

**VILLAGE OF FRANKLIN  
SIGN BOARD OF APPEALS  
ZONING BOARD OF APPEALS  
REGULAR MEETING**

**Thursday, February 16, 2017 at 7:00 P.M.  
At the Franklin Village Hall  
32325 Franklin Road, Franklin, MI**

Before the meeting, Eileen Pulker, Village Clerk, swore in Fred Gallasch for another term of three (3) years.

**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 7:00 P.M.

**II. ROLL CALL**

Present: Randy Brakeman, Bill Couger, J. Bennett Donaldson, Fred Gallasch, Matthias Meyer, Dean Moenck

Absent: Bruce Kueck

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

**III. ADOPTION OF AGENDA**

**Motion by Moenck, seconded by Couger to adopt the Agenda for the February 16, 2017 Regular Zoning/Sign Board of Appeals meeting, as presented and published.**

**Ayes: Brakeman, Couger, Bennett, Gallasch, Meyer, Moenck**

**Absent: Kueck**

**Nays: None**

**Motion carried.**

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

**IV. NEW BUSINESS**

**A. Case: #17-01  
Appellant: Nosan Ventures, LLC  
Property: 25800 Romany Way  
Parcel: 24-06-280-017  
Zoning: R-L**

**Description of Proposed Request:**

The Applicant is requesting that the Zoning Board of Appeals grant a variance regarding a Remodel - Addition, as follows:

The Appellant is requesting a 2.3 foot side yard setback variance for the construction of a two story structure to be installed on the original footprint of the existing foundation of a wood frame structure which has been removed.

Bill Dinnan, Building Official, presented the case to the ZBA, stating that the Village of Franklin Ordinances being the Schedule of Regulations, Appendix B, Zoning District R-L states in part that a least side yard is to meet the provision of footnote (b) requires the least side yard to be 37% of the total required side yard setback. The lot width is 238.25 at the 50 foot setback line; therefore a total side yard of 78.6 feet is required. 37% of 78.6 is 29.1 feet required as the existing foundation is at 26.86 setback, therefore is a violation of 2.3 feet.

Dinnan added that the original structure when built complied with the Ordinances of that particular time, but as it existed now the northwest corner of the foundation was in violation of the current Ordinance setback by 2.3 ft. The request was not only to rebuild a one story wood frame structure but also to add a second story above that same area. The actual violation would be the second story of that 2.3 ft. into that area.

Dinnan questioned the condition of the foundation but would allow Mr. Nosan to address that issue.

Brakeman questioned if the second story would overhang the foundation in that particular area. Dinnan confirmed that it would be in line with the original foundation but it would be non-conforming with the current Contextual Zoning Ordinance. He also pointed out the logistical problems with the site, one being the steep terrain making access to the property difficult.

Terry Nosan, partner of NVTN Acquisitions and builder, addressed the Commission and stated that even though the new structure would be two stories the total height would not be significantly more than the original building. He commented on the excellent quality of the existing foundation and walked the Commissioners through a general description of the floor plans and elevations. Nosan added that the house was under contract and a new pressure sewer would be installed.

Nosan stated that Mrs. Newman who lives to the west of this property does not have any objections to the variance. One letter was received from a neighbor on Romany Way who did object to the project.

Brakeman noted that the original house was a one story from the road and the new construction would be two story but the roof would not be much higher than the previous one. Dinnan remarked that he never saw the plans of the original house so he is taking Nosan's word on that fact.

**The Zoning Board of Appeals made the following Findings of Facts with respect to the Request for a 2.3 ft. side yard variance:**

1. The Property Address is 25800 Romany Way.
2. The Parcel ID is 24-06-280-017.
3. The Zoning is R-L.
4. The location of the property is not part of the Historic District.
5. There is one letter indicating opposition to the granting of the variance.
6. The lot is irregularly shaped with a great deal of elevation to it.
7. The existing frame of the house has been removed. All that is remaining is the foundation.
8. The current Ordinance was enacted after the original house was built.
9. The new house would be built on the pre-existing foundation of the previous house.
10. The encroachment of the west side yard of the house is the side in question.
11. The builder indicated that the quality and integrity of the foundation is more than adequate in construction to support a new structure.
12. The requested variance is for a 2.3 ft. side yard setback on the east side of the property.
13. The new construction will be a 2 story house, replacing the original multi story house.

The board members discussed briefly the placement of the house on the lot, noting that there is additional space available on the east side of the lot. Dinnan confirmed the placement, and noted that prior to the Contextual Zoning Ordinance, this house would not have been in violation.

**Motion by Couger, seconded by Moenck, that the Board members consider the Proposed Findings of Facts with respect to the request for a variance regarding a 2.3 ft. side yard setback at 25800 Romany Way, 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 Facts are appropriate for making a decision you should vote “Nay”.**

**Ayes: Brakeman, Couger, Donaldson, Gallasch, Meyer, Moenck  
Absent: Kueck  
Nays: None  
Motion carried.**

**Motion by Couger, seconded by Donaldson that each member of the ZBA approve the variance requested based on the approved Findings of Facts, for 25800 Romany Way and of the Appellant’s request for a variance regarding a 2.3 ft. side yard setback, he should vote “Aye” and if he does not believe the facts support the variance, he should vote “Nay”.**

**Ayes: Brakeman, Couger, Donaldson, Gallasch, Meyer, Moenck  
Absent: Kueck  
Nays: None  
Motion carried.**

**V. APPROVAL OF MINUTES: October 20, 2016**

**Motion by Couger, seconded by Meyer to approve the minutes of October 20, 2016 ZBA meeting as presented.**

**Ayes: Brakeman, Couger, Donaldson, Gallasch, Meyer, Moenck  
Absent: Kueck  
Nays: None  
Motion carried.**

**VI. ADJOURNMENT**

**Motion by Couger, seconded by Moenck to adjourn the meeting.**

**Ayes: Brakeman, Couger, Donaldson, Gallasch, Meyer, Moenck  
Absent: Kueck  
Nays: None  
Motion carried.**

There being no further business, the meeting adjourned at 7:35 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk