

City of Birmingham
Regular Meeting of the Ad Hoc Aging in Place Committee
September 27, 2023

Conference Room 202

151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham's Ad Hoc Aging in Place Committee held on September 27, 2023.

1. **Call to Order:** AIPC Chair Hoff convened the meeting at 4:04 p.m.
2. **Roll Call:**

Present: Leslie Pielack, Cris Braun, Rebekah Craft, Rackeline Hoff, Rosemary O'Malley, Pam DeWeese, Melissa Mark

Absent: None

Guests: City of Birmingham Planning Director Nick Dupuis
City of Birmingham Assistant Building Official Mike Morad

3. **Approval of Minutes of the Regular Meeting of the Ad Hoc Aging in Place Committee of August 30, 2023:**

Chair Hoff stated that she had two comments/clarifications to the draft minutes:

- A. Page 2, Section C, Paragraph 2: "Senior Foundation" should be changed to "Foundation for Birmingham Senior Residents."
- B. Page 2, Section C, Paragraph 2: "loans" should be changed to "interest free loans."

Motion by CM O'Malley to approve the minutes of the August 30, 2023 meeting with the above listed two changes. Motion seconded by CM Mark. Voice Vote:

Yeas: Hoff, Mark, DeWeese, Pielack, O'Malley, Craft, Braun,

Nays: None

4. **Speaker: City of Birmingham Planning Director Nick Dupuis**

Mr. Dupuis introduced himself to the committee and stated that he would be addressing the City's proposed 2040 Master Plan for review as it relates to aging in place. After discussing the topic, he would answer questions. Mr. Dupuis stated that he was going to pull pieces out of the 2040 Master Plan and look at them from an urban planning/land use prospective. Mr. Dupuis stated that he wanted to "set the table" on how the City got to where they are and "frame" what is to follow.

Mr. Dupuis stated that the 2040 Master Plan has an introduction and five chapters (Connect the City, Embrace Managed Growth, Retain neighborhood Quality, Support Mixed-use

Districts, Advance Sustainability Practices). Mr. Dupuis stated that in his opinion, all five chapters have "something" to look at as it relates to aging in place and that everything is interrelated. Mr. Dupuis stated that there are also some "Big Ticket" items or points that he would like to discuss with the committee that should be addressed.

A. Zoning Code Update - High Priority

Mr. Dupuis explained that a zoning code update is a very large task. Mr. Dupuis referred to the "Summary of Key Actions" table in the 2040 Master Plan and that there are around 30 items that need to be prioritized. Mr. Dupuis stated that the updating of the zoning code is the highest priority and will be the "biggest, most important step out of the gate." Mr. Dupuis further stated that at this time, the zoning update is not budgeted for and the cost is a considerable expense. Mr. Dupuis stated that in the zoning code, there are both small and large items that need to be addressed and that have implications for aging in place.

B. Housing Types

Mr. Dupuis stated that this is a topic that can have contentious points. Mr. Dupuis used the example of "seams." However, Mr. Dupuis stated that diversified housing types are directly applicable to aging in place. Mr. Dupuis explained that there are a number of options and that "seams" give people more options (townhouses, duplexes, cottage courts).

C. Accessory Dwelling Units or ADU's

Mr. Dupuis stated that that in terms of ADU's, the 2040 Master Plan was "light" on content. Currently, zoning codes prohibit ADU's in the City. Some of the "issues" with ADU's that are often brought up are:

- i. Where are all of the occupants going to park?
- ii. Unpermitted ADU's - People are going to skirt the rules.
- iii. Short term rentals - People are concerned about "party houses."

Mr. Dupuis also stated that there are many benefits to ADU's as well:

- i. Flexibility - Multiple ways to use by residents – Above garage, stand alone, lower floor, upper floor
- ii. Rent principal residence and live in ADU.
- iii. Multi-family/Mixed Use

CM Braun asked Mr. Dupuis what the difference was between an ADU and an addition to a residence. Mr. Dupuis stated that an ADU is a separate, stand-alone unit, usually always with its own kitchen and bath as the main difference. Mr. Dupuis stated that the AARP is "all in" on ADU's and that they published a great resource called the "A, B, C's of ADU's." CM Craft asked what the difference was between an ADU and a duplex. Mr. Dupuis stated that he was not sure if there is a difference and then Mr. Morad stated that the big difference would be in zoning. Does the zoning allow for the ADU?

D. Renovation Over Demolition

Mr. Dupuis stated that renovation over demolition is encouraged and that there are several ways that can be encouraged:

- i. Fast tracking the permit process for renovations.
- ii. Relax zoning issues so that they encourage renovation.

E. Sustainability

Mr. Dupuis explained that while some may feel that sustainability may not or does not affect aging in place, he strongly feels that it does. Mr. Dupuis referenced an AARP report, "Climate Change and the Health of Older Adults" as an example. The report details how air pollution affects seniors:

- i. Exacerbates existing health conditions.
- ii. Limits mobility
- iii. Exacerbates compromised immune systems
- iv. Increases the likelihood that people will need outside assistance to live

Lastly, Mr. Dupuis brought up two documents that he felt were very pertinent to the AIPC mission; the "Michigan Age Friendly Action Plan" and the AARP's "The 8 Domains of Livability."

- i. Michigan Age Friendly Action Plan
 - a. Has similar correlations to the City 2040 Master Plan.
 - b. Written in 2021 - Pertinent time frame.
 - c. Made Michigan the first Midwest state to be labeled an "age friendly state" and only the fifth in the country.
 - d. The City's population is expected to grow by 2,000 residents by the year 2040, the majority of which will be in the 65+ age category.
 - e. Mission statement of the plan is directly related to the AIPC mission.
- ii. The 8 Domains of Livability – AARP
 - a. Outdoor Spaces and Buildings
 - b. Transportation
 - c. Housing
 - d. Social participation
 - e. Respect and Social Inclusion
 - f. Work and Civic Engagement
 - g. Communication and Information
 - h. Community and Health Services

CM Mark asked Mr. Dupuis what the process is to look at these recommendations, for example, the zoning code. Mr. Dupuis stated that the City's Planning Board would take on the various recommendations and prioritize them for City Commission review. Each year, the Planning Board creates an "action list" to take on during that year.

CM O'Malley stated that the 2040 Master Plan referred to the high cost of property in the City. CM O'Malley asked if "seams" offered an opportunity to address lower cost

housing. Mr. Dupuis explained that the reality is, most of the City will continue to exist in the "high" cost arena. Another way to look at the issue is whether or not a property is being built to own or rent. CM O'Malley asked Mr. Dupuis whether or not he felt that builders would be interested in building properties where the sales value returned or the profit would not be as great. Mr. Dupuis stated that he did think it was viable. Mr. Dupuis stated that part of the issue could be solved when the zoning code is updated - Be specific as to the type of housing the City wants/needs and eliminating the ability to build a single family home for example.

Chair Hoff informed the group that many of the issues the AIPC is discussing are controversial issues that have come before the City Commission in the past and received a great deal of discussion. Chair Hoff gave the example of ADU's that have two dwellings on a single property as being controversial. Another example are the "seams." Seams have been a "hot button" in the past. People near the area where a "seam" is proposed come out in force to oppose them. Mr. Dupuis stated that he 100% agreed with the statements of Chair Hoff. Mr. Dupuis stated that there are multiple questions with ADU proposals: How do we prove use? How do we enforce ADU requirements? Are there ways to control ADU use?

CM Pielack asked if there were incentive opportunities. Mr. Dupuis stated that he felt there were incentive opportunities. For example:

- i. Fast track applications.
- ii. Reduce permit fees.
- iii. Relax lot coverage rules.

However, when these options are utilized, other issues develop. For example, if lot coverage rules were relaxed, then the amount of impervious land would be reduced leading to possible water issues on the property. CM Pielack asked if whether or not the zoning code would have to be changed to incentivize builders/owners. Mr. Dupuis said that it would. Mr. Dupuis stated that there are other ways to offer relief. For example, historic homes offer an opportunity for relief.

CM Mark asked if there was a current size limit of an ADU in the City. Mr. Dupuis responded that ADU's are currently not permitted in the City by the zoning code.

Speaker – Assistant Building Official Mike Morad

Mr. Morad introduced himself to the AIPC. Mr. Morad stated that a term that is very important for the committee to understand is that of what a setback is. Mr. Morad stated that a setback is the distance (measured in feet) a house or structure must be from the front, side and rear property lines. Setbacks allow for access to underground utilities and the distance between properties.

In the City, a structure or structures built on a lot cannot exceed 30% of the total lot coverage. Additionally, 40% of a lot must also be impervious. This has the potential to create hurdles for residents who are already at these limits if they chose or needed to expand their residence to accommodate aging in place. Mr. Morad provided the

following example. Let's say a resident wanted to add an elevator to their property, but the property was already at the 30% lot coverage. The homeowner would then have to ask the City for a variance. By our current zoning ordinance, the reason for the variance does not matter. The zoning ordinance only considers the lot. If the lot was already at its 30% coverage limit, the variance would be denied. Chair Hoff asked Mr. Morad about a "hardship exemption." Mr. Morad explained that the hardship does not supersede the zoning ordinance. CM Mark asked a question that if a resident was injured in a bicycle accident and needed an adjustment to their home to accommodate their rehabilitation or living circumstance, would that be allowed. Mr. Morad again stated that the Building Dept. must follow the zoning ordinance. So, if the resident were already at their 30% lot coverage limit, the permit would be denied. CM Pielack asked Mr. Morad what other communities do under these same circumstances. Mr. Morad stated that he was unsure, but maybe other communities zoning ordinances are/were not as stringent as the City's zoning code. CM Braun asked if there were lots that could accommodate the request. Mr. Morad stated there was. Mr. Dupuis then explained to the AIPC the City's policy of what he calls "fixing holes." For example, Setbacks that precluded handicap ramps or a ramp being constructed in the front of a residence. City staff identified this as an immediate issue that could be addressed with a zoning code change and addressed it at the time. Mr. Dupuis stated that if the elevator issue was to come up again, it may be considered a "hole" that could be fixed by an ordinance change in a timely fashion. CM Pielack asked if that was what the City did with the ramps. Mr. Dupuis stated that it was and that it took three months to complete the zoning ordinance change. CM O'Malley asked a question about elevators and the fact that the addition to accommodate an elevator would probably be small. Mr. Morad agreed, but stated that if the property owner was already at their setback line, the property owner may have an issue getting an approval. Mr. Morad gave another example that some property owners have even had a problem trying to fit a central air conditioning unit onto their residence because of the setback lines, despite its small size.

CM Pielack stated that while we wait to overhaul the zoning ordinances, the City could "cherry pick" a particular zoning ordinance, like the handicap ramp ordinance, and address it at the time. Mr. Dupuis stated, "100%." CM O'Malley asked Mr. Morad what the cost of an elevator was. Mr. Morad was unsure, but guessed that it would be in the \$20,000.00 range. CM Mark asked Mr. Morad if the City's zoning ordinances have changed over the course of the last 20 years. Mr. Morad stated that it was the late 90's when the lot coverage percentage was added into the zoning ordinances and that the total for all structures on the lot is figured into the calculation. CM Braun asked what makes a residence an "historic" residence. Mr. Dupuis stated that the age of the residence does not make it an automatic historic residence. Events or a person who lived at the residence are also factors to be considered. CM Pielack stated that there are very specific criteria for a residence to receive an historic residence designation.

CM O'Malley asked both Mr. Dupuis and Mr. Morad what they thought was the most important change the AIPC should include in their report. Mr. Morad responded that he felt re-constructing the zoning ordinance. Mr. Morad also talked about "trade-offs." For example, if a person wants a patio and a pool, but there is not enough impervious

ground, then maybe the resident removes some of the concrete of the patio or puts in an underground water storage tank to account for the "trade-off." Mr. Dupuis stated that he felt the AIPC's "Action Plan" was an extremely important document to "connect" with other City initiatives. Mr. Dupuis suggested that the AIPC build an action plan that is symbiotic with other City plans and goals.

5. Open to the Public for Items Not on the Agenda:

- A. Resident Kathy Devereaux of 1019 Rivenoak attended the meeting on Zoom. Ms. Devereaux had three questions:
 - i. Are the meetings of the AIPC open to the public to attend? Staff Liaison ACM Clemence told her that the public was free to attend the meetings in person.
 - ii. Would the space in City Hall accommodate guests? Staff Liaison ACM Clemence stated that the conference room could be expanded for guests and seating would be available.
 - iii. Will the recordings of the meeting on Zoom be available to the public? Staff Liaison ACM Clemence stated that the videos would be made available to the public on the City's website.

6. Miscellaneous Communications:

- A. All communications attached to meeting agenda packet.
- B. CM Mark asked that the library be included as a civic facility.

7. Announcements:

- A. Chair Hoff stated that she received a mailer from State Senator Mallory McMorrow that addressed issues currently being discussed by the AIPC. Chair Hoff brought the mailer to the meeting and shared it with the AIPC. Chair Hoff went over the mailer and what its key points were.
- B. CM DeWeese stated that she watched a show on Netflix called "Live to 100." CM DeWeese stated it was a five episode series and recommended to the AIPC to watch it.
- C. CM Mark mentioned to the AIPC members the articles posted in the New York Times that were related to aging. The links were shared to the group by Staff Liaison ACM Clemence.
- D. CM Pielack stated that she has done some research on the topic of ADU's used throughout the country and two locations in particular, Seattle, Washington and Eugene, Oregon where "pre-approved planning" was of major assistance. The research was helpful in educating people about ADU's. CM Pielack stated that she also found research that showed that the "worries" people had about ADU's that opposed ADU's did not come to fruition after the ADU's were built.
- E. CM DeWeese stated that she believes the AIPC has to promote "positive communication" with the public about the AIPC. CM DeWeese stated that the AIPC needed to "get people on board" and get "buy-in" by the community for older persons.
- F. Staff Liaison ACM Clemence reminded the AIPC members that the next meeting of the AIPC will be on October 11, 2023 for a discussion of

information to be used in the development of the survey to be distributed to the public. Further, that Staff Liaison ACM Clemence will author the survey based on the criteria established by the AIPC.

G. That on the October 25, 2023 regular meeting of the AIPC, Staff Liaison ACM Clemence will present the survey for review and edit by the AIPC.

8. **Adjournment:** With no further business being evident, Chair Hoff closed the meeting. CM DeWeese made a motion to adjourn the meeting at 5:10 pm. Seconded by CM O'Malley