

**CITY OF BERKELEY LAKE**  
4040 Berkeley Lake Road  
Berkeley Lake, GA 30096-3016

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**PLANNING AND ZONING COMMISSION**  
Meeting January 23<sup>rd</sup>, 2003

**Call to Order:** The meeting was called to order by Chairman George Sipe at 7:32 on January 23<sup>rd</sup> 2003 at City Hall.

**Present:** Commissioner Gary Moore, Commissioner Bob Herb

**Guests Present:** Craig Belt, Laura Sipe, Joe Voyles, Richard Potts, and Michael Oh

**Old Business:** Approval of Minutes from the December 10<sup>th</sup> 2002 meeting. Chairman Sipe stated that **the Minutes were approved as given.**

**39-1401 – Variance Guidelines-Chairman Sipe read and explained the following:**

*Variance Guidelines: For a Variance to be granted each one of the following should to be true: 1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography. 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship to the owner of the property. 3. Such conditions are peculiar to the piece of property involved and such conditions are not the result of the individual property owner. 4. If granted, the Variance would not cause substantial detriment to the public nor impair the purposes or intent of this Ordinance. 5. The Variance is granted for use of land or structure that is not prohibited by this Ordinance.*

Chairman Sipe also explained that regardless of the decision on the variance request by the P&Z; the decision is subject to appeal by anyone for a period of 15 days.

326 Lakeshore Drive – The request is for a front setback variance of 45 feet rather than the standard of 65 feet. There is an existing structure located at that 45 foot set back, which is currently non-conforming and the desire is to remove that structure and create a new one. If a new structure were put back in a non-conforming way then it requires a variance otherwise it would have to comply with the 65 foot set back. Michael explained that the land is such that if you did not utilize some of the front set back there would not be enough room to build. The existing building is over 50 years old. There is one section that is a little newer. The neighbors are a little closer to the street than this existing building. Chairman Sipe explained that this house is on a curve where the lake somewhat wraps around the house. What is requested is only one area that will need the 45-foot set back on the front. As drawn the structure would be compliant in all other areas. He

further explained that the intent of the front set back requirement is so that the structure is not imposing on the street. Commissioner Herb asked about the height of the structure. Michael stated that he would be in compliance with the 45ft. height in the back and the 35ft. height in the front. This is a sloping sight from the street. Chairman Sipe explained that the height becomes important when the structure imposes on the front set back because this is what makes the structure even more imposing on the street, however due to the fact that this is a downward sloping lot it becomes less of an issue.

**Commissioner Herb motioned to approve the request. Commissioner Moore seconded the motion.** There was more discussion about the imposition of the structure on the street. **The motion to approve the request passed unanimously.** The variance was granted subject to the 15-day period for appeals.

472 Lakeshore Drive – variance to expand a nonconforming structure, variance to build within the front setback at 59.5' vs. required 65', variance to build within the side setback at 5' vs. required 12.5'.

Currently non-conforming (including the overhangs, which do count) as follows: It is non-conforming on both side setbacks; it is 1.4 ft. from one side and 6 feet from the other side. It is conforming in the front setback but is not conforming at the building line. The lot is supposed to be 100 feet and this is 75 feet. The request is to change a non-conforming structure and to leave the side that is 1.4 feet the same but change the other side, which is currently 6 feet from the side setback to 5 feet, which will encroach the side setback by an additional 1 foot. The code requirement is 12.5 feet. The commissioners asked many questions and there was much discussion. Joe Voyles explained the plans and answered questions asked by the commissioners. Chairman Sipe stated that his concern is that this is already a big house on a small lot and it is already very close to the sides. “Usually we look for more than 12.5 feet on the sides it is just that 12.5 is the limit. This one exceeds that in both cases quite significantly. The front setback is not an issue. The house is sloped down from the road and moving it a few feet forward is not an issue. There are many reasons to try to keep the side setbacks at 12.5 feet, which even include fire safety and views of the lake.” There was passing discussion about whether the house would cover more than 15% of the ground. This would be ok but would require another variance. The problem here is the width of the house...if it was expanding toward the street or the lake it would not be as much of a problem. It would be good if there could be changes to the plan to address some of these concerns about the massive size of the width.

**Commissioner Herb motioned to postpone the hearing pending new drawings that would make the structure more conforming.** Chairman Sipe explained that would give time to work with the architect in order to address some of the concerns. Then Mr. Potts can come back sooner than waiting the three weeks to advertise and post. **The motion to postpone was seconded by Commissioner Moore.** There was more discussion along with explanations and suggestions, which included a suggestion for a stand-alone studio. **The Commissioners vote to postpone was unanimous.** The postponed hearing will be heard on February 11<sup>th</sup> 2003.

**\*OTHER NEW BUSINESS**

**Election of Chairman of the Planning and Zoning Commission** - Chairman Sipe explained that the Board of Commissioners each January elects the Chairman for one year. **Commissioner Herb nominated Chairman Sipe to serve another year.** Chairman Sipe further explained that he has gone on record that he will be running for City Council in the fall and therefore potentially could not full-fill the entire term as Chairman of the P&Z. **The vote was unanimous for Chairman Sipe to serve as Chairman for another year.**

There being no further New Business the meeting was adjourned at 8:32PM.

**CITY OF BERKELEY LAKE**  
4040 Berkeley Lake Road  
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**PLANNING AND ZONING COMMISSION**  
Meeting February 11<sup>th</sup>, 2003

**Call to Order:** The meeting was called to order by Chairman George Sipe at 7:35 on February 11<sup>th</sup> 2003 at City Hall.

**Present:** Commissioners Gary Moore, Bob Herb, Skip Johnson and Commission Chairman George Sipe

**Guests Present:** Craig Belt, Joe Voyles, and Richard Potts

**Old Business:** Approval of Minutes from the January 23<sup>rd</sup> meeting. Chairman Sipe stated that **the Minutes were approved as corrected.**

**39-1401 – Variance Guidelines-Chairman Sipe read and explained the following:**

*Variance Guidelines: For a Variance to be granted each one of the following should to be true: 1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography. 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship to the owner of the property. 3. Such conditions are peculiar to the piece of property involved and such conditions are not the result of the individual property owner. 4. If granted, the Variance would not cause substantial detriment to the public nor impair the purposes or intent of this Ordinance. 5. The Variance is granted for use of land or structure that is not prohibited by this Ordinance.*

Chairman Sipe also explained that regardless of the decision on the variance request by the P&Z; the decision is subject to appeal by anyone for a period of 15 days.

266 Lakeshore Drive - postponed

472 Lakeshore Drive - Richard Potts and Joe Voyles presented the changes made to the plans in order to make the structure more conforming. There were many questions asked and much discussion during this time. The original variance request is to expand a nonconforming structure and a variance to build within the front setback at 59.5' vs. required 65', variance to build within the side setback at 5' vs. required 12.5'. Last month the Commissioners had suggested to remove the carport in order to make the structure closer to conforming on one side. Chairman Sipe explained that one of the intentions in the Code is to move things in the direction of conforming. **Commissioner Bob Herb**

**motioned to approve the new drawings. Commissioner Gary Moore seconded the motion.** There was much discussion. The possibility exists that some of the changes could mean that the structure could be closer than the variance requested for the front setback at 59.5'. **The variance was unanimously approved.**

Chairman Sipe stated that he would be letting the commissioners know when there would be a reschedule for the 266 Lakeshore variance. Commissioner Skip Johnson discussed the maximum height of a structure from the ground and the amount of square feet allowed for a structure on a lot on Berkeley Lake. Commissioner Johnson will be thinking of ways to code this possibility in all circumstances and will be prepared to make suggestions at the next P&Z meeting. The meeting was adjourned at 8:05 PM

**CITY OF BERKELEY LAKE**  
4040 Berkeley Lake Road  
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**PLANNING AND ZONING COMMISSION**  
Meeting April 15<sup>th</sup>, 2003

**Call to Order:** The meeting was called to order by Chairman George Sipe at 7:35 on April 15<sup>th</sup> 2003 at City Hall.

**Present:** Commissioners Gary Moore, Bob Herb, Skip Johnson and Commission Chairman George Sipe

**Guests Present:** Craig Belt, Theresa Sipe representing the Chapel Association

**Old Business:** Approval of Minutes from the February 11<sup>th</sup> and March 25<sup>th</sup> meeting. Chairman Sipe stated that **the Minutes were approved as corrected.**

**Variance Request**- 4043 South Berkeley Lake Road – Lake Berkeley Chapel Assoc.- To construct a steeple on the building, which will raise the height not to exceed 50 feet. Ordinance 39-804-8 limits the front height to 35 feet. Theresa Sipe explained that the Chapel Assoc. would like to purchase a steeple. She passed around copies of the pictures of the possible choices. She explained the dimensions of the steeple. She explained that the total height of the building with the steeple attached would be approximately 44 feet. She stated that the amount above the height restriction is truly not a big footprint. There was discussion and questions asked of Ms. Sipe.

**Commissioner Johnson motioned to accept the Variance request. Commissioner Herb seconded the motion.**

Commission Chairman Sipe explained that the impact of the part of the steeple that exceeds the 35-foot restriction is very small. It doesn't exceed it by more than 10 feet and is very small by way of visual block. The steeple is backed by trees so it is not obtrusive. It is far back from the road and one of the purposes of imposing the maximum height is how things impose on the road. The other point is that the purpose of the Ordinance was not to restrict this type of structure from having something, which is traditionally associated with it, such as the steeple as an architectural element. Commissioner Johnson added that the Chapel is basically below grade so the impact on the road would be negligible. Chairman Sipe read the following guidelines:

**39-1401 – Variance Guidelines-Chairman Sipe read and explained the following:**

*Variance Guidelines: For a Variance to be granted each one of the following should to be true: 1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography. 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship to the owner of the property. 3. Such conditions are peculiar to the piece of property involved and such conditions are not the result of the individual property owner. 4. If granted, the Variance would not cause substantial detriment to the public nor impair the purposes or intent of this Ordinance. 5. The Variance is granted for use of land or structure that is not prohibited by this Ordinance.*

Chairman Sipe stated that interpreting each of the guidelines into this request, he does not see that it is an issue.

**There being no further discussion the motion to accept the Variance request was unanimous.**

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**PLANNING AND ZONING COMMISSION**  
Meeting May 20<sup>th</sup>, 2003

**Call to Order:** The meeting was called to order by Chairman George Sipe at 7:36 on May 20<sup>th</sup>, 2003 at City Hall.

**Present:** Commissioners Gary Moore, Bob Herb, Skip Johnson and David Hanson and Commission Chairman George Sipe

**Guests Present:** Tom Peters, Jonathon Waters, and Laura Sipe

**Old Business:** Approval of Minutes from April 15<sup>th</sup> meeting. Chairman Sipe stated that **the Minutes were approved as corrected.**

61 & 63 Lakeshore Drive - At 61 Lakeshore Drive the variance request is to the lot depth. Normally the ordinance requires a minimum lot depth of 200 feet and this lot is 164 feet. Additionally a variance is requested for the minimum lot area to be 17,282 square feet. Vs. the current required 28,050 square feet. for the lot area. At 63 Lakeshore Drive the variance is to the lot depth from the required 200 feet to 184 feet. A variance to the lot area from the required 28,050 square feet to 21,804 square feet and a variance of the lot width at the building line to 84 feet vs. the required 100 feet. Tom Peters described the plans for the lots. He stated that what he plans to build is something that would certainly fit into the Berkeley Lake community. There will be as little tree removal as possible. He further stated that when the developer laid out his original plans, these were meant to be building lots. The lots are bigger than some of the adjoining lots. There was much discussion and many questions were asked. The purpose of variances are to make exceptions when the "one-size-fits-all" nature of the ordinances doesn't fit a specific circumstance. The P& Z has to consider a variance in the context of six rules all which have to be true...

