



**CITY COUNCIL  
ATLANTA, GEORGIA**

14-R-4234

**A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK AUTHORIZING THE OFFICE OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA LOT BOUNDARY MAP SO AS TO RECOGNIZE 4291 AND 4297 EAST BROOKHAVEN DRIVE AS SEPARATE LOTS OF RECORD FOR DEVELOPMENT PURPOSES; AND FOR OTHER PURPOSES.**

**Workflow List:**

Clerk of Council	Completed	10/07/2014 4:22 PM
Atlanta City Council	Completed	10/06/2014 1:00 PM
Community Development & Human Resources Committee	Completed	10/14/2014 12:30 PM
Atlanta City Council	Completed	10/20/2014 1:00 PM
Mayor's Office	Completed	10/29/2014 12:00 AM

**HISTORY:**

10/06/14                                      Atlanta City Council                                      REFERRED WITHOUT OBJECTION

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 10/14/2014 12:30 PM</b>
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10/14/14                                      Community Development & Human Resources Committee FAVORABLE

<b>RESULT:</b>	<b>FAVORABLE [UNANIMOUS]</b>	
<b>AYES:</b>	Dickens, Young Jr., Bond, Bottoms, Sheperd	
<b>ABSENT:</b>	Kwanza Hall, Cleta Winslow	

10/20/2014                                      Atlanta City Council                                      ADOPTED

<b>RESULT:</b>	<b>ADOPTED [14 TO 1]</b>	
<b>MOVER:</b>	Howard Shook, Councilmember, District 7	
<b>AYES:</b>	Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
<b>NAYS:</b>	Michael Julian Bond	

Certified by Presiding Officer  <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">CERTIFIED</div> 10/20/2014 ATLANTA CITY COUNCIL PRESIDENT  	Certified by Clerk  <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">CERTIFIED</div> 10/20/2014
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LEGISLATION HISTORY – BLUE BACK



*Rhonda Dauphin Johnson*  
Rhonda Dauphin Johnson, Municipal Clerk 10/20/2014

Mayor's Action

APPROVED by of Mayor Kasim Reed - October 29, 2014

*See Authentication Page Attachment*



**CITY COUNCIL  
ATLANTA, GEORGIA**

14-R-4234

**SPONSOR SIGNATURES**

A handwritten signature in black ink, appearing to read "Howard Shook", written over a horizontal line.

Howard Shook, Councilmember, District 7



**A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK AUTHORIZING THE OFFICE OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA LOT BOUNDARY MAP SO AS TO RECOGNIZE 4291 AND 4297 EAST BROOKHAVEN DRIVE AS SEPARATE LOTS OF RECORD FOR DEVELOPMENT PURPOSES; AND FOR OTHER PURPOSES.**

WHEREAS, according to the Fulton County tax records, 4291 East Brookhaven Drive (tax identification# 17-0012-00040816) and 4297 East Brookhaven Drive (tax identification# 17- 0012-00040824) (collectively "subject property") are separate parcels of land, each improved with single-family dwellings within the corporate limits of the City of Atlanta; and

WHEREAS, the City of Atlanta Lot Boundary Map, also known as the Cadastral Map, is the official record of lot configuration for the purposes of development under the subdivision and zoning ordinances, and recognizes the subject property as one lot for development purposes and having 175 feet of street frontage (i.e. lot width), as depicted on Exhibit "A"; and

WHEREAS, upon research of the subject property's chain of title, the Office of Planning determined that from approximately 1915 to 1956 the subject property was two lots; furthermore from 1956 until 1979 the subject property was one lot; and in 1979 to the current time has been two lots; and

WHEREAS, 4297 East Brookhaven Drive's current parcel dimensions meet the R-3 zoning minimum requirement of 100 feet of street frontage and 18,000 square feet in lot size, and as such can be recognized as a conforming lot; and

WHEREAS, 4291 East Brookhaven Drive's current parcel dimensions do not meet the R-3 zoning minimum requirement for street frontage in that said street frontage is approximately 75 feet; and

WHEREAS, the subject property is and for years has been improved with separate single-family residences for which the current owner of 4291 East Brookhaven Drive has submitted building plans for further improvement; and

WHEREAS, the practice of the Office of Building is not to issue any building permit until current boundary lines are 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 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 either of the respective parcels; and

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

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA

HEREBY RESOLVES as follows:

Section 1: The Office of Planning is authorized to change the City of Atlanta Lot Boundary Map for the purpose of recognizing the property located at 4291 East Brookhaven Drive in a configuration consistent with the attached sealed boundary survey (Exhibit "B") and legal description of record in the Fulton County Superior Court Clerk's Office, incorporated herein by reference.

Section 2: In consequence of Section 1, the Office of Planning is further authorized to change the City of Atlanta Lot Boundary Map for the purpose of recognizing the property located at 4297 East Brookhaven Drive in a configuration consistent with the legal description of record in the Fulton County Superior Court Clerk's Office, incorporated herein by reference.

Section 3: The Office of Planning is authorized to recognize the property located at 4291 East Brookhaven Drive as a legal, nonconforming lot of record with all rights appurtenant thereto. That the Office of Planning is authorized to recognize the property located at 4297 East Brookhaven Drive as a conforming lot of record with all rights appurtenant thereto.

Section 4: As a legal, non-conforming lot of record, any development on 4291 East Brookhaven Drive 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 - October 20, 2014  
 APPROVED by of Mayor Kasim Reed - October 29, 2014

*Rhonda Dauphin Johnson*  
 Rhonda Dauphin Johnson, Municipal Clerk 10/29/2014

*Rhonda Dauphin Johnson*  
 Rhonda Dauphin Johnson, Municipal Clerk 10/29/2014