

**VILLAGE OF FRANKLIN
SIGN BOARD OF APPEALS
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, August 15, 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 7:20 P.M.

II. ROLL CALL

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

III. ADOPTION OF AGENDA

Motion by Moenck, seconded by to adopt the Agenda for the August 15, 2019 Regular Zoning/Sign Board of Appeals meeting, as presented and published.

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

IV. NEW BUSINESS

A. Case: #19-02

Property: 26330 Normandy, Franklin, Michigan

Parcel: 24-06-205-001

Zoning: R--1

Description of Proposed Request: The appellant is requesting that the Zoning Board of Appeals grant a variance regarding a roof for an existing porch on the back of the house, as follows:

The Village of Franklin Ordinances being the Chapter 1268, Appendix B, Schedule of Regulations, zoning district R-1, Section 1268.07 allows for a rear yard encroachment of 12 feet for an open porch, therefore a rear yard setback of 28 feet is allowed. The plans indicate a rear yard setback of 13 feet, hence a violation of 15 feet.

Bill Dinnan, Building Official, presented the case to the ZBA and stated the residents were requesting a variance regarding a roof for an existing porch on the back of the house. Chapter 1268 of the Ordinance, Appendix B, Schedule of Regulations has a setback in the rear of 40 feet and within Section 1268.07 allows for rear yard encroachment of 12 feet for an open porch. Therefore, a rear yard setback of 28 feet was allowed; however, in this particular case the plaintiff has indicated a setback of 13 feet, hence a violation of 15 feet, had been requested.

The Commissioners were provided a copy of the site plan as submitted. It was an irregular shaped lot in the older section of the Village where lots were divided into smaller pieces. Dinnan explained that the parcel was a combination of Lots 135 and 136 and approximately 30 feet of Lot 137.

Robert Denton, Budman Denton, LLC, representing the owners, confirmed the irregular shape of the lot and stated his desire to put on a roof, the style of which was appropriate for the home and the neighborhood. Therefore, he was asking for a variance of 15 feet. He acknowledged that the patio already existed and he merely wanted to put a cover over it. He had seven (7) favorable letters from neighbors, which he gave to the Village Clerk. Denton was unable to answer Moenck's question as to when the 30 feet was moved to Lot 136. According to Denton the present owners have been in the house for eight (8) years and the additional feet were already part of the property. Dinnan also stated that it would have been transferred at least 27 years ago because the latest plat book in the office was dated 1992.

If the Board concurred, Brakeman could make the assumption, that if the house was built in 1964 it predated the Ordinance and therefore the lot existed before the Smiths' ownership. Dinnan was sure that Lot 135 and Lot 136 became one at the same time.

Moenck confirmed the property was outside the Historic District. Denton explained that this would be an open-air porch and there would not be any modification to the existing porch foundation; i.e. landfill. Dinnan added that it could be screened but not totally closed.

Scott Smith, owner, spoke and/or met with the individual property owners who live along Franklin Road and received total support. One resident had asked if the 21 ft. dimension could be reduced to 19 ft. Smith told him that if the ZBA was favorable to his application he would commit to that.

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 roof over the existing porch at 26330 Normandy:

1. The Property address is 26330 Normandy.
2. The Zoning is R-1.
3. The house was built in 1964, which indicates that the lot configuration and the adjustments to the lot pre-dates the construction of the house as Lot line 135 would have gone through the house, as it is placed on the lot. This implies that these splits pre-date the Ordinance in 1964.
4. The existing house is legally non-conforming.
5. There were seven (7) positive letters and no negative letters from the neighbors, which have been submitted to the Village Clerk.
6. The open porch qualifies for Section 1268.07 Yard Encroachment, therefore reducing the setback from a significantly larger portion to 15 ft.
7. The location of the property is not in the Historic District.
8. It is not only an unusual lot (136) by the shape of it, but Lot 135 is also unusual as it is on a curve, which makes improvements to the house difficult.

Motion by Moenck, seconded by Couger that the Board members consider the Proposed Findings of Facts with respect to the request for a variance regarding a roof for an existing porch on the back of the house at 26330 Normandy, 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, Kueck, Moenck
Absent: Gallasch
Nays: None
Motion carried.

Motion by Couger, seconded by Donaldson that each member of the ZBA approve the variance requested based on the approved Findings of Facts, for 26330 Normandy and of the Applicant's request for a variance regarding a roof for an existing porch on the back of the house, he should vote "Aye" and if he does not believe the facts support the variance, he should vote "Nay".

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

V. APPROVAL OF MINUTES: May 16, 2019

Motion by Moenck, seconded by Donaldson to approve the minutes of May 16, 2019 ZBA meeting as presented.

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

VI. ADJOURNMENT

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

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

There being no further business the meeting was adjourned at 7:43 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk