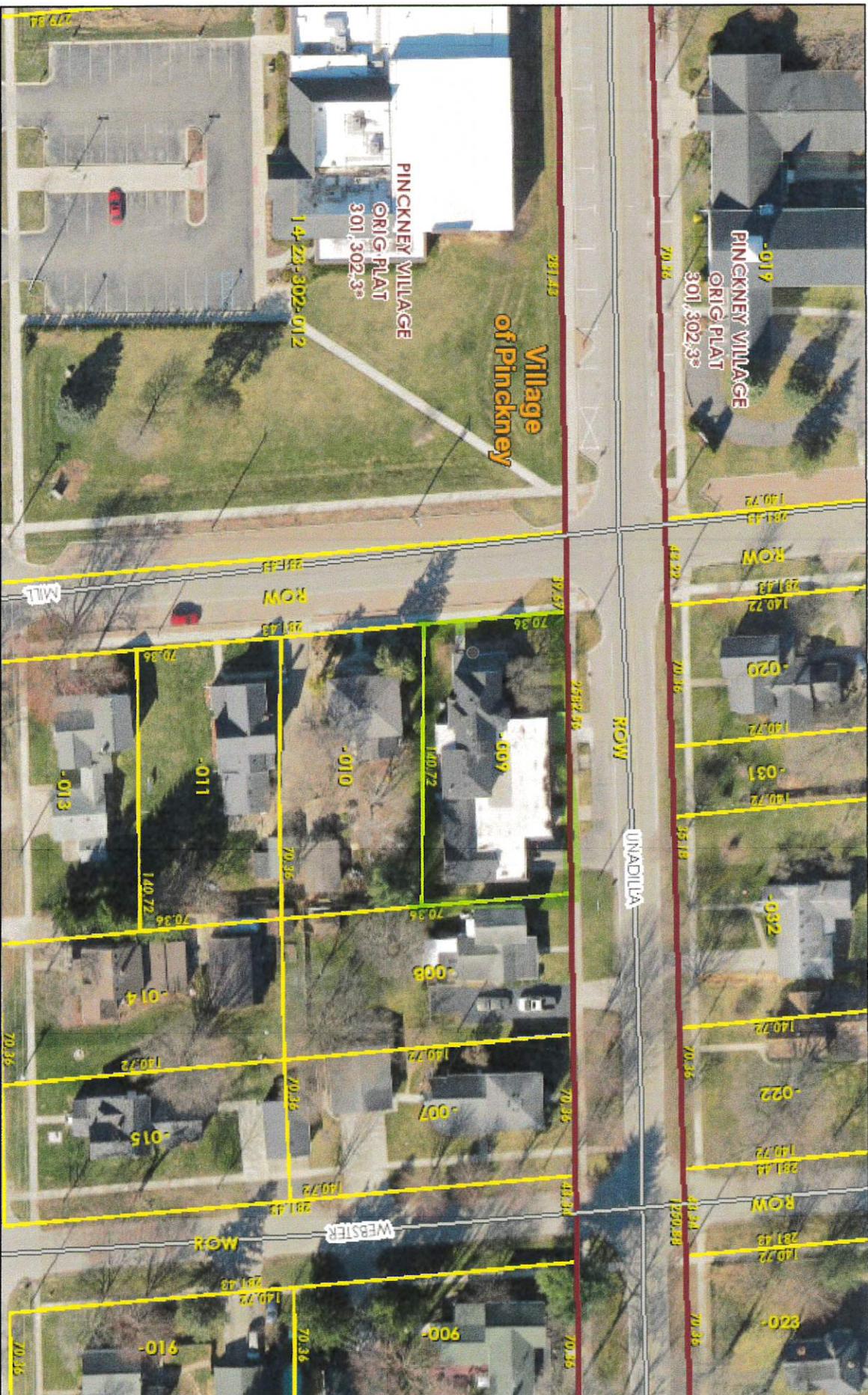
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Shelters Chapel

4'

3'

# Livingston County GIS Map



11/16/2021, 8:20:08 AM

1:1,129

Tax Parcel

Roads

State Route

PLSS Section

Parcel Dimensions

Interstate Highway

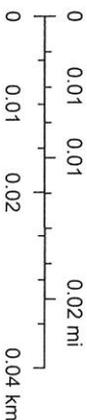
Major Road

Municipality

Subdivision / Condominium

U.S. Highway

Mirror Road



Map information depicted is not intended to replace or substitute for any official or primary source. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.

park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings in the CBD, SBD, and RTO Districts. The sign area shall not exceed 50 square feet in total area. Such signs may be up to eight feet in height. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each frontage.

(C) *Specific requirements.* Ground signs shall be permitted by district in accordance with the following requirements.

