

# High court backs local zoning boards

A recent Michigan Supreme Court decision knocked down the favored use doctrine followed in some zoning cases and returned, as one municipal attorney said, "sanity" to local zoning practices.

In recent years developers frequently used the doctrine to win court fights over zoning. The doctrine, upheld by the court of appeals several times, allows developers to argue that property should be zoned for its preferred use rather than follow the local zoning. The doctrine put the burden of proof on the municipality which had to prove its zoning was valid.

BUT A FEB. 15 Michigan Supreme Court decision involving the City of Sterling Heights said developers cannot use the "favored use" doctrine as proof. It said the municipality's ordinance must be proven unreasonable by the developers.

"Plaintiffs must bear the burden of proof in attacking the constitutionality of the (zoning) ordinance in question."

It is up to them to present sufficient proofs, showing the defendant city by its action has violated one of their... constitutional rights... and acted unreasonably," the Court said.

Four Oakland County municipal attorneys expressed approval of the decision.

"I THINK IT'S an excellent decision," said Sigmund Beras, Southfield city attorney. "It gives back to the city some semblance of power over zoning which was eroded by the court of appeals decisions on the favored use doctrine."

Avon Township's attorney Lawrence Terman had the same reaction. "I think it is a significant decision and it reaffirms zoning in respect to single family housing as against trailers and multiples," Terman said.

"It also reaffirms older case law and puts zoning back where it was before the court of appeals started overruling zoning."

TERNAN EXPLAINED that when the favored use doctrine was introduced about three years ago, zoning and density requirements became social concerns rather than land use concepts. The switch put developers in a better position because municipalities were forced to prove their ordinances were valid, he said.

"It should lessen the general approach by developers to go to court if

they don't get what they want from local zoning boards," Terman said.

EXPANDING Oakland County communities like Avon Township, Southfield, West Bloomfield Township, Farmington and Troy have each been hit with several court suits fighting rezoning denials in recent years.

Troy, for instance, has six or seven cases pending in court. Troy City At-

torney Stanley Burke said the decision could cause developers to hesitate before filing suit.

Burke, who has heard of the decision but not seen a copy of it, said, "It's a very important decision if it does say that (strikes down the favored use doctrine). The court of appeals has been classifying trailer parks and multiples as preferred uses

and saying the burden of proof shifts to the city."

HE SAID NOW the courts may not sit as super-zoning boards governing local zoning.

Joseph T. Brennan said the decision will rid the courts of a very confusing doctrine. Brennan's firm, Brennan and Bibeau, is the legal counsel for West Bloomfield Township and Farmington Hills.

## White to teach O.U. journalism

William White, veteran journalist-author-teacher, has been named to head the new journalism program at Oakland University.

Frederick W. O'bear, O.U.'s academic vice president and provost, said White will begin his new duties Aug. 15. His appointment was approved by the board of trustees Wednesday.

White has been a member of the Wayne State University Journalism faculty since 1947. At O.U. he will serve as a professor of speech communication and administer a new journalism program that is offered through the department of speech communication.

"PROFESSOR WHITE is widely known and respected and his leadership will be instrumental in the growth of our new program of study in journalism," O'bear said.

White has written or edited more than 20 books, and written more than 1,000 scholarly articles and book reviews. He edited, in 1967, the national best-seller on Hemingway's journalism, "Bi-Line: Ernest Hemingway." It was translated in 14 different languages.

He has been head of the Wayne State University American Studies Program since 1967, editor of the Wayne journalism newsletter since 1956 and he has headed the journalism newspaper internship program since 1966.

HE HAS SERVED as an editor or correspondent for numerous newspapers since 1931 including the "Hartford Courant," "Los Angeles Examiner," "Detroit Free Press," and "Los Angeles Times."

White's many awards include a Fulbright professorship, a research grant



WILLIAM WHITE

from the National Endowment for the Humanities, and an award from the American Philosophical Society. He is a member of numerous professional organizations including the American Society of Professional Journalists-Sigma Delta Chi, the Association for Education in Journalism, and the Michigan Press Association.

The 63-year-old White received his A.B. degree from the University of Tennessee at Chattanooga, his M.A. from the University of Southern California, and his doctorate from the University of London. He also studied at the University of California at Los Angeles and at the University of Dijon.

White's wife, Gertrude, has been a member of the Oakland University Department of English since 1959. The Whites reside in Franklin.

## 2 programs approved

The Oakland University (OU) Board of Trustees has approved the university to proceed with its plans for a summer theater program on Mackinac Island. The board also approved a learning disability option as an addition to an existing master of arts in teaching program in special education last week.

Four plays will be performed for Mackinac Island residents and visitors during a June 27-Aug. 18 summer theater program.

The summer institute will be offered by the Academy of Dramatic Art (ADA), a "two-year" diploma-granting program offering intensive training for actors interested in professional careers. Ten graduates of the ADA's Studio Company will be selected by audition to form the nu-

cleus of the OU Mackinac Island group. In addition, 40 student apprentices will be chosen, also by audition, and they will each receive eight credits for the program.

The learning disability option will consist of a 36-hour semester sequence of graduate course work and practical experience. The new option will allow the university to respond to the legislature's 1971 mandatory special education act which requires school districts to provide appropriate programs and services for all handicapped children.

The Michigan Department of Education has issued a request for the prompt development of such training programs, OU officials said.

## Bill aids students

The House Special Subcommittee on Education last week put its stamp of approval on legislation that would make federally guaranteed college student loans available to children from middle-income families.

The bill, introduced by subcommittee chairman James G. O'Hara (D-Mich.) would eliminate present requirements that student borrowers prove that they are "needy," as long as their "adjusted family income" is less than \$15,000. An "adjusted family income" of \$15,000 is equivalent to a \$20,000-taxable income for a family of four.

Under present law most students from families with incomes over \$10,000 are unable to obtain guaranteed loans.

"WE WANTED to move on this legislation immediately so students entering college this fall could benefit from the changes," O'Hara said. "We plan to examine all aspects of federal student aid programs this year. We hope to come up with a new student aid package which would make college more accessible to more students."

He added that rising college costs made the liberalization of the loan program essential to improve the middle-income students' access to a higher education. The bill, co-sponsored by ten members of O'Hara's subcommittee, is expected to be considered next week by the full House Education and Labor Committee.

Telegraph, Pontiac.

Sheriff's department staff members will be available at the meeting to answer citizen's questions.

## Sheriff sets public report

Oakland County Sheriff Johannes Spreen will present his second report to the people at a public meeting at 7:30 p.m. March 21 at the county auditorium, 1200 N.

getting rid of our dogs?  
well, not really...

truth of the matter is, we don't think they're really bad at all,  
just one of a kind or discontinued pieces

...you know, the usual  
overlooked items  
that accumulate  
in a fine store like  
Towne & Country.



WE FEEL IT'S TIME TO FIND A  
PERMANENT HOME FOR EVERY ONE OF THEM!

Just 17... Rural French,  
Mediterranean and  
Colonial bedrooms

Reg. to \$899 \$499

4 piece sets include: triple dresser, mirror,  
roomy chest and queen or full size headboard.  
Save up to \$400.

Just 11... Simmons Hide-a-Beds,  
Selig, Serta Sofa Sleepers

Reg. \$299-\$645 \$219-\$499

These convert from beautiful sofa to comfortable  
bed in seconds. Quality fabrics and Vinyles.  
Colonial, traditional and contemporary styles.  
Some may be special ordered at these sale  
prices.

Just 23... fine lamps  
in many styles

Reg. to \$99.95 \$29

Wide choice of styles in the group: table, floor,  
chain and swag lamps. Save up to \$71.

Just 7... one of a  
kind fine chairs

\$78

Reg. \$99-\$230

Just 28...  
etageres and  
bookcases

\$79

Reg. \$129.95  
Contemporary in chrome  
and walnut; Mediterranean  
in pecan. 30" wide  
x 72" high.

Just 9... sofas  
and loveseats

\$199-\$299

Reg. \$273-\$499

Traditional, Mediterranean,  
contemporary and Colonial  
stylings by Selig and Hick-  
ory-Fry.

Just 33...  
assorted tables

\$29-\$79

Reg. \$59-\$139

Cocktail, end, bunched,  
lamp and snack tables; octa-  
gonal and square com-  
modes; wide choice of  
styles and wood finishes.

Just 34... La-z-Boy  
Reclina Rockers

Reg. to \$255 \$179

Traditional, Early American and modern de-  
signs, covered in fine fabrics or Vinyles.

Just 11... 5 piece dining  
rooms and dinettes

\$149-\$399

Reg. to \$525

Choose from contem-  
porary, Early American  
and Mediterranean.  
Sets include: round,  
oval, octagonal tables  
plus 4 chairs.

USE OUR CONVENIENT CHARGE PLAN OR YOUR BANKAMERICARD OR MASTER CHARGE



Towne & Country  
FURNITURE

Bloomfield—4107 Telegraph Rd.—South of Long Lake Rd.—MI 2-8822 Mon., Tues., Thurs. & Fri. 10-9 Wed. & Sat., 10-6

Dearborn—23600 Michigan Ave.—East of Telegraph—LO 5-3400 Mon.-Sat. 10-9