

#4

13-R-0631/HR

(Do Not Write Above This Line)

A RESOLUTION  
*Natalyn Archibong*  
BY COUNCIL MEMBER  
NATALYN ARCHIBONG

A RESOLUTION TO  
AUTHORIZE THE OFFICE OF  
PLANNING TO APPROVE THE  
REPLAT OF PROPERTY  
HAVING A STREET ADDRESS  
OF 402 LAKESHORE DRIVE;  
AND FOR OTHER PURPOSES.

ADOPTED BY  
MAY 20 2013  
COUNCIL

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

Date Referred 4/15/13

Referred To: CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee *CD/HR*  
Date *4/30/13*  
Chair \_\_\_\_\_  
Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
*Subst* Other \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee *CD/HR*  
Date *5/14/13*  
Chair *Shepard*  
Action \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
*Subst* 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
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED  
MAY 20 2013  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
MAY 20 2013  
*Rhonda Daughin Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
MAY 20 2013  
*[Signature]*  
MAYOR

1711



**CITY COUNCIL  
ATLANTA, GEORGIA**

**13-R-0631**

**A RESOLUTION  
BY COUNCIL MEMBER NATALYN ARCHIBONG  
AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES  
COMMITTEE**

**A RESOLUTION AUTHORIZING THE OFFICE OF PLANNING TO  
CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA LOT  
BOUNDARY MAP, FOR IMPROVED NON-CONFORMING LOTS OF  
RECORD AT 402 LAKESHORE DRIVE AND 1872 MCLENDON  
AVENUE; AND FOR OTHER PURPOSES.**

**WHEREAS**, 402 Lakeshore Drive and 1872 McClendon Avenue are separate non-conforming lots of record, each improved with a single-family dwelling; and

**WHEREAS**, the City of Atlanta Lot Boundary Map, formerly known as the Cadastral Map, is the official City record of lot configuration for the purposes of development and reflects different dimensions for each lot than those appearing on the current real property records filed in the DeKalb County land records; and

**WHEREAS**, research of the subject property's chain of title reveals that the predecessor in title of the current property owner of 402 Lake Shore Drive conveyed the rear portion of the lot to the predecessor in title of the current property owner of 1872 McClendon Avenue, the result of which increased the lot size of 1872 McClendon Avenue and rendered the lot at 402 Lake Shore drive below the minimum lot size required by the property's R-4 zoning designation; and

**WHEREAS**, the subject properties are and for years have been improved with single-family residences and for which the current owner of 402 Lake Shore Drive has submitted building plans for further improvement of the property; and

**WHEREAS**, no building permit can legally be issued until the subject properties current boundary lines are consistent with and updated onto the City of Atlanta Lot Boundary Map; and

**WHEREAS**, under current subdivision regulations, the Office of Planning may not administratively recognize lot dimensions onto the City of Atlanta Lot Boundary Map 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 properties status for development purposes and the ability to obtain future building permits for the purpose of repair, renovation, construction, etc. to the existing residential structures on the properties; and

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



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

**Section 1:** The Office of Planning is authorized to change the City of Atlanta Lot Boundary Map for property located at 402 Lakeshore Drive into a configuration consistent with those property boundaries as indicated on the attached property boundary survey (Exhibit "A"), said exhibit incorporated herein by reference.

**Section 2:** The Office of Planning is authorized to recognize the property located at 402 Lakeshore Drive, as described in Exhibit "A", as one non-conforming lot of record with all rights appurtenant thereto.

**Section 3:** The Office of Planning is authorized to change the City of Atlanta Cadastral Map for property located at 1872 McClendon Avenue into a configuration consistent with the aggregate property boundaries of tract 1 and tract 2, as set forth on the attached legal description (Exhibit "B"), said exhibit incorporated herein by reference, such that hereafter said tracts shall be one parcel of land for development purposes.

**Section 4:** That the Office of Planning is authorized to recognize the property located at 402 1872 McClendon Avenue, as described in Exhibit "B", as one non-conforming lot of record with all rights appurtenant thereto.

**Section 5:** That as non-conforming lots of record, any development on the subject properties 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

May 20, 2013

APPROVED by Mayor Kasim Reed

May 22, 2013

*Rhonda Daughin Johnson*  
Municipal Clerk

NOW OR FORMERLY  
PROPERTY OF  
STEPHEN RAYMOND BROOKS &  
LORI ANN BURNS BROOKS  
D.B. 9235, PAGE 305

NEIGHBOR'S CHAIN LINK FENCE  
CORNER ENCROACHES  
0.7' OVER PROPERTY LINE

NEIGHBOR'S CONCRETE  
DRIVEWAY ENCROACHES  
0.3' OVER PROPERTY LINE

PROJECT BENCH  
MARK - TOP OF  
S.S. MANHOLE  
966.43 MSL  
(1988 NAVD)



41-A

NOW OR FORMERLY  
PROPERTY OF  
MERRILLANT W. FROST  
D.B. 21210, PAGE 665

N 85°44'27"W 130.70'

S 01°07'22"E 56.35'

40

39

FRAME GARAGE

S 88°23'20"E 141.27'

NOW OR FORMERLY  
PROPERTY OF  
SIMON BLOOM  
D.B. 11484, PAGE 476

41

**PRESENT ZONING: R-4**

35' FRONT SETBACK  
7' SIDE SETBACK (TWO SIDE YARDS)  
15' REAR SETBACK

**EXISTING IMPERVIOUS AREA:**

2,335 SQUARE FEET  
32.3% LOT COVERAGE  
50% MAXIMUM ALLOWABLE



**LEGEND**

RBS	REBAR SET	SSE	SANITARY ESMT.
RBF	REBAR FOUND	R-W	RIGHT-OF-WAY
OTPF	OPEN TOP PIPE FND.	CONC	CONCRETE
CTPF	CRIMPED TOP PIPE FND.	DK	DECK
BL	BUILDING LINE	PAT	PATIO
DE	DRAINAGE EASEMENT	S	STOOP
UE	UTILITY EASEMENT	-X-	FENCE

THIS IS TO CERTIFY THAT THIS PROPERTY IS NOT LOCATED  
WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA AS  
SHOWN ON THE F.I.R.M. OF DEKALB COUNTY, GEORGIA,  
MAP NUMBER 13089C0064H, DATED MAY 7, 2001.

NO PORTION OF THIS PROPERTY LIES WITHIN  
200 FEET OF STATE WATERS.

THIS PROPERTY IS SUBJECT TO ANY ADDITIONAL  
EASEMENTS OR RESTRICTIONS OF RECORD.

DIMENSIONS FROM HOUSE TO PROPERTY LINES  
SHOULD NOT BE USED TO ESTABLISH FENCES.

THIS PLAT IS FOR EXCLUSIVE USE BY CLIENT.  
USE BY THIRD PARTIES IS AT THEIR OWN RISK.

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 7 SECONDS PER ANGLE  
AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE  
TO ONE FOOT IN 10,000 FEET.

INSTRUMENTS USED: TOPCON ROBOTIC TOTAL STATION & RTK G.P.S.

APPARENT 60' R/W  
LAKE SHORE DRIVE

AREA: 7,216 SF ~ 0.166 ACRES  
PLAT BOOK 11 ~ PAGE 50

**SURVEY FOR: ELIZABETH T. SULLIVAN**

**#402 LAKE SHORE DRIVE  
CITY OF ATLANTA, GEORGIA 30307**

**PART OF LOT 40, BLOCK "2"  
MASSELL DEVELOPMENT CO.  
PROPERTY SUBDIVISION**

**LAND LOT 238, 15TH DISTRICT  
DEKALB COUNTY, GEORGIA**

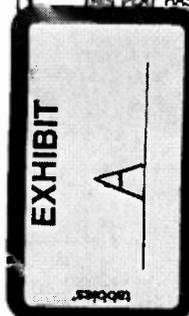
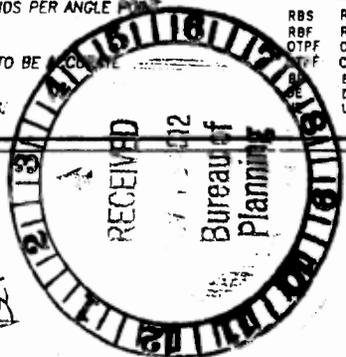
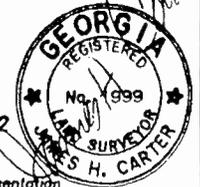
**SCALE: 1" = 20'  
FIELD WORK DATE: 09/27/2012  
PLAT DATE: 10/01/2012**

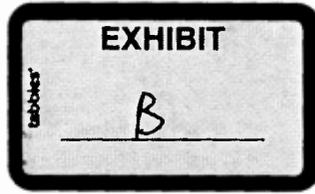
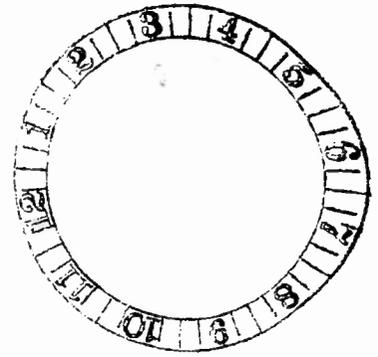
In my opinion, this plat is a correct representation  
of the land platted and has been prepared with  
the minimum standards and requirements of law.

**JAMES H. CARTER  
LAND SURVEYING COMPANY**

P.O. BOX 957982, DULUTH, GEORGIA 30095

Tel: (404) 213-5706 [jcarter@carterlandsurveying.com](mailto:jcarter@carterlandsurveying.com)





File Number: MT175-08-0268-RC

Tract 1:

All that tract or parcel of land lying and being in Land Lot 238 of the 15th District of DEKALB County, Georgia, being Lot 40-A and Part of 41-A, Block 2 of MASSELL DEVELOPMENT CO. PROPERTY, as per Plat thereof recorded in Plat Book 11, page 50, DEKALB County, Georgia, records, and being more particularly described as follows:

Beginning at an iron pin found lying on the Northerly right-of-way line of McLendon Avenue (a 50 foot right-of-way), 156.00 feet, Westerly from the corner formed by the intersection of the Northerly right-of-way line of McLendon Avenue with the Westerly right-of-way line of Lakeshore Drive, if said lines were extended to form an angle instead of a curve; running thence North 85 degrees 30 minutes 00 seconds West, as measured along the Northerly right-of-way line of McLendon Avenue (a 50 foot right-of-way), a distance of 60.0 feet, to an iron pin placed; running thence North 03 degrees 00 minutes 00 seconds East, a distance of 117.75 feet, to an iron pin found; running thence South 84 degrees 32 minutes 00 seconds East, a distance of 30.0 feet, to an iron pin found; running thence South 01 degrees 26 minutes 00 seconds East, a distance of 57.8 feet, to an iron pin found; running thence South 88 degrees 11 minutes 00 seconds East, a distance of 22.0 feet, to an iron pin found; running thence South 00 degrees 30 minutes 00 seconds East, a distance of 58.0 feet, to an iron pin found and being the Point of Beginning; being property known as 1872 McLendon Avenue, according to the present system of numbering property in the City of Atlanta, DeKalb County, Georgia.

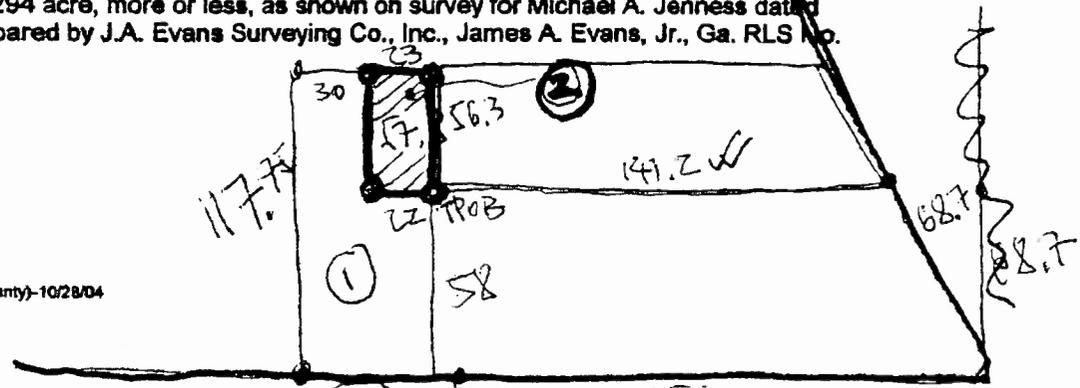
Tract 2:

All that tract or parcel of land lying and being in Land Lot 238 of the 15th District of Dekalb County, Georgia and being more particularly described as follows:

To find the true point of beginning, commence at the intersection of the Northerly right of way line of McLendon Avenue and the Westerly right of way line of Lakeshore Drive, thence run Northwesterly along the Westerly right of way line of Lakeshore Drive a distance of 68.7 feet to an open top pipe found; run thence North 87 degrees 46 minutes 46 seconds West a distance of 141.27 feet to a crimp top pipe found and the TRUE POINT OF BEGINNING.

From said TRUE POINT OF BEGINNING, run thence North 00 degree 30 minutes 27 seconds West a distance of 56.35 feet to an iron pin placed; run thence North 85 degrees 07 minutes 09 seconds West a distance of 23.02 feet to an iron pin found; run thence South 01 degree 26 minutes 00 second East a distance of 57.80 feet to an iron pin found; run thence South 88 degrees 38 minutes 29 seconds East a distance of 22.00 feet to a crimp top pipe found and the TRUE POINT OF BEGINNING.

Said tract containing 0.0294 acre, more or less, as shown on survey for Michael A. Jenness dated December 17, 2008, prepared by J.A. Evans Surveying Co., Inc., James A. Evans, Jr., Ga. RLS No. 2167.



RCS# 2701  
5/20/13  
3:17 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: ALL ITEMS  
EXCEPT 13-O-1028 AND 12-O-0375  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

RCS# 2715  
5/20/13  
3:58 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: ALL ITEMS  
EXCEPT 13-O-1028 AND 12-O-0375  
RECONSIDER

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

RCS# 2716  
5/20/13  
3:59 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: ALL ITEMS  
EXCEPT 13-O-1028;12-O-0375 AND 13-O-1033  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

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

CONSENT I