**39-1401 – Variance Guidelines-Chairman Sipe read and explained the following:**

**Variance Guidelines:** *For a Variance to be granted each one of the following should to be true: 1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography. 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship to the owner of the property. 3. Such conditions are peculiar to the*

*piece of property involved and such conditions are not the result of the individual property owner. 4. If granted, the Variance would not cause substantial detriment to the public nor impair the purposes or intent of this Ordinance. 5. The Variance is granted for use of land or structure that is not prohibited by this Ordinance.*

**Commissioner Bob Herb motioned to approve the variances on both 61 Lakeshore and 63 Lakeshore Commissioner Hanson seconded the motion and approval was unanimous.**

Commission Chairman Sipe reminded everyone that all variances are subject to appeal to City Council for a period of 15 days.

#### Changes to the Home Occupation Ordinance

Chairman Sipe stated that at the last Council meeting there were requests for additional changes to the Home Occupation Ordinance. The new changes were presented. Chairman Sipe asked for a motion to accept the changes made by Council.

**Commissioner Herb motioned to accept the changes. Commissioner Moore seconded the motion and approval was unanimous.**

Commission Chairman Sipe discussed the exemptions in 39-811.2. In the first part we are saying that a citizen can not have businesses in the home that involves people coming to the house. In the exemptions part we are making an exception for the delivery of services where people would come to the house. That brings up the issues of where they park and just how often might the homeowner have a steady stream of people seven days a week and a different car every 30 minutes. At what time would this become excessive? As it currently stands it reads that no more than four clients per day not to exceed sixteen total in any seven-day period. Does that accomplish the goal in the first paragraph of the Ordinance which reads: *It is the intent of these regulations to insure that a home occupation as an accessory use is so located and conducted that the average neighbor under normal circumstances would not be aware of its existence. These standards for home occupations are intended to insure compatibility with other permitted uses, which are residential uses.*

Chairman Sipe further stated that once you move into the area of limited commercial or business use and have any significant traffic coming to the home, you are in danger of having crossed that line. There was discussion among the commissioners. The following questions were discussed: Are we over regulating? Is four clients per day too many? Could this be enforced? Could the statement be less specific?

Commission Chairman Sipe stated that changes to the above wording could say, "only occasional and incidental client visits." Leave it no more specific than that.

**Commissioner Johnson motioned to accept the proposed new wording. Commissioner Herb seconded the motion and approval was unanimous.**

There being no further business the meeting was adjourned at 8:15 PM.

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**PLANNING AND ZONING COMMISSION**  
March 25<sup>th</sup>, 2003

Meeting called to order at 7:35pm

Present: Chairman Sipe, Commissioners Herb, Johnson, Moore

Public: Mr. and Mrs. Steve Hsu and their son; Mr. George Young

Agenda Item: Use Permit Amendment to include a kitchen

Chairman Sipe explained the requirement specified under 39-1202 for P&Z review of Use Permit applications under certain circumstances. This was not a variance hearing. The purpose of the review is to insure space is not constructed which is an apartment or easily made into one.

Reference was made to acceptable R-100 uses which specifies single family vs. RMD (Residential Multifamily Duplexes) uses which permits an apartment. This property is zoned R-100.

