

#3

10-R-1690

(Do Not Write Above This Line)

RESOLUTION
BY: COUNCILMEMBER ALEX WAN

A RESOLUTION AUTHORIZING THE OFFICE OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA CADASTRAL MAP, FOR AN IMPROVED LEGAL, NON-CONFORMING LOT OF RECORD AT 1270 NORTH MORNINGSIDE DRIVE; AND FOR OTHER PURPOSES.

ADOPTED BY
SEP 20 2010
COUNCIL

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

Date Referred 09/07/2010
 Referred To: CD/HR
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee CD/HR
 Date 9/14/10
 Chair June M. Sheperd
 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 _____

 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav. Adv. Hold (see rev. side) _____
 Other _____
 Members _____

 Refer To _____

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED
 SEP 20 2010
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 SEP 20 2010
 Ronda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 SEP 20 2010
[Signature]
 MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

10-R-1690

CITY COUNCIL
ATLANTA, GEORGIA

RESOLUTION

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A RESOLUTION AUTHORIZING THE OFFICE OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA CADASTRAL MAP, FOR AN IMPROVED LEGAL, NON-CONFORMING LOT OF RECORD AT 1270 NORTH MORNINGSIDE DRIVE; AND FOR OTHER PURPOSES.

WHEREAS, 1270 North Morningside Drive is improved with a single-family dwelling on a R-4 zoned non-conforming lot of record ("subject property") in that the size and street frontage are below the R-4 minimum standards, but created before the adoption of the current R-4 standards; and

WHEREAS, the City of Atlanta Cadastral Map, the official record of lots configuration for the purposes of development, reflects the subject property's street frontage (i.e. lot width) to be 55 feet, the east property line to be 160 feet, the rear property line to be 59 feet and a total size of 8,977 square 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 to an abutting property owner so as to cause the lot's rear width to decrease from 59 feet to 49.74 feet or causing the lot's east property line to decrease from 160 feet to 154.83 feet, thus causing the lot size to decrease from 8,977 square feet to 8,102 square feet; 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 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 Map for property located at 1270 North Morningside Drive into a configuration consistent with those property boundaries as indicated on the attached legal description (Exhibit "A") and property boundary survey (Exhibit "B"), said exhibits incorporated herein by reference.

Section 2: That the Office of Planning is authorized to recognize the property located at 1270 North Morningside Drive 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 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

A handwritten signature in black ink, appearing to be "S. Reed", written over the text "A true copy" and "Deputy Clerk".

Deputy Clerk

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed**

**SEP 20, 2010
SEP 28, 2010**



LEGAL DESCRIPTION

" EXHIBIT A "

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA IN LAND LOT 2 OF 17TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT 8 IN BLOCK 7, AS PER PLAT OF NORTH HIGHLANDS MADE BY O. F. KAUFFMAN, C. E., DATED DECEMBER, 1923, RECORDED IN PLAT BOOK 10, PAGE 72, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWEST SIDE OF NORTH MORNINGSIDE DRIVE (FORMERLY MORNINGSIDE DRIVE) 410 FEET SOUTHEAST FROM THE SOUTHEAST CORNER OF NORTH MORNINGSIDE DRIVE AND AVALON PLACE, AT THE LINE OF LOT 7 OF SAID BLOCK; RUNNING THENCE SOUTHWEST ALONG THE LINE OF SAID LOT 7 A DISTANCE OF 155 FEET; THENCE SOUTHEAST 50 FEET TO LOT 9 OF SAID BLOCK; THENCE NORTHEAST ALONG THE LINE OF SAID LOT 9 A DISTANCE OF 155 FEET TO NORTH MORNINGSIDE DRIVE; THENCE NORTHWEST ALONG THE SOUTHWEST SIDE OF NORTH MORNINGSIDE DRIVE 55 FEET TO THE POINT OF BEGINNING; BEING IMPROVED PROPERTY WITH A HOUSE THEREON KNOWN AS 1270 NORTH MORNINGSIDE DRIVE N.E. ACCORDING TO THE PERSENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA.

RCS# 554
9/20/10
2:47 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-O-1689

ADOPT EXCEPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	09-20-10 ITEMS ADVERSED ON CONSENT
1. 10-O-1486 2. 10-O-1553 3. 10-O-1554 4. 10-O-1555 5. 10-O-1557 6. 10-O-1570 7. 10-O-1535 8. 10-O-1536 9. 10-O-1552 10. 10-O-1487 11. 10-O-1488 12. 10-O-1489 13. 10-R-1655 14. 10-R-1661 15. 10-R-1662 16. 10-R-1666 17. 10-R-1685 18. 10-R-1691 19. 10-R-1667 20. 10-R-1668 21. 10-R-1669 22. 10-R-1670 23. 10-R-1671 24. 10-R-1672 25. 10-R-1673 26. 10-R-1674 27. 10-R-1675 28. 10-R-1676 29. 10-R-1677 30. 10-R-1678 31. 10-R-1679 32. 10-R-1680 33. 10-R-1681 34. 10-R-1682 35. 10-R-1683 36. 10-R-1490 37. 10-R-1690	38. 10-R-1587 39. 10-R-1588 40. 10-R-1589 41. 10-R-1590 42. 10-R-1591 43. 10-R-1592 44. 10-R-1593 45. 10-R-1594 46. 10-R-1595 47. 10-R-1596 48. 10-R-1597 49. 10-R-1598 50. 10-R-1599 51. 10-R-1600 52. 10-R-1601 53. 10-R-1602 54. 10-R-1603 55. 10-R-1604 56. 10-R-1605 57. 10-R-1606 58. 10-R-1607 59. 10-R-1608 60. 10-R-1609 61. 10-R-1650 62. 10-R-1651	63. 10-R-1610 64. 10-R-1611 65. 10-R-1612 66. 10-R-1613 67. 10-R-1614 68. 10-R-1615 69. 10-R-1616 70. 10-R-1617 71. 10-R-1618 72. 10-R-1619 73. 10-R-1620 74. 10-R-1621 75. 10-R-1622 76. 10-R-1623 77. 10-R-1624 78. 10-R-1625 79. 10-R-1626 80. 10-R-1627 81. 10-R-1628 82. 10-R-1629 83. 10-R-1630 84. 10-R-1631 85. 10-R-1632 86. 10-R-1633 87. 10-R-1634 88. 10-R-1635 89. 10-R-1636 90. 10-R-1637 91. 10-R-1638 92. 10-R-1639 93. 10-R-1640 94. 10-R-1641 95. 10-R-1642 96. 10-R-1643 97. 10-R-1644 98. 10-R-1645 99. 10-R-1646 100. 10-R-1647 101. 10-R-1648 102. 10-R-1649