

10-R-1179

(Do Not Write Above This Line)

A RESOLUTION BY

COUNCILMEMBER
C. T. MARTIN

A RESOLUTION AUTHORIZING THE BUREAU OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA CADATRAL MAPS FOR AN IMPROVED LEGAL, NON-CONFORMING LOT OF RECORD AT 2134 LARCHWOOD ROAD; AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 2 1 2010

COUNCIL

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

Date Referred 6/7/10

Referred To: CP/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee CP/HR

Date 6/15/10

James Shepherd
Fav, Adv, Hold (see rev. side)

Action _____
Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Fav, Adv, Hold (see rev. side)

Action _____
Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Fav, Adv, Hold (see rev. side)

Action _____
Other _____

Members _____

Refer To _____

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
JUN 2 1 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
JUN 2 1 2010

Ronald Doughton Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

[Signature]
MAYOR



RESOLUTION

BY: COUNCILMEMBER C.T. MARTIN

A RESOLUTION AUTHORIZING THE BUREAU OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA CADASTRAL MAPS FOR AN IMPROVED LEGAL, NON-CONFORMING LOT OF RECORD AT 2134 LARCHWOOD ROAD; AND FOR OTHER PURPOSES.

WHEREAS, 2134 Larchwood Road is a corner lot improved with a single-family dwelling on a R-4 zoned non-conforming lot of record ("subject property") due to it having the size and frontage below the R-4 minimum standards, but created before the adoption of the current R-4 standards; and

WHEREAS, the City of Atlanta Cadastral Maps, the official record of lot configuration for the purposes of development, reflects the subject property's street frontage along Betsy Avenue (i.e. lot width) to be 108 feet and a total size of 6,325 square feet; and

WHEREAS, upon research of the subject property, the Office of Planning has determined that the subject property was originally platted as lot 44 of Lamar Park Subdivision and dated October 1923 and recorded under plat book 11 page 34; and

WHEREAS, The subject property, as originally platted, had 108 feet of frontage along Betsy Avenue but subsequently conveyed in title with only 103 feet of frontage. After review of the subject property's chain of title, it was determined that several deeds show a conflict when describing the boundary; with metes and bounds description there is a frontage of 103 feet but when referencing the lot number in the original plat, there is a frontage of 108 feet.

WHEREAS, upon reviewing the subject property's boundary survey which was certified by a professional land surveyor authorized by the State of Georgia, it was determined that all field evidence (width of the right-of-way, alignment of the front corners for adjacent properties in both directions etc) supports the smaller frontage of 103 feet; and

WHEREAS, despite the change, 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 no building permit can legally be issued 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 Office 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 status for development purposes and the ability to obtain future building permits for the purpose of repair, renovation, construction, etc. to the existing residential structure on the property; and

WHEREAS, the City Council desires to resolve the uncertainty in this situation, allowing the subject property to be further improved.

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

Section 1: That the Office of Planning is authorized to change the City of Atlanta Cadastral Maps for property located at 2134 Larchwood Road into a configuration consistent with those property boundaries as indicated on the property boundary survey (Exhibit "A"), attached hereto and incorporated herein by reference.

Section 2: That the Office of Planning is authorized to recognize the property located at 2134 Larchwood Road as one legal, non-conforming lot of record with all rights appurtenant thereto.

Section 3: That as legal, non-conforming lot of record, any development on 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,

Shanda Daughkin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JUN 21, 2010
JUN 29, 2010

EXHIBIT "A"

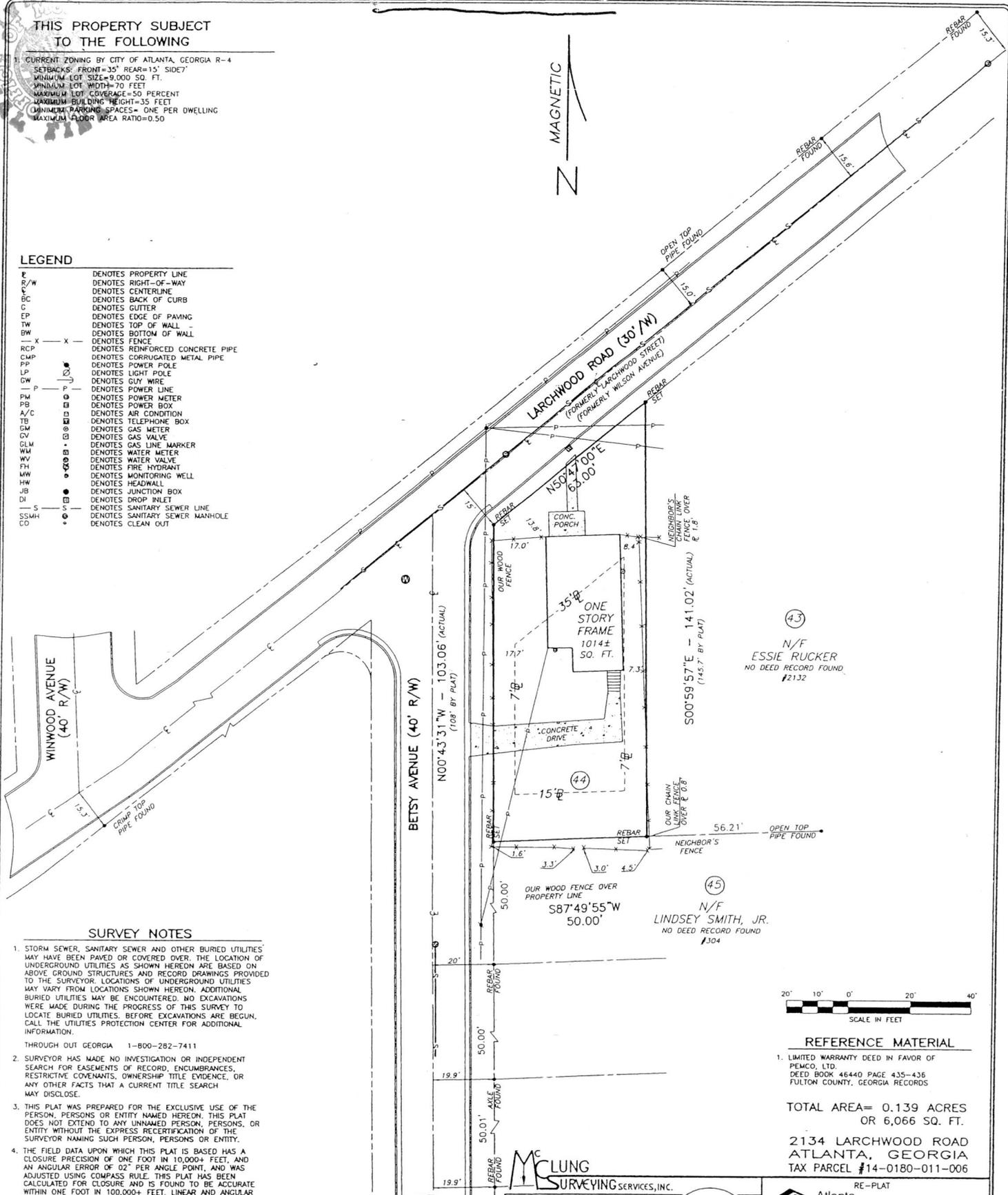
THIS PROPERTY SUBJECT TO THE FOLLOWING

- CURRENT ZONING BY CITY OF ATLANTA, GEORGIA R-4
 - SETBACKS: FRONT=35' REAR=15' SIDE7'
 - MINIMUM LOT SIZE=9,000 SQ. FT.
 - MINIMUM LOT WIDTH=70 FEET
 - MAXIMUM LOT COVERAGE=50 PERCENT
 - MAXIMUM BUILDING HEIGHT=35 FEET
 - MINIMUM PARKING SPACES= ONE PER DWELLING
 - MAXIMUM FLOOR AREA RATIO=0.50

LEGEND

P	DENOTES PROPERTY LINE
R/W	DENOTES RIGHT-OF-WAY
C	DENOTES CENTERLINE
BC	DENOTES BACK OF CURB
G	DENOTES GUTTER
EP	DENOTES EDGE OF PAVING
TW	DENOTES TOP OF WALL
BW	DENOTES BOTTOM OF WALL
X	DENOTES FENCE
RCP	DENOTES REINFORCED CONCRETE PIPE
CMP	DENOTES CORRUGATED METAL PIPE
PP	DENOTES POWER POLE
LP	DENOTES LIGHT POLE
GW	DENOTES GUY WIRE
P	DENOTES POWER LINE
PB	DENOTES POWER METER
A/C	DENOTES AIR CONDITION
TB	DENOTES TELEPHONE BOX
GM	DENOTES GAS METER
GV	DENOTES GAS VALVE
GLM	DENOTES GAS LINE MARKER
WM	DENOTES WATER METER
WV	DENOTES WATER VALVE
FH	DENOTES FIRE HYDRANT
MW	DENOTES MONITORING WELL
HW	DENOTES HEADWALL
JB	DENOTES JUNCTION BOX
DI	DENOTES DROP INLET
S	DENOTES SANITARY SEWER LINE
SSMH	DENOTES SEWER MANHOLE
CO	DENOTES CLEAN OUT

MAGNETIC
N

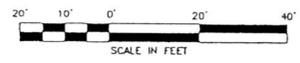


SURVEY NOTES

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, CALL THE UTILITIES PROTECTION CENTER FOR ADDITIONAL INFORMATION.
THROUGH OUT GEORGIA 1-800-282-7411
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND AN ANGULAR ERROR OF 02' PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.
BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
- THERE ARE NO KNOWN STATE WATERS WITHIN 200 FEET OF THIS PROJECT SITE.
- THERE ARE NO SIDEWALKS CURRENTLY INSTALLED ON THIS PROJECT SITE.
- FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE.
- THIS PLAT NOT INTENDED FOR RECORDING.

(43)
N/F
ESSIE RUCKER
NO DEED RECORD FOUND
#2132

(45)
N/F
LINDSEY SMITH, JR.
NO DEED RECORD FOUND
#304



REFERENCE MATERIAL

- LIMITED WARRANTY DEED IN FAVOR OF PEMCO, LTD. DEED BOOK 46440 PAGE 435-436 FULTON COUNTY, GEORGIA RECORDS
- TOTAL AREA= 0.139 ACRES OR 6,066 SQ. FT.
- 2134 LARCHWOOD ROAD
ATLANTA, GEORGIA
TAX PARCEL #14-0180-011-006

McLUNG SURVEYING SERVICES, INC.
4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-3383

This original of this document was sealed and signed by Michael R. Noles L.S. #2646 on 5-19-09. THIS REPRODUCTION IS NOT A CERTIFIED DOCUMENT.

Michael R. Noles
Georgia RLS #2646
Member SAMSOG
JOB#227114

This property (●) [is not] located in a federal flood area as indicated by F.I.R.M. official flood hazard maps. Community Panel No. 13121C0352 E Effective date: 8/NE 22, 1998. Fulton County, Georgia
In my opinion this plat is a correct representation of the land plotted.

No.	Revision	Date

RE-PLAT

Atlanta Habitat for Humanity

LOT 44
LAMAR PARK

LAND LOT 180
DISTRICT 14TH. SECTION
COUNTY FULTON
GEORGIA
PLAT PREPARED: 5-19-09
FIELD: 5-11-09 SCALE: 1"=20'

PG 34
OF 38
PC

RCS# 320
6/21/10
3:00 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1166,10-O-0875

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

CONSENT I

		06-21-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-1178	43. 10-R-1179	77. 10-R-1103
2. 10-O-1165	44. 10-R-1072	78. 10-R-1104
3. 10-O-0876	45. 10-R-1073	79. 10-R-1105
4. 10-O-0945	46. 10-R-1074	80. 10-R-1106
5. 10-O-0946	47. 10-R-1075	81. 10-R-1107
6. 10-O-0947	48. 10-R-1076	82. 10-R-1108
7. 10-O-0948	49. 10-R-1077	83. 10-R-1109
8. 10-O-0949	50. 10-R-1078	84. 10-R-1110
9. 10-O-0950	51. 10-R-1079	85. 10-R-1111
10. 10-O-1041	52. 10-R-1080	86. 10-R-1112
11. 10-O-1176	53. 10-R-1081	87. 10-R-1113
12. 10-O-0897	54. 10-R-1082	88. 10-R-1114
13. 10-O-0924	55. 10-R-1083	89. 10-R-1115
14. 10-O-0932	56. 10-R-1084	90. 10-R-1116
15. 10-O-0933	57. 10-R-1085	91. 10-R-1117
16. 10-O-1057	58. 10-R-1086	92. 10-R-1118
17. 10-R-1139	59. 10-R-1087	93. 10-R-1119
18. 10-R-1140	60. 10-R-1088	94. 10-R-1120
19. 10-R-1141	61. 10-R-1089	95. 10-R-1121
20. 10-R-1154	62. 10-R-1182	96. 10-R-1122
21. 10-R-1180	ITEMS ADVERSED	97. 10-R-1123
22. 10-R-1181	ON CONSENT	98. 10-R-1124
23. 10-R-1143	63. 10-R-0839	99. 10-R-1125
24. 10-R-1144	64. 10-R-1090	100. 10-R-1126
25. 10-R-1146	65. 10-R-1091	101. 10-R-1127
26. 10-R-1060	66. 10-R-1092	102. 10-R-1128
27. 10-R-1061	67. 10-R-1093	103. 10-R-1129
28. 10-R-1062	68. 10-R-1094	104. 10-R-1130
29. 10-R-1155	69. 10-R-1095	105. 10-R-1131
30. 10-R-1156	70. 10-R-1096	106. 10-R-1132
31. 10-R-1157	71. 10-R-1097	107. 10-R-1133
32. 10-R-1158	72. 10-R-1098	108. 10-R-1134
33. 10-R-1159	73. 10-R-1099	109. 10-R-1135
34. 10-R-1160	74. 10-R-1100	110. 10-R-1136
35. 10-R-1164	75. 10-R-1101	111. 10-R-1137
36. 10-R-1172	76. 10-R-1102	112. 10-R-1138
37. 10-R-1177		
38. 10-R-1183		
39. 10-R-0931		
40. 10-R-1070		
41. 10-R-1071		
42. 10-R-1175		