

**CITY OF BERKELEY LAKE  
PLANNING & ZONING COMMISSION  
MEETING & PUBLIC HEARING  
4040 South Berkeley Lake Road  
Berkeley Lake, GA 30096  
FULL MINUTES  
March 3, 2008**

Those in attendance at the meeting were as follows:

Chairman: Bob Herb

Commissioners: Craig Belt, Sally Kolb, Rodney Hammond and Dan Huntington

Deputy City Administrator and P&Z Secretary: Leigh Threadgill

Citizens Present/Guests: Fran and Wayne Mitsch, Rigsby Barnes, Scott Lee, Tom Koenig, Bill Dixon, Carol Christa, Lalia Perry, Dan Macrenaris, Chip McDaniel

**I. CALL TO ORDER:**

Herb opened the meeting at 7:01 p.m. on March 3rd, 2008 at 4040 South Berkeley Lake Road.

Herb welcomed Sally Kolb, newest P&Z member, replacing Frank Lombardi.

**II. CHANGES TO THE AGENDA**

Herb asked to add election of chairman to the agenda as the first item of business. There were no objections.

**III. OLD BUSINESS:**

a.) Minutes of the December 4th, 2007 P&Z meeting

**Hammond motioned to approve the December 4, 2007 minutes. Huntington seconded the motion. All were in favor. The motion passed.**

**IV. NEW BUSINESS:**

a.) Election of P&Z Chairman

**Belt motioned that Bob Herb continue to serve as P&Z chairman. Huntington seconded the motion. All were in favor. The motion passed.**

b.) Variance – 89 Lakeshore Drive:

Herb stated that this was pertaining to allowance of a brick mailbox on the city right-of-way.

Tom Koenig, applicant, introduced the variance request. He distributed pictures of the situation. He stated that he is constructing a new home at 90 Lakeshore Dr. The neighbor's existing mailbox was installed 15 years ago and is sitting on the 90 Lakeshore Drive side of the road. Mr. Hughes, the neighbor, indicated that he was having trouble getting his mail. Mr. Koenig offered to build him a new mailbox just like the one that he had. Mr. Hughes was notified that the mailbox was constructed illegally and that it would have to be removed. Mr. Koenig appealed this determination to council. Council indicated that he should pursue a variance through the P&Z.

Mr. Koenig indicated that one of the two non-conforming brick mailboxes will have to be removed, but the newer one is set further off the road and poses less of a safety issue. He is asking to have the old one torn down and keep the new one. He offered to put reflectors on the new mailbox to assist with any safety concerns.

Herb indicated that the code for building restrictions in the city right-of-way only allows for stake-and-arm mailboxes or faux stone/brick mailboxes that are designed to break away. All the stone and brick mailboxes were grandfathered in if they existed prior to adoption of the code. As new ones are put in, the idea is to get rid of the non-conforming structures and only allow conforming structures.

Herb stated that he doesn't know how P&Z can hear this since the mailbox doesn't sit on a private property but is located in the city right-of-way. He doesn't see any justification in the code for P&Z to hear this because the first hurdle for P&Z to hear variance requests is that there is something unusual about the size, shape or topography of the applicant's property, and the property in question is city right-of-way.

Hammond stated that that seems right, and that this probably isn't within the purview of the P&Z to hear this request.

Koenig stated that his only comment is from a safety issue. There are 2 non-conforming brick mailboxes, and from a safety standpoint it would be preferable to allow the new, safer mailbox to exist.

Hammond stated that the code exists because such structures create a safety hazard from a traffic standpoint.

There was further discussion about whether P&Z is the appropriate place for this request to be heard. Threadgill stated that she understood that council had suggested Koenig apply for a variance so that if he were denied, he could appeal P&Z's decision to council.

**Hammond motioned that P&Z not consider the variance request. Belt seconded the motion. Kolb, Belt, and Hammond voted in favor. Huntington abstained.**

Herb asked that Huntington only abstain if there is a conflict of interest.

There was further discussion.

Huntington asked if the variance is being denied or if the P&Z is just not hearing it and if those are the same things.

**Hammond withdrew his original motion and restated it to deny the variance request.**

There was further discussion about the applicant's due process and that denying the variance would allow for that.

**Belt seconded the motion. All were in favor. The motion passed.**

b.) Variance – 38 Lakeshore Drive

Herb stated that this request is to allow a reduced side setback for a new dock.

Bill Dixon, owner and applicant, stated that he has a building permit for a 46.5" dock. The builder suggested that the dock would be safer if another foot were added. Mr. Dixon stated that he has asked for a 13.5" variance to bring the dock up to a 5-foot width. A 12.5-foot setback will be maintained to the Seitz residence.

There is an existing dock that is to be removed.

Herb stated that a condition of the variance would be to require the removal of the floating dock because he wouldn't be allowed to have the 2 docks together.

Dixon distributed pictures for the commission to consider and stated that the request was for 9% of the required setback.

Belt asked the width of the lot at the street. Mr. Dixon responded that it is 21 feet. Belt stated that there are street frontage requirements for structures to be built. He referenced the 50-foot street frontage requirement. Herb stated that the code was written such that any structures on the property would be subject to the street frontage requirement, but a dock is located on the lake not the lot. There was further discussion.

Kolb asked if the boat floating beside the pier would constitute part of a boathouse structure. Herb replied no. Huntington stated that only if there were a pier on the other side to create a boat slip. There was further discussion.

Kolb asked for comments from any adjacent owners in attendance. Dan Macrenaris said he didn't have any objection. Scott Lee was in attendance to represent Steve Seitz and indicated that Seitz didn't have any objection to the request.

Hammond summarized that the request would vary the 12.5-foot side setback by 13.5 inches. Hammond asked why not split the distance between the two properties.

There was further discussion.

**Hammond motioned to approve the variance request with the modification that the dock be centered in the middle so that there would be a variance on both sides of the dock. The motion failed for lack of a second.**

There was further discussion.

Huntington stated that he understands P&Z can do whatever we want in granting a variance request, but he isn't comfortable telling the applicant that they need to shift the dock 6 inches.

**Huntington motioned to approve the variance request as submitted. Belt seconded the motion. All were in favor. The motion passed.**

Herb stated that there is a 15-day window for someone to appeal the variance.

c.) 820 Lakeshore Drive.

Herb stated that this variance is for reduction in the distance from a boathouse to the opposite shore, which is required to be 75 feet.

Wayne Mistch, owner and applicant, introduced the project. There is only one back corner where the variance is necessary. The location of the dock was chosen based on consideration of an existing stump that would be expensive to remove, the neighbor's view, and the visibility of the boathouse from the Mitsch residence. Mitsch indicated that even moving the location of the dock would still require a variance to be granted, although it would be a smaller variance.

Belt asked how the code was applied with regard to the 75-foot requirement, whether it was from any point on the dock. Herb stated that the measurement is made from any point of the dock to the opposite shore to ensure that all points are 75 feet from the opposite shore.

There was further discussion.

Belt asked if there is an existing dock on the lot. Mitsch responded that there is. Herb asked if the total square footage of both docks would exceed the 875-square-foot requirement in the code. Mitsch stated that the existing dock is no more than 3 or 4 feet wide.

There was further discussion.

Kolb asked if the proposed boathouse was the smallest structure that could be built. Mitsch stated that it was not.

There was further discussion about the orientation of the proposed boathouse.

There was discussion about whether the total square footage of the existing dock and proposed boathouse would comply with the total 875-square-foot limit for boathouses and docks. Herb asked the size of the other dock. Mitsch stated he doesn't know the measurements, but he can reduce its size. Herb stated that P&Z could require a condition regarding this, if they grant the variance.

There was further discussion.

**Huntington motioned to approve the variance request. Belt seconded the motion.**

Belt noted concern about the 875-square-foot limitation for boathouses and docks. If the proposed is 831 square feet and the maximum is 875 square feet, the existing dock would have to be reduced to 44 square feet.

Herb stated that the commission could place a condition to ensure compliance with the total square footage of 875 square feet for both the proposed and existing docks.

**Huntington stated that he would amend his motion to require the condition Herb just stated, that the existing dock be reduced to ensure compliance with the 875 square foot limitation for total area of all boathouses and docks on a lot. Hammond seconded the motion.**

Mitsch stated that he had never considered his other dock and he had no problem complying with the 875-square-foot limitation by reducing his existing dock.

**Huntington stated that he would amend his motion to approve the variance for the new boathouse as proposed and that the existing boathouse be reduced to 44 square feet or less so that the two combined do not exceed 875 square feet. Belt seconded the motion.**

Hammond asked where the commissioners are in their consideration regarding the location of the boathouse.

There was further discussion.

**Huntington amended his motion to approve the boathouse as proposed with a minimum of 65 feet distance from the opposite shore line and such that the combination of the area of both docks, existing and proposed, does not exceed 875 square feet. Belt seconded the motion.**

There was further discussion.

**All were in favor. The motion passed.**

d.) Variance - 4075 South Berkeley Lake Rd.

Herb stated this is a reduction in setback for a pavilion they want to build on the lot behind the chapel. Steve Seitz submitted the application. Scott Lee and Chip McDaniel represented the applicant, Steve Seitz, on behalf of Berkeley Lake Homeowner's Association (BLHA).

Scott Lee introduced the variance request. The purpose of the request is to get the structure as far from the lake as possible. The variance is from the storage shed on BLHA's property to the parking lot of the chapel. Scott Lee indicated that the Chapel Board seems amenable to the request.

Rigsby Barnes, representing the Chapel Board, stated that the Chapel is not totally opposed to the request but wasn't sure what the height would be and also wanted to wait to see what P&Z would do with the request.

Scott Lee indicated that the height would not be much different than the current storage shed, but it would be closer to the chapel property. The orientation of the building would be different than the existing structure. Herb stated that the code would allow a height of 35 feet on the front and 45 feet on the rear of the structure for a downward sloping lot.

Chip McDaniel stated that there was some concern about the roofline looking too low if it were built further back from the chapel.

Barnes stated that without architectural drawings it is difficult for the chapel to provide endorsement of the project. The chapel doesn't have enough information to support this jointly with BLHA.

Herb stated that the lot is unusual because it has an unusual shape and doesn't have a front lot line.

Herb stated that the variance is to be setback only 3 feet, as opposed to a required 12.5 feet, from the chapel lot and to meet the required 12.5 feet setback from the other side lot line.

Herb asked about the proposed height of the structure. BLHA representatives stated that it will be well below the maximum permitted height. Herb stated that if the structure were meeting all the required setbacks, then the permitted height could be 35 feet on the front and 45 feet on the rear. They are also limited to occupying only 15% of the lot with the area of the structure. Once there is a variance request, there is an opportunity to consider height limitations to minimize the impact of the variance request.

Herb stated that the proposed structure will be an obstruction to the view of the lake from the road. There was further discussion about the orientation of the building to maintain the view from the road.

Hammond suggested that the structure should be built in the center of the property and directly behind the chapel to avoid obstruction of the lake view. Herb suggested adjoining the proposed structure to the chapel and the chapel could deed some property to BLHA for the structure.

There was further discussion about an alternative location and orientation for the proposed structure.

Herb suggested the applicant withdraw the variance request and look at some of the options discussed here.

Lee withdrew the request.

#### e.) Variance – 830 Valley View Lane

Herb stated that the request is to reduce the side, rear and front setbacks as well as to increase the maximum allowable lot coverage.

Herb stated that P&Z only needs to review the actual request, not the history on the lot. The commission has to act as if there is no structure on the lot.

Kolb asked if the hardship was because the house had been built. Herb responded that that was not a hardship for P&Z to consider. Kolb asked then if the hardship would be that she can't build on this lot. Herb stated that the hardship is that this is an unusual shaped lot.

Carol Christa, owner and applicant, stated that she is requesting a 17.5-foot variance to the front setback. She stated this is noted in pink on the survey. She noted that she had received a front setback variance from P&Z in 2005. The previous approval was for a smaller variance because it did not include the front entry way to the house.

Christa stated that the second request is for a footprint increase of 4.09%. Herb stated that the code only allows 15% of footprint coverage for a two-story house.

The third request is for a side/rear setback variance, depending on how the lot lines are defined. Christa stated that one of the lot lines that is in the rear of the house had historically been considered a side lot line.

There was discussion about what constitutes a side and rear lot line. Herb noted that he had requested an interpretation from the City Attorney regarding this. Herb reported that this is the proverbial question in zoning, what's the rear and what's the front. The attorney has said to interpret the rear by taking the parallel line from the front of the house to the rear of the house and then draw 40 feet from that parallel line for the rear of the house and any line it hits is considered the rear lot line. Herb noted that based on the City Attorney's advice, which was developed in consultation with the Gwinnett County Planning and Zoning Department, P&Z will consider the request noted as the rear setback

variance. Christa stated that her contention is that she is asking for a side setback variance for 3'9" for a deck to be constructed, not a rear setback variance, based on her belief that it is a side lot line and not a rear lot line. If P&Z determines it's a rear setback variance, then she needs as much as a 31.4-foot variance from the required 40-foot rear setback.

Belt asked if the survey presented is the current recorded plat on file with Gwinnett County. Christa stated that it is not because she is waiting to record that survey pending the outcome of this variance hearing.

There was further discussion.

Belt stated that it would seem variances would need to be considered with regards to the existing, recorded lot lines. Herb stated that if the variance were granted, then a condition of approval would be that the lot lines be recorded as presented to P&Z for the variances.

There was further discussion.

Hammond asked why the commission would want to grant such extensive variances. Christa stated that if the commission considers her request for a side setback then they aren't that extensive. Herb stated that this is just one of the requests, and that the request to increase the maximum lot coverage is one that has never been granted before. There is nothing unusual about the size, shape or topography of the lot to warrant the construction of a house larger than 15% of the lot coverage. Herb stated that some variance may be warranted, but what has been requested is extreme. Hammond agreed that these are drastic variances that have been requested.

Herb recommended that the commission consider each variance separately.

**Hammond motioned to deny the front setback variance request. Belt seconded the motion.**

There was further discussion.

Huntington asked what the commission has done historically with front setback variances. Herb stated that with front setback variances they are typically for 10 to 15 feet maybe, and when granted the height of the structure is also conditioned to be less than the maximum permitted so that the structure is not as imposing on the street.

There was further discussion.

Herb stated that a variance can be granted, but historically have not been granted to the degree that has been requested.

Belt asked if there were any other variances granted before. Herb stated that the front setback variance was the only one granted previously, which was for 11 feet.

There was discussion about approving a front setback of 11 feet as was done previously.

Belt stated that typically variances are granted based on what is proposed to be built.

**All were in favor. The motion passed to deny the front setback variance request.**

Herb called for a motion on the lot coverage variance, to increase maximum lot coverage by 4.09%.

**Belt motioned to deny the maximum lot coverage variance request. Huntington seconded the motion.**

There was brief discussion.

**All were in favor. The motion passed.**

Herb called for a motion regarding the rear setback variance request.

There was further discussion.

**Hammond motioned to deny the rear setback variance request. Belt seconded the motion. All were in favor. The motion passed.**

In response to a question from Huntington, Herb suggested that Christa could come up with a plan that needed between a 10 and 15 foot-variance on the front and around a 5-foot variance on the rear and come back to P&Z. He indicated that P&Z would probably be amenable to consider such a request provided that the 12.5-foot side setbacks were met as well as all height requirements and the maximum lot coverage requirement of 15%.

f.) Text Amendment to modify Section 78-201.

Herb introduced the proposed amendment, which is to allow parking pads to be level with the adjoining road.

Kolb asked if they would be encouraging parking on the road by changing the code to allow parking pads.

Hammond asked if parking pads on the right-of-way are a safety hazard. Herb stated that he does not believe that they are.

Kolb stated that she believes that parking pads should also be considered for properties located across the street from Lake Berkeley.

There was further discussion.

Herb withdrew the text amendment due to lack of support to make proposed change.

g.) Consideration of amendments to Section 78-89, Accessory Structures

There was discussion about potential code changes to this section of the zoning ordinance.

**V. CITIZEN COMMENTS**

There were none.

**VI. ADJOURNMENT**

**Huntington motioned to adjourn at 9:49 p.m. Hammond seconded the motion. All were in favor. The motion passed.**

(Respectfully submitted by Leigh Threadgill, correct as of March 26, 2008)

**CITY OF BERKELEY LAKE  
PLANNING & ZONING COMMISSION  
MEETING and PUBLIC HEARING  
FULL MINUTES  
April 1, 2008**

Those in attendance at the meeting were as follows:

Commission members	Bob Herb, Chair Sally Rich-Kolb Rodney Hammond Dan Huntington
City Administrator:	Tom Rozier
Citizens present:	Laraine Downey Bill Downey Steve Seitz, President, BLHA

**I. CALL TO ORDER:**

Herb called the meeting to order at 7:36PM at 4040 S. Berkeley Lake Road. (0:00:08)

**II. CHANGES TO THE AGENDA**

**Herb made a motion to delete New Business item 'C'. All were in favor and the motion passed.**

**III. OLD BUSINESS:** (0:00:53)

**Kolb motioned to accept the minutes of the March 3, 2008 meeting. Huntington seconded the motion. All were in favor and the motion passed.**

**IV. NEW BUSINESS and PUBLIC HEARING:**

a.) Variance – 106 Ridge Road (0:01:12)

Herb introduced Bill and Laraine Downey of 106 Ridge Road. The Downeys requested a variance to code Chapter 78, Section 197. They presented their case to build a shed with a 62.5% variance to the 40-foot rear setback.

Commissioners noted that the variance request was egregious and made suggestions for more suitable variance requests as well recommendations regarding the height of the proposed structure.

**Huntington made a motion to deny the variance. Hammond seconded the motion. All were in favor and the motion passed.**

b.) Consideration of Code Amendment to Section 78-65, Street Frontage Requirements (38:16)

Herb introduced the suggested Code Amendment to Chapter 78, Section 65 and provided background information regarding Berkeley Lake Homeowners' Association's desire to build structures on the picnic

ground property behind Lake Berkeley Chapel. He then provided background as to how the particular suggestion came to be, including the fact that the suggested change had been recommended by the City Attorney.

The suggested amendment to the code is to add “, *unless plans for same shall be approved by the Planning & Zoning Commission.*” to the end of the existing text such that it would read:

**Section 78-65. Street Frontage requirements.**

No building or structure shall hereafter be erected on a lot that does not abut for at least 50 feet upon an open street which shall be either a public street, a publicly approved street or a publicly maintained street, unless plans for same shall be approved by the Planning & Zoning Commission.

**Huntington made a motion to approve the amendment as presented. Kolb seconded the motion.**

Hammond indicated that he had been feeling uncomfortable about making a code change for a single piece of property and that the suggested code change was a better alternative. He further indicated that he had several questions regarding the direction in which the Commission seemed to be heading in that particular approach to considering the plan for the building.

Hammond noted that it is his understanding that other reasons for having access requirements for lots that are set back from the road are liability and fire and rescue access. He further noted that when buildings exist on properties without road access or rights to access, there are technical issues with emergency vehicle access. He mentioned the informal agreement which seems to have existed for many years between Lake Berkeley Chapel and the Berkeley Lake Homeowners’ Association and indicated that he has wondered if the situation could have been avoided if that informal agreement cannot be made formal.

Seitz indicated that BLHA plans to go back to the Chapel, now that they’re aware that this situation exists, and request a formal easement and get it recorded.

Herb pointed out that doing so would not cure the issue because the code requires an actual 50-foot abutment and not an easement.

Huntington indicated that the current topic of discussion was related to the next step in the process suggested by the code change and that the code change would merely provide an opportunity for BLHA to submit those plans and have them approved or rejected at that time.

Herb noted that petitioners and the Commission under the code as suggested for amendment would not be subject to variance ordinances but that it is likely that the process set up under the variance ordinance would be a guide for how the Commission would handle petitions.

Hammond indicated that he has some comfort with the suggested code amendment, however he is bothered by the lack of a legal method for accessing the property for emergency purposes.

Seitz reiterated BLHA’s plan to seek a formal easement from Lake Berkeley Chapel.

There was further plan-specific discussion.

Kolb asked whether the suggested code amendment was opening up possibilities for citizens to subdivide their property without requesting approval from the P&Z Commission. Herb indicated that it was not.

Hammond indicated that if the code amendment passes and becomes a code change that he would like for City Council to be aware of the related issues.

Herb asked for a vote.

**Kolb and Huntington were in favor. Hammond was opposed and the motion passed.**

#### **V. CITIZEN COMMENTS**

No citizens spoke.

#### **VI. ADJOURNMENT**

**Hammond moved to adjourn. Kolb seconded the motion. All were in favor and the motion passed.**

Herb adjourned the meeting at 8:30pm.

*(Respectfully submitted by Tom Rozier, correct as of April 2, 2008)*

**CITY OF BERKELEY LAKE  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
PLANNING & ZONING COMMISSION  
MEETING and PUBLIC HEARING  
FULL MINUTES  
MAY 20, 2008**

Those in attendance at the meeting were as follows:

Commission members                      Bob Herb, Chair  
   Sally Rich-Kolb  
   Rodney Hammond  
   Dan Huntington

City Administrator:                      Tom Rozier

Citizens present:                      Jennifer Lombardi  
   Tom Koenig  
   Libby Koenig  
   Joe Voyles  
   Earl Steinmetz  
   Jack Reynolds  
   Delicia Reynolds

**I. CALL TO ORDER:**

Herb called the meeting to order at 7:46PM at 4040 S. Berkeley Lake Road. (0:00:00)

**I. APPROVAL OF AGENDA**

Herb reviewed the Agenda as advertised and there were no suggested changes.

**II. MINUTES of April 1, 2008**

**Hammond made a motion to approve the Minutes of the April 1, 2008 meeting. Huntington seconded the motion. All were in favor and the motion carried.**

**III. NEW BUSINESS and PUBLIC HEARING**

a.) Variance – 3675 N Berkeley Lake Road

Joe Voyles described the variances requested for completion of the project at 3675 North Berkeley Lake Road, including the pre-existing 6-inch variance to the left-side setback and a 13-foot pre-existing variance to the front building line of 100 feet. Voyles then answered questions from Commissioners related to the septic tank location and driveway location.

Voyles noted the following:

Gwinnett Environmental Health had required a septic engineer to be involved in the project and that due to the 75-foot lake buffer as well as soil and slope, the septic system could not be located in the rear of the home.

A gully on the property provided a more limited area for location of the septic system field lines.

It is undesirable to place a grinding station inside the home to pump up to a septic system.

He indicated that there will be a total of 4 bedrooms where the existing structure has 3.

**Hammond moved to approve the requested variances. Huntington seconded the motion.**

Huntington noted that neither requested variance will make the structure any less-conforming.

**Hammond amended his motion to include requiring the owner to provide an as-built survey at the end of the project. Huntington seconded the amended motion.**

There was further discussion regarding preservation of trees and the estimated time of completion of the project at 6 to 7 months.

**All were in favor and the motion carried.**

b.) Variance – 90 Lakeshore Drive

Tom Koenig explained the need for a 15-foot variance from the 75-foot setback from the opposite shore in order to build his proposed boat house. He explained that the closest boat house is 50 feet from the proposed structure. He answered questions from Commissioners and explained that the clearance of his neighbor's boat has always been a concern of his.

**Huntington made a motion to approve the project as drawn and to require Koenig to provide an as-built survey. Hammond seconded the motion. Huntington and Hammond were in favor and Kolb was opposed. The motion passed.**

c.) Consideration of Code Amendment to Section 78-207, Noncompliance

**Hammond moved to approve O-85-08 Fine Amendment. Huntington seconded. All were in favor and the motion carried.**

d.) Consideration of Code Amendment to Section 78-92, Adult commercial establishments

**Kolb moved to approve O-86-08 Fine Amendments. Hammond seconded the motion. All were in favor and the motion carried.**

e.) Discussion or modification of code related to accessory structures.

There was discussion regarding modification of code related to accessory structures.

f.) Discussion of modification of code to allow turnabouts for mailbox access.

Kolb reported information which she had received from a postal supervisor. There was discussion regarding modification of code to allow turnabouts for mailbox access.

#### **IV. CITIZEN COMMENTS**

No Citizens were present at this point in the meeting.

#### **V. ADJOURNMENT**

**Kolb made a motion to adjourn the meeting. Huntington seconded the motion. All were in favor and the motion carried.**

Herb adjourned the meeting at 8:38pm

**CITY OF BERKELEY LAKE  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
PLANNING & ZONING COMMISSION  
MEETING and PUBLIC HEARING  
FULL MINUTES  
August 28, 2008**

Those in attendance at the meeting were as follows:

Commission members	Bob Herb, Chair Sally Rich-Kolb Rodney Hammond Dan Huntington Craig Belt
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Deputy City Administrator:	Leigh Threadgill
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Citizens present:	Barbara Carroll
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**I. CALL TO ORDER:**

Herb called the meeting to order at 7:05 P.M. at 4040 S. Berkeley Lake Road.

**II. APPROVAL OF AGENDA**

Herb reviewed the Agenda as advertised and there were no suggested changes.

**III. MINUTES of May 20, 2008**

**Hammond made a motion to approve the Minutes of the May 20, 2008 meeting. Huntington seconded the motion. Kolb, Hammond and Huntington voted in favor with Belt abstaining and the motion carried.**

**IV. NEW BUSINESS**

a.) Variance Public Hearing– 4040 S Berkeley Lake Road

Threadgill described the variance request, which is to reduce the front setback by 12.2 feet due to topography along the rear of the site.

There was discussion about the city hall use in a residential district.

**Huntington motioned to approve the variance as requested. Hammond seconded the motion.**

There was question about the need for additional variances if a new deceleration lane is required by Gwinnett County.

There was further discussion about whether the proposed use was permitted in the R-100 zoning district and the impact of the proposed city hall on adjacent residences. Hammond expressed a desire for a code modification to address the development of civic uses in residential zoning districts.

**Kolb, Hammond and Huntington voted in favor. Belt voted in opposition. The motion carried.**

b.) Consideration of Code Amendment to Section 78-317, Building permit required – Public Hearing

Herb described the proposed changes.

**Huntington motioned to approve the changes as proposed. Hammond seconded the motion. All were in favor. The motion carried.**

c.) Consideration of Code Amendment to Section 78-89, Accessory uses or structures – Public Hearing

Herb described the proposed changes.

There was discussion about the proposed height allowance of 20 feet and proximity of accessory structures to the rear lot line in terms of the visual impact on neighboring properties.

It was clarified that each accessory structure could be 550 square feet provided that the total square footage of all structures on the lot does not exceed 15% of the area of the lot.

There was discussion about spas and the proposed height restrictions. It was determined that the proposed height restrictions were for freestanding spas not attached to a deck.

There was discussion about the regulation of the amount of area of a boathouse that can be enclosed. It was decided to revise the proposed section 78-89(g)(7) to allow an enclosed area of 100 square feet rather than 50 square feet. There was further discussion about the visual impact of boathouses on views from the lake and shoreline clutter.

It was decided to revise section (h) to require accessory structures in the front or side yards to have exterior finishes consistent with the primary residence.

**Huntington motioned to approve the proposal with the above changes. Belt seconded the motion**

There was further discussion.

**All were in favor. The motion carried.**

d.) Consideration of Code Amendment to Section 78-196, Permitted uses – Public Hearing

Herb described the proposed changes.

There was discussion to add Civic Institutions to the list of uses permitted in the R-100 zoning district. Staff was directed to look at proper verbiage to allow civic uses in R-100.

**Kolb motioned to approve the changes as proposed. Huntington seconded the motion. All were in favor. The motion carried.**

e.) Consideration of Code Amendment to Section 78-197, Area, yard coverage, height and supplementary regulations – Public Hearing

Herb described the proposed changes.

**Kolb motioned to approve the proposed changes. Huntington seconded the motion. All were in favor. The motion carried.**

f.) Consideration of Code Amendment to Section 78-198, Floor space requirements for R-100 single-family residence district

Herb described the proposed changes.

**Hammond motioned to approve the proposal. Kolb seconded the motion. All were in favor. The motion carried.**

## **VI. CITIZEN COMMENTS**

There were none.

## **VII. ADJOURNMENT**

**Huntington made a motion to adjourn the meeting. Belt seconded the motion. All were in favor and the motion carried.**

Herb adjourned the meeting at 8:50 p.m.

Respectfully submitted by Leigh Threadgill. Approved by Planning & Zoning Commission on October 8, 2008.

**CITY OF BERKELEY LAKE  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
PLANNING & ZONING COMMISSION  
MEETING and PUBLIC HEARING  
FULL MINUTES  
October 8, 2008  
7:00 PM**

Those in attendance at the meeting were as follows:

Commission members	Bob Herb, Chair Sally Rich-Kolb Rodney Hammond Dan Huntington Craig Belt
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Deputy City Administrator:	Leigh Threadgill
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**I. CALL TO ORDER:**

Herb called the meeting to order at 7:04 P.M. at 4040 S. Berkeley Lake Road.

**II. APPROVAL OF AGENDA**

Herb reviewed the Agenda and asked to do item c as b and b as c. Hammond motioned to approve that change. Belt seconded. The motion passed unanimously.

**III. MINUTES of August 28, 2008**

**Herb asked to change a sentence on page 2 of the minutes as follows “ It was clarified that each accessory structure could be 550 square feet provided that the total square footage of all structures on the lot does not exceed 15% of the area of the lot.”**

**Belt motioned to approve the minutes with that change. Hammond seconded the motion. The motion passed unanimously.**

**IV. NEW BUSINESS and PUBLIC HEARING**

a.) Consideration of Code Amendment to Section 78-65, Street Frontage Requirements

Herb explained the change proposed and reviewed the history of this code change.

Belt motioned to approve the proposal. Hammond seconded the motion. All were in favor. The motion passed.

b.) Consideration of Code Amendment to Section 78-196, Permitted Uses

Huntington motioned to approve with the following changes: Hammond seconded the motion. All were in favor. The motion passed.

c.) Consideration of Code Amendment to Section 78-201, Building restrictions on city right-of-way.

Huntington motioned to approve the amendment. Hammond seconded the motion. All were in favor. The motion passed.

**V. CITIZEN COMMENTS**

**VI. ADJOURNMENT**

**Hammond motioned to adjourn. Belt seconded the motion. All were in favor. The motion passed.**

Herb adjourned the meeting at 7:20 p.m.

Respectfully submitted,

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Leigh Threadgill  
Deputy City Administrator