

**VILLAGE OF FRANKLIN
SIGN BOARD OF APPEALS
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, NOVEMBER 9, 2017 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 7:00 P.M.

II. ROLL CALL

Present: Randy Brakeman, J. Bennett Donaldson, Bruce Kueck, Matthies Meyer, Dean Moenck
Absent: Bill Couger, Fred Gallasch
Also Present: Bill Dinnan, Building Official, Eileen Pulker, Village Clerk, Jim Creech, Village Administrator

III. ADOPTION OF AGENDA

Motion by Moenck, seconded by Kueck to adopt the Agenda for the November 9, 2017 Regular Zoning/Sign Board of Appeals meeting, as presented and published.

Ayes: Brakeman, Donaldson, Kueck, Meyer, Moenck

Absent: Couger, Gallasch

Nays: None

Motion carried.

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

IV. NEW BUSINESS

A. Case: #17-07

Appellant: Michael and Mary Ann Liut

Property: 26011 German Mill, Franklin, Michigan

Parcel: 24-06-277-006

Zoning: R-3

Description of Proposed Request:

The Applicant is requesting that the Zoning Board of Appeals grant a variance regarding a second floor addition to the front of the house, as follows:

The Village of Franklin Ordinances being the Chapter 1268, Appendix B, Schedule of Regulations, Zoning district R-3, requires a front yard setback of 30 feet. The proposed second floor addition is setback 15'-8" therefore in violation by 14'-4".

Bill Dinnan, Building Official, presented the case to the ZBA and provided a brief historical background of the property. The original owner had been granted a variance for the first floor addition of the foyer in 2007. This project would be a second floor addition. It has been to the Historic District Commission, received approval for the second story addition and been recommended that the ZBA approve the variance as it fits the character of the Historic District.

Victor Saroki, architect for the proposed addition and Michael Liut, owner of the property were present. He provided a brief history of the house and stated that originally it had been essentially

constructed in 2007 and the Liuts had purchased the home in 2009. A portion of the basement was original but essentially it was a new home that fits the character of the area. The existing foyer which faces German Mill was one story and it was the intent to build a second story above it. The majority of the house was two stories and the flat roof of the foyer was not in keeping with the style of the home. Saroki added that he thought the Historic Commission had realized that with the addition of the second floor and the extension of the roof lines, the architecture of the house would look finished and more natural. The footprint of the house would remain the same as the addition was only to the second floor bedroom. The property was unique because it is on the bend of the road. The residence and footprint of the house were both pre-existing and non-conforming and strict enforcement of the setback would be an unnecessary burden to the owner. Saroki also mentioned that for the most part this house was well screened and not visible from the road. The addition would improve the look of the house and would follow the architectural details of the original house, including the roof lines and window details.

It was clarified that originally the house had been built with an uncovered porch. A variance for a one story covered porch was granted in 2007 when the house was re-constructed.

Saroki explained that the roofline would remain the same as would the pitch of the gable.

Public Comments

There were no comments made at the meeting and none were received in the Village Office.

The Zoning Board of Appeals made the following Findings of Facts with respect to the Request for a second story addition at 26011 German Mill:

1. The location of the property is in the Historic District.
2. The Property Address is 26011 German Mill.
3. The Parcel ID is 24-06-277-006.
4. The Zoning is R-3.
5. The house was reconstructed in 2007.
6. The existing house is legally non-confirming.
7. The request was approved by the Historic District Commission.
8. The variance is for 14'-4" in the front yard setback.
9. The footprint of the first floor of the existing house would remain the same.
10. No comments for or against the addition were received.
11. In the architect's opinion the addition would improve the appearance of the house.

Motion by Moenck, seconded by Meyer that the Board members consider the Proposed Findings of Facts with respect to the request for a variance regarding a 14'-4" setback violation for a second floor addition at 26011 German Mill, Franklin, Michigan, and if you believe a decision regarding this variance request 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, Donaldson, Kueck, Meyer, Moenck

Absent: Couger, Gallasch

Nays: None

Motion carried.

Motion by Brakeman, seconded by Meyer that each member of the ZBA approve the variance requested based on the approved Findings of Facts, for 26011 German Mill and of the Appellant's request for a variance regarding a 14'-4" setback violation for a second floor addition, he should vote "Aye" and if he does not believe the facts support the variances, he should vote "Nay".

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

B. Case #17-08

Appellant: Brian and Wendy Beard
Property: 32695 Colony Hill, Franklin, MI
Parcel ID: 24-06-104-005
Zoning: R-2

Description of Proposed Request:

The appellant is requesting that the Zoning Board of Appeals grant a variance regarding an addition to the rear of the house as follows:

The Village of Franklin Ordinances being the Chapter 1268, Appendix B., Schedule of Regulations, Appendix B – Zoning R-2 for the minimum side yard, required that one third of the lot be open space. The least side is to be a minimum of the total of 37%. The width of the lot is 158 feet whereby the required open space is to be 52.66 feet. The least side of 37% of the number is 19.84 feet. The current house is located 17.9 feet according to the information submitted, therefore in violation by 1.94 feet.

Bill Dinnan, Building Official, presented the case to the ZBA, stating that the house pre-dated the change in the contextual Zoning Code. The existing house would have been allowed to be at a 15 ft. setback. This was a corner lot.

Brian Beard, owner and architect, explained that it was their desire to extend the house straight back, not changing the setback of the original house, and to increase the roof line by 4ft. The change in the roof height would make it more aesthetically pleasing. He clarified that half of the existing house was over a full basement and the other half, which would include the new addition, would be over a crawl space.

The house currently has three (3) bedrooms and with the addition the interior bedroom would be converted into a den. No trees will be affected by the extension and the house sits on .9 acre.

Public Comments

Arthur and Linda Kellert, Colony Hill Dr., next door neighbors, due south of the Beard residence are opposed to the addition and had sent a letter stating such. Their house was approximately 40 ft. from the lot line in order to comply with Village zoning. Most of the windows in their house face north directly towards the Beard's home and any building in that area obstructs their view. Their concern was that with the addition they would be looking out at a monolithic wall with no architectural interest. Aesthetics were important to them and they would have preferred if the Beard's had met with them

beforehand. Mrs. Kellert gave details of what they had gone through when they put on the addition to their own house. She added her concern that the addition would decrease the value of their home because it is so close to the property line.

There was discussion about the size of the lots in the area.

Pulker confirmed that the Kellert letter was the only one received by the Village. Dinnan clarified for Kueck the process of calculating the percentage of open space of the lot.

The Zoning Board of Appeals made the following Findings of Facts with respect to the Request for a variance regarding an addition to the rear of the house for 32695 Colony Hill:

1. The Property Address is 32695 Colony Hill, Franklin, MI.
2. The Parcel ID is 24-06-104-005.
3. The Zoning is R-2.
4. The location of the property is not in the Historic District.
5. The side yard setback is 17.9 ft. from the property line.
6. The house pre-dates the contextual Zoning Code and is legally non-conforming.
7. It is a corner lot.
8. The property consists of three (3) Lots: 76 and 77, and a portion of Lot 75.
9. The Village received one (1) letter against and that neighbor spoke at the meeting.
10. The height of the addition conforms with the contextual Zoning Code.
11. The applicant provided elevation drawings that show the addition being of a different type of material than the existing wall, therefore giving it a visible differential.
12. Applicant stated his desire to maintain the uniformity within the house in a straight line.
13. The legally non-conformity increases as the project heads west on the lot.

Motion by Moenck seconded by Meyer that the Board members consider the Proposed Findings of Facts with respect to the request for a variance of 1.94 ft. regarding an addition to the rear of the house at 32695 Colony Hill, 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, Donaldson, Kueck, Meyer, Moenck
Absent: Couger, Gallasch
Nays: None
Motion carried.

Motion by Moenck, seconded by Donaldson that each member of the ZBA approve the variance requested based on the approved Findings of Facts, for 32695 Colony Hill and of the Appellant's request for a variance of 1.94 ft. regarding an addition to the rear of the house, he should vote "Aye" and if he does not believe the facts support the variance, he should vote "Nay".

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

V. APPROVAL OF MINUTES: September 21, 2017

Brakeman clarified the actual final vote taken on page 5. Brakeman voted Nay and Couger voted Aye. There was no change in the number count nor the final denial of the motion.

Motion by Moenck, seconded by Meyer to amend the minutes of September 21, 2017 ZBA meeting as presented.

Ayes: Brakeman, Donaldson, Kueck, Meyer, Moenck

Absent: Couger, Gallasch

Nays: None

Motion carried.

VI. ADJOURNMENT

Motion by Brakeman to adjourn the meeting.

Ayes: Brakeman, Donaldson, Kueck, Meyer, Moenck

Absent: Couger, Gallasch

Nays: None

Motion carried.

There being no further business the meeting was adjourned at 7:50 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk