

**STAFF ANALYSIS  
REZONING REQUEST  
*Unified Zoning Ordinance***

**ZONING CASE:** Fernando Montoya is seeking to rezone a tract of land from Medium Density Single-Family Residential (R-3) to Rural Residential (R-5) (parcel 12-216-03-039) containing a total of 0.25-acre located at 236 Mountain View Drive. The tract is currently developed with a single-family detached dwelling. The rezoning request to (R-5) is sought to serve the purpose of allowing the petitioner to complete an addition to the existing dwelling that would change the nature of the dwelling into a duplex:

The surrounding uses and zoning are as follows: 1) to the north, is a single tract of land across Mountain View Dr. that contains a single-family detached dwelling and is zoned R-3; 2) to the east, there is a small tract of land containing another single-family detached dwelling zoned R-3; 3) to the south, are two tracts of land that each contain a single-family detached dwelling zoned R-3; 4) To the west, are two tracts of land that each contain a single-family detached dwelling zoned R-3.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

<u>Administrative Matters</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
A. Is an administrative procedure, like a variance, available and preferable to annexation?		<u>X</u>	
B. Have all procedural requirements been met? 1. Legal ad July 9, 2021 (16 days notice) 2. Property posted July 9, 2021 (Yes -- one sign on the lot frontage; 16 days notice.)	<u>X</u>		
C. Has a plat been submitted showing a subdivision of land?			<u>X</u>
D. The following special requirements have an impact on this request:  <b>100-year flood plain</b> <b>Site Plan</b> (none required) <b>Buffer Zones</b> (none required) <b>Soil Erosion/Sedimentation Plan</b> <b>Storm Water Requirements</b>		<u>X</u> <u>X</u> <u>X</u> <u>X</u> <u>X</u>	

## **CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS**

**(A) Whether the proposed amendment would allow a use that is generally suitable for the site compared to other possible uses and whether the proposed change is consistent with the established land use pattern and zoning of adjacent and nearby properties.**

The area surrounding the subject property is entirely developed for single-family use. There is a well-established R-2 and R-3 zone district throughout this area with no R-5 properties in the area. The only multi-family zoning and development in this area is near the commercial and manufacturing zone district on Goodwill Drive. While the subject property and existing dwelling have the room for an addition, the addition that was constructed on the subject property surpasses the original building permit for additional living area. The building inspector discovered that the addition contains living quarters, laundry, bathroom, kitchen, and an independent entrance from the existing dwelling.

**(B) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties.**

By rezoning the subject property to R-5, the proposed duplex would become a conforming structure. The introduction of multi-family within a distinct single-family neighborhood has the potential to compromise the character of the area as a single-family neighborhood. While the proposed use may not create an immediate threat to property values, the long-term effect may be more notable.

**(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property for the proposed zoned uses.**

The subject property, along with the surrounding properties, has existed in a conforming state for quite some time. The need for a "mother-in-law suite" on the subject property could be achieved without rezoning the subject property. For instance, if the addition were to remove the laundry and kitchen areas, the addition would not be considered an independent dwelling unit. This planner believes that removing the kitchen and laundry areas would allow the additional space without the need for a rezoning.

**(D) Whether there is relative gain to the health, safety, morals, or general welfare of the public as compared to any hardship imposed upon the individual owner under the existing zoning.**

N/A

**(E) Whether the proposed (R-5) amendment, if adopted or approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.**

No impact is expected based upon the existing development character of this area and the limiting factor of the subject property's size.

**(F) Whether the property sought to be rezoned (or annexed) is in conformity with the policy and intent of the adopted joint comprehensive plan or equivalent. If not, has the plan already been amended, officially or unofficially, by the development of uses which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.**

The Comprehensive Plan and Future Development Map show the subject property to be within the Suburban character area. This character area is intended to protect the integrity of the post

WWII style subdivisions throughout Whitfield County. While multi-family and neighborhood commercial uses can sometimes be appropriate within this character area, rezoning and new development should be respectful and reflective of the established land use character of the area. The proposed multi-family character and introduction of the R-5 district would be out of character with this area.

**(G) Whether there are any other conditions or transitional patterns affecting the use and development of the property to be rezoned or annexed, which give grounds for approval or disapproval of the proposed zoning proposal. Whether the proposed zoning change constitutes an “entering wedge” and is a deterrent to the use, improvement, or development of adjacent property within the surrounding zone districts or would create an isolated, unrelated district (spot zone) as interpreted by current Georgia law.**

While this rezoning would not be considered spot zoning, it would introduce an island of R-5 in a well-established single-family area. Creating the proposed island of R-5 could set a precedent for this area that would further compromise the established single-family character of the area.

**(H) Whether the subject property, as currently zoned, is vacant and undeveloped for a long period of time, considered in the context of land development in the vicinity or whether there are environmental or cultural factors, like steep slopes, flood plain, storm water, or historical issues that influence the development of the subject property under any zoning designation.**

N/A

**CONCLUSION:**

The staff cannot recommend the subject property be rezoned R-5 based on the following factors:

1. The R-5 rezoning would be out of the character when considering the well-established single-family detached development and zoning in this area.
2. Anticipation for adverse impact to property values surrounding the subject property may arise over time as a long-term result of this rezoning.
3. The requested R-5 rezoning would not be in the intent of the Comprehensive Plan and Future Development Map at this location since the proposed alterations to the existing structure and rezoning would change the established character of the area.