

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: July 17, 2023

RE: VARIANCE CASE V23-051
5116 Parkwood Oaks Lane – Allow second kitchen in existing single-family dwelling unit

BACKGROUND

The applicant is requesting a variance from Section 402.24 of the Zoning Code to allow a second kitchen in the basement of 5116 Parkwood Oaks Lane. Because the subject property is a single-family residence, the additional kitchen would constitute a second living unit, which is prohibited per the definition of a single-family dwelling.

ANALYSIS

The subject parcel is a 0.77-acre lot located on the west side of Parkwood Oaks Lane within the Vinings Estates subdivision (see Figure 1). The subject property and all adjacent properties are zoned RDA and are occupied by detached single-family homes.

The subject property consists of an existing two-story home with a full walk-in basement. The applicant is requesting the allowance of a full kitchen within the basement to include a refrigerator and over. The homeowner intends to finish the basement to include a full bedroom, bathroom, storage area, and kitchen when completed. The basement is to be used as a living space for aging family members and is not to be rented or occupied for gain. Section 402.24 of the zoning ordinance defines a dwelling unit as, “a building or portion thereof, designed, arranged and used for living quarters for one family only, but not including units in hotels or other such structures designed for transient residence. An individual bathroom and complete kitchen facilities, permanently installed, shall be contained within each dwelling unit.” City’s Zoning Code restricts one complete kitchen per single-family dwelling; therefore, a variance is needed to allow a second kitchen in the basement of the home.

The finished basement will appear as part of the main structure and will not be divided by any fire wall. Additionally, there is limited access to the basement door from the outside, which is only accessed from the rear via a steep slope and behind an iron fence. Thus, the addition could not easily be converted to a separate rental unit by future owners.

Were it not for the kitchen, no other variances would be needed to finish the basement. Community Development has been supportive of similar variances where the second kitchen

has been proposed for family only and where the second kitchen could not easily be converted into a rental unit or duplex. Furthermore, similar variances have been approved in the Heritage at Vinings, Enclave at Cooper Lake and Stonegate subdivisions. These previous variances have been for homes of similar size and type with no known detriment to the surrounding areas.

STAFF COMMENTS

The applicant has requested a variance to permit a second kitchen in a single-family home. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. After a review of the standards above, Community Development believes that the second kitchen will not adversely affect surrounding residents, nor set a negative precedent for future homebuilding in the area. Community Development recommends **approval** of the requested variance with the following stipulations:

1. The addition is to be utilized by family members only.
2. The applicant shall not lease, rent, or sublet any space in their home.
3. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.

Figure 1

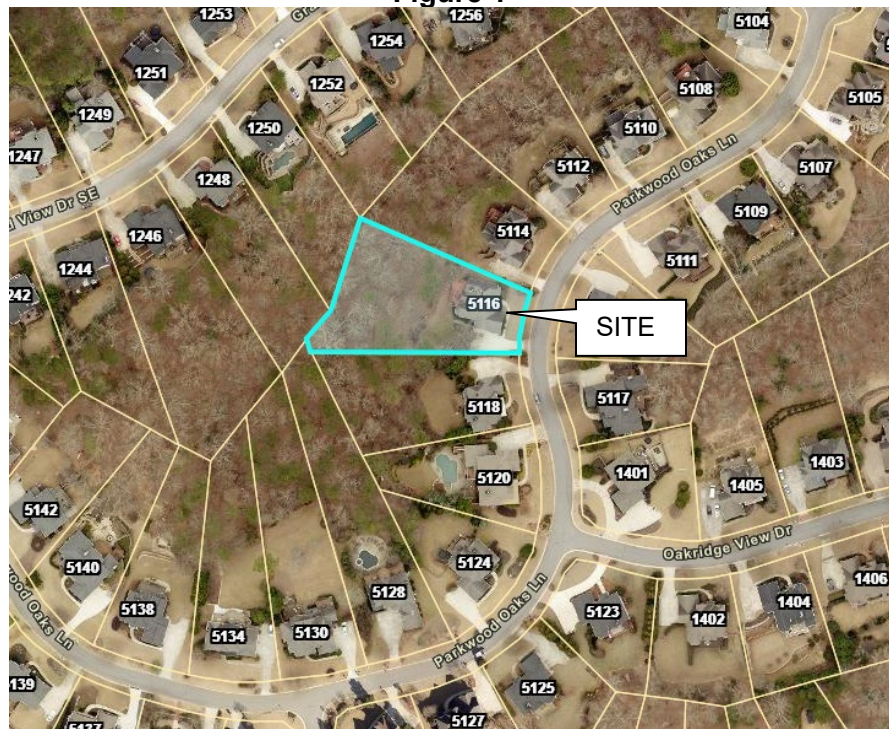


Figure – 2
Proposed Finished Basement Plan

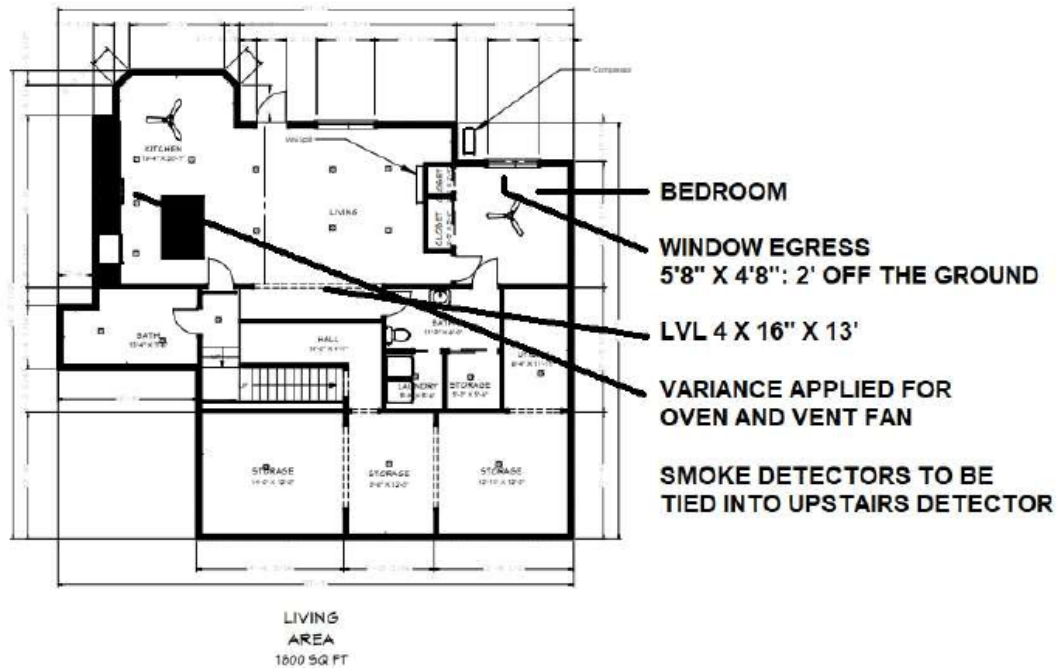


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the South



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Parkwood Oaks Lane

