



# City of Smyrna

City of Smyrna  
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## Legislation Text

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**File #:** V18-062, **Version:** 1

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**WARD:** 5

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V18-062 - Allow second kitchen in existing dwelling unit - Land Lot 303 - 0.15 acres - 469 Crimson Maple Way - Ashley and Johnny Harrison

: The applicant is in the process of completing permit to finish the basement in an existing single family residence 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. The applicant is requesting the allowance of a kitchen within the basement, to be used solely for extended periods, 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 kitchen per single-family dwelling; therefore a variance is needed to allow a second kitchen in the basement of the

**BACKGROUND:** None.

**RECOMMENDATION/REQUESTED ACTION:** The applicant has requested a variance to permit a second kitchen in a 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 alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance requested 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 reviewed similar variances in the Heritage at Vinings, Enclave at Cooper Lake and Stonegate subdivisions. These previous cases 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 properties, nor set a negative precedent for future homebuilding in the area. At the time of this report, no opposition has been received from 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.

REQUESTED ACTION: The License and Variance Board hold a public hearing per Section 1400 of the Smyrna Code.