

Z-14-22-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-4 (SINGLE FAMILY RESIDENTIAL) TO THE R4A (SINGLE FAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LOCATED AT 946 DELAWARE AVENUE, S.E., FRONTING APPROXIMATELY 175 FEET ON THE WEST SIDE OF DELAWARE AVENUE AND APPROXIMATELY 163 FEET ON THE EAST SIDE OF ORMEWOOD TERRACE. DEPTH: APPROXIMATELY 554 FEET. AREAS: APPROXIMATELY 1.9 ACRES. LAND LOT 11, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: 946 DELAWARE AVENUE INVESTMENT, LLC APPLICANT: BRAD GOOD NPU W COUNCIL DISTRICT 1

Application File Date	May 6, 2014
Zoning Number	Z-14-22
NPU / CD	W-1
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Workflow List:

Office of Research and Policy Analysis	Completed	05/20/2014 11:35 AM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Zoning Review Board Staff	Pending	
Office of Research and Policy Analysis	Pending	
Mayor's Office	Pending	

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

Z-14-22-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-4 (SINGLE FAMILY RESIDENTIAL) TO THE R4A (SINGLE FAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LOCATED AT 946 DELAWARE AVENUE, S.E., FRONTING APPROXIMATELY 175 FEET ON THE WEST SIDE OF DELAWARE AVENUE AND APPROXIMATELY 163 FEET ON THE EAST SIDE OF ORMEWOOD TERRACE. DEPTH: APPROXIMATELY 554 FEET. AREAS: APPROXIMATELY 1.9 ACRES. LAND LOT 11, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: 946 DELAWARE AVENUE INVESTMENT, LLC APPLICANT: BRAD GOOD NPU W COUNCIL DISTRICT 1

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City Council
Atlanta, Georgia

AN ORDINANCE

Z-14-22

BY: ZONING COMMITTEE

Date Filed: 5-6-14

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 946 Delaware Avenue, S.E., be changed from the R-4 (Single Family Residential) to the R4A (Single Family Residential) District to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 11, 14th 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.

7-14-22

Legal Description**946 DELAWARE AVE ATLANTA GA 30316**

All that tract or parcel of land lying and being in Land Lot 11 of the 14th District, Fulton County, Georgia, being more particular described as follows:

Commencing at a point where Eastern right of way of Delaware Avenue intersects with Northern right of way of Eden Avenue, run northeasterly along Northwestern right of way of Delaware Ave 235.59 feet to a 1.0" ctp the True Point of Beginning;

From the Point of Beginning run North 83 degrees 51 minutes 53 seconds West a distance of 413.10 feet to the 1.0" rod located on the Eastern right of way of Ormewood Terrace,

Running thence Northerly along easterly right of way of line of Ormewood Terrace along the arc to the right 152.56 feet, having radius 1017.68 feet and being subtended by the chord bearing and distance North 05 degrees 23 minutes 26 seconds West a distance of 152.42 feet to a ½" rbf,

Running thence Northerly along easterly right of way of line of Ormewood Terrace along the arc to the right 10.00 feet, having radius 1017.68 feet and being subtended by the chord bearing and distance North 00 degrees 48 minutes 52 seconds West a distance of 10.00 feet to a ½" rbf,

Leaving said right of way of Ormewood Terrace running thence South 88 degrees 54 minutes 12 seconds East a distance of 294.70 feet to a ½" rbf,

Running thence South 88 degrees 19 minutes 53 seconds East a distance of 78.02 feet to a 1.0" rod,

Running thence South 67 degrees 05 minutes 37 seconds East a distance of 181.51 feet to an ipf located on the Northwesterly right of way of Delaware Avenue,

Running thence Southwesterly along northwesterly right of way of line of Delaware Avenue along the arc to the left 136.24 feet, having radius 246.32 feet and being subtended by the chord bearing and distance South 46 degrees 33 minutes 04 seconds West a distance of 134.51 feet to a point,

Running thence Southwesterly along northwesterly right of way of line of Delaware Avenue along the arc to the left 38.76 feet, having radius 492.55 feet and being subtended by the chord bearing and distance South 26 degrees 00 minutes 25 seconds West a distance of 38.75 feet to the True Point of Beginning.

Lot contains 1.904 ac
The end





City Avenue S.W., Suite 3350
Atlanta, Georgia 30303
404-330-6145

APPLICATION #: **Z-14-022**

DATE ACCEPTED: **05/06/2014**

NOTICE TO APPLICANT

Address of the property:
946 Delaware AVE SE

City Council District: **11** Neighborhood Planning Unit (NPU): **W**

Zoning Review Board (ZRB) Hearing Date:

Thursday, July 3 2014 at 6:00 p.m.

Council Chamber, 1st Floor, City Hall
55 Trinity Avenue, Atlanta, GA 30303

The contact person for NPU W is:

Rod Lee

bwlv@mindspring.com

Contact information for other NPUs is provided below if necessary:

Additional information:



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

Signed:

Stash Kozlowski
Stash Kozlowski, Director of Planning

[Signature]

APPLICATION FOR REZONING
City of Atlanta

Date Filed 5/6/14 Application Number Z-14-22

I Hereby Request That The Property Described in this Application be Rezoned
From R-4 District
TO R-4A District

Name of Applicant GOOD BRAD
Last Name First Name M.I.

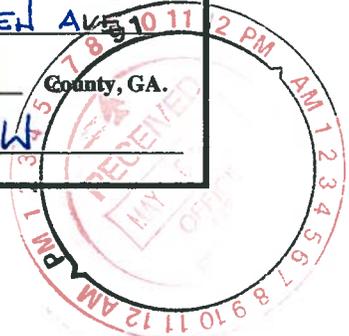
address 3330 street name SANDY CREEK RD
city HADISON state GA zip code 30650
phone 4) 989-4622 Fax _____
e-mail address BRAD@BOGGROUP.NET

Name of Property Owner 946 DELAWARE AVE INVESTMENTS, LLC
Last Name First Name M.I.

address 1101 street name ST. CHARLES PL
city ATLANTA state GA zip code 30306
phone 4) 597-1761 Fax _____

Description of Property

Address of Property 946 street name DELAWARE AVE
city ATLANTA state GA zip code _____
The subject property fronts 162.56 EAST ORMEWOOD TER.
175 feet on the WEST side of DELAWARE AVE.
beginning 235.59 feet from the N. corner of EDEH AVE
Depth: 554' Area: 1.94k Land Lot: 11 Land District: 14 - FULTON County, GA.
Property is zoned: R-4 Council District: 1 Neighborhood Planning Unit: W



7-14-22

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The end



946 Delaware Ave.
Council District 1, NPU –W

2-14-22

A. Summary of Proposed Project

Proposed project is rezoning of 1.9 acre R-4 lot with existing single family rental property to R-4A and subdivision to six conforming R-4A lots for single family for sale residential. The existing house will remain on one of the proposed six lots. All proposed lots would have frontage on existing city streets.

B. Documented Impact Analysis:

1) Compatability with comprehensive development plans, timing of development:

The comprehensive development plan calls for residential development. The beltline district seeks increased density. The proposed development, by providing additional single family lots at a density typical to the neighborhood, advances both objectives. Development would take place immediately following rezoning and subdivision.

2) Availability of and effect on public facilities and services:

All public utilities are available in Delaware Ave the borders the property to the east and Ormewood Terr. that borders the property to the west. All proposed lot will have frontage on these two existing streets resulting in more efficient use of the existing infrastructure and services. Five additional residences will have minimal impact on schools, fire and police.

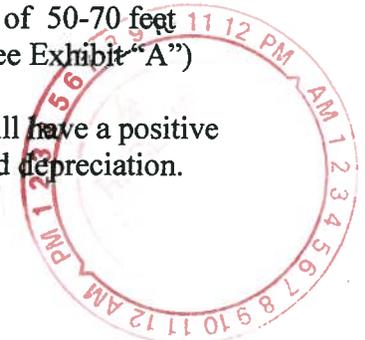
3) Availability on other land for proposed use, effect on balance of land uses:

The immediate neighborhood contains only one other lot of a size that would allow subdivision into more than two lots. The balance of land uses will remain unchanged as the proposed use will remain single familt residential at a density typical for the neighborhood.

4) Effect on the character of the neighborhood:

The effect on the character of the neighborhood will be positive in two respects. First, the proposed rezoning and subdivision will reinforce the existing streetscape as it exists directly across both adjacent streets where all the lots are in reality R-4A nonconforming lots and in the immediate neighborhood where 84.5% of the existing lots are nonconforming R-4A lots typically due to lot widths less than the required 70 feet. The addition of five lots containing 9,000-13,000 sf with lot frontage widths of 50-70 feet will complete the streetscape on Delaware Ave. and Ormewood Terr. (See Exhibit "A")

Second, new construction of owner occupied single family residential will have a positive impact on neighborhood stability and lessen tendencies toward blight and depreciation.



2-1422

5) Suitability of proposed use:

The proposed for sale single family R-4A use is more in keeping with the existing residential use and density of the surrounding neighborhood than the existing 82,969 sf lot containing one rental residence.

6) Effect on adjacent property:

The proposed use will positively affect the adjacent properties by reinforcing the prevailing streetscape, adding new housing stock and converting rental property to owner occupied.

7) Economic use of current zoning:

The current R-4 zoning has a less reasonable economic use than the R-4A zoning that we are proposing in that the resulting lots would be a less efficient use of the land and existing infrastructure than that of 84.5% of the lots in the surrounding neighborhood which are effectively R-4A lots.

8) Tree protection:

The proposed rezoning and subdivision we are proposing would allow tree cover in excess of that required by the COA tree ordinance to be preserved. (See Exhibit "B")



Table Format

Z-14-22

R-4

R-4A

Ex Max Fan

max. fan

- 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.**

RG Zoning

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

[Signature]
Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 5 day of May, 2014

[Signature] (Notary Public)



2-14-22

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 BRAD GOOD

Address 3330 SANDY CREEK RD

City MADISON State GA Zip Code 30650

Contact, if other than applicant _____

Zoning category requested R4-A No. of acres of property to be rezoned 1.9

No. of Proposed dwelling units per acre 3 Total number of dwelling units 6

Total number of units by bedroom: _____

Monthly rental per unit _____ or selling per unit 425,000.-

Projected construction completion date: 2015



2-14-22

COMPREHENSIVE LAND USE AMENDMENT

Date: _____

The City of Atlanta
Department of Planning and Community Development
Office of Planning
68 Mitchell Street, South Building, Suite 3350
Atlanta, Georgia 30335-0310

RE: CDP Land Use Amendment Application

Dear Sir/Madam:

I hereby request that the Comprehensive Development Plan (CDP) land use designation for (*address of property*) _____ be amended from (*existing land designation*) _____ to a designation that will allow it to be rezoned from (*existing zoning classification*) _____ to (*proposed zoning classification*) _____.

Notarized authorization of any and all property owner (s) indicating consent to this request have been made a part of this application. I understand that my application for a CDP amendment is subject to a review by the Neighborhood Planning Unit (NPU) in which the property is located, and I agree to contact the Chairperson of that NPU to request consideration of my application. I further understand that I am required to submit an application fee for the CDP amendment in an amount of \$1,000.00. I have submitted a complete description of the proposed development project, including type of land use, number of units and /or square footage, floor area ratio(s), and lot coverage ratio. Furthermore the following information has also been included:

1. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property.
2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
4. Whether the amendment is consistent with the written policies in the Comprehensive Plan Text.
5. Whether there are environmental impacts or consequences resulting from the proposed change.

I filed an application (Z-____ -____) for rezoning of the subject property on (*date*)_____.

Sincerely,

Applicant's Signature

Name of Applicant (please print)

Address of Applicant

City State Zip Code

Phone Number of Applicant

Applicant informed of CDP hearing schedule



RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

2-14-22

Application: Z-14-022
Application Type: Planning/ZRB/Rezoning/NA
Address: 946 DELAWARE AVE SE, ATLANTA, GA 30316
Owner Name: BYNE WILLIAM MARCUS
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
369231	3997	\$500.00	05/06/2014	RPLEWIS		

Owner Info.: BYNE WILLIAM MARCUS

Work Description:

PAID
CITY OF ATLANTA
MAY 06 2014
[Signature]
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR