

**VILLAGE OF FRANKLIN  
SIGN BOARD OF APPEALS  
ZONING BOARD OF APPEALS  
Thursday, August 15, 2013 at 7:30 P.M.  
At the Franklin Village Hall  
32325 Franklin Road, Franklin, Michigan**

Prior to the start of the meeting Eileen Pulker, Village Clerk, swore in Matthias Meyer.

**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, 32325 Franklin Road, Franklin, Michigan at 7:30 p.m.

**II. ROLL CALL**

Present: Randy Brakeman, Bill Couger, Sam Dabich, Fred Gallasch, Matthias Meyer, Dean Moenck, Harold Stein

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

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

**III. ADOPTION OF AGENDA**

**Motion by Meyer, supported by Dabich, to adopt the Agenda for the August 15, 2013 regular ZBA meeting as presented and published.**

**Ayes: Brakeman, Couger, Dabich, Gallasch, Meyer, Moenck, Stein**

**Nays: None**

**Motion carried.**

**IV. NEW BUSINESS**

**A. Case: #13-04  
Appellant: Action Fence of MI  
Property: 31235 Woodside  
Parcel: TF 24 06 352 009  
Zoning: RL  
Description of Proposed Request:**

The Applicant is requesting the ZBA grant a variance for the installation of a 900 foot, Black Aluminum, 6' high fence, with one walk gate and one sliding gate.

The above request for a permit does not comply with the Village Fence Ordinance #1268.28 as follows:

1. Section 1268.28 (b)(5) 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 specifically provided herein. The application indicates that the fence is to be installed in the front yard.
2. Section 1268.28 (b)(4) Except as otherwise permitted herein, fences shall not exceed 48 inches in height. The application indicates that the fence requested is to be 6 feet in height.

Dinnan presented the case to the ZBA, explaining that there are two (2) parts to the request; 1) deals with the location, and 2) deals with the fence height. He suggested that the issues be separated and the ZBA deal with the location and then the height.

For the benefit of the 2 new ZBA members (Gallasch and Meyer), Dinnan reviewed the appeal process and standards for variances.

Meyer asked for a definition of “neighborhood”. Per Dinnan, the Ordinance requires notification of those residents who live within 1000ft. of the property requesting a variance.

Terry Gladstone, owner of Action Fence, represented Matthew Stafford, owner of the property. Gladstone explained that due to his celebrity status Mr. Stafford is concerned for his and his family’s personal safety and privacy. He also noted that three (3) incidents this past week caused the police to make runs to the house. The granting of this variance would be good for Mr. Stafford and eliminate the burden on the police which are required send police cars to the house. Mr. Stafford stated on the application that should he leave this house he would remove the fence. Gladstone added that Mr. Stafford has indicated he is willing to plant arbor vitae or other plantings in front of the fence in the front yard and that a high quality, expensive fence with a sliding gate, had been chosen for this use.

Jim Vervich, property manager of the Stafford home, explained the various security equipment he has installed on the property. In answer to Gallasch’s question about people scaling over the fence, Vervich remarked that it would be a deterrent and the police would be called if that were to occur.

Moenck asked if the fence would be within the property line. Vervich said that due to the tree line the fence would be within the trees and would be as unobtrusive as possible. There is about a 60ft. area in the front of the property by the road where the fence would be most noticeable. Gallasch questioned whether the pine trees on the sides would be damaged in any way by the building of this fence.

Dabich suggested planting bushes to make a vegetation fence. A driveway gate was also mentioned, as that would be allowed.

**Public Comments:**

Randy Sax, Woodside, questioned if the fence would eliminate the barking dogs. Vervich remarked that there is an electric fence to contain the dogs. Couger opined that there is no assurance that the dogs would stop barking if the fence were built.

Judy Moenck, Meadow Dr., commented that a landscape wall would achieve more privacy than an aluminum fence and that the landscape wall would be more attractive and fit in with the Village environment. In terms of security, she commented that it was more of “...what could be...”and that she has not heard a single report from Chief Roberts of any serious or misdemeanor incidents at this particular residence. The three incidents that happened this past week occurred after this application was received by the Village. As for the impact on the neighborhood, from the standpoint of Franklin, this is the most important aspect to take into consideration as this fence would clearly stand out from the two (2) homes on either side which are older, modest, and well taken care of. Moenck opined that there are other alternatives to an aluminum fence.

Brakeman mentioned that the ZBA received a letter from Laura Segal, Rosemond Lane, indicating that she is not in favor of the granting the variance.

Meyer asked if the ZBA waits until something happens to a celebrity before it acts, or should the ZBA be proactive and be conscious that something extra should be done to make sure that the ZBA has offered every bit of protection. Brakeman explained that the concept of health and safety is foremost for the ZBA, whether it be for a celebrity or for any person in their own home.

Meyer mentioned that he had driven throughout Franklin and had found numerous types of fences. Brakeman explained that those maybe “legally non-conforming” because they were erected prior to the fence ordinance taking affect. Brakeman gave a few examples of such “legally non-conforming “ fences.

Discussion ensued regarding other possible alternatives that could be explored.

**The Zoning Board of Appeals made the following Findings of Facts with respect to the request for variances for: 1. Location of the fence and 2. Height of the fence.**

1. The property address is 31235 Woodside.
2. The property is RL zoning.
3. The Parcel ID is TF 24 06 352 009.
4. There are conforming fences within 1000ft. that are 3-4 ft. in height, as well as legally non-conforming fences.
5. There are two (2) variance requests; one relates to a fence of 6 ft. in height, which exceeds the height allowed, and the other relates to the location, being in the front yard.
6. If the variance is approved, the owner, upon his leaving the location, would remove the fence.
7. The proposed fence does not conform with the existing neighborhood or with the existing village.
8. ZBA received one public comment and one letter from a resident against approval.
9. Other options exist. 1. Fencing around the backyard; 2. Using a natural barrier with a gated driveway.
10. The proposed fence is to be located inside the tree boundary on three (3) sides but the front fence will be within an open yard.
11. The proposed fence, other than its height and location, would conform, as far as being the correct opacity. The fence material would be acceptable.

**Motion by Stein, seconded by Couger, that the Board members consider the Proposed Findings of Facts, 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, Couger, Dabich, Gallasch, Meyer, Moenck, Stein**

**Nays: None**

**Motion carried.**

**Motion by Moenck, seconded by Gallasch, that each member of the ZBA, using the approved Findings of Facts, consider the facts, and if you believe the facts warrant approval of the Appellant’s request for a variance for a 6 ft. tall fence, as designed in the proposal.**

**Ayes: Meyer**

**Nays: Brakeman, Couger, Dabich, Gallasch, Moenck, Stein**

**Motion is defeated.**

**Motion by Couger, seconded by Dabich, that each member of the ZBA, using the approved Findings of Facts, consider the facts, and if you believe the facts warrant approval of the Appellant’s request for a variance for the proposed fence to be installed in the front yard.**

**Ayes: Meyer**

**Nays: Brakeman, Couger, Dabich, Gallasch, Moenck, Stein**

**Motion is defeated.**

**V. NEW BUSINESS**

Brakeman acknowledged former Chairman J. Hailey and expressed his gratitude for his 21 years of service on the ZBA (Aug. 1992- July 2013), many of which as Chairman. The entire ZBA approved the recognition and thanked him.

Brakeman discussed the status of chairmanship of the ZBA noting that in the absence of the Chairman and being Vice Chairman, he has been filling in and proposed that at the end of the next meeting a vote be taken to elect a new Chairman and Vice Chairman.

**Motion by Couger, seconded by Stein, to nominate Randy Brakeman for Chairman of the ZBA and Fred Gallasch for Vice Chairman of the ZBA.**

**Ayes: Couger, Dabich, Meyer, Moenck, Stein**

**Abstain: Brakeman, Gallasch**

**Nays: None**

**Motion carried.**

**VI. APPROVAL OF MINUTES: June 27, 2013.**

**Motion by Moenck, seconded by Couger, to approve the minutes of June 27, 2013 as presented.**

**Ayes: Brakeman, Couger, Dabich, Meyer, Moenck, Stein**

**Nays: None**

**Abstain: Gallasch**

**Motion carried.**

**VII. ADJOURNMENT**

There being no further business, by unanimous agreement, the meeting was adjourned at 8:30 P.M.

Respectfully submitted,

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Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk