

Present: Chairperson Jensen; Vice-Chairperson Landsman; Members: Ostrowski, Tillman, Walter and Wayne

Absent: Borowski, Freedman and Liberty

Also Present: Building Official, Byrwa
Planning Consultant, Wenzara
Council members – Rijnovean, Taylor and Walsh

Chairperson Jensen called the meeting to order at 7:37 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

APPROVE AGENDA

Motion by Wayne, second by Walter, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Rijnovean voiced a number of comments and questions in reference to the minutes of the September 28, 2005 Planning Board meeting. The third paragraph from the bottom of page 2 mentions that garage size will be discussed as part of the Neighborhood Review study. Jensen affirmed that planning consultant Wenzara will address the topic of garage size as part of that study.

The minutes propose publicizing neighborhood meetings in the Villager Newsletter. Rijnovean suggested that notice of neighborhood meetings held by the Planning Board be published in the Eagle, a local newspaper. Jensen responded that the Planning Board is in agreement with her suggestion to publish meeting notices in the Eagle, which is a free publication.

As part of the Board's analysis of the Strategic Plan, the minutes note Objective C under Strategic Issue #6 (page 4): "Explore ways to create a safer and more pleasing Southfield Road thoroughfare to enhance our community image and to help unify the Village." Rijnovean stated that the Council voted against spending money on a Southfield Road corridor study.

The last sentence on page 4 states: "The Planning Board will decide what to include in the Village Master Plan." Rijnovean was of the understanding that Council made the final decision in terms of approving the content of the Master Plan as recommended by the Planning Board. Jensen agreed.

Rijnovean referred to a statement on page 5, "Jensen stated that Council asked the Planning Board to evaluate the Strategic Plan and establish what is relevant to the Master Plan, with particular emphasis on KSI #6, Maintain and Increase Value of Property." Rijnovean questioned this charge and suggested that emphasis should be placed on what residents have indicated as a priority in the village-wide survey, which is the "big foot" situation and the financial condition of the Village.

Jensen clarified that the Planning Board has met with Council and received direction on how to proceed with the Master Plan update. The Board is following that direction. A joint meeting is scheduled with the new Council on November 9. Rijnovean countered that the most important thing is the direction of the residents, which was communicated through the community survey.

Rijnovean asked what Liberty is referring to with respect to his comments on page 6 about ethics and conflicts of interest. Jensen suggested that Rijnovean ask Mr. Liberty about the nature of his comments. Liberty was asked to discuss his issues with the Village Manager. Rijnovean expressed the view that his concerns should be made public.

In response to an inquiry on a statement made in the minutes, Jensen remarked that he questioned whether the controversy regarding the difference in cost proposals from LSL for the Master Plan update is about money or something else.

Rijnovean stated that she was troubled by statements made during Public Comments by a member of the Zoning Board of Appeals. The individual indicated that the Village may be looking at a situation of blight unless something changes. She disagreed with his position.

Sharon Tischler of 21415 Virmar Court expressed the view that the issue of garage size in the community needs to be addressed. She has suggested that Council look at the Zoning Ordinance relative to the ratio of garage space to first floor area of a home and the construction of additional garages on a site. When the construction of accessory structures on a lot are taken to extremes, it results in a warehouse appearance in a neighborhood. Tischler cited an example of this on the corner of Virmar and Vernon.

Jensen agreed that this is an issue that affects Village residents, and he shared the view that the Zoning Ordinance should be re-evaluated. The Planning Board has been authorized to conduct a Neighborhood Study that will have an impact on the size of accessory structures. The solution to the problem of garage size may be as simple as including a ratio of garage space to first floor area in the ordinance. Jensen mentioned that LSL works with 100 communities in Michigan. He suggested that the planning consultant could probably provide the Board with examples of how other communities have solved the problem of excessive garage size. The Planning Board would then review the examples and arrive at a consensus and recommendation to Council within a 30-60 day period.

Kathleen Berwick of 31381 Kennoway Court commented that she lives on a one-acre lot and is opposed to overbuilding and large garages on lots. She supports regulation and expressed the view that the Village Zoning Board of Appeals is a liberal group.

Jon Oen of 32061 Verona Circle, Zoning Board of Appeals member, thinks one way to address some of the Village's issues is to look to Bloomfield Village. When a variance is granted to build onto a home, Bloomfield Village has control over the construction, architectural features, as well as aesthetic issues such as color. Beverly Hills may want to have more control over architectural features to retain the quality of housing stock and assure that additions/renovations are in harmony with the house and surrounding community. Oen expressed the view that young

families should be encouraged to move into the Village, noting that people expect larger rooms in their homes.

Jensen stated that Bloomfield Village initiated a set of rules at its inception and has not deviated from them. Beverly Hills has no architectural control over building.

Norm Downey of 23042 Nottingham Drive asked who is in charge of developing restrictions for building. Jensen responded that the Village Council adopted the Village Zoning Ordinance. Downey asked when the Planning Board expects to make a recommendation to Council on garage size. Jensen explained that the Planning Board meets with the Council to discuss goals and receive approval of its proposed work plan.

Pamela Rijnovean asked who drafted the Village Zoning Ordinance and if it is reviewed periodically. Jensen commented that this will be an appropriate question to ask following the Housing Research summary that will take place this evening.

APPROVE MINUTES OF SEPTEMBER 28, 2005 PLANNING BOARD MEETING

Motion by Ostrowski, second by Landsman, that the minutes of a Regular Planning Board meeting held on Wednesday, September 28, 2005 be approved as submitted.

Motion passed.

REVIEW HOUSING RESEARCH SUMMARY

Jensen reviewed that the Planning Board has listened to concerns from the Zoning Board of Appeals and from Council member Pfeifer about lot coverage issues and has suggested that the way to address the problem is to study it. Work on a Housing and Neighborhood Plan was approved by Council at its August 16, 2005 meeting.

The Board will be drafting a questionnaire and will request a response from homeowner association groups and residents in various subdivisions. Jensen suggested that the homeowner groups meet separately and discuss their concerns before attending a public meeting where all 15 homeowner associations will be represented. The groups will have an opportunity to relate their problems and neighborhood issues to the Planning Board at that time. The idea would be to end up with a compilation of neighborhood problems and priorities. The Planning Board will begin to address those issues. Following completion of the study and report, it is hoped that the Council will authorize the Planning Board to draft ordinance amendments.

Planning consultant Caryn Wenzara has provided the Planning Board with a document dated October 19, 2005 that summarizes findings related to the Neighborhood Chapter of the Master Plan and includes detailed data collected for Planning Board reference. She reviewed the findings before proceeding with the discussion.

The first step was to look at the 2000 US Census Data on housing. The census data divides the Village into three Tracts and then further divides the Tracts into four Block Groups, which is helpful for comparison purposes. The west side of the Village is Census Tract 1580; the middle is Tract 1581; and the east side of the Village is Tract 1582. Census information for these Tracts

include number of housing units, medium housing value, age of housing, etc. Information is available for the Village as a whole or it can be broken down into geographical areas and analyzed from 12 segments of the Village. Wenzara referred to the Supplemental Data section, which provides all of the results. The key points are included in the summary report.

Wenzara touched on the few areas that differentiated themselves. The far northeast corner of the Village has the highest concentration of single family unit (544). Block Groups in Census Tract 1580 have larger lot sizes and lower density.

The only Block Group that is not over 96% single family homes is the area located at 13 Mile and Southfield Roads. This is attributed to the apartment building.

The majority of the total housing stock was built between the years of 1940 and 1959. The east side of the Village has the highest percentage of older homes built between these years.

Median housing values of all block groups are high in comparison to county and statewide figures. The southeast corner of the Village has the lowest median value, and the highest median value is found in the area of Lahser and 14 Mile Roads.

Occupancy levels are high throughout the Village with no dramatic differences through the community. The Census Block Group in the northwest corner of the Village had a slightly higher vacancy rate than other areas. Given the homes in the area, one of the reasons may be that it is a second or seasonal home for the property owner. The northeast corner of the Village showed 9% of the units being renter occupied single family homes but only 3% are attached units. The remaining 6% are renter-occupied single family homes.

Wenzara stated that there were no dramatic findings from this data analysis. The findings confirmed that the east side of the Village has an older housing stock with slightly lower values and slightly higher renter occupancy.

Jensen stated that about five years ago he received a breakdown of tax base in these quadrants from the Village Finance Director. At that time, 48% of the entire revenue of the Village came from the east side of Southfield Road.

Tillman observed that there is a higher density of lots on the east side of the Village with smaller lots and homes. As you move into the estate area in the west, there is a large range of housing stock from small ranches to large homes. The far west portion of the Village abuts Bingham Farms, which is one of the highest per capita municipalities in the state. This section has a large number of colonials with additions constructed on many of the buildings. Tillman remarked that there are a lot of things going on in terms of the Village's housing stock based on what was built and when, the density, and the type of homes. All this should be taken into consideration when addressing zoning for homes, additions, or accessory buildings. She thinks that proportion is an important issue. Another important factor will be how much regulation the Village wants to impose. It will take some deliberation to arrive at concepts of how to improve the integrity and desirability of a neighborhood in keeping with what exists in Beverly Hills.

Wenzara stated that she was provided with information on Zoning Board of Appeals cases between January 2002 and August of 2005. The data provided a brief description of the request, the applicant's name and address, and whether the variance was approved or denied. Review of the data revealed the following findings:

- Of the 107 total variance cases, the majority (79 or 74%) were setback variance requests. The majority of the cases were on the east side of the Village.
- Of the 79 setback variance requests, the majority (74 or 94%) were approved.
- Of the 79 setback variance requests, the majority (49 or 62%) were for side yard deviations with 29 (37%) for rear yard deviations and 7 (1%) for front yard deviations.
- Of the 79 setback variance requests, the majority (57 or 72%) were described to be for the purpose of a home expansion, 12 (15%) were described to be for the purpose of construction/expansion of a detached garage, with the remaining requests for the expansion/construction of an attached garage.

Wenzara commented that the fact that side yard deviations are most requested indicates that there are issues with the side yard setback requirements that are worth exploring. This data confirms the comments that the Planning Board has been hearing for the last year or so that setback requirements are restrictive and causing complications for people wishing to expand their homes. We have heard that the ability to expand and reinvest in a home is an important part of being able to stay in the community and have the modern amenities that people want.

Wayne commented on the increased tax base and higher tax revenue that would result from additions and improvements to homes in the Village. Maintaining the housing stock and encouraging new residents will bring more revenue into the community.

Township Clerk Sharon Tischler provided background information on taxable value versus state equalized value and the effect on homeowners.

Wenzara stated that LSL was provided with a color-coded map that identifies the location of all non-conforming lots in the Village. Former Planning Board member Bob Bliven prepared a map that provides an inventory of lots that do not meet the minimum lot size requirements for the zoning district. Wenzara distributed copies of the map and explained its use. Review of the map revealed the following:

- The majority of the single family lots east of Southfield Road are zoned R-2 Single Family, which requires a minimum lot size of 12,000 sq. ft. Of those lots, approximately 70-80% are smaller than 12,000 sq. ft. in size. Approximately 150 lots east of Southfield Road are 6,000 sq. ft. or less; approximately 200 lots are between 6,000 sq. ft. and 8,000 sq. ft.; and approximately 300 lots are between 9,000 and 11,000 sq. ft.
- The majority of single family lots northwest of Beverly Road and Southfield Road but east of Evergreen Road are zoned R-1 Single Family Residential (minimum lot size of

16,000 sq. ft.) with a small segment zoned R-2 Single Family Residential (minimum lot size of 12,000 sq. ft.). Of those lots, approximately 60-70% are smaller than the required minimum lot size. Most of these lots are approximately 13,000-15,000 sq. ft.

- The majority of single family lots southwest of Beverly Road and Southfield Road but east of Evergreen Road are zoned as R-1 Single Family Residential (minimum lot size of 16,000 sq. ft.). The majority of lots in the neighborhood directly west of Beverly Park do not conform to the minimum lot size requirement of the district. Generally, the remaining lots in this area conform, with only a few exceptions.
- West of Evergreen Road where neighborhoods are zoned R-A (minimum lot size 25,000 sq. ft.) and R-1 (minimum lot size 16,000 sq. ft.) there are very few nonconforming lots.

Wenzara concluded that the nonconforming lot situation is focused on the east side of the Village as well as an area at Beverly and Southfield Roads. There may be a need for changes to the minimum lot sizes in those areas.

Tischler provided a history of the property in Section 1, which is the area north of Beverly Road between Greenfield and Southfield Roads. The homes were built under the Southfield Township Zoning Ordinance. Developers purchased land for the purpose of developing subdivisions. In many cases, a number of 20' lots were purchased by a buyer in order to build a house. This resulted in diverse combinations of lot sizes. The Zoning Ordinance was later amended to make those lots acceptable. Tischler commented that lot splits or combinations were granted that also contributed to varying lot sizes.

Jensen referred to Chapter 22, Section 22.30 of the Municipal Code entitled, "Nonconforming Lots, Uses and Structures." He read from the text that states that the ordinance declares that such uses are incompatible with permitted uses in the districts involved. It is the intent of the ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Jensen stated that 80% of the homes east of Southfield Road are non-conforming. The ordinance indicates that its intent is to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

Jensen stated that the ordinance becomes a problem when residents want to make changes to their property. The Village has a Zoning Board of Appeals that functions as a Planning Board in terms of allowing people to expand their house by adding onto an existing non-conformity. If the house burned down, it could not be rebuilt according to the ordinance because the required setbacks could not be met. The purpose of a Zoning Board of Appeals is to recognize unique characteristics and hardships. In the Village, 94% of the side yard appeals are approved. Jensen suggested that there is a case for amending the ordinance created in 1959 to better reflect what exists.

Tischler remarked that not allowing a side yard variance to build an addition could prohibit a property owner from investing in their home or discourage potential buyers from purchasing a home in Beverly Hills in that area.

Wenzara stated that the Planning Board is trying to analyze the information and consider a recommendation to modify the Zoning Ordinance. Changing some of the minimum lot areas on the east side would eliminate many of the non-conforming situations. This would provide a larger building envelope to expand a home without going to the ZBA. There will still be non-conforming situations, but the Village would be moving in the direction of allowing homeowners to reinvest in their homes and promote their neighborhoods in a positive way.

Bob Walsh of 20655 Smallwood Court remarked that the Planning Board is referring to a sampling of 44 months of ZBA cases. He maintains that the data does not indicate a high volume of side yard setback cases considering that there is only one meeting a month.

Tillman suggested that the question is whether we want to keep those types of homes in those areas on the far east side of the Village. If we want to retain the character of this neighborhood, consideration should be given to amending the Zoning Ordinance so that the houses that are there are conforming and new residents can renovate their homes and increase the tax revenue of the Village.

Larry Needham commented that he does not object to amending the zoning ordinance but does not think it will change the nature of the neighborhood.

Jon Oen stated that a property owner often asks to continue the existing line of their non-conforming structure for only 5-6 feet to add onto a home, which is not unreasonable. People expect to be able to update their homes. On the other hand, caution must be taken in providing relief while retaining green space by limiting the building on a lot.

Tischler questioned why a previous Council or Planning Board would have approved zoning that created such a high non-conformity. She indicated that she will do some research on this.

Wenzara concluded her presentation and asked if the Board needed any additional data. Jensen proposed that the Planning Board consider a draft questionnaire at its November 9 meeting for distribution to homeowner associations in preparation for the neighborhood study. He suggested that the questionnaire be circulated among homeowner association groups with a 30-day deadline to discuss it in their neighborhood. Representatives from the homeowner groups will be asked to attend a meeting and provide the Planning Board with input on issues that concern them.

Wenzara proposed moving forward on updating the remaining chapters of the current Master Plan at the November 9 meeting including the Future Land Use Plan, Circulation Plan and Community Facilities Plan. The Board will review the text and determine where updates are needed. The intent would be to finalize the data in these three chapters at the December meeting. The Planning Board would look at the plan all together at the January meeting.

Wenzara mentioned that the future land use map included in the Master Plan identifies lot size ranges for the different areas of the Village. The Planning Board will probably want to provide specific direction in terms of this map as it relates to the nonconforming lot issue. The Planning Board will make a recommendation to Council on this policy issue.

PLANNING BOARD COMMENTS

Walter commented on the importance of the ordinance amendments under discussion and the need to address them as soon as possible. He recalled that the garage size issue was brought up at the last joint meeting with Council with direction given to the Board to provide a recommendation on that issue.

Jensen reviewed that the garage issue was discussed with Council and was then proposed as a work program with an associated cost at a Council meeting. Council decided not to approve the expenditure. He believes that LSL indicated that garage size would be addressed as part of the Neighborhood Study, which was approved by Council. Jensen asked if Wenzara would provide the Planning Board and Council with a few examples of how other communities are dealing with the large garage issue with the understanding that developing ordinance language would involve additional time and costs. Wenzara will bring examples from comparable communities to the November 9 meeting.

Landsman stated that she attended a parliamentary workshop conducted by Parliamentarian Coco Siewart at the Village office recently. Ms. Siewart encouraged people to speak at the podium. She indicated that comments could be limited to two minutes by a two-thirds vote of the governing body. Longer comments could be provided in writing. Landsman suggested that these items as well as limiting the comments included in meeting minutes could be a topic of discussion by the Planning Board.

PLANNING CONSULTANT COMMENTS

None

BUILDING OFFICIAL COMMENTS

None

PUBLIC COMMENTS

Pamela Rijnovean understands that zoning is not part of the Master Plan. Zoning Ordinance amendments must be addressed separately. It was explained that, if Council agrees with a Planning Board recommendation on a Zoning Ordinance change, it will authorize the Board to draft amendments to the text for Council consideration. There is a public hearing process involved.

Sharon Tischler commented that she can produce old Southfield Township meeting minutes that do not include any information that can be used for future reference in terms of why action was taken. The minutes produced by Beverly Hills are effective in that regard. If minutes were done the way Ms. Siewart suggested, they would not provide a reason for action taken.

Jon Oen commented that the information included in meeting minutes is helpful in researching past activity. He mentioned that tonight's Planning Board meeting was very productive.

Norm Downey referred to a draft copy of the Village Master Plan dated May 18, which says, "property owners on a private road expect the same level of services available to those who live

on a dedicated and improved public street”. He asked what is meant by this, which was clarified by Building Official Byrwa.

Motion by Tillman, second by Walter, to adjourn the meeting at 9:33 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary