

**VILLAGE OF FRANKLIN
ZONING BOARD OF APPEALS
SIGN BOARD OF APPEALS
Thursday, January 19, 2012 at 7:30 P.M.
At the Franklin Village Hall
32325 Franklin Road, Franklin, MI**

I. MEETING CALLED TO ORDER

The Regular Meeting of the Zoning Board of Appeals/Sign Board of Appeals was called to order by Randy Brakeman, Vice Chairman, at the Franklin Village Hall, Franklin at 7:30 p.m.

II. ROLL CALL

Present: Bill Couger, Sam Dabich, Randy Brakeman, Dean Moenck, Joe Roisman
Absent: J. Hailey (excused), Harold Stein (excused)
Also Present: Bill Dinnan, Building Official; Amy Sullivan, Village Administrator; Eileen Pulker, Clerk

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

III. ADOPTION OF AGENDA

**Motion by Moenck, seconded by Dabich to approve the agenda as presented.
Motion carried.**

IV. NEW BUSINESS

**A. Case: #12-01
Appellant: Chetan Patel
Property: 32710 Redfern
Parcel: TF 24-05-104-001
Zoning: RL
Description of Proposed Request:**

To allow for a 1st floor addition to the existing property which will require a variance, as stated below:

1. Franklin Village Ordinance, Appendix B SCHEDULE OF REGULATIONS requires the minimum side yard setback in an RL district required to be at least one side and a total of two sides equal to footnote (b). The total of two sides shall not be less than one-third of the lot width. The smaller of the side setbacks shall be equal to or greater than 37% of the total of both side setbacks. The least side requirement of this lot is 27.01 feet. The appellant is requesting a variance of the side yard setback ordinance of 12 feet, for a setback of 15' 1".

Building Official Bill Dinnan presented the case to the Zoning Board of Appeals. He introduced Mr. Patel, owner of the property. The appellant is requesting a variance to allow a first floor addition on the existing property which would require the variance as stated. The letter that he had sent Patel denying this request defined how he arrived at those numbers. Discussion ensued concerning the legally "non-conforming" variances which had been previously granted.

Scott Monchnik, Scott Monchnik and Associates, Inc., 26622 Woodward, Royal Oak, architect for the project, provided the Board with a brief history of the house. It appears that the original house which was built in 1954 was more in the middle of the property but the previous owner built additions towards the back of the property thus shifting its orientation towards the back and the Dennison Rd.

side. One direction the new addition could go would be towards the front which would not look good nor be well laid out, or push everything in the direction of the south side setback and take over the existing garage (The owners chose this option). An alternative would have been to build the addition to the left (Dennison Rd) but that location would have been a further encroachment into the setback, thus making it a poor choice. The new addition is a ranch, very much in keeping with the character of the rest of the house. The front yard is heavily landscaped. The area which the addition is going towards is heavily landscaped between this property and the property in the South. The owners wanted the least negative impact on the neighbors as possible,

There was a comment as to the location of the well.

Public Comments:

Mark Ziessow, Redfern, lives across the street from the proposed addition. He asked what time constraints are the owners looking at? He expressed that some of the neighbors are very upset because of the history with the construction and mess by the previous owner. Dinnan gave a brief history of the house, including the multiple permits which the previous owner had pulled. Dinnan assured Ziessow that because building permits are good for a 180-day period at a time, the construction time on the addition would be shorter than before.

Roisman asked what the hardship would be. Patel commented that more bedrooms are needed for the existing family members and frequent family visits. Monchnik stated that the way the existing house is laid out the option for the additional bedrooms is very limiting, thus creating a hardship. The existing house cannot be moved. The property lines cannot be moved.

Moенck inquired if any part of the house was on a slab, thus no basement. The architect explained that the only portion of the house not on a crawl space is the existing 2-car garage.

Dinnan assured the Board that there was more “green space” than required with the addition design as presented. The Clerk advised the Board that 80+ letters had been mailed to neighbors and residents living in the required proximity to this property, informing them of the request for a variance and that Ziessow’s comments were the only ones received.

Moенck commented that the house is a unique ranch. Cougar added that the orientation of the house on the property itself presents some practical difficulty for the owners to add to the floor space. There was a discussion concerning corner lots and their own unique zoning situations.

The Zoning Board of Appeals made the following Findings of Facts with respect for a variance of the sideyard setback ordinance of 12 feet, for a setback of 15’1”:

1. The property is RL zoning.
2. It is a corner lot.
3. It does have a pre-existing variance which was granted.
4. It is unique in that the house, being on a corner lot, is skewed on the property.
5. Because of the house’s orientation on the corner lot, it has two front yard setbacks, thus making the zoning requirements challenging.
6. Even with the improvements, the house will more than meet the percentage of green space requirement.
7. The owners are attempting to create balance and symmetry between the two sides of the house with the expansion.
8. They will salvage as much of the existing construction as possible which limits the design of the house.

9. The house is on a crawl space with the exception of the proposed three-car garage; therefore, the laundry cannot be located in the basement.
10. Notifications were mailed to surrounding property owners and there were no objections to the request for a variance and no negative public comments were received.
11. Because the house is not in the Historic District, it has no bearing on this case.
12. This is a 1950's ranch-style house.
13. The proposed addition and request for a variance will conform to the rest of the house in appearance and texture.
14. The underlying variance is to add several bedrooms to the home for the owner's family members. The house currently has two. The additional bedrooms would be in keeping with other homes in the neighborhood which have at least three bedrooms.
15. With the layout of the house as it is; there are no other options for the addition.

Motion by Couger, seconded by Roisman that the Board members consider the proposed Findings of Facts, 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 Fact are appropriate for making a decision you should vote "nay".

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

Motion by Couger, seconded by Dabich, that each member of the Zoning Board of Appeals, using the approved Findings of Facts, consider the facts, and if he believes the facts warrant approval of the variance of the side yard setback of 15' 1", he should vote "aye" and if he does not believe the facts support the variance, he should vote "nay".

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

B. Case: #12-02
Appellant: Market Basket, Carl Hakim
Property: 32754 Franklin Road
Parcel ID: TF 2406226010
Zoning: c-1
Description of Proposed Request:

To allow a third sign which will require a variance as stated below:

1. Franklin Village Ordinance Section 1474.20 (b) Wall Signs, states that wall signs shall be permitted in nonresidential districts subject to the following regulations: (1) Number – For each ground floor business, one (1) wall sign shall be permitted per street frontage; however, two (2) signs may be permitted if the allowable square footage is split between the two (2) signs... The appellant is requesting a variance to allow a third sign.

Building Official Bill Dinnan presented this case to the Sign Board of Appeals. This variance request is for the sign on the façade of the building that faces Franklin Road. There is already a shared-tenant sign

on the North and South sides of the building. The Market Basket received approval from the Historic District Commission to redo the front of the building. This third sign is still within the allowable size limitations. He explained that previously there had been lettering on the awning.

Sullivan explained that the sign that was installed above the door is smaller than the one proposed in the original rendering.

Dinnan reminded the Board that the standards for the approval of a sign are a little different than those for a dimensional variance. The criteria is different relative to the approval in that a "hardship" is not necessary but a "practical difficulty" is.

Roisman questioned the need for a sign on the front of the building.

The Historic District Commission had provided its provisional approval for the sign pending the "weathering" effects of its surface to reduce the shininess, thus improving its aesthetic value.

Public Comments:

There were no public comments and the Village did not receive any correspondences in regards to this matter.

There was a discussion about the appropriateness of having a sign on the front of the building.

The Sign Board of Appeals made the following Findings of Facts with respect to a request for a variance to allow a third sign:

1. The Market Basket is in the C-1 Historic District.
2. The sign has the provisional approval from the Historic District Commission.
3. The two authorized existing shared-tenant signs on the North and South sides of the building conform in size to the sign ordinance.
4. This requested sign above the front door replaces the lettering on the previous awning which is no longer in place.
5. It is unique in that the first two (2) signs are shared with other tenants instead of three (3) individual larger signs which would be permitted under the sign ordinance.

Roisman questioned who would see the sign while driving along Franklin Road. Roisman opined that he sees a need for it, noting that he would want to see a uniqueness of this application. He also mentioned that since the sign is so close to the right-of-way it is difficult to see as one approaches. By the time one sees the signs on the North and South, you have already walked past the sign over the door.

Motion by Couger, seconded by Moenck, that the Board Members consider the proposed Findings of Fact, and if you believe a decision regarding this variance request should be made using the above Findings of Fact indicate this by saying "aye" and if you do not believe that the proposed Findings of Fact are appropriate for making a decision you should note "nay".

Ayes: Roisman, Moenck, Brakeman, Dabich, Couger

Nays: None

Absent: Hailey, Stein

Motion carried.

Motion by Dabich, seconded by Couger that each member of the Sign Board of Appeals, using the approved Findings of Facts consider the facts, and if he believes the facts warrant approval of a

third sign he should vote “aye” and if he does not believe the facts support the variance, he should vote “nay”.

Ayes: Moenck, Brakeman, Dabich, Couger
Nays: Roisman
Absent: Hailey, Stein
Motion carried.

V. APPROVAL OF MINUTES: October 20, 2011

Moenck asked that Chairman Hailey’s comments under Public Comments which were in recognition of George Haddad be moved to page 1 after the Roll Call.

Motion by Moenck, seconded by Couger, to approve the minutes as amended.

Ayes: Moenck, Brakeman, Dabich, Couger
Nays: None
Abstention: Roisman
Absent: Hailey, Stein
Motion carried

VI. ADJOURNMENT

Motion was approved and seconded to adjourn the meeting at 8:45 P.M.

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

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk