

**VILLAGE OF FRANKLIN
SIGN BOARD OF APPEALS
ZONING BOARD OF APPEALS
REGULAR MEETING
Thursday, November 12, 2015 at 7:00 P.M.
At the Franklin Village Hall
32325 Franklin Road, Franklin, MI**

I. MEETING CALLED TO ORDER

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

II. ROLL CALL

Present: Randy Brakeman, Fred Gallasch, Matthias Meyer, Dean Moenck, Bruce Kueck
(arrived at 7:01P.M.)

Absent: Bill Couger, J. Bennett Donaldson

Also Present: Bill Dinnan, Building Official; Jim Creech, Administrator

III. ADOPTION OF AGENDA

Motion by Moenck, seconded by Meyer to adopt the Agenda for the November 12, 2015 Regular Zoning/Sign Board of Appeals meeting, as presented and published.

Ayes: Brakeman, Gallasch, Kueck, Meyer, Moenck

Absent: Couger, Donaldson

Nays: None

Motion carried.

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

IV. NEW BUSINESS

- A. Case: #15-04
Appellant: Jody & Michelle Mendelson
Property: 26875 Irving Road
Parcel: 24-06-130-002
Zoning: R-1**

Description of Proposed Request:House Addition

The Applicant is requesting that the Zoning Board of Appeals grant a variance regarding an addition to their home, as follows:

1. The Village of Franklin Ordinances being section Appendix B, Schedule of Regulations requires a front yard setback of 50 feet in an R-1 zoned district. The proposed plan shows a front yard setback of 44' - 8", therefore a violation of 5' - 4".

Bill Dinnan, Building Official, presented the case to the ZBA, noting that the applicant was requesting a variance for an addition to their home. The Ordinances being section Appendix B, Schedule of Regulations requires a front yard setback of 50 feet in an R-1 zoned district. The proposed plan shows a front yard setback of 44' - 8", therefore a violation of 5' - 4". This particular house and property fronts on an unimproved roadway. The actual unimproved part of the Irving Road, which the Village owns, stops before the applicant's driveway.

Richard Kligman, Superb Custom Remodeling, LLC, represented the owners of the property, Jody and Michelle Mendelson. When the home was purchased the owners did not understand that Irving Road ran across the front of their property. By appearances, Irving Road ended and

their driveway began at the end of the cul-de-sac. The Mendelsons own Outlot F to the West of the property. There is no neighbor across the street but there is one to the east. However, those neighbors do not have a view of the front of the home. The house is secluded. The addition would be a dining area adjacent to the kitchen and would increase the space for entertaining.

Brakeman inquired if there was any other location for the addition. Kligman replied that proximity to the kitchen was the key importance.

There is an existing pool at the rear of the property.

The existing house was built in 1957, pre-dating the current Ordinance, thus is legally non-conforming. The house appears to be located on a hill with three sides sloping down.

There were no comments from the Public. Brakeman acknowledged the receipt of a comment from Darryl Rogers, dated November 4, 2015, supporting the variance request.

The Zoning Board of Appeals made the following Findings of Facts with respect to the request for a variance for a house addition:

1. The Property Address is 26875 Irving Road.
2. The Parcel ID is 24-06-130-002.
3. The Zoning is R-1.
4. The property is not in the Historic District.
5. Irving Road right of way extends into the front of the property, the improved road does not.
6. Location of the house appears to be dictated by the topography of the property. It is on a hill on the only one flat area.
7. The existing house is legally non-conforming as it pre-dates the current Ordinance.
8. The house faces an unimproved road, Irving.
9. If Irving Road were improved it would go along one side of Outlot F, which the Applicants purchased.
10. One public comment in favor of the variance was received.
11. There are no visible nearby neighbors.
12. House in its current layout does not lend itself to an addition being located on another part of the house.
13. Irregular lot line minimizes available places for any additions.

Motion by Moenck, seconded by Kueck, that if each member of this Board, voting individually, believes that these are the facts the Board should consider in determining whether or not to grant the requested variance, he will vote "aye" and if he does not feel that these are the appropriate facts to consider, he will vote "nay".

Ayes: Brakeman, Gallasch, Kueck, Meyer, Moenck

Absent: Couger, Donaldson

Nays: None

Motion carried.

Motion by Gallasch, seconded by Meyer, that each member consider the above findings of fact agreed upon by this board to be used to decide this matter, and if you believe the facts

support the granting of the variance, you will vote “aye”, and if you do not believe the facts support granting the variance, you will vote “nay”.

Ayes: Brakeman, Gallasch, Kueck, Meyer, Moenck

Absent: Couger, Donaldson

Nays: None

Motion carried.

V. APPROVAL OF MINUTES:September 17, 2015.

Motion by Moenck, seconded by Kueck, to approve the minutes of September 17, 2015 ZBA meeting as presented.

Ayes: Brakeman, Gallasch, Kueck, Meyer, Moenck

Absent: Couger, Donaldson

Nays: None

Motion carried.

VI. ADJOURNMENT

Motion by Moenck, seconded by Kueck to adjourn the meeting.

Motion approved.

There being no further business the meeting was adjourned at 7:25P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk