

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: July 29, 2021

RE: VARIANCE CASE V21-078
3711 Manigault Place – Allow second kitchen in existing 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 3711 Manigault Place. 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 0.14-acre lot located on the north side of Manigault Place (see Figure 1). The subject property and all adjacent properties are zoned RDA and are occupied by detached single-family homes, with the exception of the parcel to the north, which is occupied by the Riverline Hill subdivision's open space.

The subject property consists of an existing two-story home with a full basement. The applicant had originally permitted the basement remodel in 2015 but at the time, interior remodels did not require plans, so Community Development was not aware of the second kitchen. When the applicant came back in July 2021 to renew the permit and submit plans for the remodel, he was made aware that second kitchens were not allowed per code and thus the variance was required. 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 72-year-old mother and is not to be rented or occupied for gain. The homeowner intends to finish the basement that will include a full bedroom, bathroom, office area, 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 to allow a second kitchen and full bathroom for his mother's use. 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 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with the four (4) standards. 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 – 3
Subject Property**



**Figure – 4
Adjacent Property to the West**



Figure – 5
Adjacent Property to the East



Figure – 6
View from Subject Property towards Manigault Place

