

Memo

To: President Lavey & Council Members
From: Julie Durkin, Zoning Administrator
Date: July 3, 2024
Re: Request for Land Division

Mr. Phil Prystash, owner of 306 Mill Street has made application for a land division to split lots 1 and 2 of the Original Plat of the Village of Pinckney, which had been previously combined. The request is not to return the parcels to the original plat but rather divide the parent parcel so that both resulting parcels would front on Mill Street. He has provided the necessary survey. Notice was given for the public hearing as required. There were no questions or objections by the public. The Planning Commission recommended approval of the land division based on the following (see attached minutes):

A proposed lot division shall be approved only if all of the following criteria are met.

All of the parcels to be created by the proposed lot division must fully comply with the applicable lot (parcel) width, access, setback, and area requirements of the Village Zoning Ordinance, other applicable village ordinances, and any deed restrictions concerning the number, size, or location of structures allowed on the parcel.

Required:

Zoning District	Minimum Lot Area	Minimum Lot Width (In Feet)	Minimum Front Yard/ Setback (In Feet)	Minimum Side Yard/ Setback (In Feet)	Minimum Rear Yard/ Setback (In Feet)	Maximum Lot Coverage	Maximum Building Height
R3	8,712 square feet	66	30	6	20	40%	2.5 stories/35 feet

Proposed:

	Zoning District	Minimum Lot Area	Minimum Lot Width (In Feet)	Minimum Front Yard/ Setback (In Feet)	Minimum Side Yard/ Setback (In Feet)	Minimum Rear Yard/ Setback (In Feet)	Maximum Lot Coverage	Maximum Building Height
Parcel A w/existing structure	R3	8,927	66.98	16.4	13.3	N/A	N/A	2 stories
Parcel B	R3	8,778	66 (see comment below)	N/A	N/A	N/A	N/A	N/A

- A. The proposed division complies with all requirements of the Land Division Act and the Village Zoning Ordinance.
- B. All parcels created and remaining have existing adequate accessibility as defined in the Michigan Land Division Act and Village Zoning Ordinance, or have an area available to provide such accessibility to a public road for public utilities and emergency and other vehicles, not less than the requirements of the applicable village ordinances and technical standards. **Both resulting parcels**

- C. There is adequate storm drainage and public utilities to serve the parcels created by the division, as determined by the Village Engineer, or as a condition of approval of the division, suitable easements are provided to allow the extension of adequate storm drainage and public utilities in the future. [The subject parcel is within the Village of Pinckney Original Plat and have adequate storm drainage and public utilities. At the time of construction on the vacant site, they will be required to have separate public water and sewer service with separate connections as required by ordinance.](#)
- D. All taxes and special assessments on the properties sought to be divided or combined have been paid. [All taxes have been paid in full through 2023](#)
- E. The ratio of depth to width of any parcel created by a land division (including a remnant parcel) shall not exceed 4:1 unless otherwise provided by the Village Zoning Ordinance.
- F. The proposed division shall not cause any existing building or structure to become nonconforming. [The existing home is an existing non-conformity with a front yard setback of only 16.4 feet \(minimum required 30 feet\).](#)
- G. The proposed division would not result in a parcel containing more than one zoning classification, unless the village has determined that multiple zoning classifications on a resultant parcel promotes orderly and harmonious development between adjacent parcels, such as creating a desirable transitional buffer between adjacent parcels of different zoning classifications. [The entire parent parcel \(Parcel 4714-23-303-032\) is within R3, High Density Residential District.](#)
- H. Approval of a proposed division of land shall be subject to the dedication of any easements necessary for current or future public roads, public utilities, bicycle/nonmotorized vehicle paths, sidewalks, or other necessary required public facilities.
- I. If the land division involves the use of a new curb cut to a public street or road, the applicant must submit evidence of review and approval of the curb cut location by the Village Public Works Department. [Chapter 92 of the Village Code requires that any work to construct a driveway within the right-of-way of any road under the jurisdiction of the Village requires a permit.](#)
- J. The village may require such additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this subchapter.

Village of Pinckney

LAND DIVISION APPLICATION

1.

