

**VILLAGE OF FRANKLIN
SIGN BOARD OF APPEALS
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, SEPTEMBER 21, 2017 at 7:00 P.M.
At the Franklin Village Hall
32325 Franklin Road, Franklin, MI**

Before the meeting, Eileen Pulker, Village Clerk, swore in J. Bennett Donaldson for another term of three (3) years.

I. MEETING CALLED TO ORDER

The Regular Meeting of the Zoning/Sign Board of Appeals was called to order by Bill Couger, Acting Chairman, at the Franklin Village Hall, Franklin, Michigan at 7:10P.M.

II. ROLL CALL

Present: Bill Couger, J. Bennett Donaldson, Fred Gallasch, Bruce Kueck, Dean Moenck, Randy Brakeman (arrived at 7:20 PM),

Absent: Matthies Meyer

Also Present: Jim Creech, Village Administrator; Eileen Pulker, Village Clerk

III. ADOPTION OF AGENDA

Motion by Gallasch, seconded by Donaldson to adopt the Agenda for the September 21, 2017 Regular Zoning/Sign Board of Appeals meeting, as presented and published.

Moenck proposed that **IV. ELECTION OF OFFICERS** be struck from the Agenda.

Motion by Moenck, seconded by Donaldson to adopt the Agenda for the September 21, 2017 Regular Zoning/Sign Board of Appeals meeting, as amended.

Ayes: Donaldson, Couger, Gallasch, Kueck, Moenck

Nays: None

Absent: Brakeman, Meyer

Motion carried.

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

V. NEW BUSINESS

A. Case: #17-05

Appellant: Arlene & Edward Michael Redmond

Property: 30665 Harlincin Ct., Franklin, Michigan

Parcel: 24-08-103-008

Zoning: R-1

Description of Proposed Request:

The Applicant is requesting that the Zoning Board of Appeals grant a variance regarding an Addition/remodel, as follows:

The Village of Franklin Ordinances being the Chapter 1268, Appendix B, Schedule of Regulations, zoning district R-1, requires a side yard setback, which requires one third of the lot as open space, with the least side equaling 37% of that space, as shown below:

1. The proposed setback is a total of 60.32', when 65.66' is required or a violation of 5.34'.

2. Further, there is a proposed setback of 23.66' on the least side that requires a setback of 24.05 therefore a violation of .39 feet or just over 4".

Jim Creech, Village Administrator, presented the case to the ZBA and provided a brief historical background of the property.

Mickey Redmond, owner of the property, stated that he lives in the adjacent house on Harlincin Ct. Redmond provided a survey of the property, the layout of the existing house, and the proposed addition and remodel of the residence which would increase its total square footage from 2,000 sq. ft. to about 4,500 sq. ft. of which about 3,450 ft. would be usable. The original house was built in 1959. Redmond noted that it was his desire to bring the house up to the modern day standards of Franklin and the neighborhood.

There was a discussion about the formulas used to calculate the needed variances as well as a clarification about the specific requested variances. Additional information included the comparison between this particular lot (Lot #7) which has the largest front and smallest back lot line in the McKinney's Franklin Village Farms subdivision when compared to the other lots. Redmond stated that had it not been for the 2008 contextual changes regarding the setbacks this plan would be in compliance.

(Brakeman arrived at 7:20 PM)

For the benefit of the Chairman, Redmond summarized his request for the two (2) Zoning variances, including the proposed remodel plans.

Couger requested that Redmond describe the practical difficulties of the property which included its unique shape and size.

Pulker confirmed that the Village office had received four (4) letters from neighbors, all of which were supportive of these variances. Redmond added that his plan was to plant more trees to continue the privacy that everyone in the neighborhood has.

There were no public comments.

Brakeman re-iterated the ZBA's purpose and process.

The Zoning Board of Appeals made the following Findings of Facts with respect to the Request for an addition/remodel at 30665 Harlincin Ct.:

1. The location of the property is not in the Historic District.
2. The Property Address is 30665 Harlincin Ct.
3. The Parcel ID is 24-08-103-008.
4. The Zoning is R-1.
5. The existing house was built in 1959, prior to the contextual zoning change.
6. The property is unique in that the other 23 lots in the subdivision have smaller front property lines and larger back property lines.
7. The house is legally conforming on a pre-existing lot.
8. Harlincin Ct. is a cul-de-sac.

9. The configuration of the house would downsize the number of bedrooms from 5 to 4 with a new open floor plan.
10. The remodeled house would conform with those in the surrounding environment.
11. The Village received four (4) letters in support of the request for the variances. One of the letters is from the property owner immediately adjacent to the proposed construction site.
12. The home was built prior to the contextual zoning change in 2008.
13. The septic field is in the front of the property with the well in the back.

Motion by Couger, seconded by Gallasch that the Board members consider the Proposed Findings of Facts with respect to the request for a variances regarding a 5.34 ft. setback and a .39 ft. or just over a 4 inch setback on the least side at 30665 Harlincin Ct., and if you believe a decision regarding these variance requests 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, Donaldson, Couger, Gallasch, Kueck, Moenck

Nays: None

Absent: Meyer

Motion carried.

Motion by Couger, seconded by Donaldson that each member of the ZBA approve the variances requested based on the approved Findings of Facts, for 30665 Harlincin Ct. and of the Appellant’s request for variances regarding a 5.34 ft. setback and a .39 ft. or just over a 4 inch setback on the least side, he should vote “Aye” and if he does not believe the facts support the variances, he should vote “Nay”.

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

Nays: None

Absent: Meyer

Motion carried.

B. Case #17-06

Appellant: Joel and Lisa Elconin

Property: 32560 Scenic Lane, Franklin, MI

Parcel ID: 24-06-151-038

Zoning: R-1

Description of Request: The appellant is requesting that the Zoning Board of Appeals grant a variance regarding a New Home Construction, as follows:

The Village of Franklin Ordinances being the Chapter 1268, Appendix B., Schedule of Regulations, states that the front yard setback in an R-1 Zoning District is 50 feet. Ordinance Section 1240.07 (85) defines the front yard while Sections 1240.07 (48) defines plans indicate that dimension to the 43.125 feet. Therefore, this is a violation of the ordinance of 6.8975 feet. There are other portions of the front of the building that are also in violation, however, the garage portion is the area where the violation is the greatest.

JimCreech, Village Administrator, presented the case to the ZBA, stating that a request for a variance for this property had come before the Zoning Board last month but had been withdrawn by the Appellant. He reminded the Board about the specifics of and particulars about

the property, including Scenic Lane being a private road, which presented a challenge to the setback requirements.

David Schmerin, owner of Bingham Development, L.L.C. and contractor for the project, updated the Commissioners on the revisions of the plans which addressed the concerns the Commission had at the last meeting. Schmerin explained that they resulted in the garage being re-configured from a three (3) car garage on the side of the home which protruded into the front yard setback to a two (2)-car attached garage and a separate one (1)-car garage which was much further back from the setback. The house itself has not been relocated from its original location. A Tree Survey has been performed which resulted in the change of the driveway in order to preserve the large trees.

There was a discussion and suggestions concerning the location and orientation of the house with reference to the existing well.

There were no public comments.

The Village Clerk noted that other than the two (2) letters supporting the previous requested variance, no additional letters had been received.

Motion by Couger seconded by Moenck to begin the “Finding of Facts”.

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

Nays: None

Absent: Meyer

Motion carried.

The Zoning Board of Appeals made the following Findings of Facts with respect to the Request for a variance regarding a New Home Construction at 32560 Scenic Lane:

1. The Property Address is 32560 Scenic Lane.
2. The Parcel ID is 24-06-151-038.
3. The Zoning is R-1.
4. The location of the property is not in the Historic District.
5. The property which had a house on it 10 years ago, is now vacant.
6. It is on a private drive.
7. The applicant is requesting a 6.875 ft. variance for the front of the house.
8. There is a new well on the property.
9. A Tree Survey has been requested and received. Five (5) trees would be removed to build the house in the requested location.
10. There is a two (2)-car garage connected to the house and a separate one (1)-car garage which is connected by a breezeway.
11. It is an irregular lot.
12. The elevation is slightly higher in the back of the lot.
13. Two (2) letters were received in favor of the previous variance request and no letters against.

Motion by Moenck seconded by Gallasch, that the Board members consider the Proposed Findings of Facts with respect to the request for a front yard setback variance of 6.875 ft. for a New House Construction at 32560 Scenic Lane, 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, Donaldson, Couger, Gallasch, Kueck, Moenck
Nays: None
Absent: Meyer
Motion carried.

Motion by Moenck, seconded by Gallasch that each member of the ZBA approve the requested variance based on the approved Findings of Facts, for 32560 Scenic Lane and of the Appellant’s request for a variance regarding a 6.875 ft. front yard setback for the new construction, he should vote “Aye” and if he does not believe the facts support the variance, he should vote “Nay”.

Ayes: Gallasch, Moenck, Couger
Nays: Brakeman, Donaldson, Kueck
Absent: Meyer
Motion denied.

VI. APPROVAL OF MINUTES: August 17, 2017

Motion by Gallasch, seconded by Kueck to approve the minutes of August 17, 2017 ZBA meeting as presented.

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

VII. ADJOURNMENT

Motion by Donaldson seconded by Couger to adjourn the meeting.

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

There being no further business the meeting was adjourned at 8:25 P.M.

Respectfully submitted,
Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk