

**DALTON-VARNELL-WHITFIELD COUNTY PLANNING COMMISSION**  
**503 WEST WAUGH STREET**  
**DALTON, GA 30720**

**MEMORANDUM**

**TO:** City of Dalton Mayor and Council  
Jason Parker  
Terry Miller  
Jean Garland

**FROM:** Jim Lidderdale  
Chairman

**DATE:** July 27, 2021

**SUBJECT: The request of Fernando Montoya to rezone from Medium Density Residential (R-3) to Rural Residential (R-5) a tract of land totaling 0.25 acres located at 236 Mountain View Drive, Dalton, Georgia. Parcel (12-216-02-039)**

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on July 26, 2021 at 6:00 p.m. at the Edwards Park community center. A portion of the agenda included a public hearing concerning the above matter. A quorum of six members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met. The petition was represented by Fernando Montoya.

**Public Hearing Summary:**

Mr. Calhoun summarized the staff analysis, which was not in favor of the requested R-5 rezoning. Calhoun was asked by Mr. Shiflett if another solution such as a conditional use permit would be a solution to which Calhoun stated would not work in this case. Mr. DeLay then confirmed with Calhoun that the UZO's definition for a duplex did not seem to line up with the Montoya dwelling since there was no fire wall separating the two units. Both Calhoun and Mr. Smalley pointed out that the issue was more so related to building codes than the zoning code in this case. There were no further questions for Calhoun.

Fernando Montoya stated that he was not aware there were additional permits for kitchens and bathrooms and assumed that his building permit permitted those amenities. Montoya stated that the building inspector told him that he would need to remove the kitchen cabinets and oven/stove connection in order to pass final inspection or to have the subject property rezoned for a duplex. Mr. Barr asked Calhoun if closing the outdoor entrance to the addition would be a solution to which Calhoun stated that the building inspector would have to address that as to whether or not it would be a viable solution.

With no other comments heard for or against, this hearing closed at approximately 6:57pm.

**Recommendation:**

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **Scott DeLay then made a motion to recommend a denial of the R-5 rezoning based on his agreement with the content of the staff analysis, but DeLay added that his recommendation included an understanding that staff would work with building inspection to find a reasonable solution for Montoya. David Pennington then seconded the motion and a unanimous recommendation to deny the R-5 rezoning followed, 5-0.**

