



VILLAGE OF  
**PINCKNEY**

220 S Howell Street, Pinckney Mi 48169  
Phone: 734-878-6206 Fax 734-878-9749  
email: [zoning@villageofpinckney.org](mailto:zoning@villageofpinckney.org)

**ZONING BOARD OF  
APPEALS  
APPLICATION**

Case # ZBA 2024-001 Fee: \$600.00

Date filed: March 12, 2024 Zoning District: R3

Tax ID#: 4714- 22-200-011 Lot #: \_\_\_\_\_ Subdivision: Lakeland Knoll

Address of Subject Property: Vacant land

Legal description: Part of the NE 1/4 of Sec 22, T1N, R4E, Village of Pinckney, Liv Cty

(attach separate sheet if necessary)

Owner: Pinckney Sand & Gravel, Inc.

Address: PO Box 2709, Southfield, MI 48037

Phone: 248-358-2210 Email: proprop@comcast.net

Appellant (if different than owner): Progressive Properties, Inc.

Address: PO Box 2709, Southfield, MI 48037

Phone: 248-358-2210 Email: proprop@comcast.net

**Type of Appeal:**

Interpretation of:  Zoning Ordinance  Zoning District Boundaries  Other

Specify: Section 152.266 (D)

Variance:  Dimensional Variance  Use Variance

Specify: Request for alternative location for street tree placement.

Lot size: Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_

Size of Existing structure: None square feet

Existing setbacks (if applicable) Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_

Proposed setbacks (if applicable) Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_

Section of Zoning Ordinance appealing or requesting interpretation: 152.266 (D) Street Trees

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:

Mandated easement for utilities prohibits any landscape in the first 12 feet of each lot.

"Street trees shall not interfere with any overhead or underground utility lines."

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: Mandated private utility easement conflicts with ordinance location requirement.

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:  
Failure to grant the variance will prevent the applicant from meeting the Village street tree ordinance. Numerous other Village properties have street trees between the curb and sidewalk.

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:  
The variance will provide calming of traffic, reduce accidents & provide greater safety for pedestrian circulation.

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:  
Master plan objectives Section 5.1: "Explore alternatives to calm traffic..." Meets the intent of the master plan & zoning ordinance. Will not injure the rights of others.

e) The conditions and circumstances on which the variance request is based have not been self-created by the applicant or predecessors in title: Conditions are a result of mandated requirements of private utility companies.

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: The variance will not constitute a special privilege.

- 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 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

3-12-24

Date



Signature of Appellant

3-12-24

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
- Preliminary Sketch of proposed structure
- Proof of ownership
- Applicable Fee \$ 600 & Escrow Deposit\* \$ monies on account

\* All legal, engineering and planning consultant fees, publication costs, recording fees and all charges related to the request will be deducted from the escrow deposit. All remaining funds will be returned to the applicant.

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Date Application Received: 3-12-24

Date of Publication: 3/17/24

Date of Meeting: 4/8/24

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

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

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

**LEGAL DESCRIPTION OF  
LAKELAND KNOLL**

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 MDNR 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.

## FW: Lakeland Knoll - Street Tree Selection

marshall blau <proprop@comcast.net>

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Good morning Marshall –

As discussed, I've researched street trees that may be used in the Lakeland Knoll neighborhood.

Several of the selection criteria included:

- Hardy Michigan street tree
- Deep rooting structure (tap root)
- Narrow or columnar branching structure
- Attractive and mess / maintenance free

There are several varieties of trees that provide a deep root structure, meaning that, generally speaking, the roots grow downward rather than horizontally. A deep rooting structure is likely to reduce long-term maintenance or disruption to sidewalks and lawn areas. Hornbeams, Oaks, Blackgum, and Hickory are several hardy tree varieties that have deep root structures.

Cross referencing that list with specific varieties that have narrow, compact, and/or columnar growth habits, resulted in the attached list (see attachment).

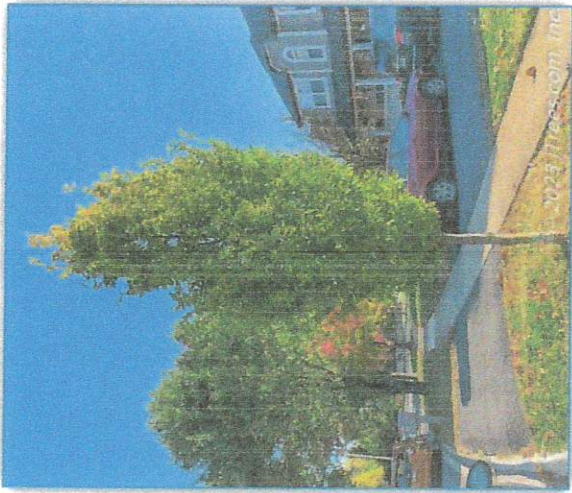
Many of these varieties are listed on the MSU Cooperative Extension website, DTE's, or other sources, recommended street-tree lists.

Thanks – Jim

### **J EPPINK PARTNERS, INC.**

9336 Sashabaw Road  
Clarkston, MI 48348  
248-922-0789 - O  
248-917-8646 - M

- 
- Lakeland Knoll - Suggested Street Trees - 3-5-24.pdf (1 MB)



**Pyramidal European Hornbeam**  
(*Carpinus betulus*)

Slender Growth Structure  
Deep Rooting



**American Hornbeam**  
(*Carpinus caroliniana*)

Narrow, Contained Growth Structure  
Deep Rooting



**Shagbark Hickory**  
(*Carya ovata*)

Slender Growth Structure  
Deep Rooting

**Street Tree Selection Criteria:**

1. Deep Rooting (Tap Root)
2. Slender / Columnar Growth Habit



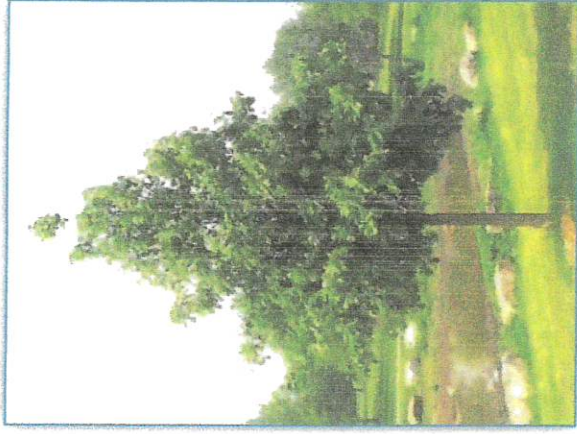
**Pin Oak**  
(*Quercus palustris*)

Compact Growth Structure  
Deep Rooting



**Red Oak**  
(*Quercus rubra*)

Contained Vase Growth Structure  
Deep Rooting



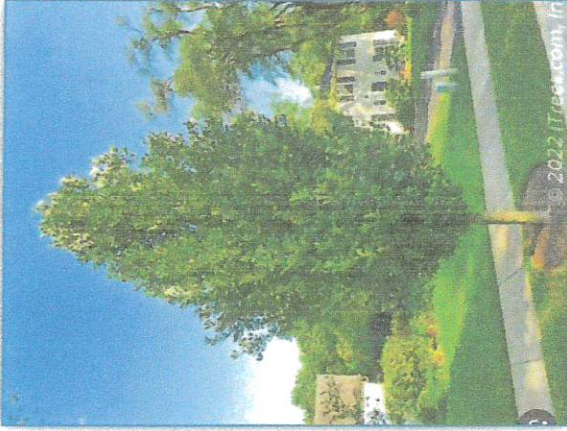
**Swamp White Oak**  
(*Quercus bicolor*)

Contained Growth Structure  
Deep Rooting



**Bur Oak**  
(*Quercus macrocarpa*)

Slender Growth Structure  
Deep Rooting



**Regal Price Oak**  
(*Quercus xwarrie*)

Compact Growth Structure  
Deep Rooting



**Crimson Spire Oak**  
(*Quercus robur* 'Fastigiata')

Slender Growth Structure  
Deep Rooting





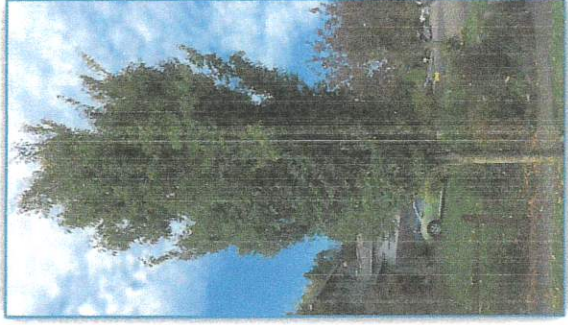
**Pignut Hickory**  
(*Carya glabra*)

Contained Growth Structure  
Deep Rooting



**Blackgum**  
(*Nyssa sylvatica*)

Contained Growth Structure  
Deep Rooting



**Zelkova**  
(*Zelkova serrata*)

Contained Vase Growth Structure  
Deep Rooting

**To be added Master Deed Section 11.11 Landscaping:**

Each Co-Owner shall be responsible for maintaining, trimming and replacing the street trees located between the curb and sidewalk adjacent to the front and/or side of their Unit. If the Co-Owner fails to adequately maintain, trim or replace said street trees and the Village of Pinckney finds it necessary to maintain, trim or replace any street tree(s), all costs expended by the Village for said work shall be billed by the Village to the persons or entities showing up on the last tax records to be the Co-Owner(s) of the Unit. The Village may add to the costs, a sum not to exceed twenty-five (25%) percent thereof, to cover the Village's overhead and administrative costs. All such invoices shall be due and payable within thirty (30) days of receipt, and any invoice not paid shall be added to the tax statement of the Unit with respect to which the invoice was made.