

## 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 Todd Lekander on behalf of PINCKNEY M36 LLC, of 627 Dearborn, Howell, MI 48843, from the Zoning Ordinance of the Village of Pinckney, being Pinckney Code of Ordinances §§152.281(D), *SETBACKS*, and §152.331, *LANDSCAPING ADJACENT TO ROADS*, for the property located at 75 Dexter Road, Pinckney, MI 48169, and legally described as:

14-23-400-013 SEC 23 T1N R4E VILLAGE OF PINCKNEY UNPLATTED LAND  
COMM S 1/4 COR TH N 1314.85 FT TO POB. TH N88°E 288.92 FT TH N86°E  
69.94 FT TH S01°W 243.14 FT TH S89°E 61.41 FT TH S 210.26 FT TH S63°W  
470.38 FT TH N 647.86 FT TO POB. REDESCRIBED BY SURVEY 9-99,

as follows:

1. The Applicant's project involves the reuse of an existing building and site. The new uses require additional maneuvering space for motorists safety and accommodation. Additionally, buildable space is limited due to wetlands occupying the south end of the site. The circumstances are unique and specific to this property and are not related to the Applicant's personal situation. In addition, they do not apply generally to other properties in the Secondary Business District (SBD). 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. Restricting the dimensional variances requested will limit the Applicant's ability to make this project viable due to the limited buildable space available. The proposed setbacks are also consistent with setbacks observed for neighboring properties. It is reasonable to allow parking within the M-36 setback and within the Dexter Street setback and to reduce the landscape strip along Dexter Street. The variance and proposed setbacks will allow a reasonable use of land consistent with substantial property rights of other properties within the SBD Zoning District.
3. Granting the variances will result in the renovation and occupation of a vacant building as well as provide additional commercial opportunities in the Secondary Business District. Both of these outcomes may be considered substantial public benefits. There appears to be little encumbrance on the rights of others. The proposed setbacks will not change the essential character of the area.
4. The variances are generally consistent with the purpose and intent of the Zoning Ordinance. This is particularly true for the Secondary Business District, which is intended to accommodate those business activities that typically require larger areas of land, may generate high automobile traffic volumes, and need off-street parking areas. The variances are also consistent with the goals and objectives of the Village Master Plan, particularly the objectives to encourage redevelopment of vacant properties and the reuse of existing buildings as an alternative to new construction. With the proposed enhancement of the building's exterior appearance, granting the variances will result in a substantially improved

appearance of an existing building. It will not alter the essential character or quality of the area, endanger public health or safety, or substantially impair property values in the area.

5. The reuse of an existing building and property is the main reason for these requests. The proposed variances are not the result of previous actions by the Applicant. The conditions and circumstances requiring the variance requests are not based upon a self-created condition, but are based upon the conditions due to the unique features of the property and the original placement of the existing structure.
6. Because of the unique conditions on this site, the variances being requested do not constitute a special privilege or favor to the Applicant. As mentioned, the proposed setbacks are consistent with properties in the vicinity of the subject property. The Applicant is upgrading the existing site and providing significant improvements that will enhance the Village business district. The requested variances are reasonable and necessary to encourage redevelopment of this property.
7. That the Applicant has established that practical difficulties and hardships exist in constructing the proposed building and parking 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 variances of Applicant are hereby granted allowing: (1) the proposed parking lot setback that will be not less than 12 feet from the M-36 right-of-way line; (2) the proposed parking lot setback that will be not less than 5 feet from the Dexter Street right-of-way line; and (3) allowing a 5-foot planting strip adjacent to the Dexter Street right-of-way.