

**VILLAGE OF FRANKLIN  
ZONING BOARD OF APPEALS  
Minutes of Meeting  
June 17, 2010**

**I. MEETING CALLED TO ORDER:**

The Regular Meeting of the Zoning Board of Appeals was called to order by Randy Brakeman, Vice Chairman, at the Franklin Village Hall, Franklin, Michigan at 7:30 P.M.

**II. ROLL CALL**

Present: Sam Dabich, Harold Stein, Randy Brakeman, George Haddad, Dean Moenck

Absent: J. Hailey (excused), Bill Couger (excused)

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

**III. ADOPTION OF AGENDA**

Brakeman explained the rules, procedures, and standards that the Zoning Board of Appeals uses in deciding the cases before it.

Moenck made a suggestion that the order of the two (2) items on the Agenda be reversed.

**Motion: Motion by Moenck to approve the Agenda with the reversal of Agenda items.**

**Ayes: Dabich, Stein, Brakeman, Haddad, Moenck**

**Nays: None**

**Absent: Hailey, Couger**

**IV. UNFINISHED BUSINESS**

- B. Case: #10-03**  
**Appellant: Craig Kellen**  
**Property: 26565 Scenic Hwy.**  
**Parcel ID: TF24 06 401 001**  
**Zoning: R-M**  
**Description of Proposed Request:**

The appellant is requesting a renewal of a 6 month permit for the six (6) foot chain link, safety construction fence which requires the following:

1. A variance is requested for a fence that is greater than four (4) feet in height, placed in the front portion of the lot in front of the house.  
Franklin Village ordinance section 1268.28 (a) (7) A, B, and C requires that A. "fences in Residential Districts shall not exceed four feet in height..."; B."no fence shall be permitted to extend closer to the front of the lot that the front setback line or any portion of the principle structure..."; C. "...such fences shall taper from four feet in height at the building line to two feet in height at the front lot line...".
2. A permit for a temporary construction site fence is requested.

Franklin Village ordinance section 1244.07 (b)(7) requires that “the Board of Zoning Appeals shall permit temporary buildings, uses and sign for periods not to exceed six months”.

3. Approval for a chain link construction site fence is requested.  
Franklin Village ordinance section 1268.28(a)(2) C. requires that “...Chain link and wire mesh fencing materials is specifically prohibited for use after approval by the Board of Zoning Appeals if the Board finds the use of wood, stone, brick, or wrought iron fencing is not practical for the particular application.”

Building Official Bill Dinnan presented the case to the Zoning Board. Dinnan reminded the Board that the appellant had renewed this permit once before.

Brakeman asked the appellant if there was a timetable for the removal of the fence. Kellen replied that the landscaping should be in by Fall 2010 at which time the fence would come down.

**Public Comments:**

None

The Zoning Board of Appeals made the following Findings of Facts with respect to the renewal of 6 month permit for the six (6) foot, chain link, safety, construction fence:

1. This pertains to a new construction site.
2. The fence secures the site.
3. The fence conforms to the requirements including the fence being gated and closed during non-construction times.

**Motion: Motion by Moenck, seconded by Stein, that the Board members consider the proposed Findings of Fact, and those who feel a decision can be made using the above Findings of Fact indicate this by saying “aye” and those who do not feel that the proposed Findings of Fact are appropriate for making a decision should indicate that by voting “nay”.**

**Ayes: Dabich, Stein, Brakeman, Haddad, Moenck**

**Nays: None**

**Absent: Hailey, Couger**

**Motion carried.**

**Motion: Motion by Dabich, seconded by Moenck, that each member of the Zoning Board of Appeals, using the approved Findings of Fact, consider the facts, and if he believes the facts warrant approval of the renewal of a six (6) month permit for the six (6) foot, chain link, safety, construction fence he should vote “aye” and if he does not believe the facts support the temporary permit, he should vote “nay”.**

**Ayes: Dabich, Stein, Brakeman, Haddad, Moenck**

**Nays: None**

**Absent: Hailey, Couger**  
**Motion carried.**

- A. Case: #10-02**  
**Appellant: Signs By Tomorrow**  
**Property: 32440 Franklin Road**  
**Parcel ID: TF 24 06 276 001**  
**Zoning: C-1**  
**Description of Proposed Request:**

The business owner (Mitch Wolfe) requests to replace the sign in front of the business, as the firm name has changed. The appellant is requesting variances for a sign of 195 inches by 48 inches or sixty-five (65) square feet with both sides totaling 130 square feet. This proposal requires a variance of 82 square feet and a variance of 41 square feet per side. A variance is also requested for a sign 85 inches tall when the allowable height including the frame is 72 inches or 6 feet, requiring a variance of the ordinance by 13 inches.

Bill Dinnan, Building Official presented the case and noted that the Franklin Village Sign Ordinance being section 1474, deems that signs must be of a stated size and location, subject to the following:

1. Franklin Village Ordinance 1474.20 (c)(2) states in part that "...The total area of a ground sign including posts, when considering both sides, shall not exceed forty-eight (48) square feet. No sign surface area of a sign shall exceed twenty-four (24) square feet. No single dimension (height or width) shall exceed six (6) feet."
2. Franklin Village Ordinance 1474.20 (c)(5) states in part that "...Ground signs shall not exceed six (6) feet above average ground level of land upon which they are located."

Dinnan added that on August 20, 2008 the sign measured 85 inches tall.

Neither the appellant nor a representative was present. The Village Clerk entered into the record that she received a phone call on June 17, 2010 at 3:35 P.M. from the appellant. He stated that the sign is the same size and same colors as the old one and that it was the same as it has been for 30 years. Dinnan noted that it is in the same frame, however the Sign Ordinance has changed since the original sign was put up and that what was there would be an existing non-conforming sign. Dinnan continued stating that once a sign is taken down, the replacement is considered a new sign by definition in the ordinance. Therefore, it does not meet the ordinance requirements and is before the Board.

Dinnan also made reference to Ordinance 1474.07(a) – Amortization of Non-Conforming Signs which states that non-conforming permanent signs shall be removed and be brought into compliance with the ordinance requirements by August 1, 2010. Letters were sent out to businesses as soon the ordinance was passed so they would be aware of the change.

**Public Comments:**

A letter was received from Pat Burke asking the ZBA to deny the request for sign variances.

Dinnan also brought to the Board's attention that on March 1, 2010 the sign came before the HDC, prior to the ZBA meeting. There was a "Motion by Ernst and seconded by Keais to approve the sign at 32440 Franklin Road, as submitted, subject to the approval of the Zoning Board of Appeals (Sign Board of Appeals)."

The Zoning Board of Appeals made the following Findings of Facts with respect to the Variance Requests:

1. The sign was put up without a permit.
2. It was a replacement for an existing sign.
3. The sign is a non-conforming sign.
4. HDC reviewed the request but did not fully approve it.
5. Sign is in C-1
6. The sign is 195 inches by 48 inches or 65 square feet with both sides totaling 130 square feet.
7. The sign is 85 inches tall, including the frame.

**Motion: Motion by Stein, seconded by Moenck, that the Board members consider the proposed Findings of Fact, and those who feel a decision can be made using the above Findings of Fact indicate this by saying, "aye" and those who do not feel that the proposed Findings of Fact are appropriate for making a decision should indicate that by voting "nay".**

**Ayes: Dabich, Stein, Brakeman, Haddad, Moenck**  
**Nays: None**  
**Absent: Hailey, Couger**  
**Motion carried.**

**Motion: Motion by Moenck, seconded by Haddad, that each member of the Zoning Board of Appeals, using the approved Finds of Facts, consider the facts, and if he believes the facts warrant approval of the two (2) sign variances he should vote "aye" and if he does not believe the facts support the variance, he should vote "nay".**

**Ayes: None**  
**Nays: Dabich, Stein, Brakeman, Haddad, Moenck**  
**Absent: Hailey, Couger**  
**The variance requests were not approved.**

Dinnan will send a letter to notify the appellant.

#### **V. APPROVAL OF MINUTES: April 15, 2010**

**Motion: Motion by Moenck, seconded by Stein, to approve the minutes of April 15, 2010 as provided.**

**Ayes: Dabich, Stein, Brakeman, Haddad, Moenck**

**Nays: None**  
**Absent: Hailey, Couger**  
**Motion carried.**

**VI. DISCUSSION**

Brakeman introduced a discussion concerning the construction fence height ordinance. Stein requested that the Planning Commission review that portion of the code.

**VII. AJOURNMENT**

**Motion: Motion by Stein to adjourn the meeting at 8:15 P.M.**

**Ayes: Dabich, Stein, Brakeman, Haddad, Moenck**  
**Nays: None**  
**Absent: Hailey, Couger**  
**Motion carried.**

Respectfully submitted,

Gail Beke