

1.05 WAIVER

- A. The requirements of these Technical Standards For Design and Construction are in place to protect the health, safety, and general welfare of all of the residents of the Village of Pinckney. If for some reason the strict letter of these standards cannot be followed due to circumstances beyond the control of Contractor, then any one of the Technical Standard requirements may be waived with the written consent of the Village Council after consulting the Village Engineer or qualified Village Agent. A waiver can only be evaluated in cases involving practical difficulties or unnecessary hardships, when the applicant demonstrates the following:
1. That the alleged practical difficulties or hardships, or both, are exceptional and peculiar to the subject property, and result from physical conditions that do not generally exist throughout the Village of Pinckney.
 2. That failure to grant the waiver will deprive the property owner of its reasonable use as enjoyed by other property owners in the same district. This shall include substantially more than mere inconvenience and/or inability to attain a higher financial return.
 3. That allowing the waiver will result in substantial justice being done, considering the public benefits intended to be secured by the standards, the individual hardships that will be suffered by failure to grant the waiver, and the rights of others whose property would be affected by approval of the waiver, if applicable.
 4. That the waiver will be consistent with the purpose and intent of the standards, will not be contrary to the public interest, and will not injure the public or private rights of others.
 5. That the conditions and circumstances on which the waiver request is based have not been self-created by the property owner.
 6. That the waiver will not constitute a special privilege inconsistent with the limitations upon other properties in the Village of Pinckney, and shall constitute the minimum deviation that allow for a reasonable use of the property.
- B. When a Contractor seeks a waiver, the following should be noted:
1. All waiver requests should be submitted in writing.
 2. It is recommended that the need for waivers is evaluated and requested in the early stages of the site plan review submittal process.
 3. All costs incurred by the Village of Pinckney for the professional review of a waiver request and the re-review of the site plan due to incorporation of the waiver shall be the sole responsibility of the Contractor. This cost is not part of a general preliminary/final/construction cost review escrows.