

(Do Not Write Above This Line)

A RESOLUTION  
BY COUNCILMEMBER HOWARD  
SHOOK *Howard Shook*

A RESOLUTION 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.

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

Date Referred *10/06/2014*

Referred To: *CD/HR*

Date Referred

Referred To:

First Reading

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

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)  
Action  
Other

Members

Refer To

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)  
Action  
Other

Members

Refer To

Committee

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

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)  
Action  
Other

Members

Refer To

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)  
Action  
Other

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- FC Vote

CERTIFIED

MAYOR'S ACTION

**A RESOLUTION  
BY COUNCILMEMBER HOWARD SHOOK**

Hand Shy

**A RESOLUTION 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:**

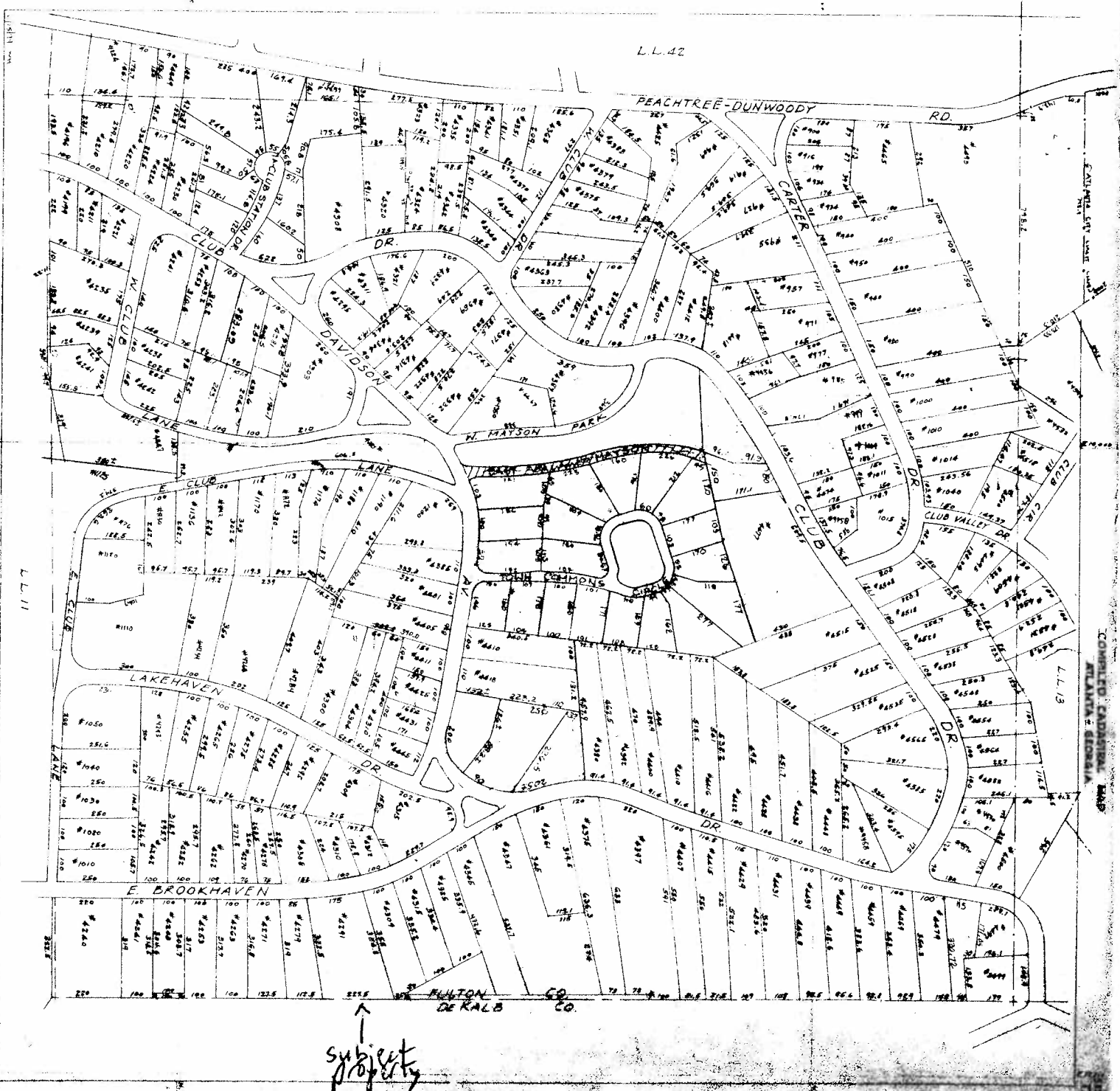
**Section 1:** The Office of Planning is authorized to change the City of Atlanta Lot Boundary Map for the purpose of recognizing the property located at 4291 East Brookhaven Drive in a configuration consistent with the attached sealed boundary survey (Exhibit “B”) and legal description of record in 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.

EXHIBIT  
A



subject property

COMPILED: CARROLL BASS  
ATLANTA - GEORGIA

BUNTON DE RALB CO.

