

**VILLAGE OF FRANKLIN
SIGN BOARD OF APPEALS
ZONING BOARD OF APPEALS
Thursday, June 27, 2013 at 7:30 P.M.
At the Franklin Village Hall
32325 Franklin Road, Franklin, Michigan**

I. MEETING CALLED TO ORDER

The Regular Meeting of the Sign/Zoning Board of Appeals was called to order by Randy Brakeman, Co- Chairman, at the Franklin Village Hall, Franklin, Michigan at 7:30 p.m.

II. ROLL CALL

Present: Randy Brakeman, Bill Couger, Sam Dabich, Dean Moenck, Harold Stein
Absent: J. Hailey, Joe Roisman
Also Present: Bill Dinnan, Building Official; Eileen Pulker, Village Clerk

III. ADOPTION OF AGENDA

Motion by Moenck, supported by Dabich to adopt the Agenda for the June 27, 2013 regular ZBA meeting as presented and published.

Ayes: Brakeman, Couger, Dabich, Moenck, Stein

Nays: None

Absent: Hailey, Roisman

Motion carried.

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

IV. NEW BUSINESS

- A. Case: #13-03
Appellant: Scott Stern
Property: 25870 Franklin Park Ct.
Parcel: TF 24 06 280 018
Zoning: RE
Description of Proposed Request:**

The Applicant is requesting the ZBA grant a variance for the construction of a new home, with the three gable points on the rear of the house that extend into the setback area.

The above request for a permit does not comply with the table being Minimum Yard Setback in Feet, Rear (footnote C) which states in part that the maximum height measured at the rear of the building shall be determined using a measurement triangle, in accordance with the guidelines provided in and pursuant to Franklin Village Ordinances # 1, Appendix B of Part Twelve, Title Four, SCHEDULE OF REGULATIONS, Zoning District RE. The variance request is for a rear yard height variance of:

- A. 6 feet vertical and 12 feet horizontal for the north side of the building, the west most gable end (#<3> on the plans, page A2).
- B. 2 feet 2 inches vertical and 4 feet horizontal for the north side of the building, the center gable end (#<1>&<2> on the plans, page A2).
- C. 5 feet vertical and 10 feet horizontal for the north side of the building, the east most gable end (#<3> on the plans, page A2).

Dinnan presented the case to the ZBA, referring to a previous application and its approval by the Board, dated 4/25/2012, for which the ZBA granted the appellant rear yard height variances.

Because the owners had not acted upon the ZBA approval within a 12-month period, it was mandatory that they renew it, and, in this case, there had been a slight modification to the plans. The renewal is for A. and B. But C. now increases the north side of the building, the east most gable end.

Scott Stern, owner of the house, introduced himself and his wife, Lisa, to the Board. Arik Green, architect with Arik Green Design, LLC, presented the design of the house, emphasizing the unique aspects of the property; the property shape and slope, the height, and the easement line. He also commented that the house is in keeping with the character of the Village adding that it is the intent of the owners to keep as many as possible of the existing trees.

Public Comments:

Anne Reinhart, Romany Way, stated that she is opposed to the three variances citing Statutes 26, 23, and 30 of the ([Zoning Board of Appeals handbook by Langworthy \(2006\)](#)). She also raised the concern that the height of the house would block the sunlight onto neighbors' properties.

Beverly Neumann, Romany Way, asked if the owners could get the variances toward the south side of the property off Franklin Park Dr. She also cited Statute 26 and opined that she did not see any "hardship", thus, it should not have been granted in April, 2012.

Brakeman acknowledged the written correspondence from Anne and Charles Reinhart and Susan Zweig / Russ Orlando all of whom are opposed to the variances.

Lisa Stern, owner of the property, addressed the issue of why no house had been built within the year. She explained they had been out of the country for the last year when the original variances were granted. Upon their arrival back into the U.S., they made modifications to the original house blueprints.

Green addressed the subject of sunlight and the surrounding properties, referencing the many mature trees and height of the house.

A discussion about the sunlight and the neighboring houses ensued.

Moenck responded to Reinhart's question as to whether the ZBA members visited this property. The answer being that all members try to visit every property that comes before the ZBA. Brakeman added that during the winter snow might prevent such inspections.

Couger asked the Building Official to clarify the setback issue of the front of the house and the requirements if the house was to be built within that setback.

The Zoning Board of Appeals made the following Findings of Facts with respect to the request for a variance for the construction of a new home, with the three gable points on the rear of the house that extend into the setback area, subject to the Ordinance as stated by the Building Official:

1. The property address is 25870 Franklin Park Ct.
2. The property is RE zoning.
3. The Parcel ID is TF 24 06 280 018.
4. Owners of the property have applied for the variance.
5. The owners are requesting a variance for the three gable points of the rear of the house that extends into the contextual zoning angle of clearance.
6. It is a 1.68 acre lot with a very irregular shape. The building envelope sits so that the narrow part of the lot is the primary location of construction. The architect stated that he sought to minimize the impact in terms of the compliance with the contextual zoning issues of this property because of its shape by his proposed design.
7. The property is bordered by a road on both sides (Franklin Park Ct. and Romany Way) but has no access to Romany Way.
8. There is a 13+ ft. drop from Franklin Park Ct. to Romany Way. There is an 8+ ft. drop from the house to Romany Way. The lot has many unique features that are not found in standard lots where one builds a home, including the slope of the land, the footprint which

- is able to be used for building, and the impact of its narrow depth, on the contextual zoning requirement on this property.
9. The front yard setback and available build area is impacted by the Franklin Park Ct. easement right-of-way.
 10. The architectural feature that is requiring a variance is being designed into the house to make it more aesthetically pleasing and to keep it in harmony with the architecture of homes in the surrounding neighborhood.
 11. The neighbor on Romany Way is concerned about the drainage off the lot and what impact it may have, but it was pointed out that with proper grass, plants and trees the risk of erosion will be much less than it is now due to rough unprepared surface of the existing vacant lot.
 12. The architect does not believe the Village's intentions in adopting the Contextual Zoning revisions are applicable to this house design because there are no close neighbor homes anywhere near the planned house that are affected.
 13. If you take the horizontal width out of the rear elevation and total up the request for the variances, it entails a maximum of 14 ½ feet of a building that is 108 ft. from one side to the other. It's a minor part of the overall aesthetic appearance of the rear elevation intended to copy the architecture of the homes of the neighbors
 14. If the land were flat instead of steeply sloped no variance would be necessary.
 15. The north end of the property is tree lined and it is intended to remain as such.
 16. The entire proposed building footprint is within the buildable envelope of this lot without any other variances. The building is as far away from the rear property line as possible.
 17. The request for variance on A. and B. are consistent with what was granted in April. C. is different from the previous variance but no greater than the overall height of the dwelling.
 18. The vertical height of the building has not changed. It is within the Village's requirement.
 19. The east-west length of the house has decreased in size, though it is undetermined by how much.
 20. This was a variance that had been approved on April 25, 2012 but not acted upon.
 21. The previous two (2) variances (A. and B.) that were granted were for a building footprint. C. is for a height variance.
 22. One alternative to not needing a variance is to change the slope of the property with dirt and retaining walls, but in so doing the existing trees would be lost. No permit would be needed to take down the trees but permits would be required to put in the landfill and the retaining walls. The trees would die by themselves. This would eliminate the hardship which is the slope of the land.

Motion by Stein, supported by Couger, that each member of the Zoning Board of Appeals consider the Findings of Facts, 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: Brakeman, Couger, Dabich, Moenck, Stein

Nays: None

Absent: Hailey, Roisman

Motion carried.

Motion by Stein, seconded by Dabich, that each member of the ZBA, using the approved Findings of Fact, consider the facts, and if you believe the facts warrant approval of the Appellants' request for the variance for the construction of a new home, with the three gable points on the rear of the house that extend into the setback area, one should vote "aye" and if one does not believe the facts support the variance one should vote "nay".

Ayes: Brakeman, Couger, Dabich, Moenck, Stein

Nays: None

Absent: Hailey, Roisman

Motion carried.

V. APPROVAL OF MINUTES: April 18, 2013

Dabich noted a typographical error in the minutes, noting that he had not been present at the last meeting.

Motion by Moenck, seconded by Stein, to approve the minutes of November 15, 2012 as corrected.

Ayes: Brakeman, Couger, Dabich, Moenck, Stein

Nays: None

Absent: Hailey, Roisman

Motion carried.

VI. ADJOURNMENT

There being no further business, by unanimous agreement, the meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk