



# VILLAGE OF PINCKNEY

220 S Howell Street, Pinckney Mi 48169  
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# ZONING BOARD OF APPEALS

## APPLICATION

Case # 2022-001 Fee: \$500<sup>00</sup>  
Date filed: March 3, 2022 Zoning District: R4 (Mutli-family Residential)  
Tax ID#: 4714-23-304-080 & -301-010 Lot #:      Subdivision: Hinchey Addt/Pinckney Orig. Plat  
Address of Subject Property: 551 Hamburg Street  
Legal description: (Attached)  
Owner: B5 Contracting Services / Chris Bonk  
Address: 118 West Highland Rad, Suite 200, Howell, MI 48843  
Phone: 517-202-1034 Email: chrisbonk@b5contractor.com

Appellant (if different than owner): (Same)  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Type of Appeal:

Interpretation of:  Zoning Ordinance  Zoning District Boundaries  Other Specify  
minimum parking requirements & landscaping along roadways (request deferment)

Variance:  Dimensional Variance  Use Variance Specify: To allow for existing non-  
conforming site to remain for setback to existing signage.

Lot size: Front:(South) 263.02' Rear:(North) 263.02' Side:(East/'Front') 132.18' Side:(West/'Front') 132.18'

Size of Existing structure: 10,380 sq ft. main building, garage/out building 809 square feet

Setbacks (EXISTING) Front:(South) 5.9' (Min.) Rear:(North) 7.8' (min. building); 3.6' (out-building/garage)  
Side:(East / 'Front') 25.2' Side:(West / 'Front') 33.3'; Ground Sign 2.9'

Section of Zoning Ordinance appealing or requesting interpretation: Section 152.306 (A) (2) ground sign setback; 152.283 (A) & (B) relating to min. parking spaces; 152.331 landscaping along roadways

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for Request/ Basis of appeal or special conditions existing where a literal enforcement of the provisions of the Zoning Ordinance would involve practical difficulties or cause unnecessary hardship or practical difficulty:

Existing non-conforming configuration where strict zoning compliance will significantly compromise the use & viability of the existing structures & sites

Please explain how the project meets each of the following standards:

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: (see attached narrative)

b) Failure to grant the variance will deprive the property owner of his/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:  
(see attached narrative)

c) Allowing the variance will result in substantial justice being done, and considers the public benefits intended by the ordinance, 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: \_\_\_\_\_  
(See attached narrative)

d) The variance will be consistent with the purpose and intent of the ordinance, 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:  
(See attached narrative)

e) The conditions and circumstances on which the variance request is based have not been self-created by the applicant or predecessors in title: \_\_\_\_\_  
(see attached narrative)

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: \_\_\_\_\_  
(see attached narrative)

- I hereby certify that I am the owner of the subject property or have been authorized to act on behalf of the owner(s) and that all of the statements and attachments are true and correct to the best of my knowledge and belief.
- I acknowledge that approval of a variance only grants that which was presented to the ZBA.
- I acknowledge that I have reviewed the Village of Pinckney Zoning Ordinance, The ZBA Application and the Application Checklist and have submitted all of the required information.
- I understand that there will be a public hearing on this item and that either the property owner or appellants shall be in attendance at that hearing.
- I understand that a Land Use Permit is required prior to construction if a variance is granted.
- I understand that any order of the ZBA permitting the erection or alteration of a building will be void after One (1) year (12 months), unless a valid building permit is obtained and the project is started and completed.

Signature of Owner

Date

Signature of Appellant

Date

Application Checklist:

Zoning Board of Appeals Application

Plot Plan showing:

- Location and width of road(s)
- Location and dimensions of existing/proposed construction.
- Dimensions, designation, and heights of existing structures on property clearly marked. Dimensions of property (lot lines).
- Location and dimensions of required setbacks and proposed setbacks
- All easements and location of water & sewer lines

NA Preliminary Sketch of proposed structure

Proof of ownership

Applicable Fee \$ 500<sup>00</sup> & Escrow Deposit \$ 1,000<sup>00</sup>

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Date Application Received: 2/23/2022

Date of Publication: 3/11/2022

Date of Meeting: \_\_\_\_\_

Approved  Basis for approval: \_\_\_\_\_

Not approved  Reason for denial: \_\_\_\_\_

Signature of ZBA Chair \_\_\_\_\_ Date: \_\_\_\_\_

***Requests Referring To:***

Ground Sign – Zoning Ordinance 152.306 (A) (2): Request for a reduction of minimum setback to allow the existing sign to come into conformity.

Parking Requirements – Zoning Ordinance 152.283 (A) & (B) Request to utilize existing on-street parking to fulfill portion of parking requirements.

Landscaping Along Roadways – Zoning Ordinance 152.331): West Lot only - Request to defer landscaping until later development phase.

***Narrative Summary:***

**Overall - Request Context:** The existing site includes a former L-shaped Church facility (St Mary's Catholic) constructed in 1964 on a 0.80-acre site ('East Lot'). It has not been in-use for several years. The proposed project is the renovation of the existing building into new use to house and provide therapy for people with disabilities that require 24 hour a day care. It is an extensive renovation that includes inherent limitations on working within existing walls and the existing building and site configuration. To support the functions of this new use, off-street parking is to be provided on a 0.79-acre lot directly across the street ('West Lot') that contains an existing gravel parking area but is otherwise undeveloped. 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, the building has 'existing non-conforming' issues when reviewed against the current R4 zoning requirements.

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 February 7, 2022.

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) and the Zoning Board of Appeals Application form.

**Ground Sign Setback:**

***Practical Difficulties:*** Request for a reduction of minimum setback to allow the existing sign to come into conformity. The existing 1964 masonry ground sign is currently existing non-conforming but otherwise in good condition is located 2.9 ft from the Pearl St / D19 west side property line and 6.3-ft from the sidewalk. Requested reduction of 2.1-ft from the ordinance minimum of 5-ft to allow the existing to come into conformity and continue to be used.

***Reasonable Use:*** Request is the continued use of the existing sign. It 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.

***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.

*Consistency in Purpose and Intent of the Ordinance:* The existing sign and its 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. This is the minimal request to allow its continued use.

### **Parking Requirements / Allocation / Deferment:**

*Practical Difficulties:* Request to reduce the requirement of dedicated off-street parking but meet the required total number of required parking spaces through the partial allocation of existing on-street parking and/or deferment to such a time when the 'West Lot' is developed.

The proposed use does not fit cleanly into one of the land use categories listed under Ordinance Section 152.283 (B). In the Project Development Program letter that was included in the January 24, 2022, Preliminary Site Plan Submittal it was stated that between on-site employees/caregivers, staff, therapists, & visiting consumers with their guardians a total of 19 parking spaces were required, at any given time (required per Owner 'Program'). This is substantially lower than the 30 that are required under a combination of the 'rooming house' & 'personal services' ordinance categories that are otherwise the closest to the actual uses.

In addition, the consumers with their guardians, as well as on-site caregivers, when travel is needed will want to be utilizing the on-street parking due to the closer proximity to the facility. In conjunction with the Off-Street Parking Purpose – Section 152.280 (C) 'Too much parking will result in wasted space, community blight and increased storm water runoff, flooding and water pollution'. Excess off-street parking across the street will not be effectively utilized & otherwise wasted. It is therefore proposed:

- the two garages (and/or the east garage driveway) be utilized for 4 off-street spaces on the 'East Lot'.
- 10 off-street paved spaces will be provided for at the 'West Lot' across the street from the facility.
- Approximately 8 additional/overflow spaces will also be available at the 'West Lot' where a portion of the existing gravel parking area will be preserved beyond the pavement.

This will account for 22 of the 30 required spaces – and 3 more than the Program requirement. It is therefore requested that 26.7% reduction from the requirements be granted. Under regular circumstances:

- Existing on-street parking along Pearl Street / D19 (5 spaces) & Hamburg Street (11 spaces) will provide more than the remainder of the spaces that are required by ordinance.
- This will provide up to 38 spaces for special events or circumstances – and not including the un-demarcated parking area on William Street.
- In a snow emergency the 22 spaces can be provided off-street. These spaces will be regularly plowed and/or otherwise always made available for parking.

*Reasonable Use:* The restrictions of the R4 Zoning District will render conformity unnecessarily burdensome for the programmed parking space needs. The proposal is a reasonable utilization of existing parking facilities and limiting unnecessary increases in impervious areas while still providing for a reasonable number of off-street spaces.

*Public Benefit:* Approval of the requested variance will allow the proposed rehabilitation of the former church to proceed. It will provide for improvements to a current vacant lot while not unnecessarily increasing stormwater runoff (a 13% reduction of impervious over existing conditions) and efficiently utilizing existing parking amenities in the area.

*Consistency in Purpose and Intent of the Ordinance:* The proposed allotment of parking will be consistent with the intent of the ordinance:

- 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.

*Not Self-Created:* The issues are a consequence of an existing structure in conflict with current zoning and a proposed use that does not fit cleanly into available ordinance categories. They have met the support of the Plan Commission and will not adversely impact neighboring properties.

*Limitation Consistency / Minimum Variance:* 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.

**Landscaping Along Roadways ('West Lot' Only) (Requested Deferment):**

*Practical Difficulties:* The site will otherwise remain undeveloped except for the small, proposed parking lot. There is no water service currently at the site & adequate maintenance of the landscape trees & shrubs will be problematic until a project with water service is developed (more so than lawn seeding water needs). The requirements of the landscape ordinance will render conformity unnecessarily burdensome for this stage in development of the 'West Lot'. At a point in the future a complimentary development to the proposed facility is contemplated. At that time when that project is submitted for Site Plan approval it is requested that the landscape requirements be required.

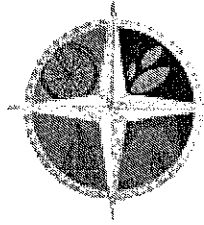
*Reasonable Use:* This is a unique situation where there is no building being developed on the site. Therefore, it is proposed that this is a reasonable request in proportion to the amount of the site currently proposed to be developed (small parking lot).

*Public Benefit:* 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 most of the site.

*Consistency in Purpose and Intent of the Ordinance:* No permanent variance is requested, just a request for deferment based on the limited amount of development being proposed at this stage.

*Not Self-Created:* There is no conflict with the ordinance that seeks to be remedied just a request for deferment based on the limited amount of development being proposed at this stage.

*Limitation Consistency / Minimum Variance:* 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.



VILLAGE OF  
**PINCKNEY**

## **VILLAGE OF PINCKNEY ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on Monday, March 28, 2022 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 2022-001

Applicant: B5 Contracting/Chris Bonk

Location: 551 Hamburg Street & vacant parcel

Parcel ID: 4714-23-304-080 & 4714-23-301-010

Request:

- a) Variance to Section 152.306 (A)(2) which requires that ground signs shall 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. 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 requesting a variance of 2.1 feet to allow the existing non-conforming sign to remain at its current location at a setback of 2.9 feet with alterations to the copy of the sign.
- b) Variance to Section 152.283 which requires 30 parking spaces for the intended use of the proposed small group home and services facility. The applicant is providing 22 spaces requiring a variance of 8 spaces or reduction of 26.7%.
- c) Variance to Section 152.331 which requires that all non-residential developments include one tree and five shrubs per 30 lineal feet of road frontage. Trees are not required to be evenly spaced and may be clustered. The required landscaping adjacent to public and private roadways shall be located on private property within a planting strip a minimum of ten feet adjacent to the road right-of-way. The applicant is proposing no landscaping along the eastern and southern property lines (Pearl Street & Hamburg Rd.) along the undeveloped parcel that is proposed to be used for parking for the group home facility.

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



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-----Original Message-----

From: Theodore Bienemann <bienemannted@me.com>

Sent: Friday, March 18, 2022 10:23 AM

To: Clerk <clerk@villageofpinckney.org>

Subject: Public hearing March 28, 2022 at 7 PM

I'm writing this email in regards of the public hearing March 28, 2022 at 7 PM regarding zoning for parking for the old church I think what they're doing at this church is incredible and I think the zoning should be changed from 30 parking spaces to 22. This email is from the Bienemann Family that lives at 721 Putnam St., Pinckney, MI 48169.

Sent from my iPhone

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**From:** Claudette Williams <petlove@chartermi.net>  
**Sent:** Friday, March 18, 2022 12:09 PM  
**To:** Clerk <clerk@villageofpinckney.org>  
**Subject:** Grant's Place parking variance

Good Morning Jill,

Concerning the upcoming public hearing with Chris Bonk of Grant's Place on March 28, 2022, we would like to state that we support him on the variance of 22 parking spaces.

We are thrilled that such a wonderful project and much-needed residence will be in our community.

Robert and Claudette Williams  
625 E. Hamburg St.

PS

Jill would you mind letting me know that you received this email? Thanks so much!

Claudette

## Julie Durkin

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**From:** Barb Gledhill <barbara.gledhill@charter.net>  
**Sent:** Thursday, March 17, 2022 9:14 AM  
**To:** Julie Durkin  
**Subject:** RE: Variance request - 551 Hamburg Street

I have no problem with this ... just fresh in my mind about the unsafe situation up in Brighton so wanted to express that concern.

Thanks for your quick response.

Barb

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**From:** Julie Durkin [mailto:j.durkin@villageofpinckney.org]  
**Sent:** Thursday, March 17, 2022 9:07 AM  
**To:** barbara.gledhill@charter.net  
**Cc:** Clerk  
**Subject:** Variance request - 551 Hamburg Street

Hi Barbara & Roger,

I understand your concern about the variance request that will be before the Zoning Board of Appeals on March 28<sup>th</sup>. The applicant is requesting to keep the existing sign at the existing location, which according to our ordinance should be setback at least 5 feet from the right-of-way. The existing building and sign does not meet current standards. Because the building is existing (non-conforming), it is allowed to stay at that location. The sign is somewhat different in that if the copy on the sign is changed at all, it needs to meet current standards. The applicant is asking to keep the current sign at its current location with changes to the face of the sign for the new use. The sign itself is 32"x40" setback from the right-of-way 2.9 feet. I hope this answers the questions you have. Please don't hesitate to contact me with any other questions or concerns.