The P&Z reviewed the submitted plans which showed a classic apartment with bedroom, closets, bath, living room, family room, kitchen, storage, entrance hall, independent entrance, and independent utilities. Various options were discussed with the homeowner. The homeowner felt their needs would be met by changing the full kitchen into a wet bar. After discussion the P&Z unanimously agreed subject to the following limitations:

1. no stove, ovens, or cook-tops will be permitted
2. no 220v electric nor gas supply will be installed
3. cleanup sink, microwave, and non-permanent appliances to heat and warm food are permitted
4. only a mini-size refrigerator is permitted
5. plans must be updated to reflect these changes; cabinets planned and installed must reflect these limitations

Agenda Item: Home Occupation Ordinance

Chairman Sipe explained concerns raised by City Council. The P&Z agreed these would be positive improvements. Each of the following changes were proposed, discussed, and passed as indicated:

- \* strike 39-811.1-10 - vote was unanimous
- \* modify 39-811.1-11 to read "Delivery and/or pick-up of products and materials related to home occupations shall occur no more than once per day and be limited to vehicles which 6 or less wheels." - vote was unanimous
- \* change 39-811.2-3 second bullet to read "no more than 4 clients per day, not to exceed 16 total in any 7 day period" - Herb and Johnson in favor, Moore abstain

City Council may proceed with any combination of the above amendments applied to the original proposed text.

Agenda Item: Status of Mr. Lowell Holliday's Variance Appeal

The current status of the variance denial appeal was discussed. Chairman Sipe noted that the appeal was heard by City Council but the decision postponed in order to explore options which may permit such a fence in a very limited circumstance. This topic will be discussed in greater depth at the next P&Z meeting.

The next Planning and Zoning Commission meeting is scheduled for Tuesday, April 15th. There being no further business, the meeting was concluded at 8:45pm.

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**PLANNING AND ZONING COMMISSION**  
Meeting August 13<sup>h</sup>, 2003

**Call to Order:** The meeting was called to order by Chairman George Sipe at 7:34 on August 13<sup>th</sup>, 2003 at City Hall.

**Present:** Commissioners Gary Moore, Bob Herb, Skip Johnson and David Hanson and Commission Chairman George Sipe

**Guests Present:** Brian and Deborah Smay, Keith and Tyler Willing

**Old Business:** Approval of Minutes from May 20th meeting. Chairman Sipe stated that **the Minutes were approved as corrected.**

**New Business**

**Variance request -14 Lakeshore Drive.**

The request is 2 variances. One is to expand a non-conforming structure and the second is a variance of a side setback from a currently non-conforming 11 feet 9 inches to 8 feet from the standard side setback of 12 and a half feet. Chairman Sipe explained to the Smays why it is called a 'non-conforming' structure according to code. He asked them to explain their situation so the hearing is clear as to what is being requested. The house does not have a car port and they'd like to add one. The Commissioners asked questions and reviewed plans provided.

**Commissioner Herb motioned that they accept the application for both variances on 14 Lakeshore Drive. Commissioner Hanson seconded. There was no further discussion. Approval was unanimous.**

Chairman Sipe explained that there is a 15 day appeal period then it is ok to go ahead with the work. The variance sign can be removed. The Smays' thanked the committee and left.

**Buffer fencing exemptions**

Chairman Sipe explained that this exemption refers back to a variance case heard from Miramont for Mr. Holiday. P & Z could not grant an exemption because it was not supported in the code. This is to add to the code so the P & Z can treat that kind of request just as they handle a variance. It won't be called a variance but the exact same process would be followed ie. advertise, public notice, open hearing, can be appealed to

city council etc. It was not reasonable to make it broader as it would have to encompass too much more. It purely covers fencing within buffers. The city would not pursue an owner if they built a fence in a buffer zone and obtained this exemption, but that does not say that their neighbors, for example, could not pursue it. Deeds could be changed, but that would take more time to do legally and is outside the purviews of the city.

***39-1401.3 Buffer Fencing Exemptions***

*The Planning Commission may grant exemptions to buffer fencing restrictions when they find those restrictions no longer serve their original purpose. The procedural process defined for variances and appeals shall be followed for public notification and consideration.*

*When such exemptions are granted, conditions on construction, materials, fence height, transparency, and other attributes may be set. All other buffer restrictions must continue to be met or the buffer fencing exemption shall be vacated.*

*Buffer restrictions formally remain as they appear on the plat and property title. Buffer fencing exemptions apply only to action by the city and do not preclude action by other property owners.*

This is currently on first read. **Motion to approve text by Commissioner Herb and seconded by Commissioner Johnson. Unanimous decision in favor as read.**

There are no future meeting dates scheduled at this time.

There being no further business the meeting was adjourned at 7:56 PM.

**CITY OF BERKELEY LAKE**  
4040 Berkeley Lake Road  
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**PLANNING AND ZONING COMMISSION**  
Meeting December 10th, 2003

**Call to Order:** The meeting was called to order by Chairman George Sipe at 7:37pm on December 10<sup>th</sup>, 2003 at 4035 South Berkeley Lake Road.

**Present:** Commissioners Gary Moore, Bob Herb, and Commission Chairman George Sipe

**Citizens Present:** 15

**Variance Requests**

- 4285 Dove Point (Lot 55, BA – Miramont): *buffer exemption request to construct a fence in a 60' non-disturb buffer where fencing is prohibited*

Chairman Sipe said that the following application was not technically a variance request but it had been received before and was denied as the P and Z had been unable to grant such applications relating to the buffer. However since then, Council had passed Ordinance 39-1401.3, which enabled the commission to re-evaluate the application. He cited the ordinance:

*39-1401.3 Buffer Fencing Exemptions*

*The Planning Commission may grant exemptions to buffer fencing restrictions when they find those restrictions no longer serve their original purpose. The procedural process defined for variances and appeals shall be followed for public notification and consideration.*

*When such exemptions are granted, conditions on construction, materials, fence height, transparency, and other attributes may be set. All other buffer restrictions must continue to be met or the buffer fencing exemption shall be vacated.*

*Buffer restrictions formally remain as they appear on the plat and property title. Buffer fencing exemptions apply only to action by the City and do not preclude action by other property owners.*

Originally the buffer had been added to protect the interests of the older residents of Berkeley Lake before the Miramont Subdivision had been added. The owner was asked to describe the circumstances leading up to his application and he did. He said the property owners behind him also had fencing behind their properties backing up to the buffer.

**Commissioner Herb motioned that they accept the application for the buffer fencing exemption at 4285 Dove Point (Lot 55, BA – Miramont). Commissioner Moore seconded. There was no further discussion. Approval was unanimous.**

Chairman Sipe stated that the City hereby accepts the fence had allowed the fence. However it is still on the original plat as a restriction and on the Deed Covenant and the city would not alter that. It did not stop any private action that other people could take.

- *333 Lakeshore Drive (Lot 15 – Berkeley Lake): variance to expand a non-conforming structure, including enclosure of porch and adding a pergola (39-602-1) and variance to build within side setback at 7' vs. required 12.5' (39-804-6)*

The Commissioners discussed what was non-conforming and viewed pictures of the structures, which had already been built without variances. Mr. Label described the circumstances as to how this had happened. Chairman Sipe explained that the P and Z had to look at the variances as if they had not already been constructed.

**Commissioner Moore motioned that they deny the variance 39-804-6 to build within the side setback for 333 Lakeshore Drive (Lot 15 – Berkeley Lake). Commissioner Herb seconded the motion.**

In discussion Chairman Sipe read and explained the following:

**39-1401 – Variance Guidelines:** *For a Variance to be granted each one of the following should be true: 1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography. 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship to the owner of the property. 3. Such conditions are peculiar to the piece of property involved and such conditions are not the result of the individual property owner. 4. If granted, the Variance would not cause substantial detriment to the public nor impair the purposes or intent of this Ordinance. 5. The Variance is granted for use of land or structure that is not prohibited by this Ordinance.*

There was discussion regarding any recommendations they would have and location of the septic tank.

**There was no further discussion and the variance was denied.**

**Commissioner Moore motioned that they approve the variance 39-602-1 to enclose the porch for 333 Lakeshore Drive (Lot 15 – Berkeley Lake). Commissioner Herb seconded the motion.**

There was discussion that this would not change significantly what was already there.

**All were in favor to accept the variance application and the motion was approved unanimously.**

**Commissioner Moore motioned that they approve the variance 39-602-1 to add a pergola for 333 Lakeshore Drive (Lot 15 – Berkeley Lake). Commissioner Herb seconded the motion. There was no further discussion and all were in favor. The motion was unanimous.**

#### Administrative Variances

Chairman Sipe identified four properties for the record, which he had granted administrative variances for:

- *26 Lakeshore Drive (Lot 47, Section 1 - Berkeley Lake): variance to extend a boathouse to a maximum distance of 27' from the shoreline (vs. 25'; 39-401-2)*
- *4304 Balmoral Glen Drive (Lot 32, BA - BC): variance to expand a non-conforming structure (39-602-1); expansion will be in full conformance*
- *519 Lakeshore Drive (Lot 10, Section 4- Berkeley lake): to expand a non-conforming structure*
- *4355 South Berkeley lake Road (Lot 5, BA-BL): to extend the corner of a boathouse to 27" from the shoreline*

#### Henderson Property

Chairman Sipe introduced Charles Dean who is interested in developing the sod farm currently owned by the Hendersons'. He informed Mr. Dean that the Council has recently passed a temporary development moratorium. He said it would probably not continue until February 28<sup>th</sup>, 2004 as stated. The purpose is to review the development regulations and other related ordinances for the City of Berkeley Lake in order to better serve the public health, safety and welfare of its citizens. He said that Mr. Dean could choose not to present anything as a result of this. He said the city cannot do anything officially in terms of considering a concept plan but they could discuss the general way the City works and what had been found acceptable in the past in order to help him.

Mr. Dean said that he wanted to present his plan to see if there were things to discuss on it. The committee looked at his plan.

Brit Kugler said he had introduced Mr. Dean to the Hendersons. He said it would add value to everything in Berkeley Lake as it would be the premier subdivision in this area,

not just Berkeley Lake. Homes would be priced from \$700,000 to \$2 million. He described the property and how it would be seen from the lake area.

Mr. Dean showed how plots could look on smaller lots on a previously built sub-division. He described how the lots would meet city standards, and other features as well as the two-gated entrances.

Chairman Sipe discussed the lot sizes in relation to Gwinnett County's code. He said the City would like to see it have not more 80 properties and discussed minimum lot size as well as attributes that could benefit Berkeley Lake.

There were questions about the view from South Berkeley Lake Road. There was much discussion about minimum lot size and the possible impact on Berkeley Lake.

Chairman Sipe said that once the preliminary plat was available there would be things that would need to be agreed to, which would include things to protect the vision everyone shares for the area, for example other buffers or restrictions to control what homeowners might want to do to their property at a later date.

Other limitations were discussed. Mr. Dean asked questions about minimum plot width too and he asked how quickly he could bring back an unofficial updated plan.

Chairman Sipe suggested that the commission could meet again before Christmas and a date would be discussed between everyone.

#### Other Business

Chairman Sipe suggested postponing electing the new Chairman to the next meeting as two commissioners were absent. It was suggested that they try to meet next week.

**There being no further business the meeting was adjourned at 9:15 PM.**

**CITY OF BERKELEY LAKE**  
4040 Berkeley Lake Road  
Berkeley Lake, GA 30096-3016

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**PLANNING AND ZONING COMMISSION**  
Meeting December 17th, 2003  
Full Minutes

**Call to Order:** The meeting was called to order by Chairman George Sipe at 7:45 on December 10<sup>th</sup>, 2003 at 4035 South Berkeley Lake Road.

**Present:** Commissioners Gary Moore, Bob Herb, David Hanson and Commission Chairman George Sipe

**Citizens Present:** Mayor Lois Salter, Bob Flaherty, Craig Belt, Cynthia Colgan, Britt Kugler and Charles Dean.

**Minutes:** Approval of the minutes from both August 13<sup>th</sup> and December 10<sup>th</sup>. Chairman Sipe stated that the **minutes were approved as corrected.**

**Old Business:**

Unofficial, informal discussions on the development of the Henderson Property known as the "Sod Farm"

After discussions from the previous week, Dean noted that he had removed lots from his original plan to drop the number from 90 lots to 80 lots. He had increased the width of some of the lots to 80 by 200 ft. He said the road plan had stayed the same.

There was discussion about ARC changes in the size of the flood plain.

Dean wanted to show a short video to give the feel of the sub-division he was envisioning building. It would show the historical concept.

There was discussion regarding the reason for the change in the required lot size for houses with septic fields. These lots would be on a sewer line. There is an existing sewer line running along the river, which can be tapped in to.

Chairman Sipe said the City would be looking for lower density housing to reduce traffic and to have more open space.

Commissioner Hanson reinforced the idea of keeping the additional traffic at a minimum.

Dean said he wanted to use the land most efficiently without cutting down so many trees on the ridge. The acreage could fit 80 houses with an average of 28,050 sq feet. By keeping the larger lots by the road and keeping more trees, the rest of the lots in the flood plain would be smaller.

There was discussion about the requirement of open/recreational space and that it must be at 6%.

Dean asked that the side set backs be reduced to create the historical concept he was looking for.

Chairman Sipe reminded the group that the development moratorium that was in place meant that the discussion was only for unofficial guidance.

Dean showed the video, which was a movie where the “Battery at Sweet Bottom” was used as a Charleston look alike. He described the lots and homes as they were shown.

There was discussion about the 60 foot strip that Dean previously suggested as a donation to the homeowners association. Dean said that the ARC was opposed to the idea, as there would be public access to the river. It was suggested that Dean may wish to approach the homeowners association so that the area would not be public access but restricted access.

The ARC was requiring the houses to be a certain height too, which would be different to the maximum height allowed in Berkeley Lake. Dean said he would build the basements of the houses above the ground, which would make them naturally higher.

Chairman Sipe said that height would be less of an issue on the riverside lots as they were in the lowest part of the City. They would be required to keep within the restrictions on the roadside lots though.

Dean asked if the tennis courts could be built anywhere else in the city.

Chairman Sipe said that he was doubtful. He suggested Dean talk to the homeowners association.

There was general discussion about the plans.

Chairman Sipe said Dean needed to get the final positions on a concept plan from the P and Z after the moratorium was lifted. Once they approve it, Dean needs to present a formal preliminary plat, which is an expensive proposition. After the preliminary plat is approved by the P and Z, it will also go to the City Engineer, the OEO and City Attorney, before it goes to the Council for approval. After that a development permit is issued. He suggested a Public Hearing may be useful, so that the public will accept the proposal.

There was discussion about streets within the subdivision, as well as the covenants that could have restrictions.

Dean said he still needed to meet with the ARC and they would decide the maximum lots that could be put on the area as well. The impervious area would be an issue with them. They are currently re-evaluating the ridge area.

There was more discussion about a Public Hearing.

**New Business:**

**Election of a new Chairman**

Commissioner Hanson nominated Commissioner Herb as the new Chairman, seconded by Commissioner Moore. All were in the favor in the nomination. Commissioner Sipe said he would remain as Commissioner until January when the Mayor would appoint a new commissioner.

**There being no further business the meeting was adjourned at 8:52 PM.**