NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
PROPOSED LOT SPLIT

Meeting Date, Time, Location:	Monday, May 18, 2015, 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	1530 Pilgrim Parcel #1926226002, T2N, R10E, SEC 26 PHILP QUARTON ROAD ESTATES LOT 3 & SLY 40 FT OF LOT 4
Nature of Hearing:	To divide the existing parcel into two equal sized parcels.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners within 300 feet of subject address.
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development

DATE: **July 10, 2015**

TO: **Joseph A. Valentine, City Manager**

FROM: **Matthew Baka, Senior Planner**

CC: **Jana Ecker, Planning Director**

SUBJECT: **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 subject property is zoned R1A, which requires a minimum lot size of 20,000 sq. ft. The applicant is requesting a waiver from this requirement. As stated in the attached letter from the applicant, with the exception of the east side of Pilgrim between Quarton and Redding, all of Pilgrim is zoned R1, which has a minimum lot size of 9,000 (see attached map). The applicant is requesting that they be granted waivers from the lot split requirements as they would comply with the if they were zoned R1 as the rest of the street is. The applicant, land survey and supporting letter from the applicant are attached for your review.

The Subdivision Regulation Ordinance (Chapter 102, Section 102-53) requires that the following standards be met for approval of a lot division.

(1) All lots formed or changed shall conform to minimum Zoning Ordinance Standards.

Attached are copies of the survey provided by the applicant depicting existing and proposed conditions. The proposed rearrangement has been reviewed by the Community Development Department. The subject parcels are zoned R1A (Single-Family Residential). The minimum lot size for R1A is 20,000 sq. ft.

The resulting lot sizes proposed for the two (2) parcels will be smaller than 20,000 sq. ft. The combined size of the existing parcels is approximately 20,516.1. The size of the new parcels would be 12,153.75 sq. ft. for each parcel. **Accordingly, the resulting parcels are not in compliance with this requirement.** The minimum lot size for R1 is 9,000 sq. ft.

(2) All residential lots formed or changed by the division shall have a lot width not less than the average lot width of all lots on the same street within 300 feet of the lots formed or changed and within the same district.

The resulting lot width of the proposed residential lots would be 75 for each parcel. The average lot width for the R1A parcels within 300' is 108.37 feet. **Accordingly, the resulting parcels are not in compliance with this requirement.**

(3) The division will not adversely affect the interest of the public and of the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:

a. *The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use of appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.*

b. The effect of the proposed division upon any flood plain areas, wetlands or other natural features and the ability of the applicant to develop buildable sites on each resultant parcel without unreasonable disturbance of such natural features.

c. The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.

The parcels as proposed would be developed into two (2) single-family residential homes. **The size of the parcels and the proximity to adjacent structures would not create any Zoning Ordinance non-conformities in relation to the adjacent existing homes.**

The subject property is not located within the floodplain or soil erosion limit of a recognized stream, river, lake or other water body. The site does not appear to exhibit evidence of regulated wetlands or endangered species of flora and fauna.

The proposed lot division will not negatively affect the supply of light and air to adjacent properties. It will not negatively affect the capacity of essential public facilities.

SUGGESTED ACTION:

1) To APPROVE the proposed lot rearrangement at 1530 Pilgrim as proposed;

OR

2) Deny the proposed lot rearrangement at 1530 Pilgrim as proposed, based on the following conditions that adversely affect the interest of the public and of the abutting property owners:

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

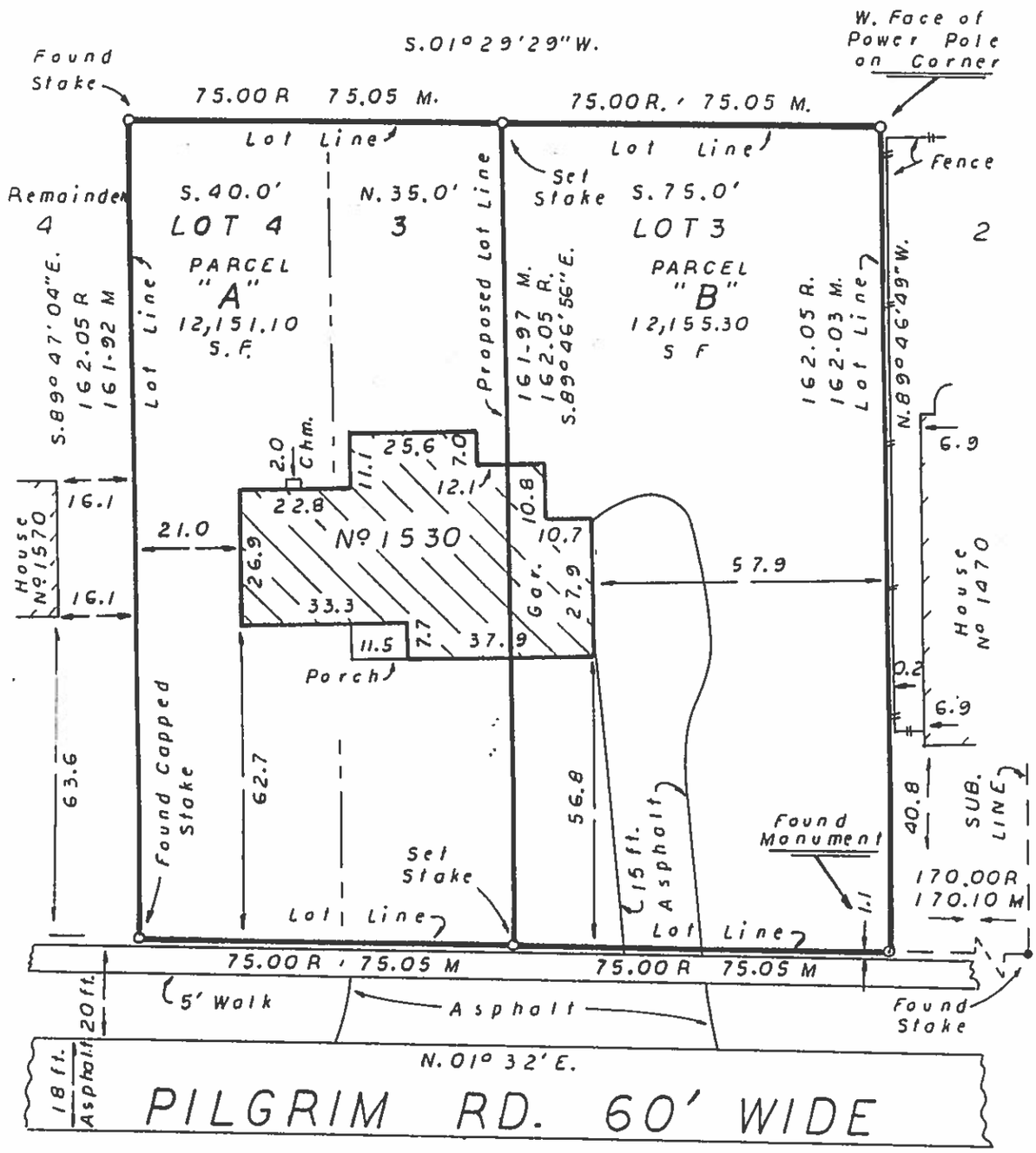
STATE OF MICHIGAN
P. G. PITCHFORD
LAND SURVEYOR
No. 24611
LICENSED LAND SURVEYOR

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
P. G. PITCHFORD
LAND SURVEYOR
No. 24611
LICENSED LAND SURVEYOR

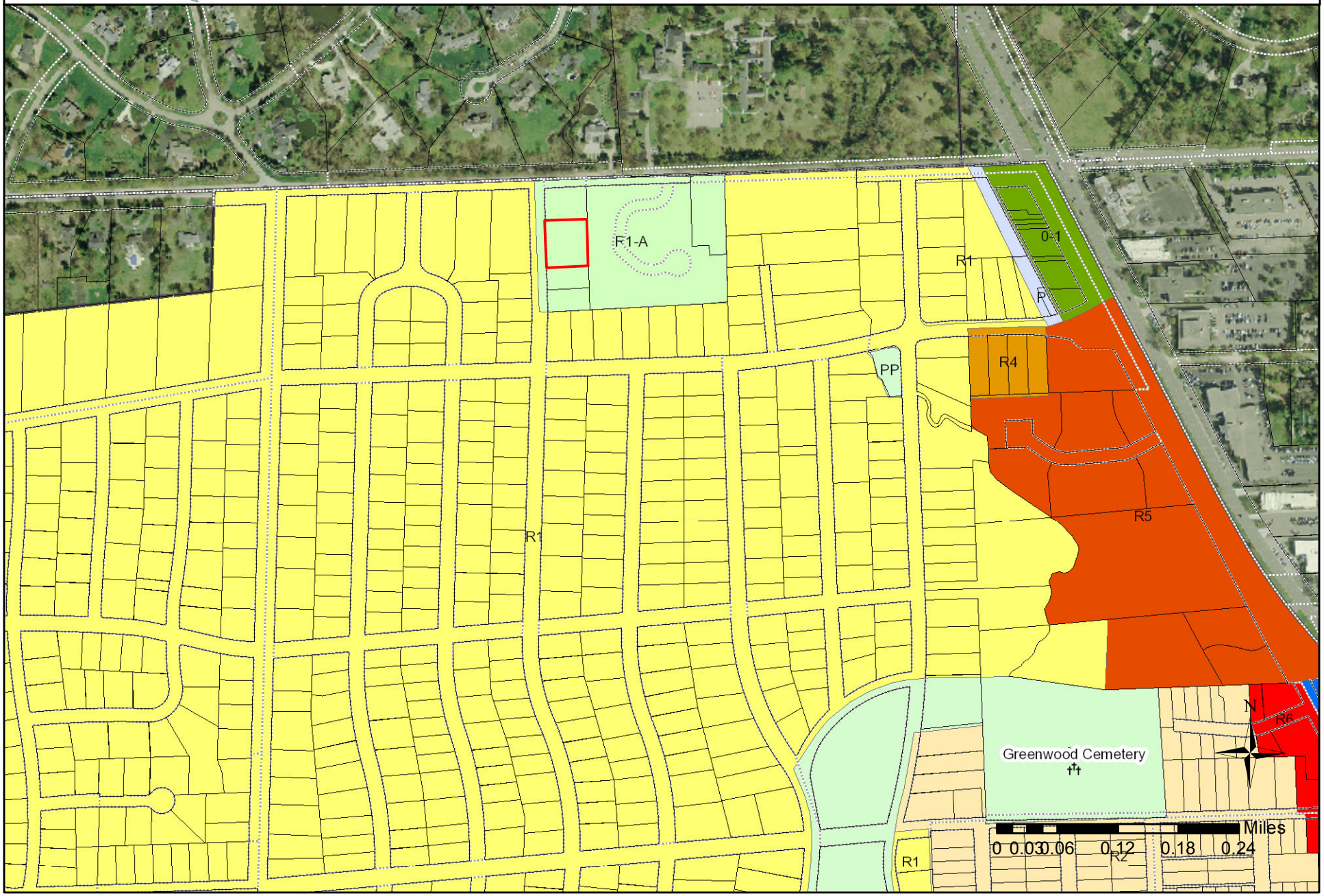
GUARANTY SURVEY CO.
REGISTERED LAND SURVEYORS
1660 ROCHESTER ROAD
TROY, MI 48083
ESTABLISHED 1939

