

**Z-14-04- AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE C-2-C (COMMERCIAL SERVICE-CONDITIONAL) DISTRICT TO THE R-5 (TWO FAMILY RESIDENTIAL) DISTRICT, PROPERTY LOCATED AT 170 CHESTER AVENUE, S.E., FRONTING APPROXIMATELY 56 FEET ON THE EAST SIDE OF CHESTER AVENUE BEGINNING 64 FEET FROM THE NORTHEAST CORNER OF FULTON TERRACE ROAD. DEPTH: 117 FEET. AREA: APPROXIMATELY 0.15 ACRE. LAND LOT 13, 14TH DISTRICT FULTON COUNTY, GEORGIA. OWNER: BOLSTER PROPERTIES APPLICANT: NATHAN D. BOLSTER NPU N COUNCIL DISTRICT 2**

Application File Date	January 8, 2014
Zoning Number	Z-14-04
NPU / CD	N/2
Staff Recommendation	Approval Conditional
NPU Recommendation	Approval
ZRB Recommendation	APPROVAL

**Workflow List:**

Office of Research and Policy Analysis	Completed	02/24/2014 9:11 AM
Zoning Committee	Completed	03/12/2014 11:01 AM
Atlanta City Council	Completed	03/21/2014 4:33 PM
Zoning Review Board Staff	Completed	04/21/2014 9:41 AM
Office of Research and Policy Analysis	Completed	04/21/2014 9:47 AM
Zoning Committee	Pending	
Mayor's Office	Pending	

**HISTORY:**

03/12/14	Zoning Committee	
03/17/14	Atlanta City Council	REFERRED TO ZRB AND ZC

<b>RESULT:</b>	<b>REFERRED TO ZRB AND ZC [12 TO 0]</b>
<b>AYES:</b>	Bond, Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Adrean, Moore, Sheperd
<b>ABSENT:</b>	Keisha Lance Bottoms
<b>AWAY:</b>	Howard Shook, Clarence "C. T." Martin

<b>RESULT:</b>	<b>REFERRED TO ZRB AND ZC [12 TO 0]</b>
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<b>ABSENT:</b>	Keisha Lance Bottoms
<b>AWAY:</b>	Howard Shook, Clarence "C. T." Martin

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

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AN ORDINANCE

Z-14-04

BY: ZONING COMMITTEE

Date Filed: 1-8-14

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 170 Chester Avenue, S.E., be changed from the C-2-C (Commercial Service-Conditional) District to the R-5 (Two Family Residential) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 13, 14<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.

# NOTICE TO APPLICANT

Address of Property:  
**170 Chester AVE SE**



## OFFICE OF PLANNING

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



APPLICATION #: **Z-14-004**

DATE ACCEPTED: **01/08/2014**

City Council District: **5**      Neighborhood Planning Unit (NPU): **N**

Zoning Review Board (ZRB) Hearing Date:

**Thursday, April 3 or 10, 2014 at 6:00 p.m.**

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

The contact person for NPU N is:

**Jonathan Miller**  
**(404) 790-9398**  
**millernkelly2@mindspring.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,

  
\_\_\_\_\_  
Jonathan Miller, for Director, Bureau of Planning

  
\_\_\_\_\_  
Nathan Bolster

APPLICATION FOR REZONING  
City of Atlanta

Date Filed Jan 8 2014

Application Number Z-14-004



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

From C2-C District

TO R-5 District

Name of Applicant Bolster, Nathan D.  
Last Name First Name M.I.

address 898 street name Edgewood Ave.  
city Atlanta state GA zip code 30307  
phone 404.931.6712 Fax \_\_\_\_\_  
e-mail address nathan@bolsterphoto.com

Name of Property Owner Bolster Properties  
Last Name First Name M.I.

address 898 street name Edgewood Ave.  
city Atlanta state GA zip code 30307  
phone 404.931.6712 Fax \_\_\_\_\_

Description of Property

Address of Property 170 street name Chester Avenue SE.  
city Atlanta state GA zip code 30316  
The subject property fronts 56' feet on the east side of Chester Ave.  
beginning 64' feet from the northeast corner of Fulton Terrace  
Depth: 117.3 Area: 6568.8=9ft. Land Lot: 00130005076 Land District: 14 - Fulton County, GA.  
Property is zoned: C2-C Council District: 2 Neighborhood Planning Unit: N

## 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.

*Construction of a three-bedroom single family house.*

- 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.

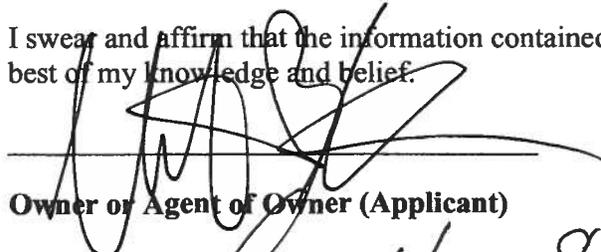
- (6) Effect on adjacent property:** The Office shall consider whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

- (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.

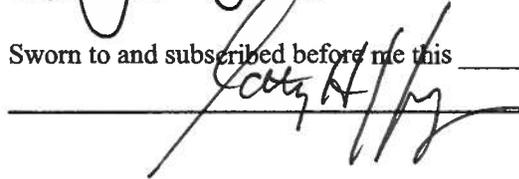
- (8) Tree Preservation:** The Office shall consider and report on whether the proposal is in accordance with the City of Atlanta's policies related to tree preservation as adopted in Section 10-2033, Policy, Purpose and Intent of the City of Atlanta Tree Ordinance.

- 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.

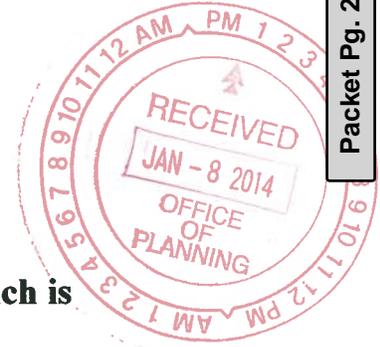


Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 8 day of January, 2014  
 (Notary Public)

CATHY HOFFMAN YOUNG  
NOTARY PUBLIC  
Fulton County  
State of Georgia  
My Commission Expires June 12, 2017

## Impact Analysis



- 1. The Comprehensive plan designates the lot as LDR which is compatible with R5 zoning.**
- 2. This lot has historically had a single family home and the purpose of this application is place a new single family home on the lot. The single family residential structure on the lot was demolished in 2012 because it was structurally unsound and it was not possible to economically renovate the home. All public services were available to serve the home prior to the demolition and there has been no significant changes in the demand for service in the area since the demolition.**
- 3. The lot is too small for commercial development and sufficient parking would not be available in the area.**
- 4. The construction of a single family home will connect this lot to the residential nature of Chester Avenue north of the lot and across the street from the lot.**
- 5. The lot and future a single family home will be compatible with the adjacent property. Commercial development and parking would not be compatible with the nature of the surrounding property.**
- 6. The construction of a single family home will enhance the residential nature of the surrounding property and have no adverse effect on the adjacent property which is not fully developed.**
- 7. There are no reasonable expectations that this small lot will be used for commercial development. The lot is too small and there is no other lot commercially zoned around it that could be added to the property. The parking for any commercial use would not be available to satisfy commercial development.**
- 8. There are no plans to remove any trees.**

2-14-04

**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, NATHAN BOLSTER (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 170 CHESTER AVE Atlanta 30306 (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 BOLSTER FIRST NAME NATHAN

ADDRESS 898 STREET NAME Edgewood Ave SUITE \_\_\_\_\_

CITY Atlanta STATE GA ZIP CODE 30307

**TELEPHONE NUMBER**

AREA CODE (404) NUMBER 931 - 6712

Signature of Owner

NATHAN BOLSTER

Print name of owner

Personally Appeared Before Me this 8 day of January, 2014.

Notary Public

CATHY HOFFMAN YOUNG  
NOTARY PUBLIC  
Fulton County  
State of Georgia  
My Commission Expires June 12, 2017

# 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 Nathan Bolster

Address 898 Edgewood Ave.

City Atlanta State GA Zip Code 30307

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

Zoning category requested R-5 No. of acres of property to be rezoned .3 acres

No. of Proposed dwelling units per acre 3 Total number of dwelling units 1

Total number of units by bedroom: 3

Monthly rental per unit \_\_\_\_\_ or selling per unit \$300,000

Projected construction completion date: September, 2014



170 Chester Ave. SE, 30316

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13, 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR FOUND ON THE EASTERN RIGHT OF WAY OF CHESTER AVENUE 274 FEET SOUTHERLY ALONG SAID EASTERN RIGHT OF WAY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF CHESTER AVENUE AND THE SOUTHERN RIGHT OF WAY OF KIRKWOOD AVENUE; RUNNING THENCE SOUTH 83 DEGREES 55 MINUTES 09 SECONDS EAST 117.30 FEET TO AN IRON PIN SET; RUNNING THENCE SOUTH 04 DEGREES 51 MINUTES 59 SECONDS WEST 52.00 FEET TO A REBAR FOUND; RUNNING THENCE NORTH 85 DEGREES 51 MINUTES 37 SECONDS WEST 117.40 FEET TO A REBAR FOUND ON THE EASTERN RIGHT OF WAY OF CHESTER AVENUE; RUNNING THENCE NORTH 04 DEGREES 59 MINUTES 18 SECONDS EAST 55.98 FEET ALONG THE EASTERN RIGHT OF WAY OF CHESTER AVENUE TO A REBAR FOUND AND THE POINT OF BEGINNING; ALL ACCORDING TO SURVEY PREPARED BY SURVEY SYSTEMS AND ASSOCIATES, INC., DATED JUNE 2, 2000; BEING THE SAME PROPERTY CONVEYED IN DEED RECORDED AT DEED BOOK 24535, PAGE 282, FULTON COUNTY, GEORGIA RECORDS; BEING KNOWN AS 170 CHESTER AVENUE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN FULTON COUNTY, GEORGIA.



Z-14-04

**RECEIPT**

CITY OF ATLANTA  
ATLANTATEST  
55 TRINITY AVE SW

**Application:** Z-14-004  
**Application Type:** Planning/ZRB/Rezoning/NA  
**Address:** 170 CHESTER AVE SE, ATLANTA, GA 30316  
**Owner Name:** SOUTH PARK LOFTS CONDO ASSOC INC  
**Owner Address:**  
**Application Name:**

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
355005	1371	\$500.00	01/08/2014	RPLEWIS		

**Owner Info.:** SOUTH PARK LOFTS CONDO ASSOC INC

**Work Description:** To rezone parcel from C-2C to R-5.

**PAID**  
**CITY OF ATLANTA**  
**JAN 08 2014**  
*[Signature]*  
**EX OFFICIO MUNICIPAL**  
**REVENUE COLLECTOR**



170 Chester Ave. SE, 30316

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24-04