NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
PROPOSED LOT REARRANGEMENT

Meeting Date, Time, Location:	Monday, July 27, 2015, 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	**1173 Latham,** Parcel #1935427003, T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB LOT 218 & NLY PART OF LOT 219 MEAS 18.33 FT ON W LOT LINE & 21.44 FT ON E LOT LINE **1221 Latham,** Parcel # 1935427004, T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB W 1/2 OF LOT 215 AS MEAS ON N & S LOT LINES EXC THAT PART LYING SLY OF S LINE OF LOT 220 EXT ELY, ALSO SLY PART OF LOT 219 MEAS 36.67 FT ON W LOT LINE & 42.89 FT ON E LOT LINE, ALSO ALL OF LOT 220
Nature of Hearing:	To transfer approx. 400 sq ft of land from 1221 Latham to 1173 Latham.
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 13, 2015**

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

FROM: **Matthew Baka, Senior Planner**

CC: **Jana Ecker, Planning Director**

SUBJECT: **Public Hearing for a Lot rearrangement of 1173 Latham, Parcel #1935427003,** T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB LOT 218 & NLY PART OF LOT 219 MEAS 18.33 FT ON W LOT LINE & 21.44 FT ON E LOT LINE and **1221 Latham, Parcel #1935427004**, T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB W 1/2 OF LOT 215 AS MEAS ON N & S LOT LINES EXC THAT PART LYING SLY OF S LINE OF LOT 220 EXT ELY, ALSO SLY PART OF LOT 219 MEAS 36.67 FT ON W LOT LINE & 42.89 FT ON E LOT LINE, ALSO ALL OF LOT 220

The owners of the properties known as 1173 and 1221 Latham are seeking approval for the division of property in order to transfer a portion of 1221 Latham to the next door neighbor located at 1173 Latham. The parcel at 1221 Latham is an irregularly shaped lot and currently has small area, approximately 21ft. by 21 ft., which abuts 1173 Latham at the rear property line. The owners of 1173 Latham are requesting permission to purchase that area and add it to their own. This division will reduce the square footage of 1221 Latham by 467 square feet, creating a 16,961 square foot parcel. The division will add 467 square feet to 1173 Latham, creating a 12,399 square foot parcel. **This division will not result in the creation of any additional buildable lots.**

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.

Enclosed are copies of surveys provided by the applicant depicting existing and proposed conditions. The proposed subdivision has been reviewed by the Community Development Department. The altered parcels that result from the lot division would conform to minimum Zoning Ordinance standards as set out in Article 02, Section 2.10 of the Zoning Ordinance, for the R-3 Zoning District. The proposed division would reduce the size of 1221 Latham from 17,428 sq. ft. to

16,961 sq. ft. and would increase the 1173 Latham, from 11,932 sq. ft. to 12,399 sq. ft. Both parcels would be in excess of the required 9,000 sq. ft. minimum lot size required for the R-1 Single Family Residential District.

(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 parcels created by the lot split will not alter the width of either lot in question; rather it will re arrange a strip of land towards the back of the lot.

(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.

No new buildings are proposed in conjunction with the proposed lot division. Current ingress and egress to both 1173 Latham and 1221 Latham will not be altered. The proposed lot division will not hinder the development of adjacent properties.

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 and property transfer will not affect any natural features on the site.

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. City departments have no objections to the proposed lot split.

SUGGESTED ACTION:

1) To APPROVE the proposed lot rearrangement of 1173 Latham and 1221 Latham, or

2) Deny the proposed subdivision of 1173 Latham and 1221 Latham as proposed, based on the following conditions that adversely affect the interest of the public and of the abutting property owners:

_____

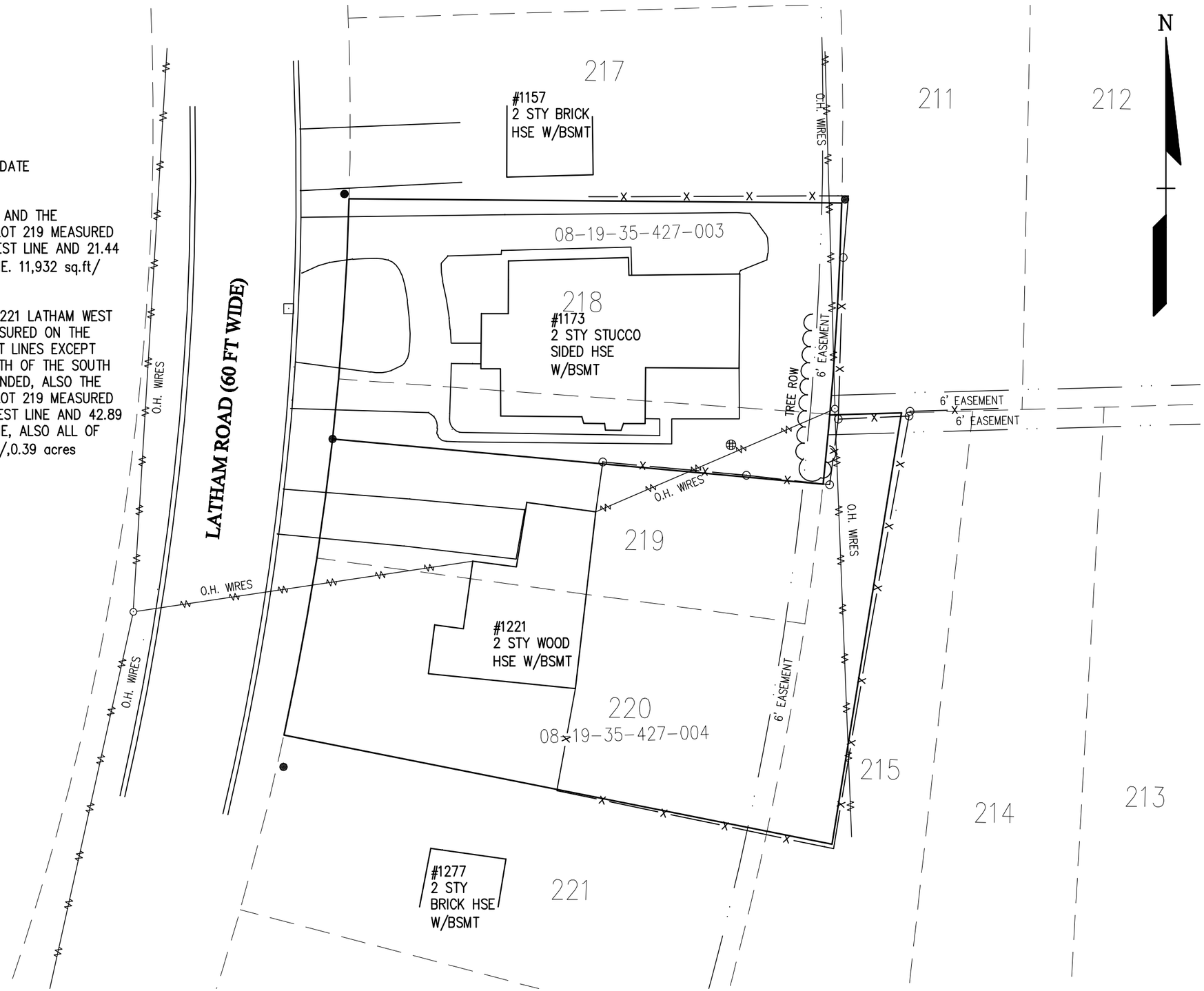
_____

_____

LOT DESCRIPTIONS TO DATE

08-19-35-427-003
1173 LATHAM LOT 218 AND THE NORTHERLY PART OF LOT 219 MEASURED 18.33 FEET ON THE WEST LINE AND 21.44 FEET ON THE EAST LINE. 11,932 sq.ft/ 0.27 acres

08-19-35-427-004 1221 LATHAM WEST HALF OF LOT 215 MEASURED ON THE NORTH AND SOUTH LOT LINES EXCEPT THAT PART LYING SOUTH OF THE SOUTH LINE OF LOT 220 EXTENDED, ALSO THE SOUTHERLY PART OF LOT 219 MEASURED 36.67 FEET ON THE WEST LINE AND 42.89 FEET ON THE EAST LINE, ALSO ALL OF LOT 220. 17,428 sq.ft./,0.39 acres



LEGEND

EX. STORM SEWER
EX. SANITARY SEWER
EX. WATER MAIN
EX. GAS LINE
EX. UNDER GROUND UTILITY
OVERHEAD LINES
FENCE
GUARD RAIL
TREE LINE
SWALE
RAIL ROAD TRACKS
EASEMENT
SETBACK
CENTER LINE
IRON FOUND
MAIL BOX
UNIDENTIFIED STRUCTURE
LIGHT POLE
TELEPHONE RISER
STREET SIGN
WATER SHUT OFF VALVE
EXISTING CONTOUR 900
EXISTING GROUND SHOT AS BUILT ELEVATION 900.00 A.B.

DATE	DESCRIPTION
07-16-15	ADDED SQ.FT AND ACREAGE

MONUMENT ENGINEERING, Inc.
20318 Windemere
Macomb, MI 48044
Phone: 586-209-2077
Fax: 586-416-0982

PROJECT
1173 LATHAM STREET
BIRMINGHAM, MI
48009

TITLE
EXISTING
BOUNDARY

CLIENT
SHARIFF & NATALIE
BISHAI

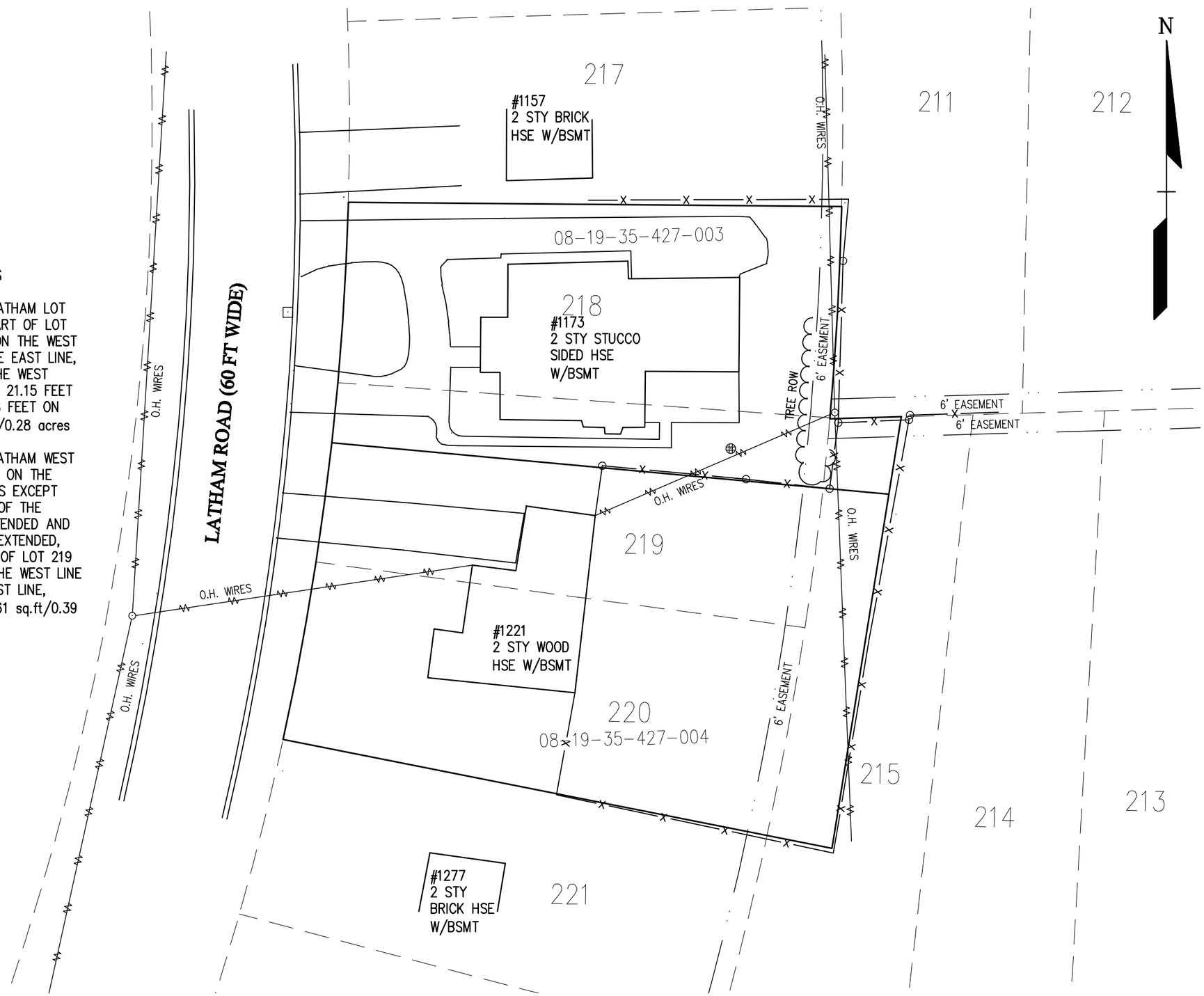
1173 LATHAM
BIRMNINGHAM, MI

SCALE: Horizontal 1" = 30'
Vertical N/A
DRAWN BY: SRB
CHECKED BY: DGF
DATE ISSUED:
PROJECT No. 2015-05
SHEET No. 1

PROPOSED LOT DESCRIPTIONS

08-19-35-427-003 1173 LATHAM LOT 218 AND THE NORTHERLY PART OF LOT 219 MEASURED 18.33 FEET ON THE WEST LINE AND 21.44 FEET ON THE EAST LINE, AND THE NORTH PART OF THE WEST HALF OF LOT 215 MEASURED 21.15 FEET ON THE WEST LINE AND 23.8 FEET ON THE EAST LINE. 12,399 sq.ft/0.28 acres

08-19-35-427-004 1221 LATHAM WEST HALF OF LOT 215 MEASURED ON THE NORTH AND SOUTH LOT LINES EXCEPT THOSE PARTS LYING SOUTH OF THE SOUTH LINE OF LOT 220 EXTENDED AND NORTH OF THE NORTH LINE EXTENDED, ALSO THE SOUTHERLY PART OF LOT 219 MEASURED 36.67 FEET ON THE WEST LINE AND 42.89 FEET ON THE EAST LINE, ALSO ALL OF LOT 220, 16,961 sq.ft/0.39 acres



LEGEND

EX. STORM SEWER
EX. SANITARY SEWER
EX. WATER MAIN
EX. GAS LINE
EX. UNDER GROUND UTILITY
OVERHEAD LINES
FENCE
GUARD RAIL
TREE LINE
SWALE
RAIL ROAD TRACKS
EASEMENT
SETBACK
CENTER LINE
FOUND IRON
MAIL BOX
UNIDENTIFIED STRUCTURE
LIGHT POLE
TELEPHONE RISER
STREET SIGN
WATER SHUT OFF VALVE
EXISTING CONTOUR 900
EXISTING GROUND SHOT 900.00
AS BUILT ELEVATION 900.00 A.B.

DATE	DESCRIPTION
07-16-15	ADDED SQ.FT. AND ACREAGE

MONUMENT ENGINEERING, Inc.
20818 Windemere
Macomb, MI 48044
Phone: 586-209-2077
Fax: 586-416-0982

PROJECT
1173 LATHAM STREET
BIRMINGHAM, MI
48009

TITLE
PROPOSED
BOUNDARY

CLIENT
SHARIFF & NATALIE
BISHAI

1173 LATHAM STREET
BIRMINGHAM, MI

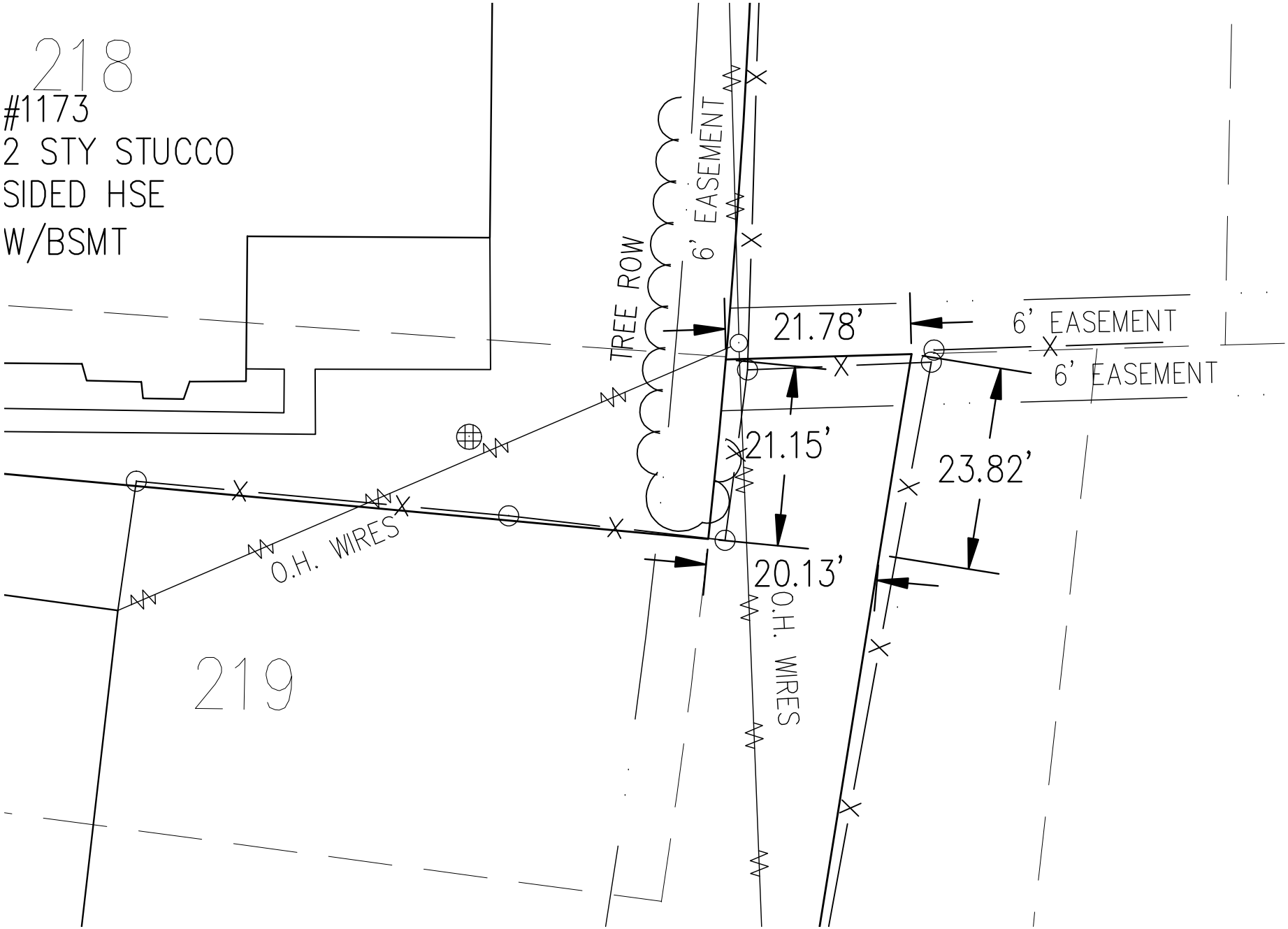
SCALE: Horizontal 1" = 30'
Vertical N/A

DRAWN BY: SRB
CHECKED BY: DGF

DATE ISSUED:

PROJECT No. 2015-05

SHEET No. 2


218
#1173
2 STY STUCCO
SIDED HSE
W/BSMT
TREE ROW
6' EASEMENT
21.78'
6' EASEMENT
6' EASEMENT
21.15'
23.82'
O.H. WIRES
20.13'
O.H. WIRES
219

Suzanne & Mark Reynolds
1157 Latham
Birmingham, Michigan 48009
248-646-3358

RECEIVED BY
JUL 22 2015
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

July 18, 2015

City of Birmingham
Attn: City Clerk
151 Martin
Birmingham, MI 48009

Re: Request to transfer 400 sq. ft. of land from 1221 Latham to 1173 Latham
Hearing Date, Monday, July 27, 2015

Ladies and Gentlemen:

We have lived in Birmingham for close to 40 years and next door to 1173 for more than 35 years. The captioned request is one of the most harmless requests we have ever seen come before the City. The approximate 400 sq. ft. is land that cannot practically be used by the owner of 1221 Latham and will serve to provide a play space/family area for our neighbors with 3 small children. We fully support the petition and hope that the City will as well.

Thank you,

Suzanne Reynolds, Mark Reynolds

Suzanne Reynolds
Mark Reynolds