

**VILLAGE OF FRANKLIN
SIGN BOARD OF APPEALS
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, May 16, 2019 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 7:01 P.M.

II. ROLL CALL

Present: Paul Brakeman, Randy Brakeman, Bill Couger, Fred Gallasch, Bruce Kueck, Dean Moenck

Absent: J. Bennet Donaldson

Also Present: Bill Dinnan, Building Official, Eileen Pulker, Village Clerk

III. ELECTION OF OFFICERS

Motion by Couger, seconded by Gallasch to nominate Randy Brakeman, Chairman of the ZBA. Motion was approved unanimously.

Motion by Kueck, seconded by Brakeman to nominate Bill Couger, Vice-Chairman of the ZBA. Motion was approved unanimously.

IV. ADOPTION OF AGENDA

Motion by Moenck, seconded by Gallasch to adopt the Agenda for the May 16, 2019 Regular Zoning/Sign Board of Appeals meeting, as presented and published.

Ayes: P. Brakeman, R. Brakeman, Couger, Gallasch, Kueck, Moenck

Absent: Donaldson

Nays: None

Motion carried.

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

V. NEW BUSINESS

A. Case: #19-01

Appellant: Michael and Mary Ann Liut

Property: 26011 German Mill, Franklin, Michigan

Parcel: 24-06-277-006

Zoning: R-3

Description of Proposed Request: The appellant is requesting that the Zoning Board of Appeals grant a variance regarding a second floor addition to the front of the house, as follows:

The Village of Franklin Ordinances being the Chapter 1268, Appendix B, Schedule of Regulations, zoning district R-3, requires a front yard setback of 30 feet. The proposed second floor addition is setback 15'-8" therefore in violation by 14'-4".

Bill Dinnan, Building Official, presented the case to the ZBA and stated this was the same request for a variance as was presented and approved by the ZBA in 2017. There were two (2) reasons why it was coming to the ZBA: 1) The Appellant received a variance from the ZBA in 2017. The Ordinance requires that a variance be acted upon within a year and, if not, the variance would become null and void and the appellant would need to come back to the ZBA and go through the process again, and 2) The proposed second story addition of the home would be above a portion of the existing non-conforming section of the house, which was the front entryway. The non-conformity was strictly due to the increase in volume of the second story, not by height or by being closer to the property line. The footprint of the house would not change.

Dinnan explained that the area relevant to the variance was the same but the second floor area above the dining area had changed minutely from the original plan. Never-the-less, it still met all the Ordinance requirements and this request for a variance was exactly as it was in 2017. Responding to a question, Dinnan replied that no pertinent Ordinances had changed since 2017.

A written response had been received from a neighbor on Romany Way. Dinnan noted that some of the remarks could be interpreted as opinions and some remarks were not factual. Dinnan addressed those which were not factual: #2, regarding the height of the structure would obstruct the neighbor's view of the morning sun and cast a shadow. According to Dinnan's measurements (calculations), the morning sun at this particular location would be approximately at a 42 degree angle to the earth. He continued his measurements along the sun's path of moving east to the south and then setting in the west demonstrating that a shadow would be thrown either on German Mill to the north or German Mill to the south. #4 was also refuted as it had gone before the Historic District Commission and had been approved for the second time. He noted that the time limitations for both the HDC and the ZBA approvals had passed. #3 which states that the 14'-4" addition would make the house taller than others in the neighborhood may have been someone's opinion. The new addition to this house was not even as tall as the rest of the house.

Brakeman noted that the Applicant, Joel D. Lerman, was not present.

Public Comments

There were no comments made at the meeting.

The Zoning Board of Appeals made the following Findings of Facts with respect to the Request for a second story addition at 26011 German Mill:

1. The location of the property is in the Historic District.
2. The Property Address is 26011 German Mill.
3. The Parcel ID is 24-06-277-006.
4. The Zoning is R-3.
5. The house was reconstructed in 2007.
6. The existing house is legally non-conforming.
7. The request was re-approved by the Historic District Commission.
8. The variance is for 14'-4" in the front yard setback.
9. The footprint of the first floor of the existing house would remain the same.
10. A negative letter from a neighbor was received.
11. In the architect's opinion the addition would improve the appearance of the house.
12. The variance was already approved 11/8/17.

Motion by Moenck, seconded by Gallasch that the Board members consider the Proposed Findings of Facts 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: P. Brakeman, R. Brakeman, Couger, Gallasch, Kueck, Moenck
Absent: Donaldson
Nays: None
Motion carried.

Motion by Moenck, seconded by Kueck that each member of the ZBA approve the variance requested based on the approved Findings of Facts, for 26011 German Mill and of the Applicant's request for a variance regarding a 14'-4" setback violation for a second floor addition, he should vote "Aye" and if he does not believe the facts support the variance, he should vote "Nay".

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

VI. APPROVAL OF MINUTES: April 19, 2018

Motion by Couger, seconded by Gallasch to approve the minutes of April 19, 2018 ZBA meeting as presented.

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

VII. ADJOURNMENT

Motion by Couger, seconded by Kueck to adjourn the meeting.

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

There being no further business the meeting was adjourned at 7:16 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk