City of Birmingham
A Walkable Community

MEMORANDUM

Community Development

DATE: **April 20, 2015**

TO: **Joe Valentine, City Manager**

FROM: **Matthew Baka, Senior Planner**

CC: **Jana Ecker, Planning Director**

SUBJECT: **Set Public Hearing for a Lot Split of 1530 Pilgrim, Parcel #1926226002,** T2N, R10E, SEC 26 PHILP QUARTON ROAD ESTATES LOT 3 & SLY 40 FT OF LOT 4

The owner of the property known as 1530 Pilgrim is seeking a lot split to divide the existing parcel into two (2) equal sized parcels.

The Planning Division requests that the City Commission set a public hearing date of **May 18, 2015** to consider the proposed subdivision, pursuant to the procedures set forth in Section 102-52 of the Subdivision Ordinance.

Suggested Action:
To set a Public Hearing for May 18, 2015 to consider the proposed Lot Split of 1530 Pilgrim, Parcel #1926226002.

Community Development Department
Birmingham, Michigan
LOT SEPARATION/COMBINATION FOR BUILDING PERMIT

RECEIVED APR 09 2015

Prior to making application for a building permit, the property owner must complete the following application form and submit the required information noted below when seeking approval to combine or separate platted lots for purpose of developing the property(s), pursuant to Chapter 102 Subdivisions, Section 102-51 Approval Required, Birmingham City Code. Approval must be granted by the Building Official and new parcel identification numbers issued by the County prior to submission of a building permit application.

RECEIVED MAR 26 2015 CITY OF BIRMINGHAM COMMUNITY DEVELOPMENT DEPARTMENT

Date: March 25, 2015.

Property Address and Legal Description -
1530 Pilgrim Ave., Birmingham, MI 48009-4802 (see legal description below)

Current Parcel I.D. No(s). 19 - 26 - 226 - 002.

____ - ____ - ____ - ____.

A Registered land survey must be attached to this application showing at a minimum:

- ☐ All existing platted lot lines
- ☐ Legal descriptions for each separate lot
- ☐ Location of structures
- ☐ All setbacks
- ☐ Location of adjacent property structures and setbacks.
- ☐ Application Fee of $200.00

(I), (We), do hereby swear that all of the statements, signatures and descriptions appearing on and with this request are in all respects true and accurate to the best of (my), (our), knowledge.

Required Signature of Property Owner(s):

Alexander E. Kuhne
Print Name

Dawna Phillips Kuhne
Print Name

Phone Number: 248-396-3937 (cell)
Number:

Phone 248-390-8819 (cell)

(A letter of authority or power of attorney shall be attached in the event the request is made by a person other than the owner of the property.)

APPROVALS

Building Official Approval: _____ Date: _____

Treasurer Approval: _____ _____ Date: _____

Note: All taxes and special assessments must be paid at time of application.
Application Fee: $200.00

H:\Shared\CDD\FORMS\Lot Separation Form.doc

CURRENT LEGAL DESCRIPTION:

Lot 3 and South 40.0 ft. of Lot 4, PHILP, QUARTON ROAD ESTATES, a Subdivision of part of the N.E.1/4 of section 26, T2N-R10E, Bloomfield Twp., now CITY OF BIRMINGHAM, Oakland County, Michigan. Plat recorded LIBER 28, PAGE 40, Oakland County Records.

To: Mr. Matt Baka
City of Birmingham
Planning Department

From: Lex and Dawna Kuhne

Re: 1530 Pilgrim Avenue
Request for Lot Separation Waiver

Date: April 9, 2015

We respectfully request that our property parcel at 1530 Pilgrim Avenue receive waivers authorizing its future separation into two (2) buildable lots with equal frontage. We do not have any building plans at this time, but to approve the waiver now would increase the market price for a sale to a builder of two (2) new residences. Such a sale would allow for redevelopment consistent with the nature of 75% of the homes on our northern-most block of Pilgrim and increase the city's tax residential tax base.

We, therefore, request two waivers:

1) To permit building on each of the two equal resulting lots in compliance with the R1 zoning applicable to every other block in Quarton Lakes Estates. For whatever reason lost to history, 1530 Pilgrim is located in a small parcel zoned R1A. However, with the new construction of 1450/1470 Pilgrim to our south, there are now only two parcels suitable for re-development -- our parcel at 1530 Pilgrim, and our northern neighbor at 1570 Pilgrim – and enforcing R1A on them would make those properties the stylistic aberration at financial disadvantage to us.

2) To permit building on each of the two (2) resulting equal lots with slightly smaller frontage – approximately 75 feet each – than the similarly situated R1A properties on the east side of Pilgrim. The resulting parcels, however, would be compatible with the rest of the block AND entirety of Pilgrim and surrounding streets.

We urge the Commission to approve the proposed waivers to permit marketing our property as two parcels for the following reasons:

1) Our parcel is already comprised of one entire, originally platted lot, and the part of a second. To move the line 12 yards to the south is a action which would be entirely compatible with the block.

2) There were three houses on our block – all on the east side -- with the same R1A zoning. The property to our south was until recently one home on two originally platted parcels, but two new homes (1450 and 1470) have been built in reliance on their grandfathered platting that is NOT in compliance with R1A. To continue require R1A development on the remaining two homes would be unfair.

3) Six of the eight homes on our block are a much larger, grander "new build" homes, except for two mid-'60s colonials: our home, and the one to our north (1570 Pilgrim).

The architectural and economic die has been cast for our east side of the street, and for the entire block. To allow two homes to be built on this property will better fit the nature of the block.

4) Enforcing R1A zoning for any redevelopment of 1530 Pilgrim and 1570 Pilgrim would be an anachronism. For whatever historical reason they were included with the zoning for the Ashford Lane condominium development to the east, the now-four houses facing Pilgrim have no spatial connection to Ashford Lane. Also, as the farmhouse to our south has been replaced by 1450 and 1470 Pilgrim, whatever purpose the R1A zoning served has been usurped to the point of rendering re-zoning a needless, expensive process.

5) Despite the slightly below-block-average width of the resulting two parcels, as compared to the three other east side, R1A properties, both would be wider than the nearest home on the west side of the street, which is zoned R1. With an unusually deep lot, each resulting lot also would contain square footage greater than many already-redeveloped lots to the south.

6) The finite amount of buildable property in Birmingham makes this a rare, outstanding opportunity to increase the city tax revenues for this land approximately by an approximate factor of five to six.

CERTIFICATE OF SURVEY

RESIDENTIAL LOT SPLIT
Prepared For: Dawna Kuhne
c/o Max Brock Realty
275 S. Old Woodward
Birmingham, Mi 48009
248-390-8819

EXISTING LEGAL DESCRIPTION: 19-26-226-002
Lot 3 and South 40.0 ft. of Lot 4, PHILP, QUARTON ROAD ESTATES, a Subdivision of part of the N.E.1/4 of Section 26, T2N-R10E, Bloomfield Twp., now CITY OF BIRMINGHAM, Oakland County, Michigan. Plat recorded LIBER 28, PAGE 40, Oakland County Records.

PROPOSED LEGAL DESCRIPTIONS:

PARCEL "A"
South 40.0 ft. of Lot 4 and North 35.0 ft. of Lot 3, PHILP, QUARTON ROAD ESTATES, a Sub. of the NE¼ of Sec. 26, T2N-R10E, CITY OF BIRMINGHAM, Oakland County, Michigan.
Plat recorded LIBER 28, PAGE 40, OCR.

PARCEL "B"
South 75.0 ft. of Lot 3, PHILP, QUARTON ROAD ESTATES, a Sub. of part of the NE¼ of Sec. 26, T2N-R10E, CITY OF BIRMINGHAM, Oakland County, Michigan.
Plat recorded LIBER 28, PAGE 40, OCR.

SUBJECT to easements and restrictions of record, if any.

SEE DETAIL OF PROPERTY ON SHEET No. 2

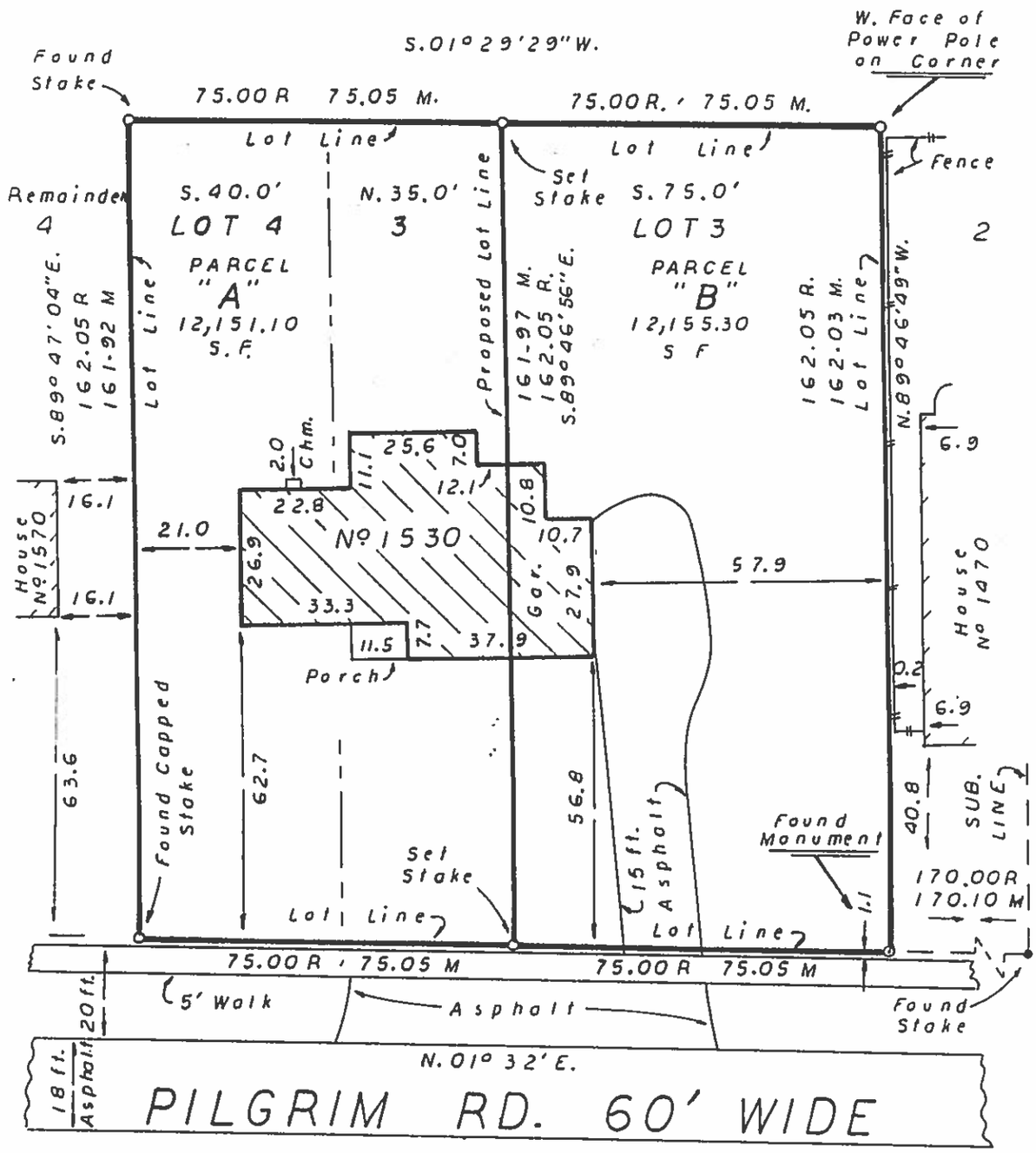
STATE OF MICHIGAN
P. G. PITCHFORD
LAND SURVEYOR
No. 24611
LICENSED LAND SURVEYOR

I HEREBY CERTIFY that I have surveyed and mapped the property herein described; and that said survey was performed with a relative error of closure of no greater than 1 in 5000 and that all the requirements of P.A. 132, 1970 have been complied with.

GUARANTY SURVEY CO.
REGISTERED LAND SURVEYORS
1660 ROCHESTER ROAD
TROY, MI 48083
ESTABLISHED 1939

PETER G. PITCHFORD (248) 528-1717
TOM NORTHRUP FAX (248) 528-1746

ORDER No 190830 DATE March 6, 2015 BY:



SCALE 1" = 30'

NOTE:
House No. 1530 to be removed / replaced with two new homes.

RESIDENTIAL LOT SPLIT
DATE: March 6, 2015
Job No. 190830

SHEET 2 of 2

STATE OF MICHIGAN
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No. 24611
LICENSED LAND SURVEYOR

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