

H. Shook

11-R-0676

**RESOLUTION
BY: COUNCILMEMBER HOWARD SHOOK**

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 233 EAST WESLEY ROAD; AND FOR OTHER PURPOSES.

WHEREAS, 233 East Wesley Road 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 40 feet, the east property line to be 203 feet, the west property line to be 193 feet, the south property line to be 41.4; and

WHEREAS, upon research of the subject property's chain of title, the Office of Planning has been determined that at no time since the creation of the City's subdivision ordinance 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 current dimensions, as depicted on the attached survey, to decrease further below the R-4 minimum lot size requirement; and

WHEREAS, rather research suggests that the subject property's decreased lot dimensions occurred due to street widening around 1944, a point in time when the City did not have a subdivision ordinance setting forth minimum lot size requirements

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.



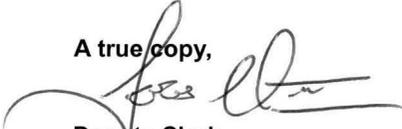
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Office of Planning is authorized to change the City of Atlanta Cadastral Map for property located at 233 East Wesley Road 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 233 East Wesley Road 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.

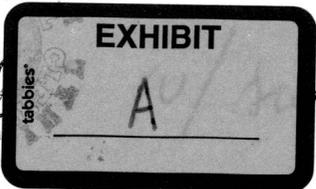
A true copy,



Deputy Clerk

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

**APR 18, 2011
APR 25, 2011**



Deed Book 44256 Pg 416
 Filed and Recorded Jan-11-2007 01:46pm
 2007-0010565
 Real Estate Transfer Tax \$640.00
 Juanita Hicks
 Clerk of Superior Court
 Fulton County, Georgia

233 EAST WESLEY
 (SUBJECT)

Return to: H. Gilman Hudnall
 Hudnall, Cohn & Abrams, P.C.
 780 Johnson Ferry Road, Suite 200
 Atlanta, Georgia 30342
 File No. 07C-2800/Buyarski

WARRANTY DEED

STATE OF GEORGIA,
 COUNTY OF FULTON.

This Indenture made this 4th day of January, in the year Two Thousand Seven, between Bankside Investments, LLC, of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and John A. Buyarski and Elizabeth A. Buyarski, as Joint Tenants with the Right of Survivorship as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, alieneed, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 101 of the 17th District, Fulton County, Georgia, being a part of Lot 7, Block 1, E. Rivers Subdivision, per plat recorded in Plat Book 4, Page 76, Fulton County Superior Court records and being more particularly described as follows:

Beginning at an iron pin placed on the South right of way line of East Wesley Road, a public right of way, which such iron pin is located 300.0 feet East along East Wesley Road and following the curvatures thereof from the intersection of the South right of way line of East Wesley Road and the Easterly right of way line of Brookwood Drive; from said point of beginning; running thence South 03 degrees 43 minutes 56 seconds West 166.21 feet to a point located on the North right of way line of Kenloch Place (formerly Claremont Ave.), a public right of way; running thence along the North right of way line of Kenloch Place South 74 degrees 12 minutes 03 seconds East 40.98 feet to an iron pin placed on the North right of way line of Kenloch Place; running thence North 03 degrees 42 minutes 24 seconds East 174.32 feet to an iron pin found on the South right of way line of East Wesley Road; running thence along the South right of way line of East Wesley Road North 85 degrees 36 minutes 36 seconds West 40.0 feet to an iron pin placed on the South right of way line of East Wesley Road, which said point is the point of beginning, being Improved real property known as 233 East Wesley Road, NE, according to the present system of numbering houses in Atlanta, Georgia, all as shown on that certain survey for Bankside Investments, LLC dated 6/19/03, prepared by Josh L. Lewis, R.L.S., which such survey is expressly incorporated herein and made a part hereof.

THIS CONVEYANCE is subject to all restrictions and easements of record.

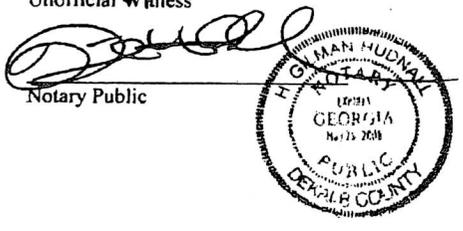
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

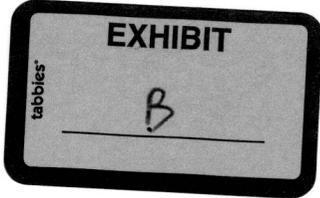
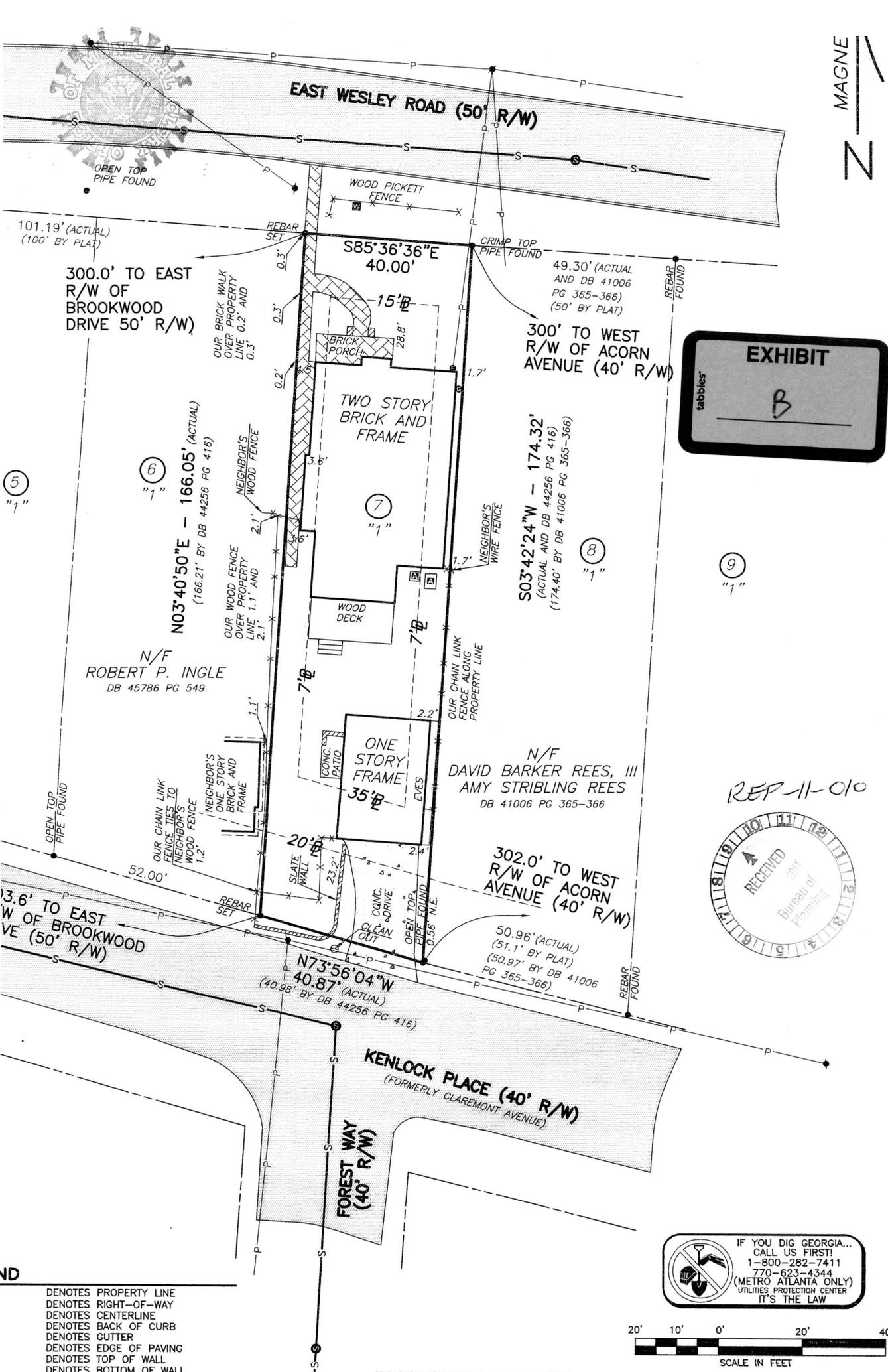
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:
 [Signature]
 Unofficial Witness

Bankside Investments, LLC
 BY: [Signature] (SEAL)
 By: Jerry Lamp
 It's: Member

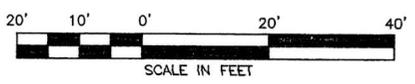


MAGNE
N



- DENOTES PROPERTY LINE
- DENOTES RIGHT-OF-WAY
- DENOTES CENTERLINE
- DENOTES BACK OF CURB
- DENOTES GUTTER
- DENOTES EDGE OF PAVING
- DENOTES TOP OF WALL
- DENOTES BOTTOM OF WALL

IF YOU DIG GEORGIA...
CALL US FIRST!
1-800-282-7411
770-623-4344
(METRO ATLANTA ONLY)
UTILITIES PROTECTION CENTER
IT'S THE LAW





RCS# 972
4/18/11
3:40 PM

Atlanta City Council

REGULAR SESSION

PERSONAL

CORRECTION TO A ZONING MAP

ADOPT/SHOOK

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

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

PERSONAL