

**Village of Franklin
Historic District Commission
Regular Meeting
Monday, October 3, 2011, 7:30 P.M**

I. MEETING CALLED TO ORDER

The Regular Meeting of the Franklin Historic Commission was called to order by Gary Roberts, Chairman, at the Franklin Village Hall, 32325 Franklin Rd., Franklin, Michigan at 7:30 P.M.

II. ROLL CALL

Present: Madeline Haddad, Mike Brassfield, Gary Roberts, Pat Burke, Bonnie Cook
Absent: Garrett Keais, Mary Ann Liut
Also Present: Eileen Pulker, Village Clerk; Bill Dinnan, Village Building Official; Amanda Davis, Consultant; Amy Sullivan, Village Administrator

III. ADOPTION OF AGENDA

The agenda was approved unanimously.

IV. ADOPTION OF THE MINUTES

A. Regular Meeting of July 13, 2011

Motion by Haddad, supported by Burke to approve the minutes of the July 13, 2011 Regular Historic Commission meeting.

Motion was approved unanimously.

V. PUBLIC COMMENTS

No comments were made at this time.

VI. NEW BUSINESS

A. Consider Two (2) Options to alter flat roof to meet Michigan Building Codes Requirements for 32334 Franklin Road.

Richard Taubman, attorney for property owner, Matthias Meyer, explained the two (2) plans that the architect, Zack M. Ostroff, had drawn up. The first plan provides a line of arborvitae bushes along the perimeter of the deck, a handrail behind them, thus not being visible from the ground. The second plan has the original mansard roof line "...extended upward so that the parapet wall, which presently ranges between 24" and 42" high from the deck surface, will be increased to a minimum of 36" from the deck surface." keeping the same shingle color. He emphasized that Mr. and Mrs. Meyer are willing to do either plan. He also gave the Commissioners an additional side view drawing of the second (2nd) option which had not been included in the original packet and that it is their intention to preserve the appearance of the home.

Roberts invited the public to make comments about this matter.

Dan Ashcraft, German Mill, expressed his confusion concerning the two law suits that had been filed against the Village which had been decided in its favor and why these same issues are again before the HDC.

Roberts read several correspondences into the record from residents Charles Hudson and Robert Hinnant opposing this proposal.

Roberts gave a brief history of the former determinations and the outcomes. Roberts asked if these current submittals are any different from those dating back to 2006 and the ensuing processes. Taubman explained for the record that his client did not sue the Village. The proposals he brings to the HDC tonight are new. He was not re-trying or re-appealing the appeals that have been presented previously. Those were on specific issues which were litigated and concluded and are not before the HDC tonight. Roberts disagreed and felt the issue was "asked and answered" previously and this submittal contained no new facts.

Discussion ensued about the Historic Preservation Act and its authority.

Davis, consultant, stated that, in her professional opinion, this proposal is the same as previous ones put forth. The HDC had approved a plan was to block ("bar off") the access to this roof top area. Since there would be no access, there would be no reason for a handrail for safety reasons.

Dinnan wanted to clarify that the most recent issue concerning the access to the patio was heard in District Court not Circuit Court. It was a Building Code issue not an HDC issue.

Burke quoted #1, #2, and #9 of The Secretary of Interior's Ten Standards for Rehabilitation.

Discussion ensued concerning the original appeal brought before the State Historic Preservation Review Board of the Michigan Historical Commission and the appeal to the Circuit Court.

Kim Meyer, owner of the property, summarized the events up to this point as she and her husband interpret them. They feel that they are in a "Catch 22" concerning the building code and the HDC. After being questioned by Mrs. Meyer, Roberts affirmed that the house, although not contributing, is within the Historic District and added that that fact has no bearing on this matter.

Cook summarized the process she personally went through to understand the application.

Roberts explained that since the motion of 2007 this matter has been clear relative to the "use" and since then multiple decisions of this body and others have upheld that decision.

Motion by Burke, supported by Haddad, to deny the applicant's request to consider options to alter the flat roof to meet Building Code requirements for 32334 Franklin Road.

Burke read into the record the following:

Findings

1. The HDC has previously considered and denied the applicant's requests to characterize or approve the flat roof as a patio, terrace or deck, and to install a terrace railing or handrail on the roof. The Lawyer tonight called it a decking area where people will stand and it has already been denied. Specifically, on September 5, 2007, the HDC required the patio and any reference thereto (including a handrail or anything to do with a rooftop in the front of the building) be removed from the applicant's plans. Then, on January 7, 2008, the HDC denied another application for a terrace railing on the front of the home because the patio had been previously denied on September 5, 2007, and because the work did not meet the Secretary of the Interior's Standards for Rehabilitation and was also contrary to the HDC's own Historic District Guidelines which state that "decks should only be constructed on the rear elevation of the building, inset from rear corners, so that they are not visible from the street."
2. The HDC's decisions were later affirmed on appeal by the State Historic Preservation Review Board and the Circuit Court.
3. The applicant has not presented new facts or circumstances nor has he otherwise demonstrated that this current request is materially different from his previous requests concerning rooftop patio and railing that the HDC has previously considered and denied.
3. The reasons for denying the applicant's prior requests concerning a rooftop patio and railing back in September 2007 and January 2008 remain relevant and applicable to the current request and support denial of the proposed characterization and use of the flat rooftop as a patio or a deck and the installation of a railing in connection therewith.

Roll Call Vote

Haddad **Aye**
Brassfield **Aye**
Roberts **Aye**
Burke **Aye**
Cook **Nay**

Motion carried.

Absent: Keais, Liut

Cook explained she had voted "Nay" because she did not feel the application should have been placed on the agenda for consideration.

B. 32716-44 Franklin Road.

- 1. Consider Proposed Exterior Building Alterations.**
- 2. Review/Consider Proposed Phase II Preliminary Landscape Plan.**
- 3. Consider Sign Application for 32740 Franklin Road.**

Maria Jung Hee, owner of the Franklin Cleaners and the entire Franklin Village Plaza (AKA Jones Building), 32716-44 Franklin Road, explained that she would like to paint the façade of the building, take off the last awning and install a new sign for the Cleaners as shown in the drawing which was provided in the Commissioners' packet. The landscaping in the drawings (Phase II) is not part of this proposal. Dinnan told the Commissioners that it needed to go before the Planning Commission but the applicant is, however, asking for input from the HDC.

Burke explained that the owners had scraped down the layers of paint to its original brick color which the new paint will replicate. The colors and size of the Cleaners sign will be the same as those of "Village Alterations & More" (which was the last sign approved) and are submitted with the 9/21/11 application. It will be made by Casey Sign Company, Berkley, MI which has made the other signs for the building.

Dinnan pointed out that all brick surfaces of the building will be painted Sherwin Williams Red Cent SW 6341, wood surfaces will be Sherwin Williams Svelte Sage SW 6164 except the wood frame around Franklin Cleaners entry which will be painted Red Cent SW 6341. The doors, shutters, and windows will be painted black with the exception of Fritz and Friends which will be painted Red Cent. No structural changes will be made to the building.

Motion by Haddad, supported by Burke to approve #1. The proposed exterior building alterations for 32716-44 Franklin Road according to item #1 of the attached drawing dated 10/3/2011. The masonry paint color will be SW 6341 (Red Cent) and the fascia will be SW 6164 (Svelte Sage). Also approve #3. Franklin Cleaners sign as submitted 10/3/11.

Motion was approved unanimously.

Motion by Roberts, supported by Burke, that in accordance with the traffic study, it is the HDC's desire to see a traffic island and angle parking as contemplated. However, the HDC would like the details of the landscape materials to come back before the HDC.

Motion was approved unanimously.

C. Consider Sign Ordinance Revisions.

Sullivan brought a draft revision of the sign ordinance to the HDC for their comments. Since this is not a "one size fits all" community, she is exploring the need to establish a new sign appeals board which will have a more "aesthetic eye" as opposed to one that looks at "hardship".

Discussion ensued as to the need for a "Sign Board of Appeals" which would be more aesthetic and design sensitive than the current requirement of the ZBA/Sign Board of Appeals. One idea would be for the HDC to be the sitting Sign Board of Appeals especially for those signs within the Historic District. Discussion ensued regarding the procedures and ramifications of hearing cases for signs within and outside the Historic District. After much dialogue the HDC members decided to email all comments about the Sign Ordinance Revisions to Sullivan before the next meeting.

VII. ADJOURNMENT

The meeting was adjourned at 8:45 P.M.

Submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk