



## License and Variance Board Meeting - Final

August 09, 2023

10:00 AM

- 
- C. **V23-051** Public Hearing - Variance Request - V23-051 - Allow second kitchen in existing single-family dwelling unit - Land Lot 537 - 5116 Parkwood Oaks Lane - Stan Garnet



# City of Smyrna

## Issue Sheet

A Max Bacon  
City Hall  
2800 King Street  
Smyrna, GA 30080

File Number: V23-047

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**Agenda Date:** 8/9/2023

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number:** C

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V23-051 - Allow second kitchen in existing single-family dwelling unit - Land Lot 537 - 5116 Parkwood Oaks Lane - Stan Garnet

***Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

**ISSUE AND 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.

**RECOMMENDATION / REQUESTED ACTION:**

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.

# 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: July 17, 2023

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

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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 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.

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#### **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.

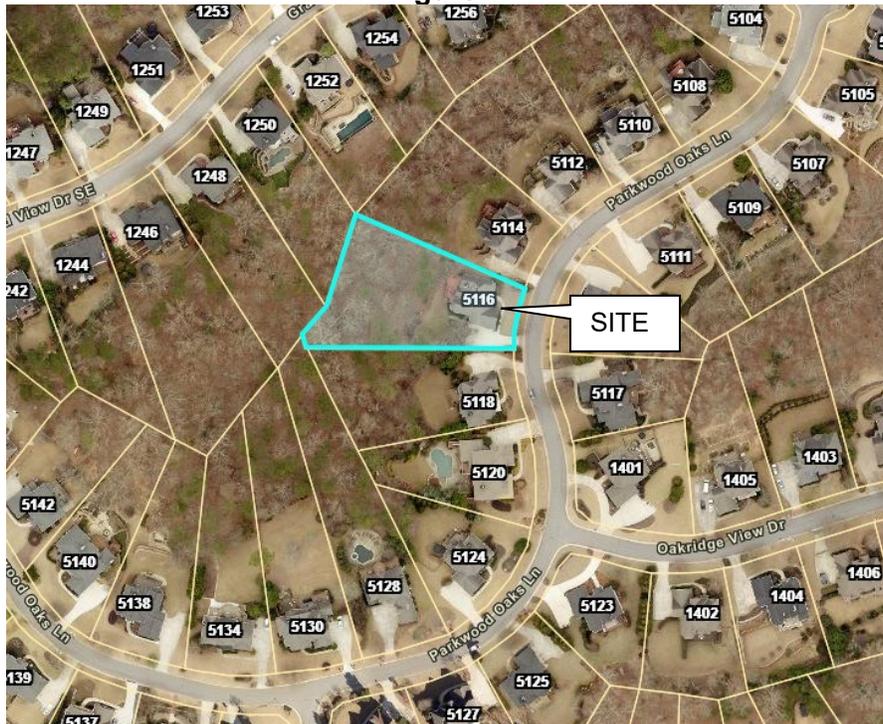
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## STAFF COMMENTS

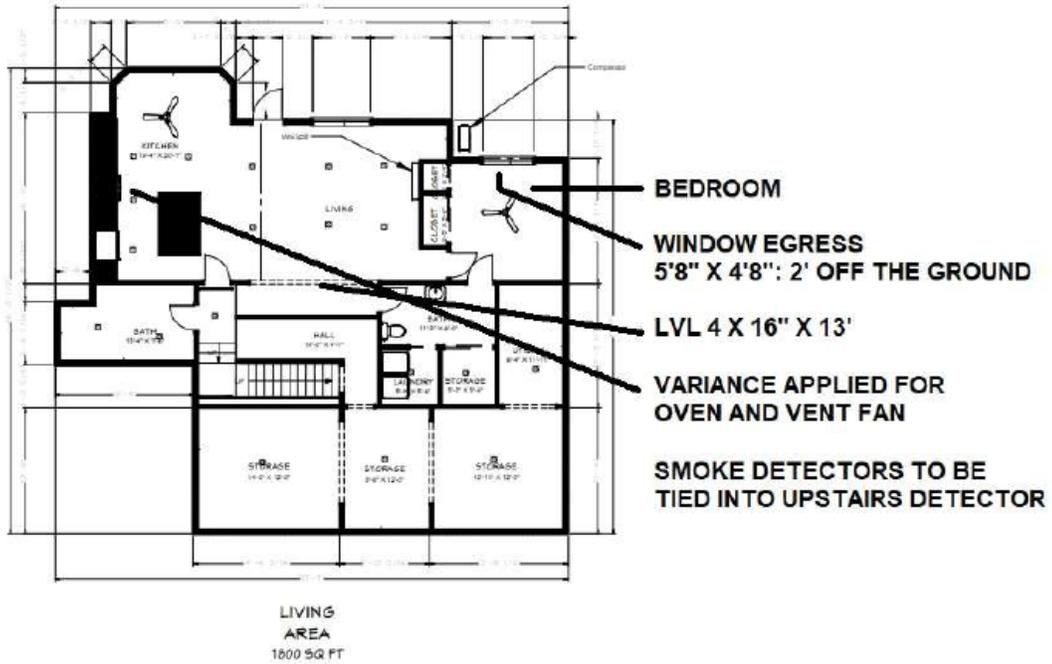
The applicant has requested a variance to permit a second kitchen in a single-family home. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2)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



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



**Figure – 6**  
**Adjacent Property across Parkwood Oaks Lane**



**Variance Application****VAR-23-24**

Submitted On: Jun 30, 2023

**Applicant**

 Stan Garnet  
 7705128228  
@ stan@buildersamerica.com

**Primary Location**

5116 PARKWOOD OAKS LN SE  
SMYRNA, GA 30080

**Applicant Information****First Name**

Stan

**Last Name**

Garnet

**Street Address**

339 S Atlanta St,

**City**

Roswell,

**State**

Georgia

**Zip Code**

30075

**Email**

stan@BuildersAmerica.com

**Phone Number**

770 512 8228

**Are you the titleholder of the subject property?**

No

**Titleholder Information****Full Name (i.e., First and Last Name, or Name of Entity)**

Robert Jones

**Street Address**

5116 Parkwood Oaks Lane

**City**

Mableton

**State**

Georgia

**Zip Code**

30126

**Email Address**

rodajo235@hotmail.com

**Phone Number**

404 387 0289

**Property Information****Property Address**

5116 Parkwood Oaks Lane, Mableton GA 30126

**Description of Requested Variances**

Finishing an existing unfinished basement. Variance is for an oven and range hood

**Comprehensive Narrative**

In rendering its decisions, the License and Variance Board shall consider the following factors:

1. Whether there are extraordinary and exceptional conditions applying to

the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.

2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.

3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.

4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

**A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.**

The homeowners are aging and wish to remain in their home. They have family that is aging that they wish to move into their home with them. The basement with the ability to cook will allow them the opportunity to provide and satisfy both situations. This is to be considered a mother in law suite. By doing this the family can remain together as the aging process continues.

This is specifically for family members and no other purpose. There is no intent to use this as a rental property.

Additionally their son will be able to move in to take care of his parents as the need arises.

## **Acknowledgement**

Applicant further affirms they are aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) nor more than five (5) years, or both.

**Applicant Signature:**

true



**PROPERTY OWNER AUTHORIZATION**

City of Smyrna Community Development Department, 3180 Atlanta Rd, Smyrna, GA 30080  
Office Phone 678-631-5387 / Fax 770-431-2808

I, Robert Jones, swear that I am the Property Owner of the property located at 5116 Parkwood Oaks Lane, Mableton GA 30126 as shown in the records of Cobb County, Georgia, which is the subject property of the attached application.

I authorize the business named below to act as the Contractor of Record in pursuit of this permit.

Contractor Business Name (print clearly): Inspectors Associates, Inc. dba Builders America, Inc.

Business Contact Person: Stan Garnet

Business Address: 339 S. Atlanta ST., Roswell Georgia 30075

Contact Telephone: 770/512/8228

Contact Email: Stan@BuildersAmerica.com

I have read, understood, and answered the aforementioned items to the best of my knowledge. If I am found to have misrepresented myself on this affidavit or the attached application, I am aware I may be in violation of the City Code and run the risk of being issued a citation for violation of the City of Smyrna Code of Ordinances.

(Must be signed by the property owner. If the landowner is a corporation, the form must be signed by an officer of the corporation.)

Robert Jones  
Signature of Property Owner

5116 Parkwood Oaks Lane  
Address

Robert Jones  
Name of Property Owner (print clearly)

Mableton GA 30126  
City, State, Zip

STEPHENS CHAD KALLAM & KAREN TILLMAN  
1248 GRANVIEW DR  
MABLETON, GA 30126

Dear Mr. and Mrs. Stephens

We are Bob and Susan Jones and reside at 5116 Parkwood Oaks Lane, Mableton GA 30126.

We are applying for a variance to include an oven and range hood in our new basement build out so our family member will have the ability to cook their meals.

The variance application requires us to provide our neighbors with notice of our application and to have our neighbors sign a receipt for the notice received.

For your information the variance hearing is scheduled for August 9<sup>th</sup>, at 10 AM in the Council Chambers in City Hall at 2800 King St. SE.

I Mr. or Mrs. Stevens acknowledge receipt of this notification on this day. 6/29/2023

Karen Stephens

Karen Stephens

Signed:

SHIM SUNG & SORA  
1250 GRAND VIEW DR SE  
MABLETON, GA 30128

Dear Mr. and Mrs. Shim.

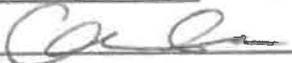
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The variance application requires us to provide our neighbors with notice of our application and to have our neighbors sign a receipt for the notice received.

For your information the variance hearing is scheduled for August 9<sup>th</sup>, at 10 AM in the Council Chambers in City Hall at 2800 King St. SE.

I, Mr., or Mrs. Shim acknowledge receipt of this notification on this day. 6/29/2023

June 29<sup>th</sup> 2023  
  
Signed:

WELLS JARRETT ESTONNA  
5114 PARKWOOD OAKS LN  
MABLETON, GA 30128

Dear Mr. and Mrs. Wells

We are Bob and Susan Jones and reside at 5116 Parkwood Oaks Lane, Mableton GA 30126.

We are applying for a variance to include an oven and range hood in our new basement build out so our family member will have the ability to cook their meals.

The variance application requires us to provide our neighbors with notice of our application and to have our neighbors sign a receipt for the notice received.

For your information the variance hearing is scheduled for August 9<sup>th</sup>, at 10 AM in the Council Chambers in City Hall at 2800 King St. SE.

I Mr. or Mrs. Wells acknowledge receipt of this notification on this day. 6/29/2023

Estonna Wells Jarrett  
Estonna Wells Jarrett 6/29/23

Signed:

HOVANCIK DAMIAN M & PATRICIA  
5115 PARKWOOD OAKS LN  
MABLETON, GA 30126

**Dear Mr. and Mrs. Hovancik**

**We are Bob and Susan Jones and reside at 5116 Parkwood Oaks Lane, Mableton GA 30126.**

**We are applying for a variance to include an oven and range hood in our new basement build out so our family member will have the ability to cook their meals.**

**The variance application requires us to provide our neighbors with notice of our application and to have our neighbors sign a receipt for the notice received.**

**For your information the variance hearing is scheduled for August 9<sup>th</sup>, at 10 AM in the Council Chambers in City Hall at 2800 King St. SE.**

**I, Mr., or Mrs. Hovancik, acknowledge receipt of this notification on this day.**

6/29/23

Patricia Hovancik

**Signed:**

GAFFNEY VANDY T II & KRISTIN B  
5118 PARKWOOD OAKS LN  
MABLETON, GA 30128

6/29/2023

Dear Mr. and Mrs. Gaffney.

We are Bob and Susan Jones and reside at 5116 Parkwood Oaks Lane, Mableton GA 30126.

We are applying for a variance to include an oven and range hood in our new basement build out so our family member will have the ability to cook their meals.

The variance application requires us to provide our neighbors with notice of our application and to have our neighbors sign a receipt for the notice received.

For your information the variance hearing is scheduled for August 9<sup>th</sup>, at 10 AM in the Council Chambers in City Hall at 2800 King St. SE.

I, Mr., or Mrs. Gaffney acknowledge receipt of this notification on this day.

Kristin Gaffney  
[Signature]  
Signed:

THORNTON KEITH LAMONT SR &  
THORTON MACKIA DAWN  
5128 PARKWOOD OAKS LN  
MABLETON, GA 30126

6/29/2023

Dear Mr. and Mrs. Thornton.

We are Bob and Susan Jones and reside at 5116 Parkwood Oaks Lane, Mableton GA 30126.

We are applying for a variance to include an oven and range hood in our new basement build out so our family member will have the ability to cook their meals.

The variance application requires us to provide our neighbors with notice of our application and to have our neighbors sign a receipt for the notice received.

For your information the variance hearing is scheduled for August 9<sup>th</sup>, at 10 AM in the Council Chambers in City Hall at 2800 King St. SE.

I, Mr., or Mrs. Thornton acknowledge receipt of this notification on this day.

Dawn Thornton  
Mackia D. Thornton  
Signed: \_\_\_\_\_

## Real Estate (Your House or Land)

[View bill image](#)

**As of** 6/30/2023  
**Bill Year** 2022  
**Bill** 8768  
**Owner** JONES ROBERT D & SUSAN J  
**Parcel ID** 17053700230

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2022	\$1,784.08	\$1,784.08	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>		<b>\$1,784.08</b>	<b>\$1,784.08</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>



**Owner Information**  
JONES ROBERT D & SUSAN J  
5116 PARKWOOD OAKS LN  
MABLETON, GA 30128

**Payment Information**  
Status Paid  
Last Payment Date 09/24/2022  
Amount Paid \$1,466.22

**Bill Information**  
Record Type Original  
Bill Type 2022  
Tax Year 10/16/2022  
Due Date

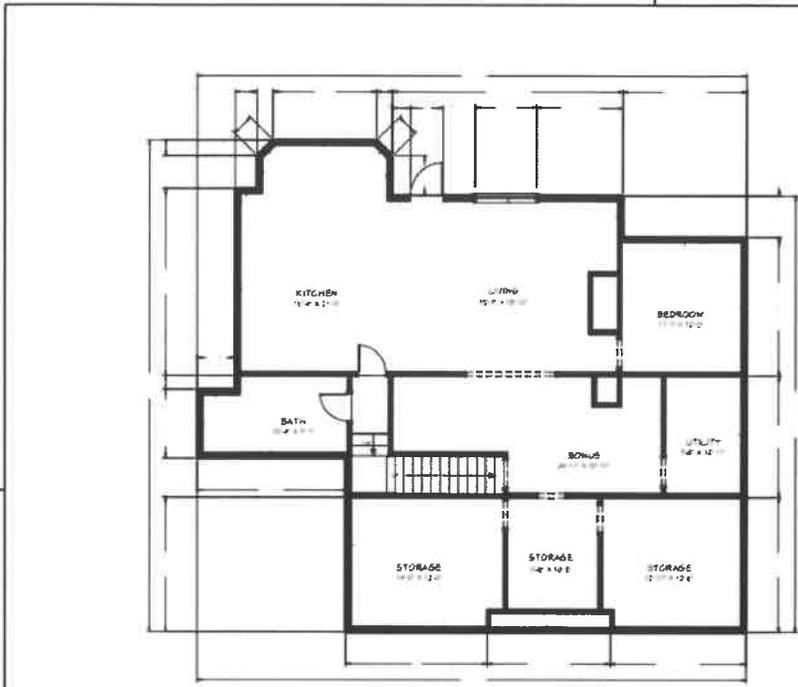
**Property Information**  
Parcel Number 11813170220  
Acres 0.17  
Assessed Value \$280,404  
Fair Market Value \$751,010  
Tax District # - City of Smyrna  
Homehead Exemption 101 \$916,840

**Taxes**  
Base Taxes \$1,466.22  
Penalty \$0.00  
Interest \$0.00  
Fees \$0.00  
Local Through Balance Due \$0.00

**Property Address**  
5116 PARKWOOD OAKS LN

**Jurisdictions**

Young Authority	Assessed Value	Less Exemption	Net Tax Value	x Millage	Tax
SCHOOL GENERAL	280,404	260,404	0	0.018850	\$0.00
SCHOOL BOND	280,404	0	280,404	0.000000	\$0.00
COUNTY GENERAL	280,404	107,092	173,312	0.005160	\$1,466.22
COUNTY BOND	280,404	0	280,404	0.000000	\$0.00
STATE	280,404	2,000	278,404	0.000000	\$0.00



Bob and Susan Jones  
 5116 Parkwood Oaks Lane  
 Mableton GA 30126

General Contractor  
 Inspectors Associates, Inc.  
 Stan Garnet c/o Builders America  
 770-512-8228 (24 hr. contact)

All interior walls are stud framed only

LIVING  
 AREA  
 1600 SQ FT

	NAME	DATE
DRAWN	JDS	6/4/23
CHECKED		
ENG APPR		
Q.A.		
COMMENTS:		

Bob and Susan Jones		
TITLE: Existing Floor Plan 5116 Parkwood Oaks Lane		
SIZE <b>A</b>	DWG. NO.	REV
SCALE: 1/16"=1'		SHEET 2 OF 3

**NOTES**

CONTRACTOR TO VERIFY ALL ADDITIONAL WORK MARKED IN THE EXISTING DRAWING AND SHALL BE RETRIEVED DAILY. WORK HOURS AND CONSTRUCTION DELIVERIES SHALL BE MONDAY THROUGH THURSDAY. NO WORK ALLOWED FRIDAY, SATURDAY, SUNDAY AND HOLIDAYS.

**PROPRIETARY AND CONFIDENTIAL**  
 THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF BUILDERS AMERICA. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF BUILDERS AMERICA IS PROHIBITED.

2

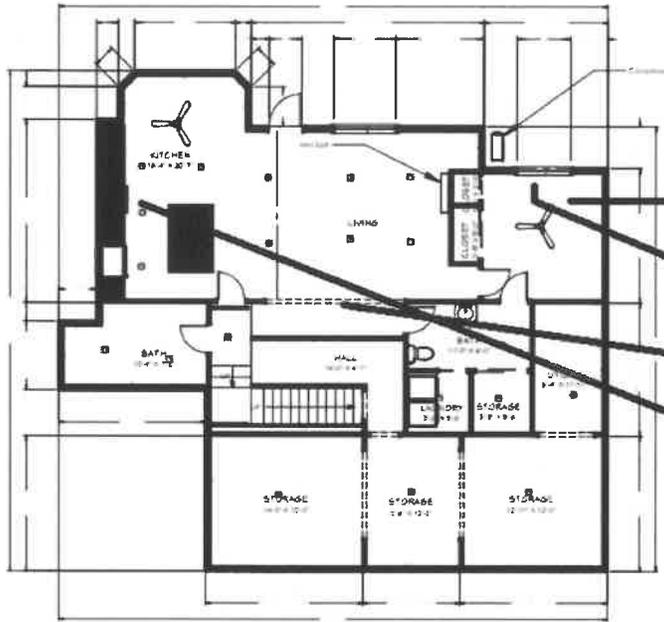
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Bob and Susan Jones  
5116 Parkwood Oaks Lane  
Mableton GA 30126

General Contractor  
Inspectors Associates, Inc.  
Stan Garnet c/o Builders America  
770-512-8228 (24 hr. contact)

B

B



**BEDROOM**

**WINDOW EGRESS  
5'8" X 4'8": 2' OFF THE GROUND**

**LVL 4 X 16" X 13'**

**VARIANCE APPLIED FOR  
OVEN AND VENT FAN**

**SMOKE DETECTORS TO BE  
TIED INTO UPSTAIRS DETECTOR**

**LIVING  
AREA  
1500 SQ FT**

A

A

**NOTES**

CONTRACTOR'S SUPPLY OF ALL MATERIALS SHOWN IN THIS DRAWING SHALL BE REMOVED ON THE WORK DATES AND CONSTRUCTION SCHEDULE SHALL BE REVIEWED PER PERMIT. FLOOR FINISHES SHALL BE APPROVED BY THE CITY ENGINEER AND ALL BUILDERS.

**PROPRIETARY AND CONFIDENTIAL**

THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF BUILDERS AMERICA. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF BUILDERS AMERICA IS PROHIBITED.

	NAME	DATE
DRAWN	JDS	6/4/23
CHECKED		
ENG APPR		
C.A.		

COMMENTS

Bob and Susan Jones		
TITLE: Proposed Floor Plan 5116 Parkwood Oaks Lane		
SIZE <b>A</b>	DWG. NO.	REV
SCALE: 1/16"=1'		SHEET 3 OF 3

2

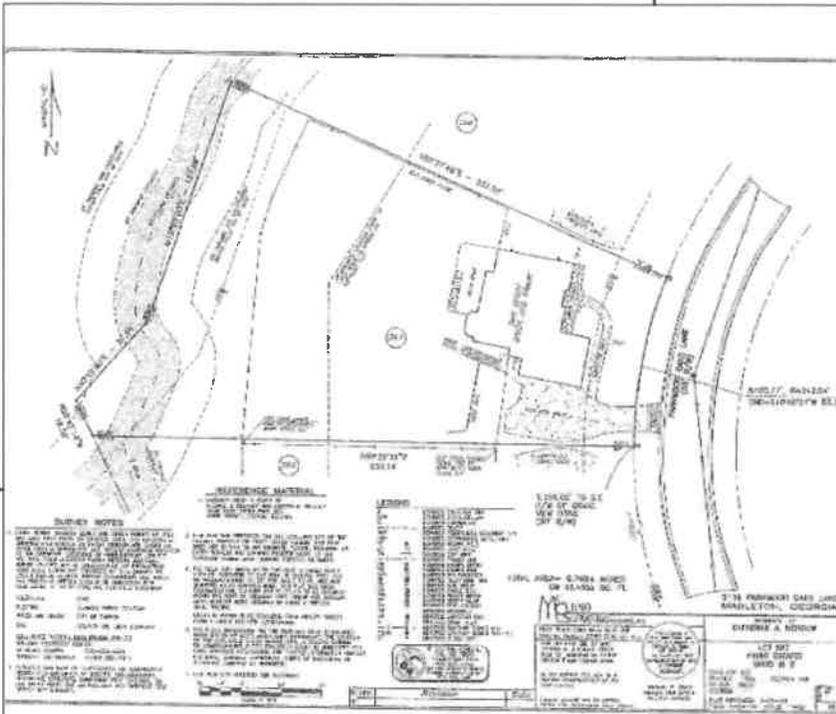
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2

1

B

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Bob and Susan Jones  
 5116 Parkwood Oaks Lane  
 Mableton GA 30126

General Contractor  
 Inspectors Associates, Inc.  
 Stan Garnet c/o Builders America  
 770-512-8228 (24 hr. contact)

**SURVEY NOTES**

1. ALL SURVEY DATA WAS OBTAINED FROM THE FOLLOWING SOURCES:  
 a. FIELD SURVEYING BY THE SURVEYOR  
 b. DEED RECORDS  
 c. AERIAL PHOTOGRAPHS  
 d. GROUND PHOTOGRAPHS  
 e. UTILITY RECORDS  
 f. ADJACENT PROPERTY RECORDS

**LEGEND**

--- SURVEY LINE  
 --- EASEMENT LINE  
 --- PROPERTY LINE  
 --- EXISTING CONSTRUCTION  
 --- PROPOSED CONSTRUCTION

**PROPERTY AND CONFIDENTIAL**  
 THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF BUILDERS AMERICA. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF BUILDERS AMERICA IS PROHIBITED.

A

A

	NAME	DATE
DRAWN	JDS	6/4/23
CHECKED		
ENG APPR		
Q.A.		
COMMENTS		

Bob and Susan Jones		
TITLE: Survey		
5116 Parkwood Oaks Lane		
SIZE	DWG. NO.	REV
<b>A</b>		
SCALE: None		SHEET 1 OF 3

**NOTES**

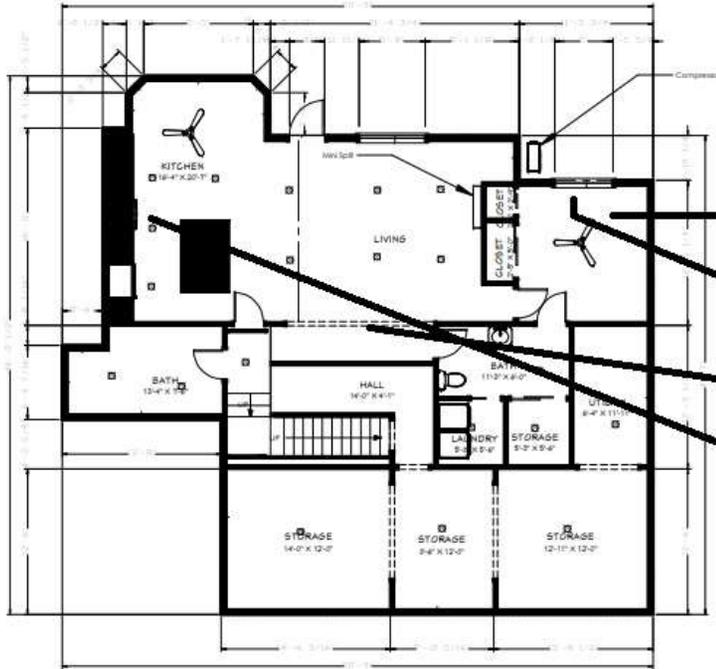
1. CONSTRUCTION SUPPORTS WILL BE INSTALLED & PAVED IN THE EXISTING DRIVEWAY AND WILL BE REPAVED ONCE WORK IS COMPLETE AND CONSTRUCTION IS COMPLETED SHALL BE THOROUGHLY REPAVED TO MATCH TOOD TOP. NO WORK ALLOWED TO OCCUR IN DRIVEWAY AND DRIVEWAYS.

2

1

Bob and Susan Jones  
 5116 Parkwood Oaks Lane  
 Mableton GA 30126

General Contractor  
 Inspectors Associates, Inc.  
 Stan Garnet c/o Builders America  
 770-512-8228 (24 hr. contact)



LIVING AREA  
 1800 SQ FT

	NAME	DATE	Bob and Susan Jones	
DRAWN	JDS	6/4/23	TITLE:	
CHECKED			Proposed Floor Plan	
ENG APPR.			5116 Parkwood Oaks Lane	
G.A.			SIZE	DWG. NO.
COMMENTS:			<b>A</b>	REV
			SCALE: 1/16"=1'	SHEET 3 OF 3

**NOTES**

- CONSTRUCTION DUMPSTER WILL BE ON WHEELS, PARKED IN THE EXISTING DRIVEWAY AND WILL BE REMOVED DAILY.
- WORK HOURS AND CONSTRUCTION DELIVERIES SHALL BE: MONDAY THRU FRIDAY: 7:00AM-1:00 PM. NO WORK ALLOWED 5:00AM-5:00PM SATURDAYS AND SUNDAYS.

**PROPRIETARY AND CONFIDENTIAL**  
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