

# Farmington Observer

Volume 89 Number 70

Monday, June 19, 1978

Farmington, Michigan

32 Pages

Twenty-Five Cents

©1978 Suburban Communications Corporation. All Rights Reserved.

## Wood deck flap pits residents against ZBA

By LYNN ORR

Our homes are our castles, right? Wrong, say some Farmington Hills residents. The old adage fails to apply to homeowners' rights in their own backyards, the residents say. And they're not too pleased about discovering that fact.

Most homeowners are unaware that city rules restrict a homeowner's control within 35 feet of the rear lot line. In fact, under current city ordinances, no structure, including a birdbath or flagpole, may be erected within 35 feet of the rear lot line, referred to in city terms as the rear-yard setback.

It's OK to pave your entire backyard with cement, but structures within that rear-yard setback are taboo, the homeowners discovered. And the Farmington Hills Zoning Board of Appeals took some verbal whacks last week for enlightening some residents in Green Hills Commons and Farmington Green subdivisions.

THE HOMEOWNERS maintain the zoning board failed to understand their problems; board members maintain they're trying to uphold the city's ordinances. Thus far, it's a deadlock.

The homeowners have a problem. Because of the subdivision's grade level, many homeowners are standing at a four to six foot drop to the ground from their kitchens or family room doorways. A small porch or steps are required to avoid a mid-air drop when the door is opened.

BUT IT seems that some of these homeowners want to build wood decks to take advantage of rare sunshine or simply increase their recreational space. However, the homeowners ran into the structure snag.

Take the case of Charlene Slabey, for example. Mrs. Slabey's property in Farmington Green is adjacent to the commons or park area.

Under Planned Unit Development (PUD) zoning, a developer may decrease the normal restrictions of lot size. If the additional acreage is allotted to a commons or park area. That commons, then, becomes the property of all homeowners in the subdivision.

Because Mrs. Slabey's property is adjacent to the commons area, she

gets a break. The backyard setback is only 30, rather than 35, feet deep. But then the privacy factor of the commons area comes into play.

Mrs. Slabey wants to build a wood deck onto the back of her house. But the house is on a small lot, and to build the deck, she will encroach three feet, eight inches into the rear-yard setback. The city says no way, unless the Zoning Board of Appeals says she can. But the board said no, in a split decision.

"YOU CAN cement your backyard, but a tastefully built deck is bad news," Mrs. Slabey says.

If Mrs. Slabey could build the deck without encroaching on the setback, she wouldn't have been in front of the appeals board pleading her case.

But the lots in Farmington Green are about 90 foot wide by 120 foot deep. The city didn't want the lots that small. But Palte Developers brought a lawsuit against the city when they turned down the original plans for the subdivision.

During the legal proceedings, the city agreed to a settlement. The result is that Mrs. Slabey has a large home on a small lot, like many homeowners in Green Hills Commons.

Those homeowners, however, are on the move. They've organized their codes to allow decks. Currently, they're passing petitions, says Sharon Krzesinski, subdivision board member, and they're hoping the city will take another look at the "wood deck" problem.

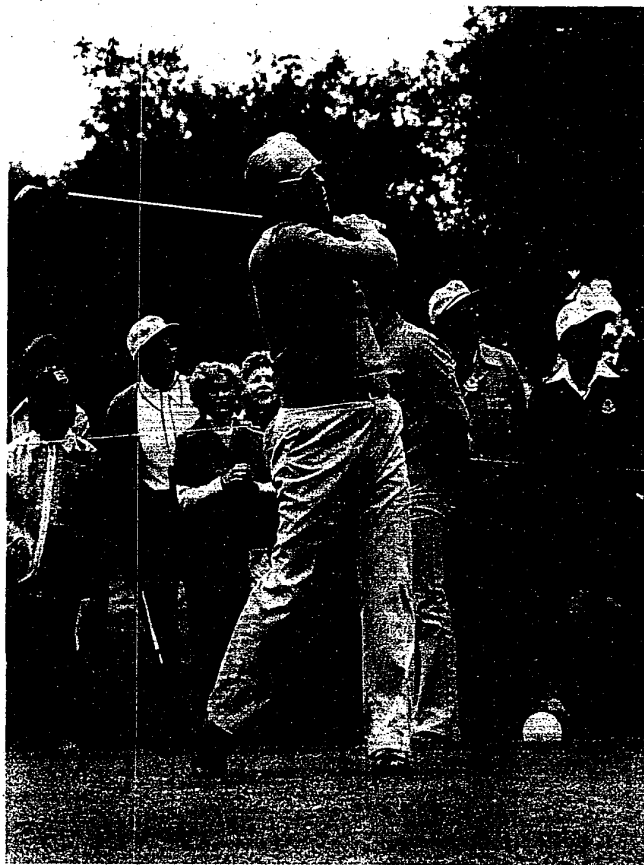
A number of homeowners have already been blocked in their attempts to add wood decks, she says; and the Zoning Board will hear more requests in the months ahead.

And since another 60 or so homes are being built in the subdivision, Mrs. Krzesinski expects even more requests to be coming in the years ahead.

THEY WANT the city to change the ordinance to allow sun decks within 18 feet of the rear property line.

The Zoning Board wants the city to take another look at the ordinance as well, says Jim Ellis, Zoning Board of Appeals chairperson.

In fact, the board requested the city's Planning Commission to take a look at the ordinance a few years ago, without luck.



## Guess who's coming to play golf?

Former President Gerald R. Ford and nine of the Professional Golfers' Association's top 20 money winners for 1977 will be on hand for the Police Athletic League fund-raising tournament at Wabek Country Club of Bloomfield Hills. They'll be joined by more than 100 business and government leaders who pay \$500 to help fund a year-round recreation program for

disadvantaged youngsters. Those interested in joining the gallery—expected to number at least 15,000, may purchase \$10 tickets by calling P.A.L., 224-0880. This picture of the former president was taken by Paul Stano last month at the Preston Trails Country Club in Houston.

## ...while zoning trustees fight among selves

By LYNN ORR

Wood decks aren't the only problem facing the Farmington Hills Zoning Board of Appeals.

Two members of the board have conflicting ideas of the board's purpose, which erupted at a recent public meeting. Board member Dan Lichtman called the meeting "asinine" and challenged secretary Jean Fox to

explain why she switched her vote when a rollcall was taken after a verbal vote.

"Mrs. Fox never explained why she switched from a 'no' to an abstention," Lichtman says. "Mrs. Fox was not only inconsistent, but illogical and unprofessional. I don't think she understands the law, the ordinances or their intent."

Lichtman presents his perception of

the board's role this way: "You have to listen to the facts and apply the law to individual circumstances. The problem right now is that the zoning ordinance as it's written takes an unrealistic approach when it comes to decks."

"It shouldn't be our job to plan the architectural design or landscape someone's property. If they make a good case, you grant it, whether you personally like it or not."

MRS. FOX sees her role on the board in a different light. "Our duty is to uphold the ordinances," she says. "Zoning is not a matter of popular vote. The ordinances have been set up to protect all the residents of Farmington Hills. There are two ways to grant a variance—either for a unique hardship or a specific problem. If it's a general problem, it should be dealt with elsewhere."

"There are ways of changing the ordinance if you feel the conditions have changed."

In response to Lichtman's charges, Mrs. Fox defers. "I think that, in general, the board agrees," she says.

Lichtman maintains that Mrs. Fox interjects her own personal values into board decision-making.

"I once asked her 'Who elected you the voice of beautification in Farmington Hills?' The people have a right to do what they want with their property as long as it meets certain requirements or a good reason to go outside the ordinance."

In regard to wood decks, Lichtman sees a problem in the ordinance.

"I like to analogize wood decks to patios. What's the difference? The difference is that the ordinance and the legal opinion make a wood deck a structure."

Mrs. Fox holds a somewhat different opinion.

"Our standards are a little higher than other communities," she says. One reason is to avoid the problems of other communities, she emphasizes.

The rear-yard setback specifically protects against overbuilt lots similar to those in northwest Detroit, she explains.

"When people came out here, that's one thing they did not want to have. Now we're getting a reversal of that. The houses are too large, sometimes just to the setback."

Building department personnel have predicted problems with wood decks, she maintains.

After a variance for a wood deck is granted, homeowners often want to screen it in, then perhaps add jalousied windows, and sometimes convert the original wood deck into another and even further additions, she explains.

"The first thing you know it isn't a deck, it's a whole room back there, and you have the same kind of situation that was so bad in Detroit."

"At least that's what we hear from some of the people in the building department," she says.

SHE DOES believe homeowners should be made aware of city ordinances and restrictions when they're buying a home and would like to see builders provide that information in some way. And she'd like to see lot sizes increase from the minimums required.

"Some people have been victimized by this. You can sum it up in one word—greed. You can make more money with smaller lots, but the homeowners have to pay the price."

## Tax options are debated by leaders

Would you rather pay more income tax and less property tax?

The governor wants to let you take a vote on it, but Farmington's school superintendent thinks the idea is a bad one—at least for this community.

The proposal, made by Gov. Milliken earlier this year, would allow residents of an individual school district to vote to replace 22 mills of local property tax with an additional two per cent income tax.

Rep. Sandy Brotherton (R-Farmington) is one of those supporting the proposal, which has passed the House Taxation Committee and now awaits action on the floor of the house.

"These proposals are consistent with the position I have taken in support of the tax limitation proposal which would limit state and local government spending to the per cent of state income currently in effect," Brotherton said last week.

"This doesn't eliminate any tax monies but it does shift the tax burden from the regressive property tax to an income tax which is based on ability to pay."

ITS ANYBODY'S guess at this point as to when and if the legislature will act on the proposal. If it is passed by early September, state voters will have a chance to approve an amendment to the state constitution authorizing the tax shift on the November ballot.

If the legislature approves the governor's bills, and if state voters then approve the constitutional amendment, the voters in each school district would be able to vote on how they want to finance their schools.

If a school district raises, say, \$1 million this year through property taxes, under the proposed tax shift the state would collect the two per cent in income taxes from the residents and then give the schools \$1 million.

But the following year, as critics of the proposal say, districts where the property values are rising—such as the Farmington district—will still only get \$1 million and the state will pocket the rest.

And it's expected that districts with declining property values would benefit under the plan by also getting the same funding from Lansing.

According to critics, the richer school districts would be supporting the poorer ones.

I don't think this would do our district any good," says Lewis Schulman, Farmington's school superintendent.

"If it generates more money, the surplus goes to the state. In this district, it would be less equitable."

BROTHERTON stresses that the tax shift would be a voluntary move. Even if a constitutional amendment authorizing the shift is authorized by state voters in November, districts can still choose to maintain the status quo.

"It permits you to function without any wild, crazy cutbacks in spending," Brotherton says.

The governor's proposal would not force any cutbacks in state government spending; it is only intended, as Milliken said in his latest State of the State address, to "redress substantial disparities in wealth among districts."

Says Supt. Schulman: "It doesn't provide tax relief to the people of this community so we wouldn't be in favor of it."

## FHS yearbooks finally arrive

Farmington High School yearbooks made a belated appearance Friday afternoon, missing the students' departures by 24 hours.

But students and staff can pick up their yearbooks from 9 a.m. to noon and from 1-3 p.m., Wednesday, at the FHS office, said yearbook advisor Lee Peel.

Publishing problems caused the delay, he said.

## inside

Community Calendar 4B  
Columns 8B  
Inside Angles 3A  
Classifieds Sections C,D  
Inside Angles 3A  
Suburban Life Section B  
Sports Section C

### Changing times

Times are changing as was noted by reporter Dennis Rosenbloom when he went out in search of the old fashioned hand lawnmower. To see what he found, turn to page 3A.

## Agendas planned for week

### CITY OF FARMINGTON

Council meeting  
8 p.m., Monday  
2380 Liberty

The council will hear letters requesting a sign variance for a Standard gas station on Farmington Road, asking for the closing of part of Power on June 26 for a block party and reporting on the status of the Winery restaurant.

Other letters from neighboring cities ask the council to take a stand on a Michigan House of Representatives bill placing a value tax on motor vehicles, government subsidization of the Pontiac Silverdome and an anti-pornography ordinance.

Other matters on the agenda include a transfer of funds from the general fund to the building authority for the new court facility (the former Ten Mile Elementary School). There will be a demolition report and a construction estimate given for the State Street parking lot. An increase in sewer rates to Oakland County will be discussed, as well as a proposal for two-way traffic on Thomas between School and Warner.

### FARMINGTON SCHOOL BOARD

8 p.m., Tuesday  
2350 Silverwasse

New members of the board will take the oath of office.

On the agenda is consideration of payment to the Michigan Association of School Boards legal trust fund for the 1978-79 school year, a report on new information from the superintendent, a report on liability insurance and renewal of membership in the Michigan High School Athletic Association.

Also to be considered are a retainer fee for a labor attorney, a long-term lease for the Farmington Area Advisory Council, purchase of eight school buses and roof repairs at Grace Elementary School.

### CITY OF FARMINGTON HILLS

Council meeting  
7 p.m., Monday  
3155 Eleven Mile

The council will hear a presentation from the Michigan State Highway Department concerning a contract to use Northwestern Highway.

There will be a cost hearing for Stowwood Court road improvement and Warner.

consideration of introduction of amendatory ordinances for 30411 Twelve Mile between Stansbury and Bramwell from Morris and Eva Cohn; 34350 W. Eight Mile between Gill and Cass from Mary Dabish; 35200 W. Eight Mile between Gill and Cass from W. Allan Tuomaala; and 35200 W. Eight Mile between Gill and Halstead, also from Tuomaala.

Under new business, the council will review the community improvement program; consider altering traffic controls on Valley Road, Wellington and Old Colony from Northwestern and Thirteen Mile. Council members will also consider amending the zoning ordinance regarding senior citizen mid-rise housing to limit maximum height to 50 feet.

They will consider awarding bids for Franklin Forest Road improvement, and a joint and crack sealing program. They will consider a request for preliminary approval for Green Hill Commons number 4, a fireworks amendment to the city code, and approval of drainage easement agreement across private service drive on property belonging to the White Motor Co. and Star Outter.