

*Sign Variances-
§152.306, §152.419*

**PROPOSED RESOLUTIONS
GRANTING AND/OR DENYING
REQUESTED VARIANCES**

FOR

Chris Bonk

March 28, 2022

PROPOSED RESOLUTION

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 Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.306, *Permitted Ground Signs*, and Section 152.419, as nonconforming signs as to ground sign setback and copy, for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, 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 valid non-conforming sign which was placed closer to the right-of-way. 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 variances are 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 facility 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 variances as the proposed sign is the same size as the existing valid nonconforming sign. The existing sign is in relatively good condition, is parallel to the road without impacting any sightlines. It is complimentary in overall design (brickwork) to the existing building architecture. Minimal modification of the sign is proposed. The interior enclosure, inside the masonry, will be replaced and brought up to current ordinance standards. The continued use of a long-time existing sign will have no new impact on adjacent properties.
4. The granting of the variances is not contrary to the public interest, nor would it violate the intent of the ordinance, which is to provide reasonable identification of facility 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. The existing sign and its proposed minor modifications will be consistent with the intent of the ordinance.
5. That the granting of the variances would not constitute a special privilege, but is unique to this property, the location of the existing non-conforming sign on the property, and its proposed use, and the variances requested are the minimum variances 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 variances of Petitioner is hereby granted so the proposed use of the existing sign location and dimensions and the existing masonry sign structure may be retained, with a 2.9-foot set back, and the interior enclosure of the sign, inside the masonry, may be replaced and brought up to current ordinance standards, and new copy may be added to identify the new facility.

PROPOSED RESOLUTION

OPTION 2 - 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 Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.306, *Permitted Ground Signs*, and Section 152.419, as nonconforming signs as to ground sign setback and copy, for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, 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 valid non-conforming sign which was placed closer to the right-of-way. 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 variances are 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 facility 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 variances as the proposed sign is the same size as the existing valid nonconforming sign. The existing sign is in relatively good condition, is parallel to the road without impacting any sightlines. It is complimentary in overall design (brickwork) to the existing building architecture. Minimal modification of the sign is proposed. The interior enclosure, inside the masonry, will be replaced and brought up to current ordinance standards. The continued use of a long-time existing sign will have no new impact on adjacent properties.
4. The granting of the variances is not contrary to the public interest, nor would it violate the intent of the ordinance, which is to provide reasonable identification of facility 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. The existing sign and its proposed minor modifications will be consistent with the intent of the ordinance.
5. That the granting of the variances would not constitute a special privilege, but is unique to this property, the location of the existing non-conforming sign on the property, and its proposed use, and the variances requested are the minimum variances 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 the variances granted to Petitioner shall be subject to strict compliance with the following conditions:

1. The variances shall apply only to this property.
2. That the sign shall be erected in strict accordance with the specifications and plan submitted with the variances and with the design and 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 Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.306, *Permitted Ground Signs*, and Section 152.419, as nonconforming signs as to ground sign setback and copy, for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, and legally described as set forth in Attachment A, as follows:

1. That the variances requested are 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 Multi-family Residential (R4) Zoning District and the property at issue may be utilized without the requested sign or set back.
3. That the granting of the variances could unduly burden adjacent properties.
4. That the location of the site is not unique and is a general condition of other R4 District sites that utilize conforming signage.
5. The claimed need of this location of sign on the property 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 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 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 variances are hereby denied.

Attachment "A" - Legal Descriptions.

Lot 5, 6, 7 and 8, Block 8, Range 8, of Original Plat of the Village of Pinckney, Livingston County, Michigan, according to the recorded Plat thereof, as recorded in Liber 2D, Page 64, Livingston County Records. (Tax Parcel No. 4714-23-301-010)

AND

That part of Block 4, Range 1, of JW Hinchey Addition to the Village of Pinckney, Livingston County, Michigan according to the recorded Plat thereof, as recorded in Liber 51D, Page 452, Livingston County Records, beginning at the SE corner of Lot 8, thence South $86^{\circ} 10' 13''$ West 263.02 feet; thence North $06^{\circ} 36' 03''$ West 132.18 feet; thence North $86^{\circ} 10' 13''$ East 263.02 feet; thence South $06^{\circ} 36' 03''$ East 132.18 feet to the point of beginning. (Tax Parcel No. 4714-23-304-080)

*Parking Variance-
§152.282 and §152.283*

**PROPOSED RESOLUTIONS
GRANTING AND/OR DENYING
REQUESTED VARIANCES**

FOR

Chris Bonk

March 28, 2022

PROPOSED RESOLUTION

OPTION 1 - GRANTING VARIANCE

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for variances requested by Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.282, *Off-Street Parking*, and Section 152.283, *Minimum Off-Street Parking Spaces*, as to parking for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, 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. This Applicant's project involves the reuse of an existing building. The circumstances are unique and specific to this property and are not related to the Applicant's personal situation. In addition, they do not apply generally to other properties in the district.
2. Strict adherence to the current requirements without the requested variances will limit the ability of the Applicant to make this project viable due to the limited space available and the current layout as established by the prior church facility. The proposed use does not fit cleanly into one of the land use categories listed under Section 152.283 (B). It is reasonable to grant some parking within the Pearl and Hamburg Streets right-of-way and use the proposed locations throughout the site, including the garage spaces and adjacent lot gravel parking area.
3. That the granting of the variance will result in substantial justice being done, considering the public benefits of allowing the proposed rehabilitation of the former church to proceed and will result in the renovation and occupation of a vacant building that may be considered substantial community or public benefit. It will also provide for improvements to a current vacant lot while not unnecessarily increasing stormwater runoff (still a 13% reduction of impervious over existing conditions) and efficiently utilizing existing parking amenities in the area.
4. The variances are generally consistent with the purpose and intent of the Zoning Ordinance. The proposed allotment of parking will be consistent with the intent of the ordinance as:
 - The purpose of this subchapter is to establish standards for off-street parking and loading that result in safe, adequate, and efficient vehicle parking and delivery throughout the Village.
 - It is recognized that, due to the specific site conditions and requirements of any given development, inflexible application of these standards may result in development with too much or too little parking or loading space.
 - Too much parking will result in wasted space, community blight and increased storm water runoff, flooding and water pollution.

5. The granting of the variances will not change the essential character of the area and should be less intensive than the prior church use.
6. The re-use of existing buildings and an existing property is one of the major reasons for this request. The proposed variances are not the result of previous actions from the Applicant.
7. Because of the unique conditions on this site, the variances being requested do not constitute a special privilege or favor granted to the Applicant. The Applicant is upgrading the existing site and providing significant improvements which will enhance the area. The variances requested are reasonable and will encourage development in the area.
8. The request is consistent with the utilization of on-street parking elsewhere in the Village and is the minimum variance needed to make possible the reasonable rehabilitation of the existing facility. Further, the applicant has agreed to add additional off-street parking to replace the on-street parking when the “West” lot is developed.
9. That the Applicant has established that practical difficulties and hardships exist in constructing the parking in compliance with the strict letter of the ordinance that justifies the granting of the requested variances.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties, the variances of Applicant are hereby granted to authorize parking for the site to include:

- The two (2) garages (and/or the east garage driveway) being utilized for four (4) off-street spaces on the “East Lot”;
- An additional ten (10) off-street paved spaces will be provided for at the “West Lot” across the street from the facility;
- Existing on-street parking along Pearl Street / D-19 (5 spaces) and Hamburg Street (11 spaces);
- Approximately eight (8) additional/overflow spaces will also be available at the “West Lot”;
- and
- The “West Lot” where a portion of the existing gravel parking area will be preserved beyond the pavement.

This will provide up to thirty-eight (38) spaces for special events or circumstances.

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 Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.282, *Off-Street Parking*, and Section 152.283, *Minimum Off-Street Parking Spaces*, as to parking for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, 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. This Applicant's project involves the reuse of an existing building. The circumstances are unique and specific to this property and are not related to the Applicant's personal situation. In addition, they do not apply generally to other properties in the district.
2. Strict adherence to the current requirements without the requested variances will limit the ability of the Applicant to make this project viable due to the limited space available and the current layout as established by the prior church facility. The proposed use does not fit cleanly into one of the land use categories listed under Section 152.283 (B). It is reasonable to grant some parking within the Pearl and Hamburg Streets right-of-way and use the proposed locations throughout the site, including the garage spaces and adjacent lot gravel parking area.
3. That the granting of the variance will result in substantial justice being done, considering the public benefits of allowing the proposed rehabilitation of the former church to proceed and will result in the renovation and occupation of a vacant building that may be considered substantial community or public benefit. It will also provide for improvements to a current vacant lot while not unnecessarily increasing stormwater runoff (still a 13% reduction of impervious over existing conditions) and efficiently utilizing existing parking amenities in the area.
4. The variances are generally consistent with the purpose and intent of the Zoning Ordinance. The proposed allotment of parking will be consistent with the intent of the ordinance as:
 - The purpose of this subchapter is to establish standards for off-street parking and loading that result in safe, adequate, and efficient vehicle parking and delivery throughout the Village.
 - It is recognized that, due to the specific site conditions and requirements of any given development, inflexible application of these standards may result in development with too much or too little parking or loading space.
 - Too much parking will result in wasted space, community blight and increased storm water runoff, flooding and water pollution.

5. The granting of the variances will not change the essential character of the area and should be less intensive than the prior private church use.
6. The re-use of existing buildings and an existing property is one of the major reasons for this request. The proposed variances are not the result of previous actions from the Applicant.
7. Because of the unique conditions on this site, the variances being requested do not constitute a special privilege or favor granted to the Applicant. The Applicant is upgrading the existing site and providing significant improvements which will enhance the area. The variances requested are reasonable and will encourage development in the area.
8. The request is consistent with the utilization of on-street parking elsewhere in the Village and is the minimum variance needed to make possible the reasonable rehabilitation of the existing facility. Further, the applicant has agreed to add additional off-street parking to replace the on-street parking when the “West” lot is developed.
9. That the Applicant has established that practical difficulties and hardships exist in constructing the parking in compliance with the strict letter of the ordinance that justifies the granting of the requested variances.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties, the variance of Applicant is hereby granted to authorize parking for the site to include:

- The two (2) garages (and/or the east garage driveway) being utilized for four (4) off-street spaces on the “East Lot”;
- An additional ten (10) off-street paved spaces will be provided for at the “West Lot” across the street from the facility;
- Existing on-street parking along Pearl Street / D-19 (5 spaces) and Hamburg Street (11 spaces);
- Approximately eight (8) additional/overflow spaces will also be available at the “West Lot”; and
- The “West Lot” where a portion of the existing gravel parking area will be preserved beyond the pavement.

This will provide up to thirty-eight (38) spaces for special events or circumstances.

BE IT FURTHER RESOLVED, that the variance 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 specific layout and location of parking within the designated areas shall be established in strict accordance with the with the design and site plan as approved by the Planning Commission.
3. _____

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

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for variances requested by Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.282, *Off-Street Parking*, and Section 152.283, *Minimum Off-Street Parking Spaces*, as to parking for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, 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 properties in the area.
2. That the proposed parking is not a permitted use in the Multi-family Residential (R4) Zoning District, and the property at issue may be utilized without the requested parking variance requests.
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 R4 District sites that utilize conforming parking.
5. The claimed need of these parking variances on the property was self-created as it is the developer that seeks to modify the existing non-conforming site.
6. That Applicant has failed to establish that the conforming parking 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.

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

Attachment "A" - Legal Descriptions.

Lot 5, 6, 7 and 8, Block 8, Range 8, of Original Plat of the Village of Pinckney, Livingston County, Michigan, according to the recorded Plat thereof, as recorded in Liber 2D, Page 64, Livingston County Records. (Tax Parcel No. 4714-23-301-010)

AND

That part of Block 4, Range 1, of JW Hinchey Addition to the Village of Pinckney, Livingston County, Michigan according to the recorded Plat thereof, as recorded in Liber 51D, Page 452, Livingston County Records, beginning at the SE corner of Lot 8, thence South 86° 10' 13" West 263.02 feet; thence North 06°36'03" West 132.18 feet; thence North 86° 10' 13" East 263.02 feet; thence South 06°36'03" East 132.18 feet to the point of beginning. (Tax Parcel No. 4714-23-304-080)

*Landscaping Along
Roadways Variance-
§152.331*

PROPOSED RESOLUTIONS

GRANTING AND/OR DENYING

REQUESTED VARIANCE

FOR

Chris Bonk

March 28, 2022

**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 Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.331, *Landscaping Adjacent to Roads*, as to the project's West lot, for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, 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. This Applicant's project involves the reuse of an existing building, but the West Lot, being Tax Parcel No. 4714-23-301-010, will otherwise remain undeveloped except for the small, proposed parking lot. There is no water service currently at the West Lot site and adequate maintenance of the landscaping will be problematic until a project with suitable water service is developed (more so than lawn seeding). The requirements of the landscape ordinance will render conformity unnecessarily burdensome for this phase in the development of the West Lot. These circumstances are unique and specific to this property and are not related to the Applicant's personal situation. In addition, they do not apply generally to other properties in the district.
2. This is a unique situation where there is no building being developed on the site. Therefore, it is proposed that this is a reasonable request in proportion to the amount of the site currently proposed to be developed (small parking lot).
3. Approval of the requested variance will allow the proposed rehabilitation of the former church to proceed. Paving, curb and gutter, and lawn restoration will enhance the site at the east end and there will be no new impact placed on adjacent properties on the majority of the site. Further, Applicant is not seeking a permanent variance or waiver is requested or be remedied, just a request for deferment of the full requirements based on the limited amount of development being proposed at this stage, with the understanding that the full landscaping requirements will become applicable when the West Lot is developed.
4. The granting of the variance will result in substantial justice being done, considering the public benefits of allowing the proposed rehabilitation of the former church to proceed and will result in the renovation and occupation of a vacant building that may be considered substantial community or public benefit.
5. The variance is generally consistent with the purpose and intent of the Zoning Ordinance as No permanent variance or waiver is requested or be remedied, just a request for deferment of the full requirements based on the limited amount of development being proposed at this stage.
6. The granting of the variance will not change the essential character of the West Lot, but substantial improvements will be made to include any required landscaping within the East

area of the property, to include any required landscaping, and this should not then have any detrimental impact on properties in the area.

7. There is no conflict with the ordinance that seeks to be remedied just a request for deferment of the full requirements based on the limited amount of development being proposed at this stage.
8. As the site will remain primarily existing open lawn area no new privilege is requested and therefore no new impact will be placed on adjacent properties. This is the minimal request to allow for the project to move forward.
9. That the Applicant has established that practical difficulties and hardships exist in landscaping the West Lot of this development as called for by Code Section 152.331 compliance that justifies the granting of the requested variance until the West Lot is subsequently developed.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties, the variance of Applicant is hereby granted to authorize deferment of the landscaping required by Code Section 152.331 to remain in effect until the property within the West Lot (Tax Parcel No. 4714-23-301-010) is developed.

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 Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.331, *Landscaping Adjacent to Roads*, as to the projects West lot, for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, 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. This Applicant's project involves the reuse of an existing building, but the West Lot, being Tax Parcel No. 4714-23-301-010, will otherwise remain undeveloped except for the small, proposed parking lot. There is no water service currently at the West Lot site and adequate maintenance of the landscaping will be problematic until a project with suitable water service is developed (more so than lawn seeding). The requirements of the landscape ordinance will render conformity unnecessarily burdensome for this phase in the development of the West Lot. These circumstances are unique and specific to this property and are not related to the Applicant's personal situation. In addition, they do not apply generally to other properties in the district.
2. This is a unique situation where there is no building being developed on the site. Therefore, it is proposed that this is a reasonable request in proportion to the amount of the site currently proposed to be developed (small parking lot).
3. Approval of the requested variance will allow the proposed rehabilitation of the former church to proceed. Paving, curb and gutter, and lawn restoration will enhance the site at the east end and there will be no new impact placed on adjacent properties on the majority of the site. Further, Applicant is not seeking a permanent variance or waiver is requested or be remedied, just a request for deferment of the full requirements based on the limited amount of development being proposed at this stage, with the understanding that the full landscaping requirements will become applicable when the West Lot is developed.
4. The granting of the variance will result in substantial justice being done, considering the public benefits of allowing the proposed rehabilitation of the former church to proceed and will result in the renovation and occupation of a vacant building that may be considered substantial community or public benefit.
5. The variance is generally consistent with the purpose and intent of the Zoning Ordinance as No permanent variance or waiver is requested or be remedied, just a request for deferment of the full requirements based on the limited amount of development being proposed at this stage.
6. The granting of the variance will not change the essential character of the West Lot, but substantial improvements will be made to include any required landscaping within the East

area of the property, to include any required landscaping, and this should not then have any detrimental impact on properties in the area.

7. There is no conflict with the ordinance that seeks to be remedied just a request for deferment of the full requirements based on the limited amount of development being proposed at this stage.
8. As the site will remain primarily existing open lawn area no new privilege is requested and therefore no new impact will be placed on adjacent properties. This is the minimal request to allow for the project to move forward.
9. That the Applicant has established that practical difficulties and hardships exist in landscaping the West Lot of this development as called for by Code Section 152.331 compliance that justifies the granting of the requested variance until the West Lot is subsequently developed.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties, the variance of Applicant is hereby granted to authorize deferment of the landscaping required by Code Section 152.331 to remain in effect until the property within the West Lot (Tax Parcel No. 4714-23-301-010) is developed.

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

1. The variance shall apply only to this property
2. That all other site improvements required by the Code and the site plan as approved by the Planning Commission shall installed as a condition of this variance as to landscaping adjacent to roads.
3. Applicant shall enter a recordable agreement approved by the Village attorney and zoning administrator requiring the applicant, or future owners of the property, to install the Code required landscaping upon development of the land within the West Lot (Tax Parcel No. 4714-23-301-010).
4. _____

5. _____

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

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for a variance requested by Chris Bonk of 118 W. Highland Rd, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances, Section 152.331, *Landscaping Adjacent to Roads*, as to the projects West lot, for the property located at 551 Hamburg Street, Pinckney, MI 48169, being Taxation Parcel Identification Numbers 4714-23-304-080 and 4714-23-301-010, 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 properties in the area.
2. That the proposed landscaping adjacent to the roads is required in the Multi-family Residential (R4) Zoning District and the property at issue may be utilized without the requested variance request.
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 R4 District sites that utilize conforming to the Code's landscaping requirements.
5. The claimed need of the landscaping variance on the property West Lot was self-created.
6. That Applicant has failed to establish that the conforming landscaping requirements 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.

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

Attachment "A" - Legal Descriptions.

Lot 5, 6, 7 and 8, Block 8, Range 8, of Original Plat of the Village of Pinckney, Livingston County, Michigan, according to the recorded Plat thereof, as recorded in Liber 2D, Page 64, Livingston County Records. (Tax Parcel No. 4714-23-301-010)

AND

That part of Block 4, Range 1, of JW Hinchey Addition to the Village of Pinckney, Livingston County, Michigan according to the recorded Plat thereof, as recorded in Liber 51D, Page 452, Livingston County Records, beginning at the SE corner of Lot 8, thence South 86° 10' 13" West 263.02 feet; thence North 06°36'03" West 132.18 feet; thence North 86° 10' 13" East 263.02 feet; thence South 06°36'03" East 132.18 feet to the point of beginning. (Tax Parcel No. 4714-23-304-080)