

**CITY OF BERKELEY LAKE**  
**4040 SOUTH BERKELEY LAKE ROAD, BERKELEY LAKE, 30096**  
**PLANNING & ZONING COMMISSION MEETING**  
**FULL MINUTES**  
**September 14, 2010**  
**7:30 PM**

Those in attendance at the meeting were as follows:

Commission Members:                      Rodney Hammond, Chair  
   Tom Merkel, Vice-Chair  
   Jeff Cooper

Deputy City Administrator:              Leigh Threadgill

Citizens Present:

**I. CALL TO ORDER:**

Hammond called the meeting to order at 7:30 P.M. at 4040 South Berkeley Lake Road.

**II. MINUTES of August 10, 2010**

**Cooper made a motion to approve the minutes as submitted. Merkel seconded the motion. All were in favor. The motion passed.**

**III. APPROVAL OF AGENDA**

**Cooper made a motion to approve the agenda as submitted. Merkel seconded the motion. All were in favor. The motion passed.**

**IV. NEW BUSINESS**

a.) Bylaws review and discussion related to membership, quorum and voting

There was discussion regarding the bylaws and possible amendment to same related to membership, voting and quorum.

Several options were discussed for how to address how to efficiently move actions forward. One of the difficulties is that actions taken at the last meeting did not carry official status because of the lack of a majority vote.

Threadgill summarized several options for consideration. One option is to increase the membership of the board as well as increase the number required for a quorum. Another option is to consider appointment of alternates. A third option would be to amend the language of the bylaws to require that a unanimous vote in favor would be required to approve a business item when only three voting members are present.

There was discussion about granting the chair voting privileges when there are only four members present. It was noted that, in that event, a tie vote may result, and there would be no one to break the tie.

There was discussion about the feasibility of appointing alternates. Commission members raised a number of questions and concerns.

Granting the chair additional voting rights was further discussed. Hammond noted that there is value in having the chair not vote.

Increasing membership was further discussed with no consensus reached about how many members would be appropriate or how best to redefine quorum.

There was discussion about the option to require a unanimous vote when only three voting members are present. It was noted that this would solve the problem without needing to increase membership.

There was discussion as to whether it would be possible to amend the bylaws to allow a vote by the majority of the voting members present to be sufficient to approve business before the Commission.

Threadgill stated that she would consult the City Attorney about this option and any legal ramifications.

#### b.) Discussion regarding non-conforming expansions

Hammond noted that no action would be required on this issue tonight.

There was discussion related to the city's policy on non-conforming expansions and amending the code to be consistent and clear regarding this policy.

Threadgill gave a synopsis of the regulations pertaining to non-conforming expansions and the possible discrepancies that exist in different sections of the zoning ordinance.

Threadgill noted that in the recent past language had been added to the ordinance to address non-conforming expansions because many times variances requested to allow additions to non-conforming expansions could not meet the typical criteria for a variance to be granted.

There was further discussion. Hammond provided some context for the existing regulations, which was to have the opportunity to, at some point in the future, require nonconforming structures to come into conformity.

Threadgill noted that there are some inadequacies in the existing language that could be addressed, such as defining a non-conforming structure and distinguishing that from a non-conforming use.

It was discussed that an administrative variance would still be required to add a conforming expansion to a nonconforming structure, but the decision for the Commission is whether to allow consideration of a variance application even if the expansion to the non-conforming structure does not conform to all dimensional requirements.

There was consensus among the Commission that a variance should be an option for an expansion to a non-conforming structure even if the expansion is not conforming, but it should be evaluated with the same criteria used to evaluate all variance applications.

Threadgill noted that she would prepare language to be considered by the Commission before the end of the year.

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

There were none.

#### **VI. ADJOURNMENT**

**Cooper moved to adjourn the meeting. Merkel seconded the motion. All were in favor, and the motion passed.**

Hammond adjourned the meeting at 8:07 p.m.

Respectfully submitted,

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Leigh Threadgill  
Deputy City Administrator