

**BIRMINGHAM CITY COMMISSION /  
PLANNING BOARD JOINT MEETING MINUTES  
OCTOBER 15, 2018  
DPS FACILITY, 851 SOUTH ETON, BIRMINGHAM MI 48009  
7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Andrew M. Harris called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL: Present, Mayor Harris  
Mayor Pro Tem Bordman  
Commissioner Boutros  
Commissioner DeWeese  
Commissioner Hoff  
Commissioner Nickita  
Commissioner Sherman (arrived 9:20 p.m.)<sup>1</sup>  
Scott Clein, Planning Board Chairman  
Robin Boyle, Member  
Jason Emerine, Member  
Stuart Jeffares, Member  
Bert Koseck, Member  
Daniel Share, Member  
Janelle Whipple-Boyce, Member  
J. Bryan Williams, Member

Absent, ~~Commissioner Sherman~~, Naseem Ramin

ADMINISTRATION: City Manager Valentine, City Attorney Currier, Deputy Clerk Arft, Assistant Planning Director Ecker, Building Official Johnson, Assistant Building Official Morad

**III. ITEMS FOR DISCUSSION**

**A. CURRENT ISSUES:**

1. Aging in Place

City Planner Ecker reviewed the October 10, 2018 memo on the matter.

Planning Board (PB) Chair Clein said the issue of aging in place is part of a larger issue of affordable housing in Birmingham. He asked the Commission if there was interest in exploring affordable housing in general in Birmingham, in addition to the issue of aging in place, in order to allow older residents to continue to live in Birmingham.

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<sup>1</sup>As corrected at the October 29, 2018 Commission meeting.

Commissioner DeWeese suggested that the City could look at its code to encourage people to build accessible housing from the outset. He continued:

- That part of the issue is that the code does not currently require people to consider accessibility issues.
- Changes that increase building accessibility help all citizens, not just those using mobility aids. People pushing baby carriers, for instance, are greatly benefitted by ramp entrances to buildings.

Planning Director Ecker said there are many examples of how other communities are dealing with the same issues of accessibility and aging in place.

Mr. Jeffares explained these issues currently loom large for real estate agents in Birmingham. A couple of examples were residential requests for:

- Covered walkways between a house and a detached garage so as to increase the safety of the path in winter.
- Elevator additions to homes where stairs present an accessibility issue.

Mr. Jeffares also suggested that planning parks with an eye towards the preferred recreational activities of an older population, such as softball, pickleball, and shuffleboard, would be beneficial. He noted that it was very difficult for NEXT to find softball fields in Birmingham for the senior softball league.

Commissioner Hoff explained the Foundation for Senior Residents' program providing no-interest loans to Birmingham senior citizens to increase residential accessibility. She is the Commission's representative at the Foundation, and the Foundation gets very few requests from citizens even though there is capacity. She mentioned:

- One of the reasons is likely that applicants have to be low-income, and many Birmingham residents are not at that level.
- The Commission and PB must remain aware of potential unintended consequences of changing the code to allow accessibility modifications to residences.

She also asked the PB to work closely with NEXT to get feedback on needs.

Commissioner Nickita offered a couple of examples of increased residential accessibility:

- Converting first-floor garages into liveable spaces.
- Creating smaller residences in the backyard of a residence to allow for independent living for seniors while allowing them to be close to their family.

He added:

- That the issue of increasing downtown residency is related to parking, which the City is currently working on.
- Changing the zoning of some streets from single- to multi-family homes could help. This would be done through the Master Plan process. While the onus would not be on the PB to make these changes, the PB could help direct the Master Plan conversation on the issue.

Mayor Pro Tem Bordman offered support for exploring both affordable housing and aging in place.

Mr. Boyle talked about the 'house within a house' concept in which different generations of a family can both live with each other and have separate living spaces. He also:

- Agreed that there are a number of other elements to explore to increase accessibility, such as curb heights, seating, and signage.
- Commended the City on providing larger and more legible street signage.
- Noted that the market will not make these kinds of accessibility changes. Only the City can provide them.

Mr. Koseck said the City should be focusing on attracting younger residents as well.

Commissioner Boutros agreed with Commissioner Hoff that the potential unintended consequences of moving forward with code changes must be considered. He noted:

- People may use the code changes put in place for seniors to gain space they do not need.
- The City must consider who moves into a house modified for senior citizens once the home is relisted.
- Perhaps there could be an age criterion for more flexible rules on these issues.

Mayor Harris noted consensus among the Commissioners in favor of exploring aging in place and affordable housing. He then opened the issue to comment from the public.

Ron Lewis spoke on behalf of himself and his wife, Stephanie Olman, who was in the audience. He explained:

- That while he is currently mobile, he has a back issue and was looking to build a bedroom and accessible bathroom on the first floor of his home.
- Mr. Lewis and Ms. Olman went to the Board of Zoning Appeals (BZA) to request the 3% variance that would have been necessary to make these changes.
- The BZA declined their request for the variance.
- Such a modest change to the house would not be a deterrent to a potential future buyer.
- The zoning ordinances are currently very rigid on these issues. He said Commissioner Boutros' suggestion of an age criterion could be a good idea.

Mr. Lewis thanked the Commission and PB for listening. He thanked City Manager Valentine and Mayor Pro Tem Bordman for speaking with him prior to his comments regarding the matter.

## 2. Rooftop Usage in MX District

City Planner Ecker reviewed the October 10, 2018 memo on the matter.

Commissioner Nickita endorsed this possibility, saying it should be considered for the rail district, the triangle district, and the downtown as well. He noted that the ordinances would need to be updated to require accessible access to rooftops. He cautioned:

- That these rooftop usages should not become an additional floor of interior space.
- Attention must be paid to the structural changes made as part of these updates. For instance, columns on the roof would visually imply another floor.

Planning Director Ecker said she could not speak to the City's original rationale for disallowing rooftop usage in 1998.

Commissioner DeWeese suggested that the code should be written with an eye towards creating these spaces as an amenity, as opposed to for occupancy. He also agreed with

Commissioner Nickita that the careful implementation of these spaces could occur in Birmingham's other commercial districts as well.

Commissioner Hoff said:

- The MX District is currently the only district that disallows rooftop usage.
- Rooftop usage could be expanded to the MX District.
- The issue of enclosures for elevators or similar considerations could be looked at further, both for the MX District and for the other commercial districts.

Planning Director Ecker explained that currently an enclosed rooftop-access elevator cannot cause a building to exceed the permitted number of stories in a district.

Mayor Harris acknowledged consensus to explore rooftop usage in the MX District and to explore definitions affecting rooftop usage in all of Birmingham's commercial districts.

It was determined that All Seasons has two buildings of differing heights, and residents have rooftop access to the shorter building's roof by exiting an elevator in the taller building.

### 3. Process for Minor Changes to the Planning Board's Action List

City Planner Ecker reviewed the October 10, 2018 memo on the matter. She provided wooden gates on dumpster enclosures as one such potential minor change.

Mayor Pro Tem Bordman said the PB has a full slate of important issues, and that the minor issues should be saved to be addressed periodically so they do not take time from the major issues.

Ms. Whipple-Boyce explained she would like to have a miscellaneous category for the PB to consider minor ordinance changes, which would then go before the Commission. She cited two examples where materials that would have been appropriate for a building were disallowed by the City's code. She stressed that none of these issues would bump a more pressing issue off the list.

Mr. Koseck noted that materials continue improving, and the PB is currently unable to recommend updates to the code to keep up with those improvements.

PB Chair Clein explained that the PB would not make exceptions to ordinances. Rather, as projects are proposed and turned down based on code, the PB notes issues that could be revised. They are asking for a process to revisit those issues with the Commission a bit more frequently. PB Chair Clein suggested a quarterly review might work.

Planning Director Ecker explained minor issues used to go to the Commission from the PB through an informal Miscellaneous category. Since the PB's list is now formalized and ordered by priority, however, it would be more difficult to have a miscellaneous category.

Commissioner DeWeese said that if the issues can be resolved quickly, they should be. Otherwise, issues should be noted and brought to the next joint Commission-PB meeting to be discussed.

Commissioner Nickita suggested clarifying:

- The definition of minor;

- The appropriate process for reviewing these issues and making changes; and,
- When these issues are addressed.

Mayor Harris noted consensus to expedite consideration of minor issues. He suggested City staff could bring issues to the Commission's attention at the next Commission meeting after the issues arise, in order to quickly get feedback to the PB.

City Manager Valentine confirmed that City staff would look into how to do this efficiently.

#### 4. Use of Astro Turf in Residential Rear Yards

Building Official Johnson reviewed the October 10, 2018 memo on the matter.

Mayor Pro Tem Bordman spoke on grass' importance to the local ecological system.

Commissioner DeWeese said:

- Turf can help control run-off and helps avoid fumes from lawn mowers.
- In the particular example being discussed, the water would be recycled to water a garden, which gets to Mayor Pro Tem Bordman's concern.
- He does not have a preference for a particular color of turf as long as the public cannot see it.

Commissioner Nickita said:

- Drainage is a big issue although products are getting better.
- He would only want it in the rear yard.
- The significant burden of implementation and regulation would be placed on the City.
- Odor retention can be an issue with pets and turf.

Building Official Johnson explained this would only add a few inspections to the normal inspection routine and that he is in favor of this.

Commissioner Hoff said she was comfortable with a study of this, and would want to start with backyards.

Commissioner Boutros pointed out that turf is better than rocks or concrete, which would currently be permitted by code.

Building Official Johnson said lower-quality materials tend to have the issues with odor retention. He also confirmed that high-quality turf installed properly reduces drainage problems that lawns have.

Mayor Harris noted consensus to study the turf use in rear yards further.

#### 5. Walls, Structures & Grade Changes in Front Yards

Building Official Johnson explained the current issue.

Commissioner Nickita agreed the City needs to figure out the limits for these issues before the walls, structures and grade changes get too extreme. The parameters should adhere to the character of the neighborhoods. He also acknowledged that creative expression on front lawns can be valuable and has a place in the community.

Commissioner DeWeese said the character of the neighborhoods will be clarified during the Master Planning process, and this topic can be brought up within that conversation. The PB could do some preliminary research on trends. The question will also be what residents want their own neighborhoods to look like.

Building Official Johnson said that raising the grade of a yard can cause excess water in neighbors' yards. He also explained that a drainage system installed at the time of the grade-raising would prevent the issue.

Commissioner Hoff said effects on adjacent properties should be considered.

Building Official Johnson noted some back-to-back lots can have six-foot tall fences along the property line.

Commissioner Nickita said he wants an ordinance requiring a concrete walk between the sidewalk and the front door, instead of only having a front door accessible by walking along the driveway. He would like this added into the discussion of front yard ornamentation, and believes it promotes Birmingham's goal of being a walkable City.

**V. PUBLIC COMMENT**

There was no public comment.

**V. CITY COMMISSION BUSINESS**

- A. Resolution of the City Commission to meet in closed session, as requested pursuant to Section 8(A) of the Open Meetings Act, MCL 15.261 – 15.275.

The meeting was recessed at 9:22 p.m.

The meeting was adjourned to closed session at 9:32 pm.

The meeting returned to open session at 11:20 p.m.

**VI. ADJOURN**

The meeting was adjourned at 11:20 p.m.