

**VILLAGE OF FRANKLIN  
SIGN BOARD OF APPEALS  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
Thursday, July 21, 2016 at 7:00 P.M.  
At the Franklin Community Center/Kreger House  
26225 Carol, 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 Community Center/Kreger House, Franklin, Michigan at 7:00 P.M.

**II. ROLL CALL**

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

**III. ADOPTION OF AGENDA**

**Motion by Moenck, seconded by Gallasch to adopt the Agenda for the July 21, 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 and the purpose of the Zoning/Sign Board of Appeals.

**IV. NEW BUSINESS**

**A. Case: #16-06**

**Appellant: Stephanie & Aleksandr Kokoszka**

**Property: 32635 Franklin Road**

**Parcel: 24-06-205011**

**Zoning: R-3**

**Description of Proposed Request: Additions on the back of the House and the Garage.**

The Applicant is requesting that the Zoning Board of Appeals grant a variance regarding an addition on the back of the house and an addition to the existing garage, as follows:

1. The appellant is requesting an addition on the back of the house which is 28'4" from the rear property line. The addition would be in violation of the ordinances by 11' – 8", as stated in Village Ordinances, Chapter 1268, Appendix B, Schedule of Regulations, Minimum Yard Setbacks, R-3, Rear Yard Minimum setback 40 feet.
2. The appellant is requesting an addition to the detached garage to be located in a side yard and 1' – 5" from the south side lot line. The proposed garage is not totally in the rear yard area and is to be located 1' – 5" from the side lot line. This would be in violation of the ordinances, as stated in Village

Ordinances, Chapter 1268, Section 1268.12 (h) by not being totally in the rear yard and in violation by 8' – 7" to the side lot line.

Bill Dinnan, Building Official, presented the case to the ZBA, stating that this case has been before the HDC several times and has made numerous adjustments; all of which had been approved by the HDC. He addressed the issue of the tree at the accessory building and explained the Tree Ordinance. There was a discussion regarding Heritage trees and the required replacement at 50% of the Heritage tree caliper.

The applicants and architect, Tom Roberts, explained the changes they had made in accordance to the HDC's suggestions. Mr. Kokoszka pointed out that the new garage would be bumped out 1 ft. and the addition to the house would be bumped in. The new driveway which will be moved closer to the house would be concrete with a brick border, similar to the sidewalks. There was a discussion concerning the front fence which had been approved by HDC pursuant to the Fence Ordinance.

The grinder pump is located on the north side of the house near the front of the house. An arborist has been consulted about the tree growing into the existing garage structure and he determined that it would not survive.

**The Zoning Board of Appeals made the following Findings of Facts with respect to the request for a variance regarding an addition on the back of the house and an addition to the existing garage:**

1. The Property Address is 32635 Franklin Road.
2. The Parcel ID is 24-06-205-011.
3. The Zoning is R-3.
4. Location of the home is in the Historic District.
5. The house and garage are existing non-conforming structures.
6. The Village and owners have not received any calls, letters, or comments in opposition to the variances.
7. The property is a legally non-conforming lot size in R-3.
8. The plans have been approved by the HDC subject to the approval of the ZBA.
9. The current garage is non-conforming for one car which will be replaced by a 2-car enclosed garage eliminating the non-conformity.
10. The addition to the house is conforming to side yard setback, even though the house is existing non-conforming.

**Motion by Moenck, seconded by Meyer, that the Board members consider the Proposed Findings of Facts with respect to the request for variance regarding: 1. An addition on the back of the house, and 2. An addition to the existing garage at 32635 Franklin Road, 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, Gallasch, Kueck, Meyer, Moenck**  
**Absent: Couger, Donaldson**  
**Nays: None**  
**Motion carried.**

Brakeman advised the applicants that due to the number of ZBA members attending this meeting, approval of these variances would require all 5 affirmations to pass. He offered the applicants the opportunity to postpone a decision until the next meeting when additional ZBA members would be in attendance. He further explained that if the request were denied the Applicants could come back to the ZBA but with a changed variance request. The applicants declined the offer and wished the vote to proceed.

**Motion by Moenck, seconded by Kueck that each member of the ZBA, approve the variances requested based on the approved Findings of Facts, for 32635 Franklin Road and of the Appellant's request for a variance regarding an addition on the back of the house and an addition to the existing garage, he should vote "Aye" and if he does not believe the facts support the variance, he should vote "Nay".**

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

**V. APPROVAL OF MINUTES: May 19, 2016**

**Motion by Kueck, seconded by Meyer to approve the minutes of May 19, 2016 ZBA meeting as presented.**

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

**VI. ADJOURNMENT**

**Motion by Brakeman to adjourn the meeting.**

**Ayes: Brakeman, Gallasch, Kueck, Meyer, Moenck**  
**Nays: Couger, Donaldson**  
**Motion carried.**

There being no further business the meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk