

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Sandra Milton is seeking to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) two tracts of land (parcels 12-255-04-005, and 007) containing a total of 0.46-acres located at 1010 Lavert Drive. One of the two adjacent tracts is developed with a single-family detached dwelling while the other tract is undeveloped. The rezoning request to R-5 is sought to for the petitioner to allow a family member to construct a single-family detached dwelling on the undeveloped tract.

The surrounding uses and zoning are as follows: All adjacent and surrounding tracts of land are zoned M-2. All tracts of land along the northern R/W of Lavert Drive are developed with single-family detached dwellings similar to the subject property.

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

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.

This area has been overwhelmingly zoned developed for industrial and manufacturing use. However, the subject property is part of a pocket neighborhood along the northern R/W of Lavert Dr. This neighborhood currently consists of five single-family detached dwellings. While there is no adjacent or nearby residential zone district, the established pocket neighborhood along Lavert Dr. has existed for multiple decades and consists of well-maintained properties.

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

The proposed rezoning and addition of a single-family detached dwelling would have no negative effect on the values of the adjacent or surrounding properties in this area.

(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 significant limitations of the subject property's size do not create any reasonable opportunity for industrial or manufacturing land use, and the likelihood for assimilation by the existing adjacent industrial sites is unlikely at this time. The proposed rezoning and development would be reflective of the majority of properties along Lavert Dr.

(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.

The subject property is in a non-conforming state which means that the dwelling cannot be expanded in any way. Non-conforming dwellings are also exempt from mortgage loans which means the subject property would be limited to only a cash buyer in the future.

(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.

The limited size of the subject property prevents most any type of use that would burden public infrastructure at this location.

(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's future development map shows this property to be within the Town Neighborhood Revitalization character area in the Comprehensive Plan. This character area is intended to promote residential investment and residential infill development that is reflective of the established development pattern of the area. As stated previously, the pocket neighborhood along Lavert Dr. consists of single-family detached dwellings that would reflect the character of the proposed R-5 zone district. Without the proposed R-5 rezoning, the subject property will remain a non-conforming use along with the other residential properties along Lavert Dr. With these homes remaining in non-conformity, future home buyers will be unable to get a mortgage.

(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 create an island of R-5 zoning surrounded by the M-2 zone district, the residential character of Lavert Dr. has been established and maintained for several decades. The rezoning of the subject property to R-5 would not change the established character of the pocket neighborhood along Lavert Drive and would ultimately be reflective of the majority of properties in this neighborhood.

(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 can provide a recommendation to approve the requested R-5 rezoning of the subject property based on the following factors:

1. The requested R-5 rezoning would not be out of character with the majority of existing development along Lavert Dr.
2. Adverse economic impact in regard to the nearby or adjacent properties is not expected based on the existing residential character along Lavert Dr.
3. The requested R-5 zone district would be a suitable implementation of the Town Neighborhood Revitalization character area in the Comprehensive Plan based on the established character of residential development along Lavert Dr.