

**VILLAGE OF FRANKLIN
SIGN BOARD OF APPEALS
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, APRIL 19, 2018 at 7:00 P.M.
At the Franklin Village Hall
32325 Franklin Road, Franklin, MI**

I. MEETING CALLED TO ORDER

The Regular Meeting of the Zoning/Sign Board of Appeals was called to order by Randy Brakeman, Chairman, at the Franklin Village Hall, Franklin, Michigan at 7:00 P.M.

II. ROLL CALL

Present: Randy Brakeman, Bill Couger, J. Bennett Donaldson, Fred Gallasch, Bruce Kueck, Dean Moenck
Absent: Matthies Meyer
Also Present: Bill Dinnan, Building Official, Eileen Pulker, Village Clerk

III. ADOPTION OF AGENDA

Motion by Moenck, seconded by Kueck to adopt the Agenda for the April 19, 2018 Regular Zoning/Sign Board of Appeals meeting, as presented and published.

Ayes: Brakeman, Couger, Donaldson, Gallasch, Kueck, Moenck
Absent: Meyer
Nays: None
Motion carried.

Brakeman explained the normal procedures and the purpose of the Zoning/Sign Board of Appeals.

IV. NEW BUSINESS

- A. Case: #18-01**
Appellant: Stephanie & Aleksandr Kokoszka
Property: 32635 Franklin Road, Franklin, Michigan
Parcel: 24-06-205011
Zoning: R-3

Description of Proposed Request: Additions on the back of the House and the Garage.

The Applicant is requesting that the Zoning Board of Appeals grant a variance regarding an addition on the back of the house and an addition to the existing garage, as follows:

1. The appellant is requesting an addition on the back of the house which is 28'4" from the rear property line. The addition would be in violation of the ordinances by 11'-8", as stated in Village Ordinances, Chapter 1268, Appendix B, Schedule of Regulations, Minimum Yard Setbacks, R-3, Rear Yard minimum setback 40 feet.
2. The appellant is requesting an addition to the detached garage to be located in a side yard and 1'-5" from the south side lot line. The proposed garage is not totally in the rear yard area and is to be located 1'-5" from the side lot line. This would be in violation of the ordinances, as stated in Village Ordinances, Chapter 1268.12 (h) by not being totally in the rear yard and in violation by 8'-7" to the side lot line.

Bill Dinnan, Building Official, introduced the case to the ZBA which had been before ZBA in July 21, 2016 for the exact request. The appellant did not move forward with the previous request within the required one (1) year time frame, thus making the variance null and void. The owner, who was present and now ready to move forward with the projects; the requests being the same as in July, 2016. One letter, dated March 12, 2018, was received from a neighbor, Michael Flevaris, who was not in favor of the request; for which a response had not been received for the submittal in 2016. Dinnan read the letter for the board members.

Public Comments

There were no comments made at the meeting. Pulker stated that the Village had received one letter in opposition and heard from another neighbor who said he liked the proposed addition.

Stephanie Kokoszka, owner, stated that the footprint of the house was essentially the same as that of the previous request with the main change being the added footprint of the garage. There was a discussion concerning the tree which was growing into the garage. Responding to Couger's inquiry, Dinnan had spoken with the owner of the property to the south who was not opposed to the removal of the tree. Gallasch was curious about the small door on the original garage. Kokoszka stated that it would not be a working door, only a frame of the door which would keep the historic appearance of the structure.

The Zoning Board of Appeals made the following Findings of Facts with respect to the Request for a variance regarding an addition on the back of the house and an addition to the existing garage:

1. The Property Address is 32635 Franklin Road.
2. The Parcel ID is 24-06-205011.
3. The Zoning is R-3.
4. Location of the home is in the Historic District.
5. The house and garage are existing non-conforming structures.
6. The Village has received one letter in opposition to the variances and one positive comment.
7. The property is a legally non-conforming lot size in R3.
8. The plans have been approved by the HDC subject to the approval of the ZBA.
9. The current garage is non-conforming, for one car, which will be replaced by a 3-car enclosed garage eliminating the non-conformity.
10. The addition to the house is conforming to side yard setback, even though the house is non-conforming.
11. One written negative comment and one oral positive comment were received from neighbors.

Motion by Moenck, seconded by Gallasch that the Board members consider the July 21, 2016 Proposed Findings of Facts, including the amended # 9 to the corrected 3-car enclosed garage, with respect to the request for a variance regarding a 14'- 4" setback violation for a second floor addition at 26011 German Mill, Franklin, Michigan, and if you believe a decision regarding this variance request should be made using the above Findings of Facts indicate by saying "Aye" and if you do not believe that the proposed Findings of Facts are appropriate for making a decision you should vote "Nay".

Ayes: Brakeman, Couger, Donaldson, Gallasch, Kueck, Moenck
Absent: Meyer
Nays: None

Motion carried.

Motion by Moenck, seconded by Kueck that the Board members consider the Proposed Findings of Facts with respect to the request for variance regarding: 1. An addition on the back of the house, and 2. An addition to the existing garage at 32635 Franklin Road, and if you believe a decision regarding this variance request should be made using the above Findings of Fact indicate by saying “Aye” and if you do not believe that the proposed Findings of Facts are appropriate for making a decision you should vote “Nay”.

Ayes: Brakeman, Couger, Donaldson, Gallasch, Kueck, Moenck

Absent: Meyer

Nays: None

Motion carried.

V. APPROVAL OF MINUTES: November 9, 2017

Motion by Gallasch, seconded by Kueck to approve the minutes of November 9, 2017 ZBA meeting as presented.

Ayes: Brakeman, Couger, Donaldson, Gallasch, Kueck, Moenck

Absent: Meyer

Nays: None

Motion carried.

VI. ADJOURNMENT

Motion by Moenck supported by Kueck to adjourn the meeting.

Ayes: Brakeman, Couger, Donaldson, Gallasch, Kueck, Moenck

Absent: Meyer

Nays: None

Motion carried.

There being no further business the meeting was adjourned at 7:20 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk