

**VILLAGE OF FRANKLIN
ZONING BOARD OF APPEALS
Thursday, April 18, 2013 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 Sign/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: Randy Brakeman, Bill Couger, Dean Moenck, Joe Roisman, Harold Stein
Absent: Sam Dabich, J. Hailey
Also Present: Bill Dinnan, Building Official; Eileen Pulker, Village Clerk

III. ADOPTION OF AGENDA

Motion by Moenck, supported by Roisman to adopt the Agenda for the April 18, 2013 regular ZBA meeting as presented and published.

Ayes: Brakeman, Couger, Moenck, Roisman, Stein

Nays: None

Absent: Dabich, Hailey

Motion carried.

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

IV. NEW BUSINESS

**A. Case: #13-01
Appellant: Michigan Fence Company
Property: 25450 Franklin Park Drive
Parcel: 24 05 301 005
Zoning: R-E Estate Residential District
Description of Proposed Request:**

The Applicant is requesting that the ZBA to grant the variance for the following: The Village of Franklin Ordinance being 1268.28 (b) (5) (A) Permitted locations. Except as specifically provided below, fences are permitted only in rear yards and side yards. No fence shall be permitted to extend into the front yard, except as otherwise specifically provided herein. For side yards and rear yards abutting a street, no fence shall be constructed or maintained within any required setback from the street. The appellant is requesting a variance to allow a front, side and back yard fence.

Dinnan presented the case to the ZBA, emphasizing that the owners of the property wish to install a split rail fence on 3 of the 4 sides of their property. The property is bounded by Franklin Park Drive on the south side (front of house) and Mountain View Lane on the east and north sides (side and back of house). Due to the configuration of the property and the location of the house, the situation becomes very unique. Thus, he explained the markings on the survey map which each Commissioner was provided, pointing out what the Ordinance requires and what the property owner is requesting.

Cain Dimon, owner of the property, explained the situation of finding and cleaning up dog droppings, litter, and sharp items on their land. It is their hope that the new fence would define their yard, as well as, address their safety concerns for their children, friends, and pets. The fence will be free-standing, made of western red cedar split-rail, much like others in the neighborhood. The total fencing would be around 700 ft. and would be set back approximately 15ft. from the road pavement, matching the other fences on the two streets. The corner of Mountain View Lane and Franklin Park Drive will be cut at an angle to match the one across the street.

They have received positive feedback from the neighbors about their plans.

Public Comments:

There were no public comments and the Village did receive a positive correspondence from a family at 32023 Mountain View in regards to this matter.

The Zoning Board of Appeals made the following Findings of Fact with respect to a request avariance to allow a front, side, and backyard fence.

1. Case #13-01, 25450 Franklin Park Drive, Parcel ID: 24 05 301 005, Zoning: R-E, Estate Residential District.
2. The Appellants, Michigan Fence Company is requesting a variance to allow a front, side, and backyard fence.
3. The property is bounded on 3 sides by Franklin Park Drive and Mountain View Lane.
4. It is a 2 ½ acre lot.
5. The vacant area of the lot is the greater portion of the homestead.
6. A fence would restrict people from cutting across their yard and dumping trash on it.
7. Based on the pictures and map that were provided, there are 13 homes in the same area with similar fences which pre-date the current fence ordinance.
8. The proposed fence matches those in the neighborhood.
9. The fence will be approximately 15 ft. off the right of way with a blunt end at the intersection which would match the other side of the street.
10. In terms of safety, the fence would restrict walkers from cutting across the yard.

Motion by Stein, seconded by Couger 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 vote "nay".

Ayes: Brakeman, Couger, Moenck, Roisman, Stein

Nays: None

Absent: Dabich, Hailey

Motion carried.

Motion by Brakeman, seconded by Stein, 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 to allow a front, side, and backyard fence, he should vote "aye" and if he does not believe the facts support the variance, he should vote "nay".

Ayes: Brakeman, Couger, Moenck, Roisman, Stein

Nays: None

Absent: Dabich, Hailey

Motion carried.

- B. Case: #13-02**
Appellant: Scaccia Building Company
Property: 30800 Inkster Road
Parcel ID: 24 07 151 027
Zoning: R-L Large Lot Residential District

Description of Proposed Request:

The Appellant is requesting that the ZBA grant a variance for the erection of a detached garage, as stated below:

Franklin Village Ordinance, Section 1268.13(b) Detached accessory buildings shall not be erected in any required yard except a rear yard, provided that in no instance shall such a building be nearer than ten feet to any adjoining lot line. Further, Section 1268.13(d) An accessory building shall be located in a rear yard except when structurally attached to the main building. The appellant is requesting a variance to allow a garage in the side yard.

Dinnan presented the case to the ZBA and gave a brief history of the case, emphasizing that the original request had been denied. The owners worked with Dinnan and are now presenting a new application to the ZBA. Referring to the map that each Commissioner was given, he explained the delineations of the front and side yards. He also clarified that unlike what the map shows the drive to the new garage would be a continuation of the original one.

The property terrain of the lot is the main reason for the proposed location.

Abby Fedewa, owner of the property, re-iterated the reasoning for the garage placement and presented pictures of the existing landscape and steep wooded terrain in the back of the property. The proposed garage would measure 25ft. x 40 ft. and would be constructed in the same style as the main house. It will be tucked into a wooded area, hidden from the neighbors.

By building the garage on the side yard, many mature trees will be retained.

Public Comments:

There were no comments. The Village Clerk stated that she had received numerous telephone calls and visits from residents, none of whom were opposed to the variance.

The Zoning Board of Appeals made the following Findings of Facts with respect to the request for a variance to allow a garage in the side yard.

1. Case #13-02, 30800 Inkster Road, Parcel ID: 24 07 151 027, Zoning: R-L Large Lot Residential District.
2. Because of the sloping terrain in the rear of the property, the side lot location for the garage is probably the only location that the structure can be built on and still have egress.
3. The structure will match the house.
4. It is a 2.7 acre lot which is mostly wooded with a steep grade at the rear of the property.
5. The location requires only one variance.
6. The proposed modification of the driveway means there will only be one access from the property onto Inkster Road.
7. This is the second revision and the owners did make as many modifications as possible to try to comply.
8. The uniqueness of the lot itself limits the buildable area. The house is situated right on the setback of Inkster Road.

Motion by Couger, supported by Moenck, that each member of the ZBA 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 vote "nay".

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

Motion carried.

Motion by Brakeman, seconded by Stein, that each member of the ZBA, using the approved Findings of Fact, consider the facts, and if he believe the facts warrant approval of the Appellant's request for a variance to allow a garage to be built in the side yard should vote "aye" and if one does not believe the facts support the variance one should vote "nay".

Ayes: Brakeman, Couger, Moenck, Roisman, Stein

Nays: None

Absent: Dabich, Hailey

Motion carried. Variance is granted.

V. APPROVAL OF MINUTES: November 15, 2012

Motion by Moenck, seconded by Roisman, to approve the minutes of November 15, 2012.

Ayes: Brakeman, Couger, Moenck, Roisman, Stein

Nays: None

Absent: Dabich, Hailey

Motion carried.

VI. ADJOURNMENT

There being no further business, by unanimous agreement, the meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk