

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

**Thursday, February 18, 2016 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 7:14 P.M.

II. ROLL CALL

Present: Randy Brakeman, Fred Gallasch, Bruce Kueck, Matthies Meyer, Dean Moenck
Absent: Bill Couger, J. Bennett Donaldson
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 February 18, 2016 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: #16-01
Appellant: Eric & Christine Perry
Property: 26088 German Mill, Franklin, Michigan
Parcel: 24-06-226-017
Zoning: R-1**

Description of Proposed Request: Home Addition

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

The Village of Franklin Ordinances being section Appendix B, Schedule of Regulations, in an R-3 District:

1. Requires a least side yard setback of 10'. The proposed plan shows a minimum side yard setback of 6'3" for a variance of 3'9".
2. Requires a total yard setback of 25'. The Proposed plan shows a total setback of 13'5" for a variance of 11'7".

Bill Dinnan, Building Official, presented the case to the ZBA, providing a background of the parcel of land with its existing non-conforming structures. He noted that the applicant is requesting two (2) setback variances: a side yard setback and a total setback. The new addition would attach the house with the existing garage to make one large building. The subject of the fencing between the Perry's house and the neighbor's property on the north was mentioned, to which Dinnan informed the ZBA that the

Historic District Commission (HDC) had addressed the issue but it was a moot point for ZBA.

John Tagle, John Tagle Associates, Inc., architect for the project and representing the owners, Eric and Christine Perry, gave a brief background of the situation. Mrs. Perry was also present to address any questions. Working with the HDC, the proposed addition would be on the rear of the existing home, so as not to interfere with the historic portion of the house. He further explained the situation of the existing conditions of the garage and house. He noted that the encroachment by the existing house is actually a former addition, not the original house. Mr. Tagle explained the hardships which he had listed in the application.

Moenck inquired if the owner had a Grinder Pump and, if so, would it have to be moved. Mrs. Perry stated that the subject had not yet been addressed.

There were no comments from the Public. Brakeman acknowledged the receipt of two (2) written comments submitted to the Village supporting the request for the variances.

The Zoning Board of Appeals made the following Findings of Facts with respect to the request for variances for an addition to the existing home, at 26088 German Mill, Franklin:

1. The Property Address is 26088 German Hill.
2. The Parcel ID is 24-06-226-017.
3. The Zoning is R-3.
4. HDC has approved the plans, subject to ZBA approval.
5. Location of the home is in the Historic District.
6. The current garage is legally non-conforming on the east side and the home is legally non-conforming on the west side, in terms of setbacks.
7. Both the front yard and back yard, before and after the addition, would be in conformance to the Ordinance.
8. It has been noted that there is a potential grinder pump relocation or problem which needed to be resolved by the owners.
9. The lot is irregularly shaped (trapezoidal), which is atypical for one in the Historic District and contributes to the hardship of the project.
10. When the existing non-conforming garage is attached to the house the non-conformity of the leastside would not increase.
11. There is a tree on the west side of the house that would be saved, if possible.
12. There are many buildings in the surrounding neighborhood that are legally non conforming.

Motion by Moenck, seconded by Meyer that the Board members consider the Proposed Findings of Facts for 26088 German Mill, 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, Gallasch, Kueck, Meyer, Moenck
Absent: Couger, Donaldson

Nays: None
Motion carried.

Motion by Moenck, seconded by Meyer that each member of the ZBA, using the approved Findings of Facts, consider the facts for 26088 German Mill, and if he believes the facts warrant approval of the Appellant's request for setback variances for an addition, he should vote "Aye" and if he does not believe the facts support the variances, he should vote "Nay".

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

V. APPROVAL OF MINUTES: November 12, 2015.

Motion by Moenck, seconded by Meyer to approve the minutes of November 12, 2015 ZBA meeting as presented.

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

VII. ADJOURNMENT

There being no further business the meeting was adjourned at 7:44 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk