

PROPOSED RESOLUTIONS

GRANTING AND/OR DENYING

REQUESTED VARIANCES

FOR

**PROGRESSIVE PROPERTIES INC.
AND
PINCKNEY SAND & GRAVEL, INC.**

April 8, 2024

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 Progressive Properties Inc. ("Applicant") and Pinckney Sand & Gravel, Inc. ("Owner") ("Petitioners") of P.O Box 2709, Southfield, MI 48037-2709, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances § 152.266(D), *Street trees*, for the Lakeland Knoll Site Condominium Project established by its Master Deed and is located in the Village of Pinckney, Livingston County, Michigan, and is described as follows:

Part of the Northeast 1/4 of Section 22, Town 1 North, Range 4 East, Village of Pinckney, Livingston County, Michigan, being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 22; thence along the East line of said Section 22, N 04°09'02" W, 157.38 feet, to a point on the North line of the MDNR Right-of-Way (100 feet wide and Former Grand Trunk Railroad), said point also being the POINT OF BEGINNING of the parcel to be described; thence continuing along said North line of the MDRN Right-of-Way, S 89°47'10" W, 2199.10 feet; thence N 04°06'54" W, 1139.64 feet, to a point on the North line of the South half of the Northeast 1/4 of Section 22; thence N 89°28'06" E, 2197.59 feet, along the North line of the South half of the Northeast 1/4 of Section 22 to a point on the East line of said Section 22; thence along the East line of Section 22 S 04°09'02" E, 1151.91 feet to the Point of Beginning. Containing 57.7 acres, more or less and subject to any easements and restrictions of record. (Taxation Parcel Nos. 4714-22-200-004 and 4714-22-200-005)

as follows:

1. The Petitioners will be subject to practical difficulties in placing the street trees as the proposed site condo's layout required easements to private utility companies that bar any landscaping within the first twelve-feet of each lot, which conflicts with the zoning codes requirement that the street trees must be within "a ten-foot planting strip immediately adjacent to the road right-of-way."
2. The variance requested is consistent with the tree placement of many other property owners in the same district and vicinity.
3. The granting of the variance will allow for the street trees installation that may provide for calming of traffic, potentially reduce accidents, and create greater safety for pedestrian circulation.
4. The variance is consistent with the purpose of the Master Plan objective of exploring alternatives to calm traffic, will not injure the rights of others, and will not diminish the value of surrounding properties.

5. The conditions and circumstances on which the variance request is not based on self-created circumstances, but are due to the mandated requirements of the private utility easements limitations.
6. 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.
7. That the Petitioners have established that practical difficulties locating the required street trees on this property that justify the granting of the requested variances.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties and hardships, the variances of Petitioners are granted allowing placement of the street trees within the street right of way as set out within the proposed street tree layout submitted with the variance application.

**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 Progressive Properties Inc. (“Applicant”) and Pinckney Sand & Gravel, Inc. (“Owner”) (“Petitioners”) of P.O Box 2709, Southfield, MI 48037-2709, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances § 152.266(D), *Street trees*, for the Lakeland Knoll Site Condominium Project established by its Master Deed and is located in the Village of Pinckney, Livingston County, Michigan, and is described as follows:

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as follows:

1. The Petitioners will be subject to practical difficulties in placing the street trees as the proposed site condo’s site layout required easements to private utility companies that bar any landscaping within the first twelve-feet of each lot, which conflicts with the zoning codes requirement that the street trees must be within “a ten-foot planting strip immediately adjacent to the road right-of-way.”
2. The variance requested is consistent with the tree placement of many other property owners in the same district and vicinity.
3. The granting of the variance will allow for the street trees installation that may provide for calming of traffic, potentially reduce accidents, and create greater safety for pedestrian circulation.
4. The variance is consistent with the purpose of the Master Plan objective of exploring alternatives to calm traffic, will not injure the rights of others, and will not diminish the value of surrounding properties.

5. The conditions and circumstances on which the variance request is not based on self-created circumstances, but are due to the mandated requirements of the private utility easements limitations.
6. 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.
7. That the Petitioners have established practical difficulties locating the required street trees 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 Petitioners are granted allowing placement of the street trees within the street right of way as set out within the proposed street tree layout submitted with the variance application.

BE IT FURTHER RESOLVED, that the variances granted to Petitioners 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 tree placements within the right of way will be located to the greatest extent possible to mitigate potential future damage to the Village's underground utilities.
3. The proposed tree plan placement shall be incorporated into the site plan submitted to the Planning Commission.
4. The property development must comply in all respects with the site plan as approved by the Planning Commission.
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 Progressive Properties Inc. ("Applicant") and Pinckney Sand & Gravel, Inc. ("Owner") ("Petitioners") of P.O Box 2709, Southfield, MI 48037-2709, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances § 152.266(D), *Street trees*, for the Lakeland Knoll Site Condominium Project established by its Master Deed and is located in the Village of Pinckney, Livingston County, Michigan, and is described as follows:

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as follows:

1. That the street tree location variances requested is 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 create issues as to the Village's underground utilities and may unduly burden the Village and its taxpayers when addressing future utility maintenance and repair issues.
3. That the granting of the variances would result in a new non-conforming use contrary to the intent of the Zoning Ordinance.
4. That the property may be used in full conformity with the Zoning Ordinance without variances, and the private utilities could instead be located in other areas on the proposed site.
5. That the Petitioners have 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 on the aforementioned findings, Petitioners' request for the tree location variances are hereby denied.