<b>TABLE 1 GROUND SIGNS PERMITTED BY DISTRICT</b>			
<b>District</b>	<b>Height</b>	<b>Single Faced Per Side (max)</b>	<b>Total Max Area Sign; Two or more faced</b>
CBD and SBD	8 feet	25 square feet	50 square feet.
ROB and O	5 feet	18 square feet	36 square feet
RTO and PL	8 feet	16 square feet	32 square feet
R1, R2, R3, R4	4 feet	6 square feet	12 square feet

(D) *Signs requiring special land use approval.* The Planning Commission may consider a sign that is greater than the maximum height and area requirements or less than the minimum setback requirements as a special land use. In review of a special land use, the Planning Commission shall consider the standards set forth in § 152.240 and the following:

- (1) The standards set forth in §§ 152.304 and 152.301;
- (2) The size, shape, and topography of the property;
- (3) The relationship of the sign to neighboring properties and signs;

(4) The relationship to and visibility from the public street where the property is located.

(Ord. 107, passed 12-12-2011) Penalty, see § 152.999

**§ 152.307 RESERVED.**

**§ 152.308 PERMITTED WALL SIGNS.**

(A) *General requirements.*



220 S. Howell  
Pinckney, Michigan 48169  
734.878.6206  
734.878.9749 Fax  
www.villageofpinckney.org

**Village of Pinckney  
ZONING BOARD OF APPEALS  
Notice of Public Hearing**

Notice is hereby given that a public hearing will be held on Monday, December 13, 2021 at 7:00 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 2021-002

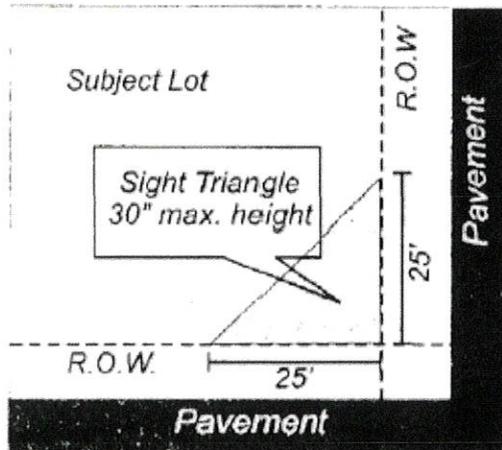
Applicant: Borek Jennings Funeral Home – Shelter’s Chapel

Location: 250 N. Mill Street

Parcel ID: 4714-23-302-009

Request:

- a) Variance to Section 152.306 (C) which permits ground signs within the R-3 Zoning District a maximum of 6 square feet per side or a total of 12 square feet for a two or more faced sign. The applicant is requesting a variance to allow a sign 12 square feet per side of a two-faced sign for a total of 24 square feet.
- b) Variance to Section 152.261(E) which requires a visibility site triangle on a corner lot formed at the intersection by drawing a straight line between the road right-of-way lines at a distance along each line of 25 feet from their point of intersection. The applicant is requesting a variance to reduce the required distance for the sight triangle to 12.5 feet.



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](mailto:clerk@villageofpinckney.org).

Jill Chapman, Village Clerk

## Julie Durkin

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**From:** Clerk  
**Sent:** Monday, November 22, 2021 8:22 AM  
**To:** Julie Durkin  
**Subject:** FW: Zoning Board of Appeals - Variance for Borek Jennings Funeral Home

FYI

Jill Chapman  
Village Clerk  
(734) 878-6206

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**From:** Alison Austin <alimona@msn.com>  
**Sent:** Sunday, November 21, 2021 12:54 PM  
**To:** Clerk <clerk@villageofpinckney.org>  
**Subject:** Zoning Board of Appeals - Variance for Borek Jennings Funeral Home

Hello and thank you in advance for accepting my comments on the variances requested by Borek Jennings.

**Variance to Section 152.306 (size of sign)**

If allowed, this sign would be out of proportion for the residential area in which Shelter's operates. Businesses need signs for customers to find them. However, even if there were *no sign*, people would drive down Mill or Unadilla and know "that" is the Funeral Home. Therefore, a sign as large as the one proposed is quite unnecessary and would detract from the neighborhood's look and feel.

**Variance to Section 125.261 (location of sign)**

If allowed, this variance would pose a danger to the site lines of traffic on both Unadilla and Mill. This is especially concerning given the proximity to the library which welcomes a lot of younger patrons who may travel by foot.

Please deny both requests.

Sincerely,  
Alison Austin  
134 N. Mill

**PROPOSED RESOLUTIONS**

**GRANTING AND/OR DENYING**

**REQUESTED VARIANCES**

**FOR**

**LEGACY REALTY, LLC**

**December 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 Legacy Realty, LLC of PO Box 735, 7425 M-36, Hamburg, MI 48139, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, §152.306, *Permitted Ground Signs* as to ground sign size; § 152.261, *Roads and Access* as to visibility at road intersections setback; and §152.419 (E), *Nonconforming Structures*, as to nonconforming sign changes for the property located at 250 N. Mill Street, Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-23-302-009 and legally described as:

SEC. 23 T1N, R4E, VILLAGE OF PINCKNEY ORIGINAL PLAT B 6-R 6 N  
1/2 OF LOT 3 AND N 1/2 OF LOT 4 ALSO THE WLY 3 FT OF LOT OF  
LOT 2 Parcel No. 14-23-302-009

as follows as to the variances requested:

1. Practical difficulties exist 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. The property size, corner location, and the nature of the property's use is unique and is not the general condition of other properties in the area. A practical difficulty on the Applicant and on the community results when a business cannot effectively and safely identify its location. 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 variances 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 the decreases in nonconformity from the current valid nonconforming sign will be substantial, as the Applicant requests to replace the existing non-conforming sign with a new smaller sign that is at least 20 square feet smaller, and the new sign will be located 9 feet from the right of way instead of the current 18 inches (1.5 feet). The sign as changed would be more suitable for the district than the non-conforming sign being replaced.
4. The variances 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 a smaller size and creates better traffic visibility than the existing valid non-conforming sign. The variances lessen the impacts created by continued use of a long-time existing legally valid non-conforming sign and will have no new impact on adjacent

properties. The authorization of the change in the non-conforming sign would not change the essential character of the area.

5. 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, lessens any ordinance non-conformities, and the proposed sign would not be injurious to the public welfare or the property values in the area.
6. 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 the property's use, and the variance requested is the minimum variance that will make possible a reasonable identification of the property and will improve the non-conformities that would exist from continued use of the existing valid non-conforming ground sign.

**BE IT FURTHER RESOLVED**, that based in the aforementioned findings of practical difficulties, the variance of Applicant is hereby granted to allow the requested use of a 12 square foot double-faced ground sign, for a total of 24 square feet, to be located with the required distance for the sight triangle on a corner lot from reduced from 25 feet to 12.5 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 a variance requested by Legacy Realty, LLC of PO Box 735, 7425 M-36, Hamburg, MI 48139, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, §152.306, *Permitted Ground Signs* as to ground sign size; § 152.261, *Roads and Access* as to visibility at road intersections setback; and §152.419 (E), *Nonconforming Structures*, as to nonconforming sign changes for the property located at 250 N. Mill Street, Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-23-302-009 and legally described as:

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1/2 OF LOT 3 AND N 1/2 OF LOT 4 ALSO THE WLY 3 FT OF LOT OF  
LOT 2 Parcel No. 14-23-302-009

as follows as to the variances requested:

1. Practical difficulties exist 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. The property size, corner location, and the nature of the property's use is unique and is not the general condition of other properties in the area. A practical difficulty on the Applicant and on the community results when a business cannot effectively and safely identify its location. 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 variances 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 the decreases in nonconformity from the current valid nonconforming sign will be substantial, as the Applicant requests to replace the existing non-conforming sign with a new smaller sign that is at least 20 square feet smaller, and the new sign will be located 9 feet from the right of way instead of the current 18 inches (1.5 feet). The sign as changed would be more suitable for the district than the non-conforming sign being replaced.
4. The variances 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 a smaller size and creates better traffic visibility than the existing valid non-conforming sign. The variances lessen the impacts created by continued use of a long-time existing legally valid non-conforming sign and will have no new impact on adjacent

properties. The authorization of the change in the non-conforming sign would not change the essential character of the area.

5. 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, lessens any ordinance non-conformities, and the proposed sign would not be injurious to the public welfare or the property values in the area.
6. 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 the property's use, and the variance requested is the minimum variance that will make possible a reasonable identification of the property and will improve the non-conformities that would exist from continued use of the existing valid non-conforming ground sign.

**BE IT FURTHER RESOLVED**, that based in the aforementioned findings of practical difficulties, the variance of Applicant is hereby granted to allow the requested use of a 12 square foot double-faced ground sign, for a total of 24 square feet, to be located with the required distance for the sight triangle on a corner lot from reduced from 25 feet to 12.5 feet.

**BE IT FURTHER RESOLVED**, that based in the aforementioned findings of practical difficulties, the variance of Applicant is hereby granted to allow the requested use of a 12 square foot double-faced ground sign, for a total of 24 square feet, to be located with the required distance for the sight triangle on a corner lot from reduced from 25 feet to 12.5 feet.

**BE IT FURTHER RESOLVED**, that the variances granted to Applicant 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.
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 a variance requested by Legacy Realty, LLC of PO Box 735, 7425 M-36, Hamburg, MI 48139, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, §152.306, *Permitted Ground Signs* as to ground sign size; § 152.261, *Roads and Access* as to visibility at road intersections setback; and §152.419 (E), *Nonconforming Structures*, as to nonconforming sign changes for the property located at 250 N. Mill Street, Pinckney, MI 48169, being Taxation Parcel Identification Number 4714-23-302-009 and legally described as:

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1/2 OF LOT 3 AND N 1/2 OF LOT 4 ALSO THE WLY 3 FT OF LOT OF  
LOT 2 Parcel No. 14-23-302-009

as follows as to the variances requested:

1. That the use variance requested is not necessary because the property is not unique and is a general condition of other properties in the area.
2. That the proposed sign is not a permitted use in the R-3 High Density Residential 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 and maintain a potential corner lot traffic visibility impediment to motorists and could create a safety issue for pedestrian traffic in the area.
4. That the location of the site is not unique and is a general condition of other R-3 District sites that utilize conforming signage.
5. The claimed need of this size of sign on the Applicant's site was self-created as it is the Applicant that seeks to modify the existing non-conforming sign.
6. That Applicant 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 use by allowing the erection of a new non-conforming sign structure.

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