

**VILLAGE OF FRANKLIN  
ZONING/SIGN BOARD OF APPEALS  
REGULAR MEETING  
Thursday, September 18, 2014 at 7:30 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 7:30 p.m.

**II. ROLL CALL**

Present: Randy Brakeman, Bill Couger, Bruce Kueck, Matthies Meyer, Dean Moenck,  
Harold Stein

Absent: Fred Gallasch

Also Present: Bill Dinnan, Building Official; Jim Creech, Village Administrator; Eileen Pulker, Village Clerk

**III. ADOPTION OF AGENDA**

**Motion by Brakeman to adopt the Agenda for the September 18, 2014 Regular Zoning/Sign Board of Appeals meeting, as presented and published.**

**Ayes: Brakeman, Couger, Kueck, Meyer, Moenck, Stein**

**Absent: Gallasch**

**Nays: None**

**Motion carried.**

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

**IV. NEW BUSINESS**

- A. Case: #14-01  
Appellant: Bjorn Mader  
Property: 26040 German Mill  
Parcel: 24-06-226-041  
Zoning: R-1**

**Description of Proposed Request:**

The Applicant is requesting that the Zoning Board of Appeals grant variances regarding an addition and remodel application for a dwelling as follows:

1. Front variances of 10.31' to existing dwelling, in violation of 36-69'; 12.26' to new porch, in violation of 37.74'; 14.25' garage corner, in violation of 35.75'.
2. Side variance of 16.00 for deck, in violation of 2.60'.

Both items 1 & 2 as provided in the Village of Franklin Zoning map for R-1 zoned property regulations in Appendix B. Schedule of Regulations.

3. The garage area and east of the garage is proposed to be filled greater than five feet. Per Village of Franklin Ordinances Section 1268.17, "At no point on a site shall the combined effect of filling or excavation result in a change of grade of greater than five feet over the entire site. The provision shall not apply to filling and excavation necessary to provide vehicular access to a site". This area may be required to have an interpretation from the Zoning Board of Appeals to define what area is necessary for vehicular access.

Dinnan presented the case to the ZBA, explaining that there are three (3) parts to the request; 1- deals with the front of the property, 2- deals with side yard, and 3- deals with the garage area and east of it. For the benefit of all ZBA members, old and new, he reminded them that this particular case originally came before the ZBA and was granted a variance a few years ago, but the project did not move forward. Now the owner is wishing to move forward again but with a slight modification to the previous variance. It is back before the ZBA because the approval is good for only a year, if, in fact, it hasn't moved forward from the time it was approved.

The Appellant is requesting the ZBA grant variances regarding an addition and remodel pursuant to the submitted application. The Historic District Commission (HDC) has approved the plan pursuant to ZBA's approval of the appropriate variances (8/4/14).

The applicant has reduced the size of the proposed addition because the HDC thought a smaller addition would be more appropriate.

Brakeman confirmed that the existing house is legally non-confirming. Dinnan further explained that this particular lot was attached to the property which was part of the Cressbrook Development. It is R-1 zoning and is the only house on German Mill deemed R-1. The rest of the neighborhood surrounding this piece of property is in the R-4 district.

Unanimous decision was made that all three variances would be considered together.

Dave Dobrin, Dave Dobrin Associates, White Lake Township, architect for the project, represented the owner, Bjorn Mader. The main issue with this property was the typography of the land with its drastic drop in the rear. Because of it, the feasibility of any additional building would have to be in the front portion of it. He briefed the ZBA of the changes and reasoning made to the original plans of several years ago.

Land topography measurements were discussed. No trees would be affected by the Tree Replacement Preservation Ordinance. 100-year Floodplain and wetlands at the rear of the property were also mapped out.

**Public Comments:**

One (1) letter was received in support of the addition and remodel: Ellen Kahn, original owner of the property.

**The Zoning Board of Appeals made the following Findings of Facts with respect to the request for variances for the front, side, and garage areas.**

1. The Property Address is 26040 German Mill.
2. The Parcel ID is 24-06-226-041.
3. The Zoning is R-1.
4. The existing structure on the property is legally non-conforming under the current ordinance.
5. ZBA approved similar variances at a previous time but due to time limits the requests and approvals have expired.

6. HDC has approved the conceptual plan, dated Dec. 4, 2006 and revised July 28, 2014, with conditions and recommended to ZBA that appropriate variances be approved.
7. The rest of the houses on German Mill are R-4, some of which are legally non-conforming.
8. The proposed addition does not encroach on the front setback any more than the existing house does.
9. The topography does not lend itself to a different location or addition on the property due to the extreme drop in elevation.
10. This is the only house in the neighborhood zoned R-1.
11. One favorable letter was received in support of the project. There were no opposing comments.
12. The applicant requests a smaller addition than originally proposed.
13. The home itself is historic and located in the Historic District.

**Motion by Stein, seconded by Couger, that the Board members consider the Proposed Findings of Facts, 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, Couger, Kueck, Meyer, Moenck, Stein**

**Absent: Gallasch**

**Nays: None**

**Motion carried.**

Brakeman reminded the Commissioners that all three (3) requests will be considered together. **Motion by Stein, seconded by Couger, that each member of the ZBA, using the approved Findings of Facts, consider the facts, and if he believes the facts warrant approval of the Appellant's request for three (3) variances on the front, side, and garage areas, as designed in the proposal, he should vote "Aye" and if he does not believe the facts support the variances, he should vote "Nay".**

**Ayes: Brakeman, Couger, Kueck, Meyer, Moenck, Stein**

**Absent: Gallasch**

**Nays: None**

**Motion carried.**

**B. Case: #14-02**  
**Appellant: Sonjay and Deanna Batra**  
**Property: 30475 Stonegate Drive**  
**Parcel ID: 24-07-25-012**  
**Zoning: R-1**

**Description of Proposed Request:**

The Appellant is requesting that the Zoning Board of Appeals grant a variance as follows:

Schedule of Regulations, Appendix B zoning district R-1 requires a minimum total side yard setbacks of 1/3 of the width of the lot. The lot width of the lot is 195 feet measured in a straight line between side lot line at the setback

line. 1/3 the width of the lot is 65 feet. The proposed combined setbacks total 40 feet which is in violation of the above by 25 feet.

Dinnan presented the case, pointing out the triangular or pie-shape of the property. Other lots in the subdivision which was developed before 2008 are irregular but many are rectangular lots. Calculations for this particular lot are similar to those of other triangular lots or any non-rectangular, non-square lot.

Discussion and clarification ensued regarding the measurements on Attachment A, as well as, the setback ordinances and restrictions when the subdivision was platted.

Terry Nosan, manager of Nosan Ventures, LLC, representing the owners, explained the practical difficulties of the shape of the property and the location of the proposed addition. He mentioned that the Homeowner's Association has reviewed and sent a letter approving this proposed addition, noting that the character of the neighborhood would not change, due to the location of the addition. Randal Murphy, next door neighbor and President of the Association, was present and further addressed these matters, adding his own support of the project.

It was noted that no letters from owners of lots 24, 25, and 25 objecting to the addition were received.

Public Comments:

**Randal Murphy**, Stonegate Dr., next door neighbor and President of the Homeowner's Association, stated that neither he, as a homeowner, nor the Association have any problem with the addition or the variances being requested.

**The Zoning Board of Appeals made the following Findings of Facts with respect to the request for side yard setback variances.**

1. The Property Address is 30475 Stonegate Dr.
2. The Parcel ID is 24-07-25-012.
3. The Zoning is R-1.
4. The existing structure on the property is legally non-conforming under the current Ordinance.
5. The existing house was constructed under the previous zoning ordinance without a variance.
6. The size and shape of the lot is very unique.
7. The location of the addition is dictated by the layout of the existing home, in that, the loss of sunlight in the home and the aesthetics of the home itself are determining factors.
8. The side yards are heavily brushed and treed.
9. The Homeowner's Association, the Architectural Review of the Homeowner's Association, and the next door neighbor have no objection to the variance.
10. There were no comments or letters against the addition.
11. The lot is on the curved entrance into the subdivision. That curved frontage drastically affects the judged width of the property and, hence, the required proportional side yard setbacks.
12. The home was built prior to the current Ordinance.

**Motion by Stein, seconded by Couger, that the Board members consider the Proposed Findings of Facts, and if you believe a decision regarding the 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, Couger, Kueck, Meyer, Moenck, Stein**  
**Absent: Gallasch**  
**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, and if he believes the facts warrant approval of the Appellant’s request for side yard setback variance, as designed in the proposal, he should vote “Aye” and if he does not believe the facts support the variance, he should vote “Nay”.**

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

**V. APPROVAL OF MINUTES: December 12, 2013.**

**Motion by Moenck, seconded by Couger, to approve the minutes of December 12, 2013 ZBA meeting.**

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

**VI. ADJOURNMENT**

**Motion by Meyer, seconded by Moenck, to adjourn the meeting.**

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

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

Respectfully submitted,

Gail Beke, Recording Secretary

---

Eileen H. Pulker, Clerk