

# Building Scene

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Marilyn Fitchett editor/591-2300



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## Zoning perplexes land owners

By Doug Funke  
staff writer

People don't have unrestricted rights to do whatever they want with their property. And there's no guarantee that a community will retain its flavor at one particular moment for all time.

Those are the big lessons Ron Figlan tries to impress upon students in his adult education class on zoning and land use at Oakland Community College.

"There are a lot of people who don't realize zoning is a binding and legal document," he said. "It controls the use of land. A lot of older people feel, 'It's my land, I pay taxes. Why can't I do what I want with it?'"

"There needs to be some control by the community so uses will be compatible," he said.

Figlan, a planning technician for the city of Troy for 20 years, has taught a six-week course at OCC for several years.

"I would go up to the counter every day (at work) and talk to real estate people," he said. "They wanted to know, 'What's zoning, how do you change it?' I found myself standing up there a half hour giving them lessons on zoning."

"I SAID, 'I wish I could talk to them all at once.' I called Lawrence Tech, OCC, Wayne State. They said they didn't have a class that offered that," Figlan said.

"OCC called back and said, 'Would you like to teach?' I said, 'Why not?'"

Figlan described the class as general rather than specific because procedures are different in every community. Initially set up for real estate professionals, students have included plan commissions, architects, landscapers, zoning inspectors and builders.

Figlan's course outline addresses kinds of land uses, zoning districts, variances, site plans, and municipal departments involved in the process. "We look at a site through the eyes of the owner, the eyes of a real estate agent and the eyes of the city," he said.

FIGLAN SPENDS a lot of time answering real-life questions posed by his students.

"There might be a problem with dogs or a teenage boy working on cars keeps me up all night — what do I do?" Figlan said. "They ask questions getting into concepts and philosophies, social aspects of planning. Concrete and steel vs. trees."

"I like to hear other peoples' views, their side of the story," he said. "I guess you could look at planning as very precise — a building must be set back X amount of feet, there has to be X amount of trees."

"There's another aspect of planning, the psychological and sociological effect building has on planning in a community."

Figlan said he's surprised by how

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— Ron Figlan

naive many people are about zoning matters.

"WHAT I'VE heard often is, 'I bought this house and property behind me was nothing but trees and woods. Now you're proposing a sub behind there.'"

"What can you do to a developer who meets all the requirements for whatever zoning you're looking at? How can you deny him?" Figlan said.

Another situation that often surfaces — not enough attention is given to potential growth or change before moving in.

"A majority of people look at that house and property and take a casual look around the area and that's it. Especially if you're going to spend \$250,000 for a house, look at what's going on or what could go on."

Some property owners don't become aware of development and rezonings that may impact their lifestyles until it's too late to have effective input, Figlan said.

"YOU GET in right at the beginning when it goes to the plan commission for public hearing," he said. "When you get in earlier, it's possible the plan commission may make a recommendation subject to Joe Blow's recommendation or question."

Judith Anderson, a West Bloomfield planning commissioner, recently took Figlan's class to see how other municipalities approach the planning process.

"It's a fun class for anyone interested in the community," she said. "It gives insight into what's done and why and how planning for the future is done as far as zoning, roads and things."

Dennis Randt, who accepted a job last summer as a zoning inspector for the city of Farmington Hills, took the course to get a perspective on suburban zoning issues.

"He didn't stick to zoning issues," Randt said. "He went into other issues — tax bases, assessments, etc. Land management, in general, was the most enjoyable part. He gave perspective on that."

Figlan expects to start the next session of his course in January at OCC Orchard Ridge, Farmington Hills. Contact the office of continuing education at 471-7541 for details.



Zoning provides control by a community to ensure land uses will be compatible.

## Kickback allegations

I am a member of a condominium association who has been closely observing the actions of the board of directors as they relate to several contracting firms hired by the board on major projects. I believe that the company is giving kickbacks to at least the president of the association. I don't have any direct proof except a strong feeling. How do I confront the board about my suspicions?

Like corruption in government, there is always the ugly possibility of corruption in the governance of a condominium association, but it is hard to prove and, hopefully, very rare. Contractors who offer kickbacks to general contractors may also offer them to board members. Often service-related entities may also be inducing these uncompensated volunteer directors to look their way for business.

I would learn as much as you can about the relationship between the contractor you suspect and the board or managing agent that hired him. For example, what the competitors bid, how was the decision made to hire him, who made it — the board as a whole, the president or managing agent, if there is one. Put your questions in writing but be careful because you don't want to slander someone by falsely accusing him or her or it of taking payoffs. Be discreet but thorough. Your inquiry may itself have a chilling effect on any imprudent conduct that may be going on under the table.

Our association has a policy against "ghetto blasters" and the like being used in the clubhouse. Is it enforceable and if so, how?

Yes, it seems reasonable to require that members or guests using the recreational facilities of the condominium comply with reasonable rules regarding their use. Insuring that the facilities in question are free of excessive noise or other



condo queries  
**Robert M. Meisner**

disturbances is commendable and legally sustainable if these rules are enforced uniformly and consistently and were properly passed in accordance with the condominium documents and not for discrimination purposes.

Can you explain what is meant by the phrase — obtaining a title policy "without exceptions" when buying a condominium? Aren't all title insurance policies the same?

Not all title policies are the same; not all title insurance companies are the same. But there are certain expectations to most standard title insurance policies that are issued to ensure the owner that he or she has marketable title to the property purchased free of any liens or encumbrances except as listed on the "schedule to the title policy — the purchaser's mortgage."

But "standard exceptions" that are excluded from the protection to the title policy include such things as unrecorded mechanic's liens, survey errors, boundary disputes. If you ask for a policy without exceptions, these "standard exceptions" to the policy will be deleted. You may have to pay more for the policy, but it is well worth it.

Check standard policy for examples of exceptions.

Robert M. Meisner is a Birmingham attorney specializing in condominiums, real estate and corporate law. You are invited to submit topics about condominiums that you would like to see discussed in this column by writing Robert M. Meisner at 30200 Telegraph Road, Suite 467, Birmingham 48010.

## Institute pushes builder licensing

By Gerald Frawley  
staff writer

The problem? Too many builders, not enough licenses.

It's a widespread problem, according to Bill Lawson, principal partner of the Michigan Builders Institute, based in Rochester Hills, which teaches builders licensing seminars throughout the state.

Many small builders and remodelers who work on smaller projects, he said, are unlicensed and therefore working illegally.

The solution? Make them take the state licensing test.

Sounds simple, Lawson said, but there are problems involved. "There are a lot of builders who just don't like the tests."

Many builders are either intimidated by the state test or don't see the need for it, Lawson said. "Most builders are hands-on builder types, not sit-and-read types."

"I know more builders that are unlicensed than are licensed," he said.

Lawson, a partner in Michigan Home Builders Inc., and a builder himself, conducts seminars throughout the state, mostly through adult

and community education programs set up by school districts. Lawson has worked in industrial design, urban planning and as a real estate broker in addition to being a builder.

Seminar participants are given a crash course in everything needed to pass the test, Lawson said, which has resulted in a 95 percent passing rate. Seminars range in cost between \$115 and \$150, depending on the school district sponsoring the seminar.

Seminars are either 16 or 32 hours in length, and address all areas covered by the state builder's license exam, he said.

PAUL BORK, Lawson's partner and fellow instructor, has worked as a landscape architect, a city planner and a broker as well as being a builder.

Which isn't to say that unlicensed builders are incompetent, Lawson said. "They just aren't test-taking people."

Most unlicensed builders know how to construct a home, but the state exam doesn't test that ability, Lawson explained. "It measures a builder's knowledge about state laws, inspection requirements con-

struction liens and insurance.

"When you apply for the state exam, they don't ask if you know how to build from the ground up," Lawson said. "Basically, they want to make sure you don't get into trouble."

Actually, a builders license may be more important for the builder than the person who hires the builder, he said. Under state law, an unlicensed builder can get stuck with the bill for services rendered over \$600.

"People who are in the building trades and are unlicensed are considered handymen for projects under \$600," he said. "For projects over \$600, an unlicensed builder can't collect if a person refuses to pay — even in court because the work was done illegally."

Lawson said there are basically four types of people who take his courses. Obviously, the builder who is already active in the profession, but doesn't have a license, is a prime candidate for the class, but people considering becoming builders also make up a significant number of students.

THEN THERE'S the home fix-it

person who sees a license as a discount ticket for building materials, he said, adding many building material/lumber yards offer discounts for licensed builders.

The fourth type of person who may wish to get a builder's license, he said, is someone acting as a contractor to build their own home. Lawson said although someone building their own home does not need a builder's license, knowing the ins and outs of building is always helpful, and getting financing is sometimes easier for a licensed builder.

Lawson also said people can also benefit from having a builder's license in slower building times, because a builder's license is also required for large remodeling projects — which are more likely to increase.

Upcoming sessions include seminars in Brandon/Ortonville Nov. 26; Lake Orion Nov. 28; Wayne/Westland Nov. 27 and Jan. 8; and Novi Jan. 14. Call local community education groups for times and costs. The institute's number is 651-2771.

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