

**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:

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 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 not less than six (6) feet from the Village’s underground utilities as proposed on the Common Area Landscape Plan dated 3/12/2024.
3. The proposed tree plan placement as proposed on the Common Area Landscape Plan dated 3/12/2024 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. The Master Deed, Section 11.11 Landscaping, to be revised to require the unit owner to be responsible for maintaining, trimming and replacing street trees located between the curb and sidewalk adjacent to the front and/or side of their unit.

The foregoing Resolution was offered by _____ and supported by _____ . The vote on this Resolution was as follows:

Linda Lavey, President	Yes
Justin Bierman, Trustee	Yes
Jeffrey Buerman, Trustee	Yes
Stacy Conquest, Trustee	Yes
Brian Matson, Trustee	Absent
Jeffrey Spencer, Trustee	Yes

The President declared: Adopted

The President thereupon declared this Resolution approved and adopted by the Village Council of the Village of Pinckney this 8th day of April 2024.

Linda Lavey, Village President