

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: February 17, 2020

**RE: VARIANCE CASE V20-017
1484 Collier Drive – Allow second kitchen in existing dwelling unit**

BACKGROUND

The applicant is in the process of applying for a permit to finish the basement in an existing single-family residence 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 a 0.67-acre lot located on the south side of Collier Drive (see Figure 1). The subject property and adjacent and adjoining properties to the north, south, and west are zoned R-20 and are all occupied with single-family homes. The adjacent properties to the east are zoned RDA and are occupied with single-family homes. The subject property consists of a two-story home with a basement.

The applicant is requesting the allowance of a kitchen within the basement, to be used by family as an entertainment space, 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 homeowner intends to finish the basement and will include a full bedroom, bathroom and kitchen when completed. The basement will consist of a new bedroom, living area, bathroom, kitchen, and patio. 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 to allow a second kitchen and full bathroom for a second entertainment space for the family. Were it not for the kitchen, no other variances would be needed for the finished basement. Community Development has been supportive of similar variances where the second kitchen has been proposed for family only and where second kitchen could not easily be converted to a rental unit or duplex.

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, the License and Variance Board has 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 – 2
Subject Property



Figure – 3
Adjacent Property to the North



Figure – 4
Adjacent Property to the North



Figure – 5
Proposed Finished Basement Plan

