

#1

10-R-0650
(Do Not Write Above This Line)

A RESOLUTION
Natalyn Mosby
BY COUNCIL MEMBER NATALYN
MOSBY ARCHIBONG *Natalyn Mosby*

AUTHORIZING THE BUREAU OF
PLANNING TO CHANGE THE LOT
DIMENSIONS ON THE CITY OF
ATLANTA CADASTRAL MAP FOR AN
IMPROVED LEGAL,
NON-CONFORMING LOT OF RECORD
AT 1739 CLIFTON WAY; AND FOR
OTHER PURPOSES.

ADOPTED
BY ROLL CALL VOTE
APR 19 2010
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

APR 19 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

APR 19 2010

Ronda Douglas Johnson

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 27 2010

[Signature]

MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

Natalyn Archibong 10-R -0650
BY: COUNCILMEMBER NATALYN ARCHIBONG

A RESOLUTION AUTHORIZING THE BUREAU OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA CADASTRAL MAP FOR AN IMPROVED LEGAL, NON-CONFORMING LOT OF RECORD AT 1739 CLIFTON WAY; AND FOR OTHER PURPOSES.

WHEREAS, 1739 Clifton Way is improved with a single-family dwelling on a R-4 zoned non-conforming lot of record (“subject property”) due to it having a street frontage dimension less than the R-4 minimum of 70 feet but created prior to the adoption of the current R-4 standards; and

WHEREAS, the City of Atlanta Cadastral Map, the official record of lot configurations for purposes of development, reflects the subject property’s street frontage (i.e. lot width) to be 65 feet; and

WHEREAS, upon research of the subject property’s chain of title, it has been determined that at no time has the current owner or any predecessor in title conveyed any portion of the subject property’s width to an abutting property owner so as to cause the lot’s width to decrease from 65 feet to 63.50 feet but rather that the subject property’s street frontage has always been 63.50 feet since at least before the adoption of the first subdivision ordinance in 1958; and

WHEREAS, the subject property is and for years has been improved with a single-family residence for which the current owner has submitted building plans for further improvement of the subject property; and

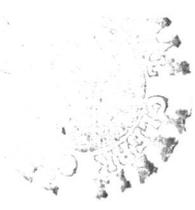
WHEREAS, no building permit can legally issue until the subject property’s current boundary lines are consistent with and updated onto the City of Atlanta Cadastral Maps; and

WHEREAS, under current subdivision regulations the Bureau of Planning may not administratively recognize lot dimensions onto the City of Atlanta Cadastral Maps that will render said lot or an adjoining lot below, or in this case, further below the minimum lot requirements of the applicable zoning district; and

WHEREAS, without legislative action there will be uncertainty as to the subject property’s lot status for development purposes and the ability to obtain future building permits for the purpose of renovation, repair, construction, etc. to the existing residential structure on the property; and

WHEREAS, the City Council desires to resolve the uncertainty in this situation given that building permits have issued and structures exist on the property pursuant to those permits.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,



Section 1: That the Bureau of Planning is authorized to change the City of Atlanta Cadastral Map for property located at 1739 Clifton Way into a configuration consistent with those property boundaries as indicated on the legal description (Exhibit "A") and property boundary survey (Exhibit "B"), said Exhibits incorporated herein by reference.

Section 2: That the Bureau of Planning is authorized to recognize the property located at 1739 Clifton Way as one legal, non-conforming lot of record with all rights appurtenant thereto.

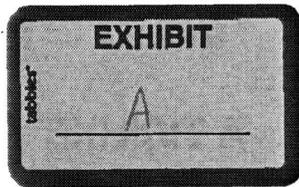
Section 3: That as a legal, non-conforming lot of record, any development of the subject property must comply with all applicable development standards, including, but not limited to, the provisions of Sec. 16-24.002.

A true copy,

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

APR 19, 2010
APR 27, 2010


Municipal Clerk



Land Lot 175. of the 15th District of DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at a point located on the southeastern side of Clifton Way sixty (60) feet northeasterly as measured along the southeastern side of Clifton Way from the point formed by the intersection of the southeastern side of Clifton Way with the eastern side of Ora Avenue and running thence northeasterly along the southeastern side of Clifton Way sixty three and five tenths (63.5) feet to an iron pin; running thence in a southerly direction one hundred eighty nine and two tenths (189.2) feet to an iron pin; running thence in a westerly direction fifty five and one tenth (55.1) feet to an iron pin; running thence in a northerly direction one hundred seventy seven and five tenths (177.5) feet to an iron pin located on the southeastern side of Clifton Way and the point of beginning and being a part of Lot 2, Block B, Moore Property Subdivision as per plat recorded in plat book 17, page 108, DeKalb County Records.

RCS# 201
4/19/10
7:46 PM

Atlanta City Council

REGULAR SESSION

PERSONAL

AUTH.PLANNING TO CHANGE LOT DIMENSIONS
AT 1739 CLIFTON WAY
ADOPT/ARCHIBONG

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

PERSONAL