

Present: Chairperson Jensen; Vice-Chair Ostrowski; Members: Borowski, Freedman, Landsman, Liberty, Tillman, Walter and Wayne

Absent: None

Also Present: Building Official, Byrwa
Planning Consultant, Borden
Council member, Walsh

Vice-Chairperson Jensen called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

APPROVE AGENDA

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

Motion passed.

PUBLIC COMMENTS

None

APPROVE MINUTES OF A REGULAR PLANNING BOARD MEETING HELD ON WEDNESDAY, AUGUST 23, 2006

Motion by Wayne, second by Liberty, that the minutes of a regular Planning Board meeting held on Wednesday, August 23, 2006 be approved as submitted.

Motion passed.

REVIEW INFORMATION ON NEIGHBORHOOD STUDY

Planning consultant Brian Borden stated that the Planning Board has received additional information that will add to the discussion of nonconforming lots and buildings in the northeast section of Beverly Hills. Members have received an excerpt of a 36-page report compiled by Bob Bliven and Dave Byrwa identifying lot widths and lot areas of properties within the Village in a spread sheet format. The Board has received five pages of the document that identify the nonconforming lots in the Village, most of which are located in the northeast section of Beverly Hills. This is useful information for this exercise and for the future.

Borden qualified that the data collected is related only to lot area and lot width. The issue of nonconforming buildings will also require research.

Borden reported that there are 211 properties in the northeast segment of the Village that are nonconforming in terms of lot area and width. He distributed a handout listing the nonconforming lots by street so the Board could focus on those sections that have larger numbers of nonconforming lots. Borden pointed out that the data does not indicate a zoning district designation for the below average lots. The majority of those lots are zoned R-2, but there are properties on Kirkshire and Birwood that are zoned R-3 residential.

Borden indicated that 75% of the R-2 zoned lots would become conforming in terms of lot area if the zoning designation were to be changed to R-3 residential. However, very few of the 211 homes that went from R-2 to R-3 would become conforming with respect to lot width standards. The R-3 zone district calls for a 60 ft. lot width and 6,000 sq. ft. lot area. R-3 is the highest density zone district. A number of the 211 nonconforming lots have lots widths in the 50s with stretches of Kirkshire and Birwood having 40' lots. Borden remarked that the goal is to reduce nonconformity, not altogether eliminate nonconformity. Making a 40' wide lot conforming would open the door to land divisions.

Jensen proposed that lot width is a critical factor because the spacing between houses changes the character of a neighborhood.

Tillman suggested that it may be appropriate to change a portion of an R-2 zoning district rather than the entire area. Borden responded that there could be blocks of properties where that change may be justified and some where it may not be.

Freedman commented that nonconformities will not decrease unless we look at lot area, lot width and side-yard setbacks. Byrwa added that very few of the houses in the R-2 district meet the side yard setback requirements.

Jensen questioned whether the Village is imposing side yard and rear yard setback requirements that are unrealistic for a zoning district with lots that are 60' wide or less.

Liberty questioned how zoning district changes would affect people already living in an area with pre-existing nonconforming lots and homes. There followed a discussion on whether the Village ordinance are favorable towards renovation and remodeling of homes. It was mentioned that requests for variances from the ordinance can be brought before the Zoning Board of Appeals if a resident chooses to build an addition on a nonconforming lot. Members of the audience including Ron Berndt and Bob Walsh added to the discussion.

Jensen commented that an area with 75%-80% nonconformity is too high for good planning and can be considered over-restrictive or even punitive. He was of the opinion that it does not benefit the community to discourage updating of homes.

Borden summarized that we are dealing with two different types of nonconforming situations. Many of the properties in question are nonconforming in terms of lot dimensions as well as the structure being nonconforming with respect to setbacks. Jensen interjected that the real issue is that people want to expand their homes within the setbacks that exist.

Borden remarked that there are two ways to deal with the situation. One is a potential amendment to the nonconforming ordinance section that would permit expansions to nonconforming buildings in certain situations. This would encourage reinvestment but would not eliminate nonconformity. Another option would be to consider a new zoning designation that is more consistent with the style of the lots and homes.

Bob Walsh commented that problems with deteriorating property can be addressed by the responsible property owner. Individuals who want to expand their homes on nonconforming lots can request a variance from the Zoning Board of Appeals. Walsh indicated that research shows that there has been only one request per month within the last four years for a variance from setback requirements village-wide.

Borden is hearing that finding a way to deal with the building issue is a bigger concern than lot size issues. The Board needs to look at established side yard setbacks. Jensen proposed obtaining 24"x 36" aerial maps of specific sections of the Village from Oakland County, which would provide the Board with a visual preference of the streets that need to be examined closely. Borden will pursue this with the goal of having something for the Board to review at next month's meeting.

Borden commented on the issue of lot widths. Even if the Village were to rezone some R-2 districts to the R-3 designation, it would not impact the buildings. Establishment of a new zoning district may be a way to reduce or eliminate lot width nonconformities, lot area nonconformities and side yard setback building nonconformities.

Jensen remarked that changes to the ordinance section that defines nonconformity could provide the opportunity for people to expand their building and retain the existing side yard setbacks of the house. Borden stated that he presented a draft ordinance to the Board at the last meeting that addressed potential expansion along established side lot lines. It would reduce the number of cases before the Zoning Board of Appeals and eliminate another obstacle for potential reinvestment into these buildings. What he heard from the Board was that there should be some type of threshold that would maintain the 40' rear yard setback.

Jensen stated that there are houses on 100' wide lots that have 40' rear yard setbacks. He questioned the rationale of requiring a 40' rear setback on 40'- 60' wide lots. Jensen asked Borden to compile information on the ratio that other communities require in terms of rear yard setbacks based on lot width.

There was some discussion about looking at lot coverage requirements. Borden stated that it would take research to arrive at lot coverage standards for all of the districts in the Village, and there is the potential of creating a number of nonconforming situations. It may become another obstacle to reinvestment in established nonconformities. Byrwa remarked that, while some communities have lot coverage regulations, others like Beverly Hills have a building envelope limitation.

Ron Berndt suggested that balancing relaxed restrictions with a lot coverage standard to retain green space would maintain the character of the neighborhoods.

Tillman expressed the view that the Planning Board should encourage redevelopment, renovation, and increased property values while maintaining the character of the neighborhoods. She maintains that allowing additions and expansions is reasonable.

Borden recapped that there was discussion at last month's meeting about balancing two courses for dealing with the nonconforming situation, an amendment to the ordinance that would permit expansions to nonconforming buildings in certain situations and new dimensional standards in the schedule of regulations that would reflect existing neighborhoods. If the Planning Board can arrive at numbers that are more reflective of the lot sizes and setbacks in the neighborhoods and modify the schedule of regulations, then there may not be a need for an ordinance amendment to allow nonconforming expansions. The number of nonconforming situations would be reduced.

Borden indicated that the both approaches encourage reinvestment in the neighborhoods and could be done in combination. He will attempt to obtain aerial maps from the County for the next meeting so that the Planning Board can consider appropriate dimensions for specific sections of the Village and arrive at better area and bulk requirements for those districts.

REVIEW INFORMATION ON SIZE OF ACCESSORY STRUCTURES

Borden has submitted modified draft ordinance language to incorporate suggestions made by the Board at the August meeting. He highlighted changes to Section 22.04 Definitions of Accessory Building and Private Garage and Section 22.08.100 Accessory Buildings, Structures and Uses in Residential Zone Districts.

The Board discussed the ordinance language and suggested several changes that Borden will incorporate into a revised draft for review at next month's meeting.

PLANNING BOARD COMMENTS

Freedman questioned whether a complete revision of the zoning districts is necessary and urged the Board to proceed cautiously.

Wayne thought that the Village should encourage people to make improvements to their structures and give them the tools to do so without creating a "big foot" situation. He commented that there are many people born and raised in Beverly Hills who then come back to live in the area. We want to encourage people to remain in the community as well as bring in young people.

Landsman thanked Freedman for the article "Zoning Matters", which will be copied and distributed to all Board members.

Ostrowski commented that nominations of residences, businesses, and homeowner association entrances can be submitted until September 29 to the Beautification Committee for consideration for recognition by the Village and this year's awards.

Borowski expressed the opinion that Beverly Hills needs change and that the lack of change is stagnation. He views the City of Southfield as being the most interesting place in Oakland County in terms of the way it deals with demographic and financial changes and encourages redevelopment. This should be an example for Beverly Hills. Borowski thinks that the Village should help and encourage people to support their neighborhoods and homes and make effective choices to live in Beverly Hills. The problem the Village ought to be dealing with is how to encourage development and redevelopment.

Borowski asked Byrwa if there are any planning issues associated with an upcoming ZBA case from the Huntley Apartment complex. Byrwa responded that there are not.

PLANNING CONSULTANT’S COMMENTS

Borden stated that the Master Plan public agency review period is coming to a close. He will provide an update at next month’s meeting. The Planning Board should be able to proceed into the public hearing and adoption stage. Borden related that the Oakland County Planning Commission met yesterday to consider its staff planners’ review of the Beverly Hills Draft Master Plan and voted in support of it. They found the Village’s Master Plan to be consistent with the development patterns in the community as well as those of adjacent communities.

BUILDING OFFICIAL’S COMMENTS

None

PUBLIC COMMENTS

None

Motion by Borowski, second by Tillman, to adjourn the meeting at 9:07 p.m.

Motion passed.

**David Jensen, Chair
Planning Board**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**