

Present: Planning Board: Chairperson Jensen; Members: Freedman, Liberty, Ostrowski, Tillman, Walter and Wayne

Council: President Taylor; Pro-Tem Walsh; Members: Burry, Koss, Pfeifer and Rijnovean

Absent: Planning Board members – Borowski and Landsman
Council member - Woodrow

Also Present: Dave Byrwa, Building Official
Planning Consultant, Wenzara

Taylor called the meeting to order at 6:32 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

REVIEW AND DISCUSS STATUS OF MASTER PLAN UPDATE

Jensen asked planning consultant Caryn Wenzara from LSL Planning, Inc. to update Council on the status of the Master Plan update.

Wenzara stated that the Planning Board will be reviewing draft text that will update the last three chapters of the current Master Plan - Future Land Use Plan, Circulation Plan, and Community Facilities Plan. The Planning Board has completed data collection, analysis and update of the existing conditions portion of the Master Plan and has conducted a community workshop. The Planning Board updated the goals and objectives of the Master Plan in a joint session with Council. The Board discussed incorporating portions of the Strategic Plan into the Master Plan. The Neighborhood and Housing research has been completed. It was proposed to include a Housing and Neighborhood Chapter in the Master Plan.

The Planning Board is about 80% complete with the document in terms of the product but only 60% complete with respect to the timing and process. After completing its work on the document, the Planning Board will review and endorse the Master Plan and subsequent revisions based on input from its members and then forward the Plan to Council.

Wenzara outlined the adoption procedures required under new State Law. Following its review and approval of the document, Council will authorize the agency review period during which time adjoining communities and Oakland County will have approximately three months to review the draft Master Plan. Upon completion of the review period, any necessary revisions to the document would be made and a public hearing held at the Planning Board level. The Planning Board will recommend adoption of the Plan to Council. The next step is Council adoption of the Master Plan, at which time the process would be complete. Wenzara is anticipating final adoption in April or May considering the required procedural steps.

In response to an inquiry from Burry, Wenzara reiterated that work on the remaining product will entail review and revisions of the Community Goals, Future Land Use Plan, Circulation Plan, and Community Facilities Plan chapters. Work on the Housing and Neighborhood Chapter will involve circulating a questionnaire to neighborhood associations and writing up findings and recommendations.

Rijnovean requested clarification of a draft Master Plan dated May 18, 2005. Wenzara stated that the draft represented work done by the consultant and the Planning Board to update the existing conditions information.

Walsh commented that the State Municipal Act requires that a municipality notify surrounding communities by mail of its intent to proceed with a master plan update. Wenzara indicated that she has provided the Village with a sample letter for this purpose. Byrwa will verify whether this was done and make sure that letters go out if it was not.

Pfeifer commented that she has comments on the updated draft Master Plan chapters that will be discussed by the Planning Board following the joint meeting.

Inquiries on the timetable for completion of the remaining work on the Master Plan were addressed. Jensen indicated that March or April is a realistic completion date for what the Planning Board set out to do with the understanding that the Master Plan would not include a comprehensive Housing and Neighborhood Plan chapter. The research and study involved in preparing that chapter is an important topic for review but would hold up the completion of the Master Plan. Additional questions from Council on the Master Plan process and layout of the document were addressed by Wenzara.

Tillman stated that she worked on the last Master Plan Update. She thinks that it should be kept in mind that the Master Plan is a living, working document that sets the tone for the Village. It says who we are and who we will become. Tillman believes that Beverly Hills is a desirable residential community in which to live. It is important to preserve the character of the Village, ensure that property values remain high so that families want to move here, and also important that the Village remain a nice place for its aging citizens. The Master Plan is also a document that helps the Village enforce its ordinances, and it should be thorough and accurate. The planning consultant is assisting the Planning Board to draft an updated Master Plan that will be utilized to enhance Beverly Hills.

REVIEW AND DISCUSS ZONING ORDINANCE RELATIVE TO THE EAST SIDE OF BEVERLY HILLS

Jensen stated that concerns have been raised by Council members and the Zoning Board of Appeals in the last few years with respect to lot coverage issues and the high percentage of non-conforming lots on the east side of the Village. The impact of large accessory structures in the community has also been brought to the attention of the Planning Board. Work on a Housing and Neighborhood Plan to study neighborhood issues was approved by Council at its August 16, 2005 meeting.

Jensen related that an inventory of lots in the Village that do not meet the minimum lot size requirements for the zoning district show that the east side of the Village has a high percentage of non-conforming lots. It is the intent of the Zoning Ordinance not to expand or extend existing non-conformities while the practice of the Zoning Board of Appeals has been to approve and expand the use of non-conformities.

Jensen stated that the Planning Board's starting point on a neighborhood study is to look at all the neighborhoods in the Village. At its meeting tonight, the Planning Board will review a draft questionnaire that will be distributed to neighborhood association groups and residents in subdivisions without an organized association. The groups will have an opportunity to relate their problems and neighborhood issues to the Planning Board with the idea being to end up with a compilation of neighborhood problems and priorities.

The Planning Board and consultant are working to collect and review data on lot sizes, existing setbacks, existing non-conformities, variance request history, and other relevant information on neighborhoods. The result of this study may be a recommendation that Council authorize the Planning Board to draft ordinance amendments that will be more reflective of what actually exists in the neighborhoods. 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. Jensen remarked that there are probably 200-300 homes on the east side of the Village that could not be rebuilt if they were to burn down, because the lots do not meet the minimum lot size requirements in that zoning district.

Walsh reviewed the data summarizing the activity of the Zoning Board over the last 44 months with respect to the subject of non-conforming property on the east side of the Village. Over that time period, there were a limited number of people coming before the Zoning Board to request a variance, most of which were for side yard setbacks. Walsh fails to see that people are being restricted in remodeling their homes. She contends that there is a positive element to cases involving non-conforming properties coming before the ZBA, because the Board at times leads residents to consider alternatives that involve a lesser variance. The cases that come before the ZBA provide the Village with some control over additions and renovations.

In reviewing minutes from Council and Planning Board meetings over the last three years, Walsh stated that there has been some concern about open space and permeability of lots. She encouraged discussion of these issues expressing the view that overbuilding is not the intent of the ordinance.

Walsh took exception to the statement that a house could not be rebuilt if it burned down on some lots on the east side of the Village. If there was an existing non-conformity, there is nothing to prevent the Zoning Board of Appeals from granting a variance. Walsh is concerned that people with conforming lots will also want to add onto their property, which is a situation that she does not find desirable in Beverly Hills.

Koss stated that she lives on the east side of the Village on a block that does not have even one conforming lot. She understands that the ZBA has granted variances that allow a homeowner to continue with an existing non-conforming line of a house. Koss believes that some people on the east side are fearful about spending money on an architect to plan an addition to their home only to go before the Zoning Board and possibly be denied. People sometimes purchase their homes without knowing that their lot is non-conforming and cannot be expanded without a variance. It is a hardship for a resident not to be able to invest in their home so that it can accommodate the needs of their family. Beverly Hills may be losing families to other communities if it does not take a serious look at this issue.

Jensen stated that the facts of this issue do not add up. The enabling Act of the State of Michigan that establishes the function of a Zoning Board of Appeals deals with hardship issues. The Village's Zoning Ordinance says that non-conforming lots should be extinguished. Jensen maintains that the Village's Zoning Board of Appeals functions as a design review Board in terms of considering variances in an area with a high percentage of non-conforming lots. The purpose of a Zoning Board of Appeals is to give people relief in situations that are true hardships. Jensen commented that the east side of the Village contributes about 50% of the revenue in the Village. The Planning Board is hearing that this area needs help with an issue that deserves to be studied.

Taylor stated that the Village is allowing its residents to tastefully develop property within certain parameters. The Village auditing firm of Plante & Moran indicated at a recent workshop that Beverly Hills can benefit from the renovation and redevelopment of properties. Plante & Moran will address this topic as part of its audit presentation at the Tuesday, November 15 Council meeting.

REVIEW CURRENT LSL PROJECTS

Planning Consultant Wenzara reviewed projects that LSL Planning is working on with the Village Planning Board. The main focus has been the Master Plan Update. The Neighborhood and Housing study was begun last month with a review of the findings and data collected as part of that program. The Planning Board will be moving forward tonight with a review of a draft questionnaire to be distributed to neighborhood associations with the purpose being to learn about the priorities and problems in Village neighborhoods.

Another item that will be reviewed by the Planning Board this evening is a table that summarizes regulations pertaining to accessory structures and garages from other communities. The table is intended for review and consideration as it relates to potential amendments to Beverly Hills regulations. Wenzara noted that LSL Planning is on call for any applications or site plans that may be submitted to the Village.

Liberty asked when the Planning Board and Council will meet again. Jensen responded that he and Dave Taylor decided that tonight would be a good time for the Planning Board to become acquainted with the new Council and discuss current projects. Once the Planning Board is able to complete more of its work program, another joint meeting with Council can be scheduled.

PUBLIC COMMENTS

Bob Walsh of 20655 Smallwood Court commented on the Neighborhood and Housing Study. A report of Zoning Board cases over the last 44 months shows a total of 49 requests for side yard variances in all of Beverly Hills and about 27 requests for side yard variances on the east side of the Village where there are 1,500 homes. He does not consider this a heavy workload for the ZBA and questioned the rationale for a study of non-conforming lots. With regard to real estate values, Beverly Hills home sales are high and attract people who like the character and openness of the community as well as the variety of housing and lot sizes. Walsh expressed the view that a study focusing on non-conforming lots is a waste of time and taxpayer money.

Bunker Kelly of 21526 Corsaut had questions and comments on the Master Plan update process being conducted by the Planning Board and planning consultant and the content of the draft document.

Ron Berndt of 31384 E. Rutland distributed two sketches, a drawing of one of the smallest lots in the Village, and the other being a 60' wide lot on the east side with a scale floor plan of a typical ranch home superimposed on the lot. These types of homes were built on lots with small side yard setbacks on the east side of the Village.

Berndt stated that those calling for reform are not suggesting a loosening of restrictions but a return to what was existing at the time the homes were built. It is unrealistic to take 60 foot lots with homes that were built with narrow side yards and impose a set of regulations on those lots that expect 100 foot wide lots with 30 feet of setbacks. In the case of some of these lots, you could end up with a 15 foot wide buildable footprint. If someone were to rebuild their home on one of these lots under the current regulations, they would end up with a narrow two-story structure with wider side yards that is not compatible in a neighborhood of ranch homes. Berndt thinks that this would be destructive to the aesthetic character of the community.

Berndt maintains that those who support reasonable reform want to see both control and realistic access to restoring homes in the Village. He wants to retain the character of the community. Homes in Beverly Hills have to be able to compete with other markets. There are homes in his neighborhood that have been on the market for a long time due mostly to problems with zoning. People who have invested in this community cannot sell their homes or they lose money because they cannot sell for a price they should be able to charge.

Jon Oen of 32061 Verona Circle, Zoning Board of Appeals member, stated that he lives on the east side and knows of quite a few ranches in his section of the Village that are two-bedroom homes. A professional couple with a family moving in usually want to expand the home to provide three bedrooms. If the Village develops the reputation that it is difficult to obtain a variance to renovate a home, people will look for homes in other communities. Oen thinks that consideration should be given to rezoning property where homes existed before the adoption of the Village ordinance in a manner that would allow homeowners to improve the homes so they can stay in Beverly Hills and raise their families.

Tim Mercier of 17400 Locherbie expressed the frustration experienced by residents living on the east side with respect to non-conforming lots. He distributed copies of a street plan of Locherbie from Birmingham to Bates showing conforming and non-conforming lots and their side yard setbacks. He lives on one of the four conforming lots on the street in an area where 86% of the lots are non-conforming. Mercier has taken two reasonable requests before the Zoning Board of Appeals for setback variances. He believes that the Board is thorough and does its job. He would encourage the Planning Board and Council to come together and consider a change in the setback requirements so that they conform with the setbacks that existed when the homes were built prior to adoption of the Village Zoning Ordinance.

Patrick Westerlund of 18540 Devonshire commented that Beverly Hills is a desirable community where people love the schools, the amenities, and the sense of community. He thinks that there is

a need to keep the community young and growing. One way to attract families is to allow them to improve their homes, some of which were built in the 1950s. This is a community that is fully developed. Recent fiscal concerns have been raised in Beverly Hills with talk about cutting services to keep from increasing taxes. Westerlund suggested that a way to increase property tax revenue is to encourage redevelopment and increase the value of property in the Village. In order to maintain Village services at the current level, there is a need to increase the money received from residents either through taxes or by increasing the value of property.

Keeping the Village desirable includes retaining housing stock that meets expectations for 2005 and beyond as well as maintaining the services that people need and enjoy as part of this Village. Westerlund expressed the view that the Village's Zoning Ordinance needs to change to allow existing homes to conform to the ordinance and provide for some renovation and expansion.

Leanne Toth of 21605 W. 13 Mile Road commented that there is a major slow-down in the sale of homes in the entire metropolitan area and not just Beverly Hills. She voiced the opinion that there are large houses going up in other communities that are not desirable. Some homes are too close together or too large for the lot. Toth suggested that careful consideration be given when granting exceptions to ordinance requirements.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 7:49 p.m.

Motion passed.

**David Jensen, Chairperson
Planning Board**

**Dave Taylor President
Village Council**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**