

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: September 11, 2023

RE: **VARIANCE CASE V23-067**  
**3570 South Sherwood Road – Allow second kitchen**

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#### BACKGROUND

The applicant is requesting a variance from Section 402.24 of the Zoning Code to allow a second kitchen in the basement of the new single-family home at 3570 S Sherwood Road. 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.

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#### ANALYSIS

The subject parcel is a 0.23-acre lot located on the north side of South Sherwood Road in the new Grove at King Springs subdivision (see Figure 1). The subject property and adjacent properties to the north, west, and east are zoned RDA, whereas the parcels to the south are zoned R-15. All parcels are occupied by detached single-family homes, with the exception of the parcel to the north, which is occupied by the Grove at King Springs subdivision stormwater management and conservation area.

The subject property was permitted for a new two-story home with a full basement in March 2023. During the rough inspections in August 2023, the inspector took note of the second kitchen in the basement and informed the applicant that second kitchens were not allowed per zoning code to which the applicant immediately submitted for the variance. 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 applicant is requesting the allowance of a kitchen within the basement, to be used as a living space for the applicant’s extended family and is not to be rented or occupied for gain. Since the home buyers are from out of the country, when family and friends come to visit, it is typically for months at a time as opposed to days. To alleviate the burden of cramped quarters for extended periods of time, the applicant is proposing the second kitchen in the basement. The finished basement will include a full bedroom, bathroom, fitness room, and kitchen when

completed. The finished basement will appear as part of the main structure and will not be divided by any fire wall. Thus, the addition could not easily be converted to a separate rental unit by future owners. Similar variances, where the second kitchen is enclosed with the main structure or basement have been approved.

The applicant is requesting a second kitchen and full bathroom for visits from international family. Were it not for the kitchen, no other variances would be needed for the new home. 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.

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## **STAFF COMMENTS**

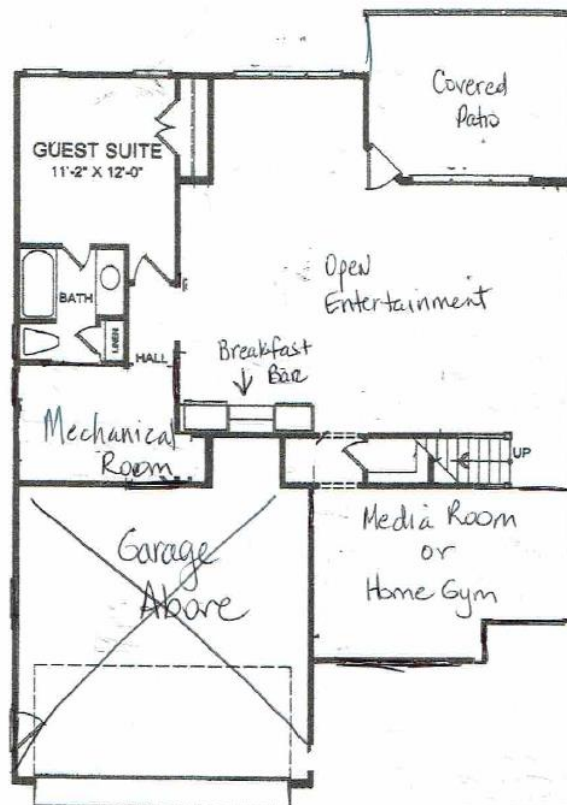
The applicant has requested a variance to permit a second kitchen in a single-family home. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) 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 East**





**Figure – 5**  
**Adjacent Property to the West**



**Figure – 6**  
**Adjacent Property across South Sherwood Road**

