

**Z-12-36 A SUBSTITUTE ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-3 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO THE MR-3 (MULTIFAMILY RESIDENTIAL) DISTRICT, PROPERTY LOCATED AT 3519 ROXBORO ROAD, N.E. FRONTING APPROXIMATELY 46 FEET ON THE EAST SIDE OF ROXBORO ROAD BEGINNING 24 FEET FROM THE NORTHEAST CORNER OF KINGSBORO ROAD. DEPTH: APPROXIMATELY 187 FEET AREA: APPROXIMATELY 0.50 ACRE. LAND LOT 9, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: MARK G. MILLSAPS APPLICANT: REX K. BRAY NPU B COUNCIL DISTRICT 7**

Application File Date	10-9-12
Zoning Number	Z-12-36
NPU / CD	B/7
Staff Recommendation	Approval Conditional
NPU Recommendation	Approval Conditional
ZRB Recommendation	Approval Conditional

**Workflow List:**

Office of Research and Policy Analysis	Completed	01/07/2014 7:04 PM
Zoning Committee	Completed	01/15/2014 3:48 PM
Atlanta City Council	Completed	02/05/2014 3:00 PM
Zoning Review Board Staff	Completed	04/21/2014 12:35 PM
Office of Research and Policy Analysis	Completed	04/23/2014 3:54 PM
Zoning Committee	Pending	
Mayor's Office	Pending	

**HISTORY:**

01/15/14	Zoning Committee	
01/21/14	Atlanta City Council	REFERRED TO ZRB AND ZC

<b>RESULT:</b>	<b>REFERRED TO ZRB AND ZC [13 TO 0]</b>
<b>AYES:</b>	Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Adrean, Moore, Martin, Bottoms, Sheperd
<b>AWAY:</b>	Michael Julian Bond, Howard Shook

<b>RESULT:</b>	<b>REFERRED TO ZRB AND ZC [13 TO 0]</b>
<b>AYES:</b>	Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Adrean, Moore, Martin, Bottoms, Sheperd
<b>AWAY:</b>	Michael Julian Bond, Howard Shook

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**Z-12-36 A SUBSTITUTE ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-3 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO THE MR-3 (MULTIFAMILY RESIDENTIAL) DISTRICT, PROPERTY LOCATED AT 3519 ROXBORO ROAD, N.E. FRONTING APPROXIMATELY 46 FEET ON THE EAST SIDE OF ROXBORO ROAD BEGINNING 24 FEET FROM THE NORTHEAST CORNER OF KINGSBORO ROAD. DEPTH: APPROXIMATELY 187 FEET AREA: APPROXIMATELY 0.50 ACRE. LAND LOT 9, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: MARK G. MILLSAPS APPLICANT: REX K. BRAY NPU B COUNCIL DISTRICT 7**

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City Council  
Atlanta, Georgia

AN ORDINANCE	Z-12-36
AS SUBSTITUTED	
BY ZONING COMMITTEE	Date Filed: 10-9-12

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at 3519 ROXBORO ROAD, N.E., be changed from the R-3 (Single Family Residential) District to the RG-3-C (Residential General-Sector 3-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 9, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not

authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

City Council  
Atlanta, Georgia

**12-0 -1433**

**Z-12-36**

Date Filed: 10-9-12

AN ORDINANCE  
BY: ZONING COMMITTEE

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SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **3519 ROXBORO ROAD, N.E.**, be changed from the R-3 (Single Family Residential) District to the MR-3 (Multifamily Residential) District, to wit:

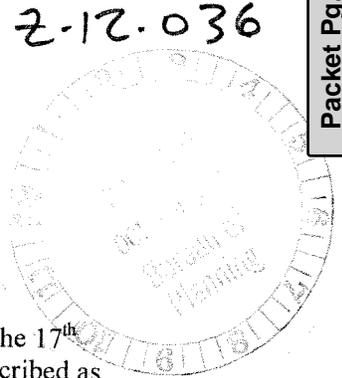
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SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

C-1



## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 9 of the 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a concrete monument found at the northerly end of the mitered intersection of the northeasterly right-of-way line of Roxboro Road (Variable R/W) with the southeasterly right-of-way line of Kingsboro Road (50' R/W); thence along said right-of-way line of Kingsboro Road the following courses and distances: North 56 degrees 35 minutes 04 seconds East a distance of 155.61 feet to a point; thence 96.55 feet along an arc of a curve to the right, said curve having a radius of 273.35 feet and a chord bearing and distance of North 70 degrees 40 minutes 37 seconds East 96.05 feet to an iron pin found; thence leaving said right-of-way line South 06 degrees 55 minutes 51 seconds East a distance of 100.26 feet to an iron pin found (PK nail); thence South 69 degrees 14 minutes 40 seconds West a distance of 220.93 feet to a point on said right-of-way line of Roxboro Road; thence along said right-of-way line North 38 degrees 41 minutes 39 seconds West a distance of 46.07 feet to a concrete monument found at said mitered intersection; thence along said miter North 06 degrees 28 minutes 48 seconds East a distance of 24.54 feet to a concrete monument and the POINT OF BEGINNING.

Said tract containing 0.492 acres (21,431 square feet).

**CONDITIONS FOR Z-12-36 FOR 3519 ROXBORO ROAD**

1. The developer shall submit to the Office of Planning for review, before applying for a building permit, a streetscaping / landscaping plan to identify, at least, the following elements: sidewalks along the entire property street frontage, street trees, street lighting, landscaped buffer along the southern property line.



55 Trinity Avenue S.W., Suite 3350  
Atlanta, Georgia 30303  
(404) 330-6145

APPLICATION #: **Z-12-036**

DATE ACCEPTED: **10/09/2012**

NOTICE TO APPLICANT

Address of Property:  
**3519 Roxboro RD NE**

City Council District: **7** Neighborhood Planning Unit (NPU): **B**

Zoning Review Board (ZRB) Hearing Date:  
**Thursday, December 6 or 13, 2012 at 6:00 p.m.**

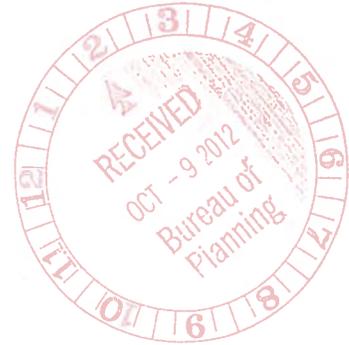
Council Chambers, 2nd Floor, City Hall  
55 Trinity Avenue, S.W.

The contact person for NPU B is:

**Bill Murray**  
**404 226-3271**  
**bill.murray@prudentialga.com**

Contact info for adjacent NPUs is provided below if necessary:

**Additional Contacts:**



Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

Signed,

  
KS, for Director, Bureau of Planning

  
Rex K Bray

APPLICATION FOR REZONING  
City of Atlanta

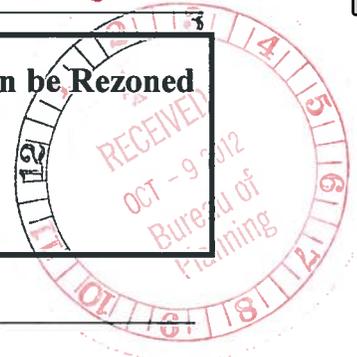
Date Filed \_\_\_\_\_

Application Number 2-12-036

I Herely Request That The Property Described in this Application be Rezoned

From R-3 District

TO MR-3 District



Name of Applicant BRAY REX K  
Last Name First Name M.I.

address 350 street name RESEARCH COURT  
city NORCROSS state GA zip code 30092  
phone 678-684-6209 Fax 678-684-6246  
e-mail address rbray@pecatl.com

Name of Property Owner MILLSAPS MARK G.  
Last Name First Name M.I.

address 3844-B street name STEWART ROAD  
city DORAVILLE state GA zip code 30340  
phone 770-458-9926 Fax 770-936-9920

Description of Property

Address of Property 3519 street name ROXBORO ROAD  
city ATLANTA state GA zip code 30326  
The subject property fronts 46'± feet on the EAST side of ROXBORO ROAD  
beginning 24± feet from the NORTH EAST corner of KINGSBORO RD.  
Depth: 187'± Area: 0.5± Land Lot: 9 Land District: 17 - FULTON County, GA.  
Property is zoned: R-3 Council District: 7 Neighborhood Planning Unit: B

INSTRUCTIONS

A. SUMMARY OF PROPOSED PROJECT. Describe the proposed project in the space provided below. Include the proposed use of each building and all other land uses. This description is required in addition to the Documented Impact Analysis and is not considered a substitute. Should additional space be required please type or print on a separate piece of paper.

DEVELOPMENT OF A 4 LOT SINGLE FAMILY SUBDIVISION ON A 0.5± ACRE PARCEL.

B. DOCUMENTED IMPACT ANALYSIS. Each application must contain a typed or printed documented analysis of the impact of the proposed rezoning with respect to the following matters.

(1) Compatibility with comprehensive development plans; timing of development:

The Office shall examine the proposal to determine whether it is in accord with comprehensive development plans in their 15-year, 5-year, and 1-year forms. In its findings in this regard, it may report that the proposal is compatible or incompatible with all such plans, or that while the change is in accord with those of longer range it would be premature in the light of the 1-year or 5-year comprehensive development plans. The Office shall not recommend any change not in accord with adopted comprehensive development plans but may, where it sees fit, recommend changes in such plans, following which, if such change in plans are officially adopted, the zoning change may be reconsidered without prejudice and without a new application if an application is involved.

(2) Availability of and effect on public facilities and services/referrals to other agencies: The Office shall consider and report on the availability of public facilities and services and the effect the proposed change would have on demands for public facilities and services in the area in which the change is proposed or generally. Such facilities and services include but are not limited to water supply, sewage, or drainage, transportation, schools, fire and police protection, and solid waste collection and disposal.

(3) Availability of other land suitable for proposed use: effect on balance of land uses: The Office may consider the availability of other appropriate land already zoned for the proposed use, general and in the area of the proposed change. The Office may also consider whether generally, or in the area of the proposed change, the change would have adverse environmental effects on the balance of land uses by removing land from a category for which it is suited and for which there is a greater need to a category for which the public need is lesser.

(4) Effect on character of the neighborhood: The Office shall consider the effect of uses permitted under the proposed change on the surrounding neighborhood and shall report any substantial probably adverse influences on desirable living conditions or sustained stability, or any tendencies toward blight and depreciation likely to result from the change.

(5) Suitability of proposed use: The Office shall consider whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

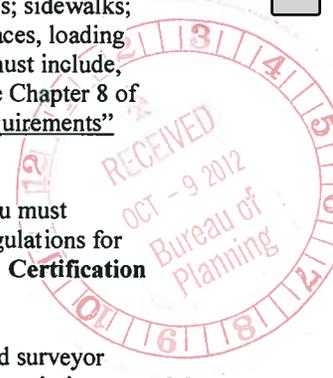
(6) Effect on adjacent property: The Office shall consider whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

(7) Economic use of current zoning: The Office shall consider whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

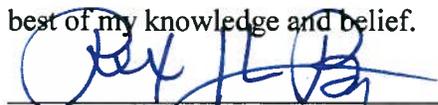
(8) Tree Preservation: The Office shall consider and report on whether the proposal is in accordance with the City of Atlanta's policies related to tree preservation as adopted in Section 10-2033, Policy, Purpose and Intent of the City of Atlanta Tree Ordinance.



- C. **CONDITIONAL ZONING.** If the request is for zoning for new development, submit fourteen (14) copies of the site plan prepared by a State of Georgia registered architect, landscape architect, engineer, or planner holding the AICP designation. Site plans must be folded to 11" x 14". All site plans shall be sealed by the professional preparer and shall show the scale, north arrow; the location of streets and street names; sidewalks; existing and proposed buildings and their square footage, heights, and floor area ratio; parking spaces, loading areas, and number of parking spaces must also be shown. All plans for residential development must include, on the site plan, a summary of calculations in accordance with the Land Use Intensity System (see Chapter 8 of the Zoning Ordinance). For complete information regarding site plans, refer to the "Site Plan Requirements" attachment to this application form.
- D. **PLANNED DEVELOPMENT (PD) DISTRICTS.** If your request is for PD District Zoning, you must comply with the requirements of Chapter 19 of the Zoning Ordinance and with the appropriate regulations for Planned Development Housing, Office-Commercial, Mixed-Use, or Business Park as appropriate. **Certification of a PD Zoning pre-application conference is required.** Submit *Attachment 7*.
- E. **PROPERTY DESCRIPTION.** A copy of a recent plat of survey prepared by an engineer or land surveyor registered in the State of Georgia must accompany each application. In addition, a written legal description must be submitted. In cases involving more than one contiguous property, a consolidated legal description of the property must be submitted.
- F. **HOUSING APPLICATION.** If the rezoning application contemplates the construction of one or more residential units, complete the attached Atlanta Public School form, *Attachment 3*.
- G. **DEVELOPMENTS OF REGIONAL IMPACT.** If your application meets the thresholds shown on *Table II (Attachment 4)*, you must contact the Office of Planning for further instructions.
- H. **TREE PRESERVATION.** All development must meet the City of Atlanta Tree Ordinance. Contact the City Arborist, (404) 330-6150 for details.
- I. **COMPREHENSIVE DEVELOPMENT PLAN (CDP) AMENDMENT.** Submit *Attachment 5*.
- J. **DISCLOSURE.** Submit a disclosure statement as described in *Attachment 6*.
- K. **HEARING DATES AND PROCESSING OF APPLICANTS.** See attached Zoning Review Board Schedule.
- L. **MEETING WITH NEIGHBORHOOD PLANNING UNIT.** (NPU) You must contact the appropriate Neighborhood Planning Unit (NPU) within two business days after filing your rezoning application to appear before them prior to the public hearing of the Zoning Review Board. The name and phone number of the contact for the NPU will be provided at the time that you file your application.
- M. **FEES.** See attached fee schedule, *Attachment 8*.
- N. **AUTHORIZATION TO INSPECT PREMISES.** I hereby authorize the staff of the Office of Planning of the City of Atlanta to inspect the premises, which are the subject of this rezoning application.
- O. **Revisions to site plans will only be accepted up to 15 days prior to the scheduled hearing date.**



I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

  
 \_\_\_\_\_  
 Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 5th day of October, 2012  
  
 \_\_\_\_\_ (Notary Public)





**Project Summary**

**Roxboro Road Single Family Development  
3519 Roxboro Road  
Parcel ID# 17-0009-0003-001-0  
Land Lot 9, 17<sup>th</sup> District, Fulton County, Georgia**

The Roxboro Road Single Family Development is a proposed fee simple single-family community composed of 4 lots located in the Ridgedale Park area. There is currently an existing single-family residential home on the property. The property is located in a residential area and fronts Roxboro Road and Kingsboro Road. Single-family homes adjoin the property to the north and west. A townhome community is located to the East. The surrounding area is primarily composed of single-family residential dwellings.

The new development will have 4 lots each house having its own drive and a 2-car garage. All the homes will face Kingsboro Road.

Architecturally, the houses will be two stories with generously sized floor plans with ample room for furnishings. The finish material colors and carpeting will be varied to create visually interesting living units. Unit amenities include washer-dryer connections, energy star dishwashers, garbage disposals, refrigerators and large vanities.

Along the frontage of both Roxboro Road and Kingsboro Road a new wide sidewalk along with tree will be installed and each lot will be lushly landscaped.

## B. Documented Impact Analysis

### 1. Comprehensive Development Plans Compatibility

The 2011 CDP shows medium density residential (MDR). We are requesting to re-zone from R-3 to MR-3. The single-family development will be consistent with the MDR designation.



### 2. Public Facilities and Services Availability

Our development will be replacing an older single-family residence with existing infrastructure in place to support our development.

**Existing Water Supply** – According to the City of Atlanta maps, there is an existing 12-inch water line along the north side of Roxboro Road.

**Existing Sanitary Sewer** – According to the City of Atlanta maps, the subject site is located in the Peachtree Creek Sewer Basin. Maps and there is a 24” sanitary sewer trunk line traversing the property flowing from the north to the south.

**Storm Drainage** – According to the City of Atlanta maps, the site drainage flows into a tributary of Peachtree Creek. The drainage will be detained in a central onsite detention pond.

**Transportation** – According to Marta maps, there is a Marta bus route along Lenox Road and the Lenox Marta Train Station is located 0.34 miles from the property to the south.

**Schools** – E. Rivers Elementary School  
Sarah Smith Elementary School  
Sutton Middle School  
North Atlanta High School

**Fire** – According to the City of Atlanta GIS map, Fire station #21 is located at 3201 Roswell Road on the east side of Roswell Road between Irby Ave. & East Andrews Drive.

**Police**- According to the City of Atlanta GIS map, the subject site is located in police Zone 2 with a Zone 2 Mini Precinct at Lenox Square Mall. (Zone Commander Major Robert L. Browning)

**Solid Waste** – The development will have Herbie Curbie trash receptacles and private waste pick-up.



3. **Availability Of Other Suitable Land For Proposed Use**

There is currently a single-family residence located on the property at 3519 Roxboro Road. The area is characterized with mainly single-family residential detached homes with several townhome developments along Roxboro Road.

The proposed change of new single-family homes will have a very positive impact on the residential community.

4. **Effect On Character of Neighborhood**

The Roxboro Road Development will provide a fresh residential development to replace the existing run-down single family home. There should be no adverse influences on the desirable living conditions in the existing single-family neighborhood. Also with the developments close proximity to Lenox Square Mall, Phipps Plaza and the Lenox Marta Station Complex, the Roxboro Road Development should attract interest and attention for those persons searching for upscale yet affordable housing. The new construction should improve the quality of the neighborhood and will serve as a catalyst for redevelopment of the surrounding area.

5. **Suitability of Proposed Use**

The zoning proposal would permit a use that is suitable and consistent with the previous use enhancing the adjacent property. Residents of the surrounding neighborhood should welcome the replacement of an old single family home with a new quality residential community. The vision is create a new development offering quality residential space. Pedestrian linkage, paths and courtyards will be incorporated into the development to serve as a physical bridge between the neighborhood and the Roxboro Road Development.

6. **Effect On Adjacent Property**

The zoning proposal will not adversely affect the existing use on the usability of adjacent or nearby property since there are single-family residences along Kingsboro Road now. There will only be 4 single-family lots with vehicular access along Kingsboro Road only. There should not be any strain on the existing road since Roxboro Road has been widened to accommodate the traffic. The Roxboro Road Development will have several multidimensional positive impacts affecting the community



surrounding the site. These impacts range in three broad categories: Physical, architectural and economical.

The **physical** fabric of the adjacent property should be positively transformed as a result of this development. New sidewalks, street trees and landscaping will be installed along the street frontage for a more pleasant visual experience along the subject property.

**Architecturally**, new fresh buildings will replace a run down home that is past its life expectancy. The proposed development will enhance the architectural appearance of the area. The entire area should be enriched through the projects design.

**Economically** the construction of a new community will be welcome since there is a need for more housing in this area spurring more interest and revitalization activity in the area surrounding the development site.

7. **Economic Use Of Current Zoning**

The current zoning will not allow the proposed residential floor area. The proposed MR-3 zoning is necessary to maximize the land and allow this single-family development to be built. The vision of the Roxboro Road Development is to provide high quality residential dwellings for new residents creating a "sense of place" along Roxboro Road that will encourage more pedestrian activity and will attract quality residents to the area.

# ATLANTA PUBLIC SCHOOLS REVIEW REQUEST

(Required only if application would result in construction of one or more units of new housing)



Application Number \_\_\_\_\_

Name of applicant Rex K. Bray PLANNERS & ENGINEERS COLLABORATIVE

Address 350 RESEARCH COURT

City Norcross State GA Zip Code 30092

Contact, if other than applicant \_\_\_\_\_

Zoning category requested MR-3 No. of acres of property to be rezoned 0.5±

No. of Proposed dwelling units per acre 8 Total number of dwelling units 4

Total number of units by bedroom: \_\_\_\_\_

Monthly rental per unit \_\_\_\_\_ or selling per unit \_\_\_\_\_

Projected construction completion date: \_\_\_\_\_



**AUTHORIZATION BY PROPERTY OWNER**

(Required if person filing the application is **not** the owner of the subject property or Applicant for the proposed rezoning)

I, MARK G. MILLSAPS (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 3519 ROXBORO ROAD NE (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF FULTON COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

**NAME OF APPLICANT:**

LAST NAME BRAY FIRST NAME REX

ADDRESS 350 STREET NAME RESEARCH CT. SUITE \_\_\_\_\_

CITY NORCROSS STATE GA ZIP CODE 30092

**TELEPHONE NUMBER**

AREA CODE (678) NUMBER 684 . 6209

[Signature]  
Signature of Owner  
Mark G Millsaps  
Print name of owner

Personally Appeared Before Me this 4th day of October, 2012.

[Signature]  
Notary Public





### LEGAL DESCRIPTION

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Said tract containing 0.492 acres (21,431 square feet).

**RECEIPT**

CITY OF ATLANTA  
ATLANTATEST  
55 TRINITY AVE SW

**Application:** Z-12-036  
**Application Type:** Planning/ZRB/Rezoning/NA  
**Address:** 3519 ROXBORO RD NE, ATLANTA, GA 30326  
**Owner Name:** MILLSAPS MARK G  
**Owner Address:**  
**Application Name:**

---

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
305670	1755	\$500.00	10/09/2012	OFELIX		

**Owner Info.:** MILLSAPS MARK G

**Work Description:** Rezoning for 4 lot single-family subdivision on a 0.5 acre parcel.

PAID  
CITY OF ATLANTA  
OCT 09 2012  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR