

**CITY OF BERKELEY LAKE  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GA 30096  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
JUNE 11, 2013  
7:00 PM**

Those in attendance at the meeting were as follows:

Commission Members:                   Rodney Hammond, Chair  
  Dan Huntington  
  George Kaffezakis  
  Amy Waldheim

Deputy City Administrator:           Pat Chapman

Citizens Present:                       7

**I. CALL TO ORDER:**

Hammond called the meeting to order at 7:03 PM. at 4040 South Berkeley Lake Road. It was noted that a quorum was present and that all members except Jeff Cooper were present

**II. APPROVAL OF OR CHANGES TO THE AGENDA**

Hammond asked if there were any changes to the agenda as printed.

**Kaffezakis move to approve the agenda. Huntington seconded. All voted in favor and the motion passed.**

**III. MINUTES**

- a) Minutes of April 09, 2013

Hammond asked for corrections or changes to the April 9, 2013 minutes.

**Huntington moved to approve the minutes as presented. Kaffezakis seconded the motion. All voted in favor. The motion passed.**

**IV. OLD BUSINESS**

There was no old business.

## V. NEW BUSINESS

- a) PZV 13-01: 882 Lakeshore Dr., application of Joe Voyles for property owner Brad Nessler, requesting to make non-conforming change to a non-conforming structure, i.e. screen enclosure of open deck that encroaches into required side (north) yard.

Hammond explained that as a directly affected property owner, Huntington would be recused from the commission's deliberations on this matter. Huntington then left the chamber.

Joe Voyles, applicant, 142 Bayway Circle, was present to represent the owner. Mr. Voyles explained that they wanted to reduce the size of the deck on the right side, rebuild it and screen it in. Mrs. Nessler is extremely allergic to bees and that was the most logical place to create a space for her to sit outdoors. Mr. Voyles exhibited photos of the property to demonstrate the planned construction.

Discussion followed with questions regarding the appearance of the enclosure, the intrusion of additional roof line into the side setback and the overall impact on the view from the adjoining property. Kaffezakis expressed concern about making a non-conforming structure more non-conforming. There was also discussion regarding alternatives such as screening the existing covered rear deck. Voyles responded that the round river stone on the rear deck made it aesthetically difficult to seal an enclosure. Mitigation of the visual impact through additional landscape plantings was also discussed.

**Hammond moved to approve PZV 13-01. Kaffezakis seconded. There were no votes in favor. All voted against and the motion failed. Therefore, the requested variance is denied. Kaffezakis then moved to allow the owner to apply for a variance for a screened porch to the rear of the house without additional fees. Waldheim seconded. All voted in favor and the motion passed.**

Hammond reminded that applicant of the right to appeal the decision to the City Council. Huntington re-entered the room and returned to his seat.

- b) PZV 13-02: 3966 N. Berkeley Lake Rd., application of Ryan D. and Erin P. Wood for property owner Debbie Peters, requesting a reduction in the rear setback from the required 40 feet to 20 feet for the purpose of constructing a single family residence.

Ryan Wood, 145 Ashford Circle, Dunwoody was present to represent the application and described the request and the reasons for it.

Hammond stated that he had visited the property and, in his opinion, all criteria for consideration of a variance had been satisfied.

Rod Harrison, 3697 Habersham Lane, Berkeley Lake, stated that he was the adjoining property owner and had no objection to the request as it was a wooded area not close to his house.

Kaffezakis asked if the previous house had encroached into the 40-foot setback. Chapman, responded that based on older aerial photography, it did appear that the previous house may have encroached as much as 10 feet into the setback.

Huntington raised the issue of the degree or percentage of setback encroachment. Mr. Wood explained that they had worked with their builder to find a narrow footprint and with the site planner to minimize

the variance requested, considering the topography and stream buffer. They also attempted to utilize the existing driveway to the extent possible and to keep as many existing trees as possible.

Kaffezakis asked about the possibility of reconfiguring the deck to reduce the encroachment. Mr. Wood exhibited the floor plans for the proposed house and explained that the siting of the house had also been done according to the river corridor restrictions on the property.

Ginny Nevins, 334 Lakeshore Drive, stated that when they had first looked at the survey, they had thought the property line in question was a side line with a 12.5 foot setback, not a 40-foot rear yard.

**Huntington moved to approve PZV 13-02 as requested. Kaffezakis seconded, citing that the house site was buffered all around and the property to the rear was not a buildable area. All voted in favor and the motion passed.**

## **VI. CITIZEN COMMENTS**

There were no comments from citizens.

## **VII. ADJOURNMENT**

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

Hammond adjourned the meeting at 8:04 P.M.

Respectfully submitted,

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Pat Chapman  
Deputy City Administrator