PETER G. PITCHFORD
TOM NORTHRUP

(248) 528-1717
FAX (248) 528-1746

City of Birmingham
A Walkable Community

Subject property outlined in red



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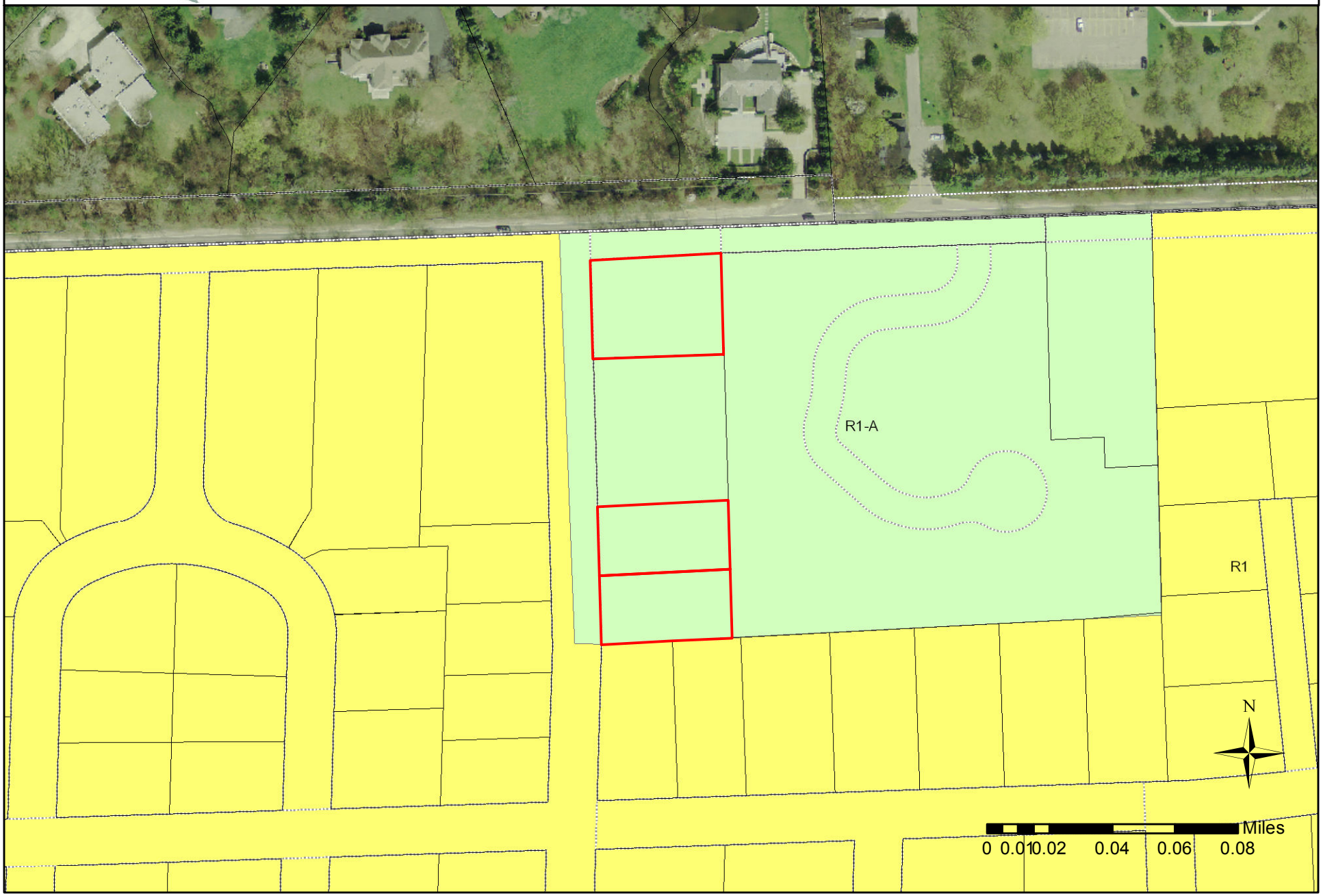
Parcels used to determine average lot width of R1A



Dear City Clerk,

I received a public hearing notice for 5/18 @ 7:30 PM regarding the proposal to divide the existing parcel at 1530 Pilgrim into two equal parcels. My wife and I live at 1497 Pilgrim Ave and we **DO NOT** support this property split. The current lot size is inadequate to build two houses on par with new house that were recently built on the two lots to the south of 1530 Pilgrim. If you have any questions regarding my position please call me at (248)318-8570. Thank you.

Dale Hartzell

RECEIVED BY

MAY 11 2015

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

RECEIVED BY
MAY 15 2015
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

Mr. and Mrs. William Nienstedt

1570 Pilgrim Ave.

Birmingham, MI 48009

248-645-6347

May 14, 2015

City Commission, City of Birmingham

151 Martin

Birmingham, MI 48009

Re: Proposed Lot Split – 1530 Pilgrim Ave.

Parcel #1926226002

Dear Commission,

As the neighbors directly north of the location request property(1530 Pilgrim Avenue) we go on record in support of the proposed lot split. We have no objection to the property owners dividing the lot into two equal size parcels. We believe the split will be a positive for the overall appearance of our block.

Sincerely,

Katherine and William Nienstedt

Homeowner's since 1998

Lawrence D. & Elaine D. Heitsch
1598 Redding Road
Birmingham, Michigan 48009
(248) 644-5623
May 18, 2015

RECEIVED BY
MAY 18 2015
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

Laura M. Broski, City Clerk
City of Birmingham
151 Martin St.
Birmingham, Michigan 48009

Re: Request for Division of 1530 Pilgrim

Dear Madam:

Before responding and expressing our disapproval of the requested division of the property referenced as 1530 Pilgrim, we would like to express our gratitude for the prompt action by the Birmingham Police and Paul O'Meara in correcting the detour signage incidental to the closing of Quarton Road for the construction of a turning lane at Chesterfield, with the closing of Pilgrim at Quarton. In many regards this is a blessing, with the limited access to Pilgrim at Redding and the exception of the few non believers or those who cannot read and follow the posted detour signage. We and several others affected by this closure only wish that the closure could remain or at least draw further attention for the need of better traffic controls to reduce the cut through traffic to and from Woodward to Quarton.

We object to the granting of the request for the property division of 1530 Pilgrim, not only for the reasons and conclusions of the Planning Dept. relating to the standards of the R1A zoning requirements, but also the failure of the applicants to disclose the nature of vegetation in place on this sight and/or what if any would be removed in providing two buildable location on the property in question. Additionally, we have had more than enough noise, dust and heavy truck and construction traffic during the past several years to last a life time, and to add that potential at this time is an unnecessary burden to Pilgrim and adjacent property owners.

Pilgrim Road is a narrow roadway with a limited ability to service the adjacent property owners and should not be subject to any additional traffic that would result if the request should be granted of 1 additional household user on Pilgrim. This has been evidenced by the disruption of the traffic flow immediately following the closure of Quarton Road and the burden from the overwhelming stream of traffic that first evening of that fateful day.

Respectfully submitted:

Lawrence D. Heitsch

Elaine D. Heitsch

Laura Pierce <lpierce@bhamgov.org>

FW: Proposed Lot Split - 1530 Pilgrim Road

1 message

Rackeline Hoff <rackyhoff@hotmail.com> Mon, May 18, 2015 at 5:54 PM
To: Joe Valentine <jvalentine@bhamgov.org>, Laura Broski-Pierce <lpierce@bhamgov.org>

Joe/Laura,
Looks like this letter was sent to each of the Commissioners, but I'm forwarding a copy for your records.
Racky

Rackeline J. Hoff
Mayor Pro Tem
City of Birmingham

Date: Mon, 18 May 2015 12:44:07 -0400
Subject: Re: Proposed Lot Split - 1530 Pilgrim Road
From: jan@elvekrog.com
To: gordon4bham@aol.com; markforbirmingham@yahoo.com; sdm984@sbcglobal.net; gdilgard@hotmail.com; rackyhoff@hotmail.com; stuart.sherman@sbcglobal.net; mcdaniel_tom@hotmail.com
CC: jan@elvekrog.com

Dear City Commissioners:

We apologize if you receive this email twice; we seem to be having a bit of trouble with one or more of the addresses. Sorry!

We have received the public hearing notice of May 18, 2015 at 7:30 pm regarding the proposal to divide the existing parcel (#1926226002) at 1530 Pilgrim Road into two equal parcels. We reside at 1429 Quarton Road and thus most of our property lies directly across Pilgrim Road from this proposed split. We do not support this proposed property split.

The lot in question is really inadequate for the purpose of accommodating two large homes. We request that you do not approve the proposed split of this property.

If you have any questions regarding our position, please call us at 248-642-8934. Thank you.

Jan and Maury Elvekrog