

# Hearing

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HAYES ADDED to his answer to Mrs. Mead by stating that Andrews said at a meeting of the council and zoning committee last Thursday night that a city should "operate in the light of the statute (Michigan Housing Law) which uses health, general welfare, safety and morals as factors in establishing a zoning ordinance."

"It becomes unusual when you try to draft a zoning ordinance because of restrictions on business and manufacturing. There is no case like it in Michigan," said Hayes.

The proposed ordinance would limit businesses to single story structures, eliminate industry, and require homes to have 1,500 square feet of living space on the first floor, plus attached garages, among other things.

"THERE MAY be some argument on the square foot limitation—we may be attacked from that point—we may be attacked for completely eliminating business—but we have to start somewhere. The thing to do is get an ordinance with the best thinking you can obtain," said Hayes.

George M. Taylor asked why Southfield should not be zoned all the way to 12 miles.

William A. Devlin, member of the zoning committee replied, "A survey made shows that there is enough zoning for business, as proposed, to accommodate a population of 25,000. We may never go over 7,500, but if we do, in future years we can consider it then."

"YOU'RE OPENING yourself up to the biggest lawsuit you ever saw," said Taylor.

"If it's necessary to protect the rights of the citizens in this community, there are people who will pay," Campbell retorted.

H. H. Hidy, joining in support of Taylor said, "I've had trouble with zoning ordinances before, and the only test of a zoning ordinance is if it is reasonable. And those companies who have bought those lots will not consider it reasonable."

FAVORING the proposed ordinance Corke said, "We moved here because we liked it. When we questioned Mrs. Kelly (wife of Charles D., the developer of Lathrup) she reassured us, and the Southfield Zoning Board reassured us, that we were zoned residential, but the mortgage company would not extend money for the mortgage, because it was not residential."

Mrs. Kelly, first objecting to a remark made earlier that the Lathrup platting was a horse-and-buggy layout, stated that there was a lot of confusion between zoning and (dead) restrictions?

SHE ADDED that buyers were told that the property wasn't zoned. "We didn't say it wasn't zoned."

Some residents of Lathrup contend that the Kellys have been misleading buyers of land. In refuting this, Kelley read into the record a copy of advertising used to sell the land.

In part he read: "In each subdivision in Lathrup Village all buildings erected on residential lots have all been, or will be, constructed under the original, permanent plan of building and use restrictions—which became related to all lots upon the recording of the plat of that subdivision and the first sale of a lot therein."

"CERTAIN beauty of a neighborhood (as to buildings and certain land uses) may be provided and enforced under a sound permanent covenant. . . . Municipal regulations, on the other hand, are not applicable to a subdivision lot if they undertake to lower the value of that lot made valuable by reason of valid contract restrictions. Thus, by contract, Lathrup Village has been protected from the beginning. . . . To this covenant each property owner became a party."

After the meeting Kelley claimed, "The provisions will be found illegal that hold that the government and the city can build two-story buildings; and we can build all the two-story homes we please, but a private citizen can not build a two-story business structure."

KELLEY also quoted Andrews of the MML as saying that zoning cannot cover lawful requirements as to amenities, comfort, convenience, property or civil value. "That's what they are trying to do with this ordinance," Kelley said.

At the meeting Kelley told the

assembly, "Dead restrictions are placed on record by the subdividers—in deeds as listed or by a recording instrument—not even the subdivider can change that dead." "You're absolutely wrong," shouted one unidentified member of the audience. "Deeds in Detroit, calling for use by the Caucasian race only, were defeated in the supreme court."

"ZONING restrictions can improve deed restrictions and there's no argument about it," said Hayes. "There are dozens of businesses that are not prohibited by restrictions and that's what we're trying to do."

Former councilman Thomas N. Reed, questioning the council on why all two-story houses were placed in a non-conforming classification, asked, "Would that be in the interest of health or welfare to make me live in a home of 1,500 square feet rather than 750 square feet?"

"IF THAT imposes a hardship—if someone wants to build a small home they have the privilege of appealing to the zoning board of appeals," said Councilman Lantz.

L. Mackey, also a member of the zoning board, "We need some form of controlling the size of houses."

The majority of those present, as did L. C. St. Louis and Lee A. Vogelsang, favored putting their trust in the council "who we so overwhelmingly put into office (April 4)."

What seemed to be the opinion of everyone present was expressed by ex-councilman Redwood when he said, "I assure you I am in favor of a zoning ordinance—I'm with the community 100 per cent."

"THE ONLY thing I question," Redwood added, "is the legality of the zoning ordinance. I don't want to see the city brought into court and belittled by the courts of Michigan."

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In concluding remarks Councilman Redwood said, "I'm quite sure I of the zoning committee."

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