PHIL PRYSTASH
Applicant Name

405 S. THIRD ST
Address

BRIGHTON, MI 48116
City, State, Zip

Phone/Fax (work)

Phone/Fax (home)

Interest in property (circle one): Owner Tenant Other

2. Property Owner Information: (If different than applicant)

Name _____ Phone () _____

Address _____

City _____ State _____ Zip Code _____

3. Parent Parcel Information

Address 306 MILL STREET

Parent Tax Code Number 4714-23-303-032

Legal description of parent parcel SBC 23 T1N R4E VILLAGE OF PINCKNEY
ORIGINAL PLAT B 2 R 5
LOTS 1-2

Size of parcel _____

Zoning of Parent Parcel R-3

4. Affidavit by Applicant

The Applicant agrees that the statements made in this document are true and if found not to be true, the application and any approval will be void. Further, the Applicant agrees to comply with the conditions and regulations provided under the State Land Division Act and the Village of Pinckney Land Division Ordinance.

I further understand that the approval of the land division is not a determination that the resulting parcels comply with the Village of Pinckney Zoning Ordinance or general ordinances, and that the resulting parcels must comply with the Village of Pinckney Zoning Ordinance and all applicable general ordinances before any land use permit, special use permit, or other permits will be issued by the Village to utilize said property.

Dated 5/23/24 Property Owner's Signature [Signature]
Fee \$500⁰⁰ Received by [Signature] Date 5/23/24

5. For office use only

<u>Parcel #</u>	<u>Road Frontage</u>	<u>Size</u>	<u>Bldg meet Setbacks</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The Village of Pinckney approves the division(s) as proposed by the Applicant
Yes _____ No _____

Reason(s) for denial

1. _____
2. _____
3. _____
4. _____
5. _____

Approved/Denied by _____ Date _____

Zoning Administrator
Village of Pinckney

VILLAGE OF PINCKNEY NOTICE OF PUBLIC HEARING SPECIAL LAND USE

NOTICE IS HEREBY GIVEN that the Planning Commission of the Village of Pinckney will hold a public hearing on Monday, July 1, 2024 to consider a request for a lot division at 306 Mill Street (Parcel #4714-23-303-032). Lots 1 and 2 of the Village of Pinckney Original Plat were combined. The applicant is seeking to divide the two lots.



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 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 directed to the Village Clerk by mail or at clerk@villageofpinckney.org.

Andrea McCall
Village Clerk

LCP 10276523

§ 150.04 STANDARDS FOR APPROVAL OF LAND DIVISION.

A proposed lot division shall be approved only if all of the following criteria are met.

(A) All of the parcels to be created by the proposed lot division must fully comply with the applicable lot (parcel) width, access, setback, and area requirements of the Village Zoning Ordinance, other applicable village ordinances, and any deed restrictions concerning the number, size, or location of structures allowed on the parcel.

(B) The proposed division complies with all requirements of the Land Division Act and the Village Zoning Ordinance.

(C) All parcels created and remaining have existing adequate accessibility as defined in the Michigan Land Division Act and Village Zoning Ordinance, or have an area available to provide such accessibility to a public road for public utilities and emergency and other vehicles, not less than the requirements of the applicable village ordinances and technical standards.

(D) There is adequate storm drainage and public utilities to serve the parcels created by the division, as determined by the Village Engineer, or as a condition of approval of the division, suitable easements are provided to allow the extension of adequate storm drainage and public utilities in the future. Unless a lot division creates a parcel which is acknowledged and declared to be "not buildable" under § 150.05, all divisions shall result in "buildable" parcels and must each have separate public water and sewer service with separate connections available as required by this code; or, if public water and/or sewer service is not available, the applicant shall provide a letter from the Livingston County Health Department that states an on-site septic system, a well, or both where both would be required, can be installed on the each parcel in accordance with the legally required standards if needed.

(E) All taxes and special assessments on the properties sought to be divided or combined have been paid.

(F) The ratio of depth to width of any parcel created by a land division (including a remnant parcel) shall not exceed 4:1 unless otherwise provided by the Village Zoning Ordinance.

(G) The proposed division shall not cause any existing building or structure to become nonconforming.

(H) The proposed division would not result in a parcel containing more than one zoning classification, unless the village has determined that multiple zoning classifications on a resultant parcel promotes orderly and harmonious development between adjacent parcels, such as creating a desirable transitional buffer between adjacent parcels of different zoning classifications.

(I) Approval of a proposed division of land shall be subject to the dedication of any easements necessary for current or future public roads, public utilities, bicycle/nonmotorized vehicle paths, sidewalks, or other necessary required public facilities.

(J) If the land division involves the use of a new curb cut to a public street or road, the applicant must submit evidence of review and approval of the curb cut location by the Village Public Works Department.

(K) The village may require such additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this subchapter.

(Ord. 142, passed 2-12-2018)

Further discussion was held on traffic congestion that could be generated and the report of accidents provided by Chief Garrison. Mr. Lytwyn stated that he cannot control traffic on M-36, but he can control the traffic on the site. Planner Fortin encouraged the applicant to start the process with MDOT for the approach.

Chairperson Oliver suggested that the item be tabled until the next meeting.

Motion by Lavey, supported by Gee

To deny both requests for Special Land Use for gas station and fast food at 1268 E. M-36 due to the number of uses being proposed

ZA Durkin explained that if the uses are denied, the applicant would not be able to submit a similar request for one year unless there is new evidence or change of conditions.

Member Hartman stated that he feels that we should not rush into denying the requests. The applicant could come back in a month and revise his request to possibly one of the uses. Mr. Lytwyn stated that he is more than willing to work with the village to revise the plan and possibly limit the request to one.

Member Lavey withdrew her motion and Member Gee withdrew her support.

Motion by Hartman, supported by Smith

To table the requests for Special Land Use for gas station and fast food at 1268 E. M-36 until the next meeting

ROLL CALL VOTE: Gee – Yes
 Hartman - Yes
 Lavey - No
 Smith - Yes
 Wagner - Yes
 Oliver – Yes

MOTION CARRIED (1 absent)

Planner Fortin suggested that the Commission give the applicant a feeling on which request is more favorable. The consensus of the Commission was they were against the gas station. Member Hartman stated that he does not feel that the traffic along M-36 is that bad, with the exception of rush hour. It was stated that another suggestion is to soften the site and not black top the entire site.

4. Public Hearing - Request for Land Division

Applicant: Phil Prystash
Location: 306 Mill Street (Lots 1 & 2 – Village of Pinckney Original Plat)
Request: The applicant is requesting to split current lot into two (2)

Chairperson Oliver opened the public hearing at 8:37 p.m.

Phil Prystash, applicant explained that his request is to split one lot into two.

Hearing no further public comment, the public hearing was closed at 8:38 p.m.

ZA Durkin explained that the applicant has supplied both the survey and legal descriptions of the requested resulting parcels. The request does meet the standards for approval of land divisions. She further explained the areas of contestable ownership on the survey. She indicated that the lot width at the street line does meet the 66-foot-wide requirement.

Motion by Hartman, supported by Gee

To recommend to Village Council approval of the request for land division for 306 Mill Street with the resulting parcels as indicated on the survey and legal descriptions dated 6-27-2024

ROLL CALL VOTE: Gee – Yes
 Hartman - Yes
 Lavey - Yes
 Smith - Yes
 Wagner - Yes
 Oliver – Yes

MOTION CARRIED (1 absent)

5. Request by Council to revisit Temporary Sign Ordinance

Chairperson Oliver stated that she feels that this is an ordinance and people need to follow it.

Member Cooke stated that from a business standpoint, she feels that there are some things missing from our ordinance that could be included while staying in line with what the Commission is trying to achieve. It appears that there are two separate issues, one temporary signs and then political signs.

ZA Durkin stated that these are really not two separate issues. One thing that was made very clear during the process was that all temporary signs need to be treated the same and not categorized into political, garage sale, real estate, etc. Member Cooke stated that other communities' ordinances have separate subsets dealing with just political signs. Durkin stated that most communities do, but they have been recently challenged and deemed unconstitutional. Our original proposed language did the same, but we were advised by the Village Attorney about the recent Supreme Court rulings.

Member Cooke asked if we could separate the SBD and include different parameters from the rest of the commercial district. ZA Durkin stated they are different. The CBD is not allowed the same temporary signage as the SBD. There is a difference between a free-standing portable sign allowed in the CBD and the type of temporary sign allowed in the SBD and other districts.

Discussion was held on the size of the temporary signs allowed. Durkin stated that the two signs in question which are the marquis signs, are 56 square feet. This is more than the allowable ground signage. Discussion was held on the two signs in question and how it would appear if every business had one.

Member Hartman discussed his view of having the least restrictive sign ordinance possible. This ordinance is better than it used to be. Discussion was held on the fact that no temporary signs were allowed in the previous ordinance. Discussion was held on the lack of enforcement. Durkin stated that lack of enforcement does not grant additional rights.