

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Joey Staubes, AICP – Planner II
Ken Suddreth – Community Development Director

Date: November 3, 2017

CC: Mayor and City Council

RE: VARIANCE CASE V17-055
1170 Oakview Dr – Allow second kitchen in existing dwelling unit

BACKGROUND

The applicant is in the process of completing an addition on an existing single family residence to prepare additional living space for aging parents, and is requesting a variance from Section 402.24 of the Zoning Code to allow a second kitchen. 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 located at 1170 Oakview Drive (see Figure 1), and is zoned R-15. The adjacent and adjoining properties to the north, south, east and west are all zoned R-15 and are occupied with residential uses. The R-15 zoning classification allows for single-family detached residences.

The applicant is requesting the allowance of a kitchenette within the addition, to be used by aging parents, 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 existing structure is 1,436 sq. ft. and with the addition it will expand to 2,140 sq. ft. No other setback or impervious area variances are needed. The addition will consist of a new bedroom, living area, kitchenette, and deck with an ADA ramp accessed from the rear of the property. The addition will appear as part of the main structure and will not be divided by any fire wall. The addition will have access to a rear patio via an ADA ramp, but otherwise has no separate means for access. 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.

With the addition, the home will be compliant with the minimum house area for R-15 of 2,000 sq. ft. Were it not for the kitchenette, no other variances would be needed for the addition. Community Development has been supportive of similar variances where the second kitchen could not easily be converted to a rental unit, and where the second kitchen has been proposed for family only.

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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with the four (4) standards. Furthermore, there is a precedent for the variance in the city having approved similar variances 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. 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. At the time of this report, no opposition has been made to Community Development from neighboring properties. 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 – 1
(Subject Home)**



**Figure – 2
Adjacent Property to West**



Figure – 3
Adjacent Properties to East



Figure – 5
Proposed Elevations

