

PROPOSED RESOLUTIONS

GRANTING AND/OR DENYING

REQUESTED VARIANCE

FOR

CONRAD & CAROL WALDORF

September 23, 2024

OPTION 1 - GRANTING VARIANCE

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for a variance by Conrad and Carol Waldorf of 312 West Hamburg Street, Pinckney, MI 48169, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances §152.103, *Site Development Standards*, §§(C) *Yards and setbacks*, §§(3) *Rear yard*; and §152.044, *Table of Dimensions*, for the property located at 312 West Hamburg Street, Pinckney, MI 48169, and legally described as:

SEC 22 T1N R4E ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY B8
R2 LOT 8 SPLIT 4/93 FROM 008 (Property Tax Code No. 4714-22-402-
064),

as follows:

1. That the variance is necessary because of the unique conditions of the property as the lot topology and slope, and its location with surrounding wet areas. The circumstances are unique and specific to this property. Similar situations are not commonly present elsewhere in the area and the requested variance is for this property only.
2. Property owners have requested a variance to erect a garage/storage building. Many other properties in the vicinity have garages. The variance is necessary because of the physical conditions of the property, being its slope and proximity to wet areas. The variance and proposed setback will allow a reasonable use of land consistent with substantial property rights of other properties within the R-3 Zoning District.
3. There appears to be little encumbrance on the rights of others. The proposed garage/storage building would be located in an isolated area and granting of the variance will not change the essential character of the area, being that of a residential district.
4. The variance requested is not in conflict with the Village Master Plan and is consistent with the variance standards for the Village. The granting of the variance will increase the value of the property, should not be detrimental to the property rights surrounding uses, and would be consistent with most other residential dwellings in the immediate vicinity.
5. The conditions and circumstances requiring the variance request are not based upon a self-created condition, but is based upon the conditions due to the unique topographical features of the property and the original placement of the existing structure.
6. The granting of the variance would not constitute a special privilege, but is unique to this property and its proposed use, and the variance requested

is the minimum variance necessary to make the garage/storage building reasonably possible on this piece of property.

7. That the Petitioners have established that practical difficulties and hardships exist in constructing the proposed garage/storage building on this property that justifies the granting of the requested variance.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties and hardships, the variance of Petitioners allowing a garage/storage building is hereby granted so the proposed garage/storage building can be constructed with a rear yard setback that will be not less than 6 feet.

**PROPOSED RESOLUTION
OPTION 2 - GRANTING VARIANCE WITH CONDITIONS**

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for a variance by Conrad and Carol Waldorf of 312 West Hamburg Street, Pinckney, MI 48169, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances §152.103, *Site Development Standards*, §§(C) *Yards and setbacks*, §§(3) *Rear yard*; and §152.044, *Table of Dimensions*, for the property located at 312 West Hamburg Street, Pinckney, MI 48169, and legally described as:

SEC 22 T1N R4E ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY B8
R2 LOT 8 SPLIT 4/93 FROM 008 (Property Tax Code No. 4714-22-402-
064),

as follows:

1. That the variance is necessary because of the unique conditions of the property as the lot topology and slope, and its location with surrounding wet areas. The circumstances are unique and specific to this property. Similar situations are not commonly present elsewhere in the area and the requested variance is for this property only.
2. Property owners have requested a variance to erect a garage/storage building. Many other properties in the vicinity have garages. The variance is necessary because of the physical conditions of the property, being its slope and proximity to wet areas. The variance and proposed setback will allow a reasonable use of land consistent with substantial property rights of other properties within the R-3 Zoning District.
3. There appears to be little encumbrance on the rights of others. The proposed garage/storage building would be located in an isolated area and granting of the variance will not change the essential character of the area, being that of a residential district.
4. The variance requested is not in conflict with the Village Master Plan and is consistent with the variance standards for the Village. The granting of the variance will increase the value of the property, should not be detrimental to the property rights surrounding uses, and would be consistent with most other residential dwellings in the immediate vicinity.
5. The conditions and circumstances requiring the variance request are not based upon a self-created condition, but is based upon the conditions due to the unique topographical features of the property and the original placement of the existing structure.

- 6. The granting of the variance would not constitute a special privilege, but is unique to this property and its proposed use, and the variance requested is the minimum variance necessary to make the garage/storage building reasonably possible on this piece of property.
- 7. That the Petitioner has established that practical difficulties and hardships exist in constructing the proposed garage/storage building on this property that justifies the granting of the requested variance.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties and hardships, the variance of Petitioners allowing a garage/storage building is hereby granted so the proposed garage/storage building can be constructed with a rear yard setback that will be not less than 6 feet.

BE IT FURTHER RESOLVED, that the variance granted to Petitioner shall be subject to strict compliance with the following conditions:

- 1. The variance shall be used within one (1) year from this date.
- 2. The new garage shall be of the design and shall be located on the property as shown on the plan submitted to the Zoning Administrator.
- 3. _____
_____.
- 4. _____
_____.
- 5. _____
_____.
- 6. _____
_____.

**PROPOSED RESOLUTION
OPTION 3 - DENIAL OF VARIANCE**

BE IT RESOLVED that the Pinckney Board of Zoning Appeals hereby finds, with respect to the request for a variance by Conrad and Carol Waldorf of 312 West Hamburg Street, Pinckney, MI 48169, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances §152.103, *Site Development Standards*, §§(C) *Yards and setbacks*, §§(3) *Rear yard*, and §152.044, *Table of Dimensions*, for the property located at 312 West Hamburg Street, Pinckney, MI 48169, and legally described as:

SEC 22 T1N R4E ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY B8
R2 LOT 8 SPLIT 4/93 FROM 008 (Property Tax Code No. 4714-22-402-
064),

as follows:

1. That the rear yard setback variance requested is not necessary because the lot is not unique and irregularly sloped lots are a condition for a number of other properties in the area.
2. That the granting of the variance could unduly burden adjacent property.
3. That the granting of the variance would result in a new non-conforming structure contrary to the intent of the Zoning Ordinance.
4. That the parcel may be used in full conformity with the Zoning Ordinance without variance.
5. That the Petitioners have failed to establish the required practical difficulties to be granted a variance.
6. That the granting of the variance 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 in the aforementioned findings, Petitioner's request for the rear yard setback variance is hereby denied.