

**VILLAGE OF FRANKLIN  
SIGN BOARD OF APPEALS  
ZONING BOARD OF APPEALS  
Minutes of Meeting  
March 17, 2011**

**I. CALLED TO ORDER**

The Regular Meeting of the Sign Board of Appeals and Zoning Board of Appeals was called to order by Randy Brakeman, Vice Chairman, at the Franklin Village Hall, Franklin, Michigan at 7:30 PM.

**II. ROLL CALL**

Present: Dean Moenck, George Haddad, Randy Brakeman, Harold Stein, Sam Dabich, Bill Couger  
Absent: J. Hailey  
Also Present: Amy Sullivan, Village Administrator; Eileen Pulker, Village Clerk; Bill Dinnan, Building Official

**III. ADOPTION OF AGENDA**

**Motion by Couger, supported by Dabich to approve the Agenda as presented and published.**

Ayes: Moenck, Haddad, Brakeman, Stein, Dabich, Couger  
Nays: None  
Absent: Hailey

**IV. NEW BUSINESS**

A. Case: #11-02  
Appellant: Golfdale LLC  
Property: 32654 Franklin Road (Market Basket)  
Parcel ID: TF 24 06 226 010  
Zoning: C-1

**Description of Proposed Request:**

The appellant is requesting that the Zoning Board of Appeals grant a variance, regarding an awning, with the placement being within the road right-of-way and is requesting a variance of 20". Building projections into or across a property line are specifically prohibited, subject to the following:

1. Franklin Village Ordinance 1240.07 (15) defines a Building line "means a line established in general, parallel to the front street right-of-way line between which line and the front street line no part of a building shall project, except as otherwise provided by this Zoning Code".

Building Official Bill Dinnan presented the case to the Sign Board of Appeals/Zoning Board of Appeals. The Applicant is requesting a variance of 20" for a new awning placement. During its February meeting, the Historic District Commission (HDC) approved the plans for the awning with the condition that a variance be granted.

Steve Showers and Jan Seror, owners of the building, addressed the Board. Dinnan pointed out that, under an agreement with the Village, a portion of the eating space of the Market is currently in the road right-of-way, and has certain limitations as to what can occur in that area.

There was a discussion as to whether or not there would be a hardship if the new awning complied with the current ordinance. Showers responded by saying that a smaller awning would look like it didn't fit in the space where it was needed. Dinnan added that if the awning was cut back to comply with the ordinance, it would not serve the purpose for which it was intended.

**Public Comments:**

Dinnan acknowledged two (2) faxes that were received by the Village in support of the requested

variance; one from D. Zielinski (Franklin Rd.) and one from Nicolai J. Schultz (Evelyn Ct.).

The Sign Board of Appeals/Zoning Board of Appeals made the following Findings of Fact with respect to the request of a variance of 20" for the placement of the awning being within the road right-of-way:

1. The HDC has reviewed and approved the change to the façade of the building. It has also approved the color and style of the awning.
2. There is a written agreement with the Village concerning the usage of the area underneath the awning in terms of the number of tables and chairs.
3. The building has an existing, non-conforming awning.
4. The building is an historic building and is in the Village Historic District.
5. The current awning needs repair. It could be repaired and left as is but it would be more obtrusive than the proposed new one.
6. The façade will be restored to its original architecture and character.
7. The building is in a C-1 district which allows buildings to be built right up to the property line.

**Motion: Motion by Stein, seconded by Couger, that the Board Members consider the proposed Findings of Fact, and if you believe a decision regarding this variance request should be made using the above Findings of Fact indicate this by saying "aye" and if you do not believe that the proposed Findings of Fact are appropriate for making a decision you should vote "nay".**

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

**Nays: Haddad**

**Absent: Hailey**

**Motion carried.**

Haddad expressed his strong concern about the aesthetic quality of having an awning on only half of the façade, in the agreement between the owner of the building and the tenant.

**Motion by Moenck, seconded by Couger, that each member of the Sign Board of Appeals/Zoning Board of Appeals, using the approved Findings of Fact, consider the facts, and if he believes the facts warrant approval of a variance of 20" to erect the proposed awning within the road right-of-way according to the presented plans he should vote "aye" and if he does not believe the facts support the variance, he should vote "nay".**

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

**Nays: Haddad**

**Absent: Hailey**

**Motion carried.**

- B. Case: #11-03**  
**Appellant: Franklin Community Association**  
**Property: Kaline Baseball Field, Franklin Community Association Grounds**  
**Parcel ID: TF 24 06 257 022**  
**Zoning: R-1**

**Description of Proposed Request:**

The appellant is requesting that the Sign Board of Appeals grant a variance for the size of 64 square feet which will require a variance of 42 square feet and a height of 9 feet which will require a variance of 3 feet, of the proposed Mark Jahnke Memorial Scoreboard, subject to the following:

1. Franklin Village Ordinance Section 1474.17 (c) Residential District Signs states... "other charitable or non-profit institution shall be allowed signage for the purposes of identifying the name of the institution, organization, or agency, subject to the following standards:  
Part (2) Size – The maximum size for each such sign shall be twenty (20) square feet.  
Part (4) Height – The maximum height of such signs shall be six (6) feet."

Building Official presented the case to the Sign Board of Appeals. Brakeman asked for a clarification of the location. Dinnan said that the sign, facing North (toward the baseball diamond), would be South of the footpath and West of the third base line.

Jesse Polan, Willowgreen Ct., gave a short history of the sign's conception, suggestions from other sources and organizations, and explained that donations have come from the Little League, members of the church, friends and relatives, and donations to Franklin Community Association (FCA) all in Mark's memory. The plan is to dedicate it on Opening Day, April 30, 2011. He also provided the Board the process he and others used to arrive at the concept.

Brakeman inquired about its visibility from the bleachers and beyond. Polan stated that the Franklin Baseball League will be responsible for the sign's upkeep. Polan explained how the scoreboard would operate; the team names and numbers would be on a track/slide system.

Brakeman introduced the subject of whether the "scoreboard" is considered a "sign" or not. It is definitely a scoreboard, but by the definition of a sign, it doesn't do any advertising which a sign does. The only identification that it is are the words "Memorial Scoreboard". Dinnan read the definition of a sign, **Ordinance 1474.03, DEFINITIONS**, "(z) "Sign" means any device, structure, fixture, display, or placard, which uses words, numbers, figures, graphic designs, logos or trademarks for the purposes of informing, attracting attention, or providing direction."

Dinnan explained that his original denial of it was based on the size of the scoreboard not whether it conformed to the definition of a "sign", which he has interpreted as such.

The Sign Board of Appeals made the following Findings of Facts with respect to requesting a sign variance for the Mark Jahnke Memorial Scoreboard which will be erected at the Kaline Baseball Field, Franklin Community Association Grounds:

1. The sign will be in the area zoned residential.
2. The face or back of the sign is not visible from Franklin Rd.
3. The sign will be maintained by the Franklin Little League.
4. The funding for the sign is by the Franklin Little League, members of the Franklin Church, friends and family of Mark, e.g., non-governmental funds.
5. The location is in the parameter of the Kaline Baseball Field.
6. The dimensions of the sign are established so that spectators at Kaline Field will have a clear view of it in a safe place.
7. There has been a concerted effort to make the sign historically accurate in keeping with the "Welcome to Franklin" signs, following the same design and colors.
8. It is a great tribute to Mark Jahnke who was a leader in our community.

**Motion: Motion by Dabich, seconded by Moenck, that the Board members consider the proposed Findings of Fact, and if you believe the decision regarding this variance request should be made using the above Finding of Fact indicate by saying "aye" and if you do not believe that the proposed Findings of Fact are appropriate for making a decision you should vote "nay".**

**Ayes: Moenck, Haddad, Brakeman, Stein, Dabich, Couger**  
**Nays: None**  
**Absent: Hailey**  
**Motion carried.**

**Motion by Dabich, seconded by Moenck, that each member of the Sign Board of Appeals, using the approved Findings of Fact, consider the facts, and if he believes the facts warrant approval of the sign variance he should vote "aye" and if he does not believe the facts support the variance, he should vote "nay".**

**Ayes: Moenck, Haddad, Brakeman, Stein, Dabich, Couger**  
**Nays: None**  
**Absent: Hailey**  
**Motion carried.**

**V. APPROVAL OF MINUTES: January 20, 2011**

**Motion: Motion by Moenck. Seconded by Couger, to approve the minutes of January 20, 2011, as provided.**


**Ayes: Moenck, Haddad, Brakeman, Stein, Dabich, Couger**  
**Nays: None**  
**Absent: Hailey**  
**Motion carried.**

**VI. ADJOURNMENT**

The meeting adjourned by unanimous agreement at 8:30 PM.

Respectfully Submitted,

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Gail Beke

  
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Eileen H. Pulker, Clerk