Southfield supports Hills in zoning dispute

By Joanne Maliszewski
staff writer

The Southfield City Council is throwing its support behind the Farmington Hills City Council's appeal of a recent Oakland County Circuit Court ruling that favored Boys Republic in a zoning dispute.

Southfield called on Boys Republic to "strongly consider ceasing operations" in the residential area and calls on the state Department of Social Services to "consider relocating the detention and confinement operations . . . to a location which will not harm the welfare of residential neighborhoods."

"I'm glad they passed the resolution. But I'm not sure whether it will do any good," said Massie Kurzeja, president of the Olde Town/Meadowbrook Heights Homeowners Association.

Farmington Hills has been embroiled in a zoning dispute with Boys Republic, which houses boys ages 12-17 in a medium-security facility on 80 wooded acres northwest of Nine Mile and Inkster, just across Inkster Road from Southfield.

In December, Oakland Circuit Judge Jessica Cooper granted summary disposition on a motion that the Farmington Hills City Council's August stop-work order violated Boys Republic's constitutional rights and did not provide for due process.

"WE DIDN'T get due process in the actions taken by the city," said Boys Republic attorney Karen Piper of Detroit. "I think Boys Republic has a pretty good chance of prevailing ultimately. Judge Cooper has agreed with us so far."

In response to the summary disposition, Farmington Hills is seeking an appeal of Cooper's ruling and has asked that further circuit court proceedings be put on hold pending the appeal, said John Donohue, special counsel for Farmington Hills.

"We hope to hear from them on the leave to appeal within one month to six weeks," Donohue said. "There is nothing to stop them (Boys Republic) from going (again) before Judge Cooper (on other issues)."

In mid-September, Farmington Hills sued Boys Republic, saying security renovations and a new assessment program represent "an expansion of a non-conforming use in violation of the city's zoning ordinance."

In the assessment program, the state Department of Social Services assigns wards of the state to Boys Republic for a four-week evaluation before they are placed in a long-term treatment program.

The city is seeking a permanent injunction against expansion of the non-conforming use, Donohue said. The private, non-profit, state-subsidized facility is in an RA-1 residential zone. Any change or expanded use of the land must be approved by the board of zoning appeals, according to city charter. Neighbors claim Boys Republic's new assessment program is an expanded use of the land.

THE CITY issued the stop-work order to give police and staff time to review the new assessment program and renovations made for the program.

In mid-August, Boys Republic sued Farmington Hills, seeking roughly $50,000 in alleged damages incurred from the two-week, stop-work order that cost the social service agency $3,700 daily.

On Aug. 29, Cooper lifted the stop-work order. She said the city violated its own charter by waiving zoning board review of the renovations and the new program.

A building permit was issued in error last December because the city was not told then about details of the new program, Donohue said.

But Piper disagreed. "The city knew what we were doing right along. We didn't do anything secret. The community had misperceptions of what we were doing in the first place. But the city was never misled by what we were doing."

Residents living near Boys Republic maintain that the new assessment program would put youths who have committed more serious crimes in the facility. But Boys Republic officials maintain the 40 boys in the assessment program have committed the same type of crimes and are not more dangerous than the 22 boys in the existing "open campus" treatment program.

"THE PROFILE of the boys is identical," Piper said. "No one has been able to demonstrate there's a change in the (type of) boys."

Kurzeja believes there is a change in the type of boys housed in the facility. At one time, the boys there were the same that went to school with neighborhood kids. "We never knew there was a problem until they brought in hard-core criminals. All at once, we realized these weren't kids that went to school with our kids."

Kurzeja said neighbors wouldn't mind if Boys Republic were merely improving the facility. "Nobody would knock them for upgrading. But they aren't upgrading. They are making a change. Now, we've got a prison moved in on us."

Petitions call for open Hills meetings

Petitions are being circulated among residents opposing the Farmington Hills City Council's new three-member ad hoc committee charged with studying major financial issues facing the city.

A group called Citizens Supporting Open Meetings is asking residents to get involved by signing the petition, writing letters to the city council or speaking of their opposition at the regular meeting at 7:30 p.m. Monday, Feb. 12. Petitions are expected to be presented to the city council Monday night.

In letters to homeowner associations, the citizens group maintains that the formation of the ad hoc committee, as proposed by councilman Terry Sever Jan. 22, usurps Mayor Jean Fox's role as mayor to appoint board and commission members.

When Sever proposed the ad hoc committee, he also proposed the members to serve on it. Council members were not interested in having Fox as an ex-officio member.

"Further, it usurps the authority of the full council, and, with closed, private meetings, lends itself to much possible question on behalf of the public interest," according to the letter.

COMMITTEE OPPONENTS are hoping the city council will reconsider the ad hoc committee at the Feb. 12 meeting. They will request the issue be put on the agenda.

"Citizens Supporting Open Meetings has been swiftly formed as a grass-roots organization of residents from all corners of our city to approach the council to remedy this situation," according to the letter to homeowner associations from Farmington Hills resident Julieann Hovanesian.

Ad hoc committee member Jonathan Grant said he intends to raise the issue of opening the meetings to the public at its 6:30 p.m. meeting today. Councilmen Terry Sever and Lawrence Lichtman also are committee members.

"I think it's an issue we should address at this meeting. I don't know how the other people involved feel about it," Grant said. "I think the whole thing has been blown extremely out of proportion. There are no secrets here."

Anyone interested in helping with the petitions or in need of more information can call Hovanesian at 474-3770.

clarification

Meng Fa Che, a Farmington Hills resident killed in a one-vehicle crash Jan. 27 on I-96 in Novi, owned New Mandarin Garden in Farmington Hills, not Mandarin House in West Bloomfield.

New Mandarin Garden is at 13 Mile and Orchard Lake Road.

Land use argued

Continued from Page 1

property that we already owned it," special services director Dan Potter said.

The city has been recommended by the Michigan Land Trust for a $661,200 grant to buy the MDOT property. If the state Legislature allocates money in the fall for the grant, the city will have to put up $220,400.

SEVER AND city manager William Costick have said in the past that the Peltz and MDOT property would be combined for parks and recreation use.

Potter said interest payments and the remainder of the Peltz land contract is expected to be paid with revenue from the city's five-year half-mill parks and recreation tax.

"I would never have voted for it (Peltz purchase) if it had been for anything else," councilman Ben Marks said.

Marks said Sever discussed the then-proposed Peltz and proposed MDOT purchase with Quaker Valley subdivision residents, who were told it would be used for parks and recreation.

"You can't keep changing the rules on them," Marks said. "They aren't going to be thrilled about having a library there." Quaker Valley Homeowners Association officials were unavailable for comment.

Sever agreed. "I'm quite confident the intent of the council was parks and recreation." The city council could consider alternative uses. "I'm not that narrow-minded."

Fox suggested future discussion on the use of both the Peltz and MDOT properties. "There have been many proposals as you know." But that was news to Dennis Fitzgerald, Farmington Hills Parks and Recreation chairman. "I'm not aware of any."

Parks and recreation commissioners Barbara McCann and John Bailey suggested leaving the door open. "I think it's a little too early to decide what's going on that site."

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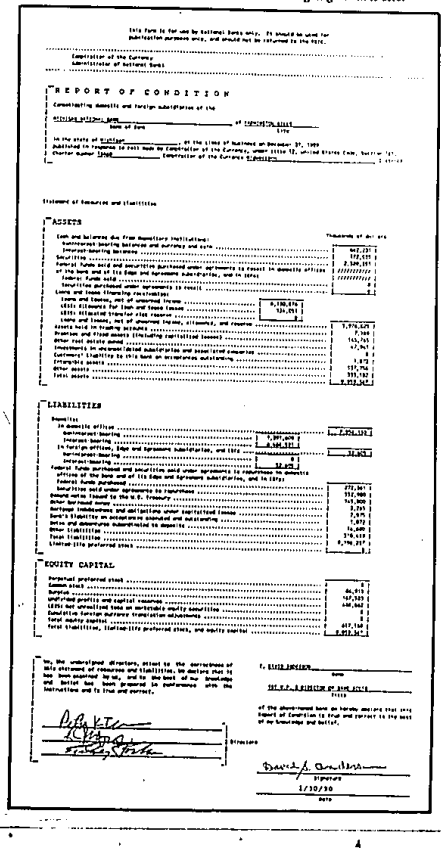
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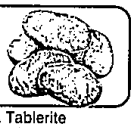
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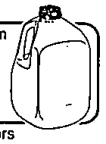
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