

**AGENDA**  
**CITY OF BERKELEY LAKE**  
**PLANNING & ZONING COMMISSION**  
**SEPTEMBER 10, 2024 at 7:15 PM**  
4040 South Berkeley Lake Road  
Berkeley Lake, GA 30096

**I. CALL TO ORDER**

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

**III. APPROVAL OF MINUTES**

a) August 13, 2024

**IV. OLD BUSINESS**

**V. NEW BUSINESS**

a) PZV-24-07 – 266 Lakeshore Drive – Variance to Sec. 78-197(6), elimination of 40-foot rear yard setback to build a ramp/walkway from the house to the boathouse rooftop deck.

**VI. CITIZEN COMMENTS**

**VII. DISCUSSION SESSION**

**VIII. ADJOURNMENT**

**CITY OF BERKELEY LAKE  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
PLANNING & ZONING COMMISSION  
DRAFT MINUTES  
AUGUST 13, 2024  
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members:                    Barbara Geier  
    Dan Huntington  
    Pekka Ignatius  
    George Kaffezakis  
    Rand Kirkus

City Officials:                             Leigh Threadgill - City Administrator

Citizens Present:                         1

**I. CALL TO ORDER**

Huntington called the meeting to order at 7:17 PM. A quorum of the commission along with City Administrator, Leigh Threadgill, were present at the meeting.

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

Huntington asked if there were any suggested changes to the agenda.

**Ignatius moved to approve the agenda as submitted. Kaffezakis seconded and all voted to approve the agenda.**

**III. MINUTES**

1. Minutes of July 9, 2024

**Ignatius moved to approve the minutes of the July 9<sup>th</sup> meeting. Geier seconded and all voted to approve the minutes.**

**IV. OLD BUSINESS**

There was no old business to discuss.

**V. NEW BUSINESS**

a) PZTA 24-06, Amendment of Sections 78-300 and 78-301 to clarify GC-A Zoning Regulations

Threadgill explained that this was a housekeeping item suggested by the city attorney to clarify the underlying zoning regulations in effect for properties zoned Gwinnett County – Annexed (GC-A).

There was discussion about the proposed amendment and a reference in the code section that was confusing and needed correction. The reference is found in Sec. 78-301 (6). It states, “the above provisions (a) through (e) of this section”. However, there is no (a) through (e) but (1) through (5). The reference (a) through (e) should be changed to (1) through (5).

**Kirkus moved to recommend approval of the zoning ordinance amendment as presented with the correction of the reference in Sec. 78-301. Ignatius seconded the motion. All were in favor and the motion passed.**

b) Report on Administrative Variance AV-24-02 – 766 Lakeview Lane

Threadgill reported that this variance was granted pursuant to Sec. 78-367(a)(2) to allow a conforming change to a non-conforming structure enabling the expansion of a front porch. The existing house is non-conforming with regard to side setbacks, but the expansion conforms to all dimensional standards.

c) Report on Administrative Variance AV-24-03 – 586 Lakeshore Drive

Threadgill reported that this variance was granted to extend the expiration of a variance expired on 3/21/24 by 12 months to 3/21/25 in accordance with Sec. 78-367(a)(3). No building permit had been issued prior to the original expiration date.

d) Report on Administrative Variance AV-24-04 – 3695 N. Berkeley Lake Road

Threadgill reported that this variance was granted pursuant to Sec. 78-367(a)(2) to allow a conforming change to a non-conforming structure enabling the construction of a roof over the front stoop. The house is non-conforming with regard to front setback, however the front stoop is recessed from the front-most wall of the house and the roof complies with all dimensional requirements.

## **VI. CITIZEN COMMENTS**

There were no comments.

## **VII. DISCUSSION**

There was no discussion.

## **VIII. ADJOURNMENT**

Draft Minutes

Planning & Zoning Commission Meeting

August 13, 2024

Page 2 of 3

**There being no further business, Kirkus moved to adjourn. Kaffezakis seconded the motion. All were in favor. Huntington adjourned the meeting at 7:38 PM.**

Respectfully submitted,

---

Leigh Threadgill  
City Administrator

DRAFT

**City of Berkeley Lake  
Staff Analysis**

CASE NUMBER:	PZV-24-07, 266 LAKESHORE DR.
RELIEF REQUESTED:	ELIMINATION OF 40-FOOT REAR SETBACK TO CONSTRUCT A RAMP/WALKWAY FROM THE HOUSE TO THE BOATHOUSE.
EXISTING ZONING:	R-100, RESIDENTIAL
EXISTING USE:	SINGLE FAMILY RESIDENCE
APPLICANT:	JEFF AND ERIN GLYNN 266 LAKESHORE DR BERKELEY LAKE, GA 30096
OWNERS:	JEFF AND ERIN GLYNN SAME AS ABOVE
MEETING DATE:	SEP. 10, 2024 P&Z COMMISSION

**PROPOSED PROJECT:**

---

The applicant wants to build a 4-foot-wide by 26.5-foot-long elevated walkway ramp from the house deck to the boathouse roof. As measured from the ground to the top of the ramp railing, the proposed height of the walkway would be 16 feet at the house deck and descend to a height of 12 feet 8 inches at the boathouse roof.

**FINDINGS OF FACT:**

---

- 1.) The existing house is located at 266 Lakeshore Drive on a 1.07-acre lot and was built in 1977 according to Gwinnett County property records.
- 2.) It is non-conforming relative to the R-100 front and rear setback standards.
- 3.) A variance was granted in 2003 to allow the location of an accessory structure in the side yard.
- 4.) A variance was granted in 2018 to allow the construction of a dock closer than 75 feet from the opposite shore.
- 5.) A variance was granted in 2019 to expand the non-conforming house to the rear within the 40-foot rear setback.
- 6.) The proposed walkway is considered an expansion of the house.
- 7.) Per Sec. 78-3, setbacks are measured to the outermost edge of the structure.
- 8.) Sec. 78-197(6) establishes a minimum rear setback of 40 feet from the Lake Berkeley shoreline at full pool.
- 9.) The walkway spans the distance from the rear of the house to the boathouse, or shoreline of Lake Berkeley.

- 10.) According to the application, the walkway will be elevated. At the connection to the house, it will be 16 feet to the top of the railing, and at the boathouse it will be 12 feet 8 inches to the top of the railing.
- 11.) Properties to the north and south are zoned R-100 and the location of single-family residences. Lake Berkeley is adjacent to the east and the right-of-way of Lakeshore Drive is adjacent to the west.

**STANDARDS FOR APPROVAL:**

---

In considering whether to grant or deny this variance request, the commission must evaluate the application based on the criteria specified in Section 78-366 (a)(1) of the zoning ordinance:

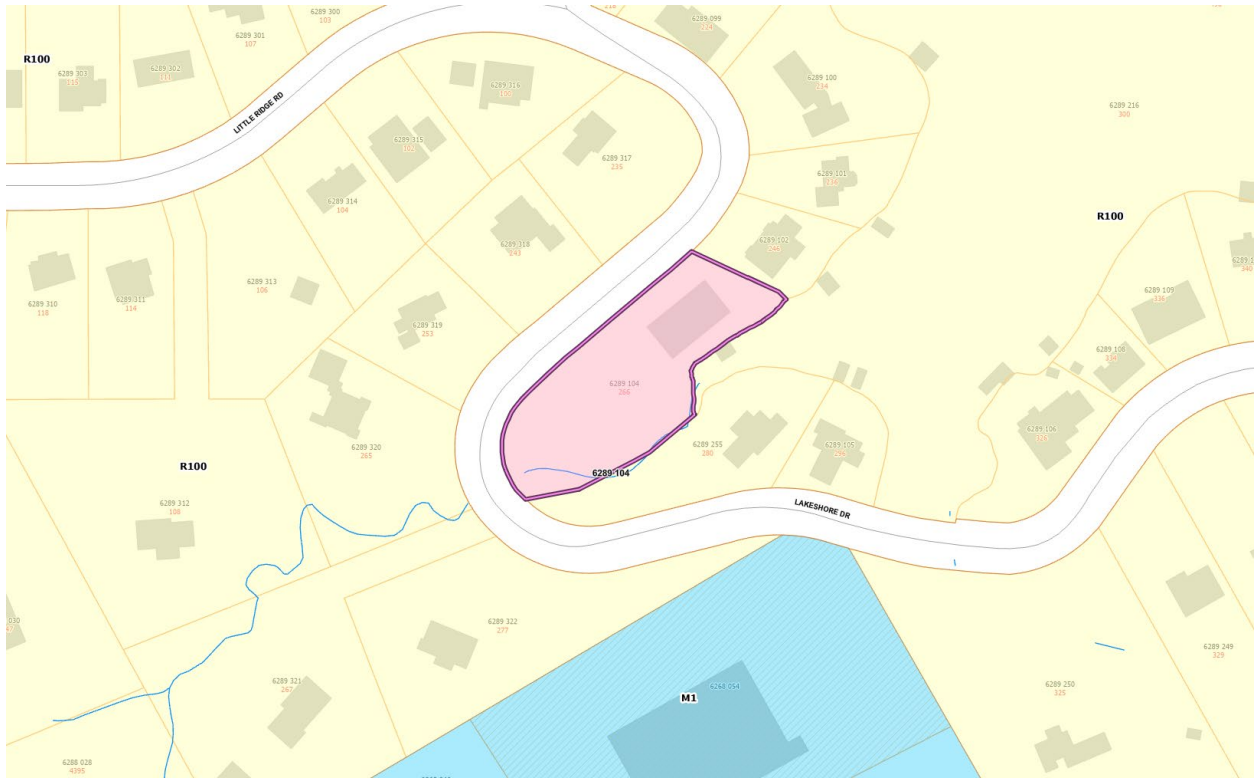
- a) *Applications for variances.*
  - (1) *All applications for variances shall be submitted initially, in writing, to the planning and zoning commission of the city, which shall consider these requests at its next called meeting. The planning and zoning commission may authorize such variance from the terms of this zoning chapter as will not be contrary to the public interest. The spirit of this chapter shall be observed, the public safety, health and welfare secured and substantial justice done. At the hearing, any party may appear in person or have authorized representation. Such variances may be granted in individual cases if the planning and zoning commission finds that:*
    - a. *There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and*
    - b. *The application of this chapter to this particular piece of property would create an unnecessary hardship; and*
    - c. *Such conditions are peculiar to the particular piece of property involved; and*
    - d. *Such conditions are not the result of any actions of the property owner; and*
    - e. *Relief, if granted, would not cause substantial detriment to the public nor impair the purposes or intent of this chapter; and*
    - f. *The variance is granted for a use of land or building or structure that is not prohibited by this chapter.*

**SITE PHOTO**

---



# LOCATION MAP



# AERIAL PHOTO



---

# 266 Lakeshore – Walkway Intent

---

7/22/2024 (for Sept 10th P&Z meeting)

To whom it may concern:

My wife and I along with our three girls are applying for a variance noted in the application to build a walkway from our home to the top of our boat dock. This walkway would alleviate to pressing concerns:

1. Provide an ADA accessible path to the top of our dock, allowing our elderly parents the ability to enjoy the dock and lake views.
2. An alternative to replacing the existing rear yard staircase, which is already completely within the current setback ordinance and needs to be replaced or heavily repaired.

Our property surrounds a quiet cove on the lake, which is hidden from most boat traffic. The walkway would match the existing esthetics of the dock and house. We would also blend it into the landscape with an array of softscape plantings, flower beds, accent grasses and emerald green arborvitae to hide the posts.

As one option, we propose the walkway be considered as an access to the dock, not as a house addition or an accessory structure. This would be in the same consideration as dock stairs are allowed right along the shoreline and not subject to the setback rules. There does not appear to be anything in the ordinances around the governance of dock staircases.

If it cannot be considered as above, we are requesting a variance to Article IV, Sec 78-89 (d), requirement (1), highlighted on the next page.

Thank you for your consideration in this application.

Sincerely,

Jeff & Erin Glynn and the girls: Avery (14), Aspen (13), Nola (11)

Enclosures: code section pertaining to request, Site Plans, Survey, Cad drawings of walkway & railing, Application for Variance



---

**Additional Spec Details:**

**Side Setback (Southwest ): >300 feet**

**Side Setback (Northwest): 71.5 feet**

**House Rear Setback from lake: 25 feet**

**Walkway from house deck to dock at lake's edge**

**Walkway height at house deck: 13 feet (decking); 16 feet (top of rail)**

**Walkway height at dock: 9 feet 8 inches (decking); 12 feet 8 inches (top of rail)**

---

**Walkway impervious addition: 100 sq ft (25' x 4')**

**Old stairs impervious removal: -109 sq ft**

**Impervious reduction: 9 sq ft**

CODE OF THE CITY OF BERKELEY LAKE, GEORGIA, as it pertains to this request (requesting variance approval for subsection 1:

## ARTICLE IV. - STANDARD PROVISIONS

Sec. 78-89. - Accessory uses or structures.

(d)

Except as otherwise provided in this chapter, accessory structures shall meet the following requirements:

(1)

**Setbacks.** Accessory structures shall meet setbacks as provided in the table below. In addition to having to meet the setbacks noted herein, accessory structures shall be located so as not to encroach into a required buffer zone.

	<b>Lots adjoining Lake Berkeley</b>
Side setback	12.5 feet from interior side lot lines and in the case of a corner lot no closer to the abutting road than the principal structure
Rear setback	40 feet from the Lake Berkeley shoreline measured at mean water level



# Application for Variance

For Office Use Only	
Application #:	V/AV
Check #:	449
Cash:	
Date Paid:	7/23/24
P&Z hearing date:	9/10/24
Action:	
Appeal filed:	
Council hearing date:	
Account 100.34.1390.2	
Variance App	\$ 450.00

## Part 1: Applicant Information

APPLICANT IS:  Owner  Agent  Attorney

NAME Jeff & Erin Glynn DATE July 22, 2024

MAILING ADDRESS 266 LAKESTORE DR.

CITY BL STATE GA ZIP 30096

TELEPHONE \_\_\_\_\_ MOBILE (770) 789-9476 FAX \_\_\_\_\_

E-MAIL jeff.glynn@outlook.com

## Part 2: Property Owner Information

NAME(S) Same

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_ MOBILE \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_

## Part 3: Property and Use Information

PROPERTY ADDRESS 266 LAKESTORE DR. PARCEL ID 6289 104

PARCEL SIZE 1.07 ACRES ZONING R100

EXISTING USE \_\_\_\_\_

I am requesting relief from code section 78-89 for the purpose of:

WALKWAY FROM HOUSE TO DOCK, ALLOWING ADA ACCESS TO TOP OF DOCK, AND ACCESS TO DOCK STAIRCASE AS REPLACEMENT ALTERNATIVE TO EXISTING HOUSE OUTDOOR STAIRS, WHICH ARE IN NEED OF REPLACEMENT.

NOTICE: The granting of a Variance does not affect any requirement for a Building Permit for proposed construction.

The following supplemental documentation must be submitted with this application:

- Letter of Intent describing the proposed construction, development or improvements.
- Site Plan showing all existing and proposed improvements on the property.
- Survey of the property

**Variance Application: Part 3: Property and Use Information (continued)**

**Applicant: Please provide written responses to the following items in order to support the request. Attach a separate sheet if necessary:**

1) Explain the extraordinary and exceptional conditions pertaining to the size, shape or topography of the subject property; OR if this request is for the expansion of a non-conforming structure, explain whether granting the variance would result in an increase in the non-conforming aspects of the structure.

Looking to provide ADA Accessibility to top of deck for elderly parents that are anticipated to move in with us. Current Staircase from house to rear yard is in need of replacement. Deck already has new staircase. This walkway would provide access to that staircase and we could remove the old staircase, which is also in violation of the current setback.

2) Explain how the application of the ordinance to the subject property would create an unnecessary hardship.

Elderly parents would not get to enjoy the top of deck and its lake views. Existing staircase would still need to be replaced.

3) Explain how the conditions are peculiar or unique to the subject property.

PART of the house and rear Staircase were built very close to the lake prior to setback ordinance. We are looking to just relocate essentially what was already inside the setback. Also, unique is how tucked back in the cove our dock is, not easily seen from Lake (see Attached)

4) Are the conditions requiring a variance the result of any actions of the property owner? If YES, explain.

Just the need to replace stairs and provide accessible ADA access to top of deck.

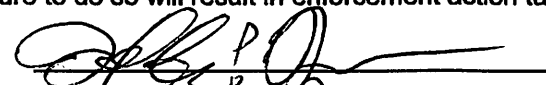
5) What, if any, detriment to the public or impairment to the purposes of the ordinance would result if the variance were granted.

None.

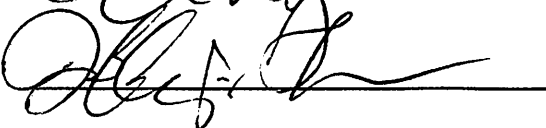
6) Is the proposed use of land, building or structure permitted by the zoning ordinance?

Yes.

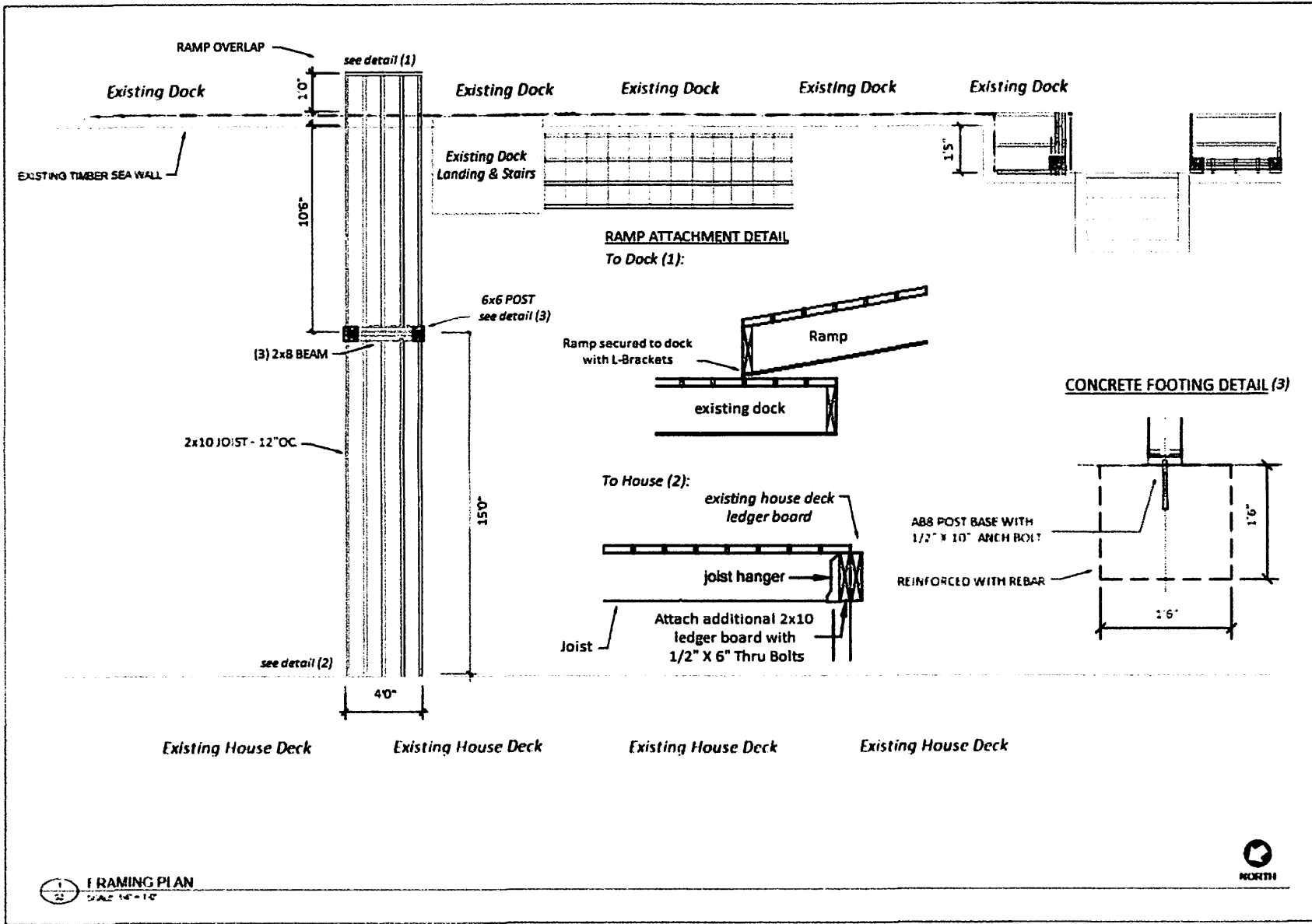
I hereby make application to the City of Berkeley Lake, Georgia for the above referenced property. I do hereby affirm that the information provided here, above and contained in all material I submit for the purposes of supporting my request for a Variance, to the best of my knowledge is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken as a result of this application. I understand that it is my/our responsibility to conform to all City of Berkeley Lake ordinances in full and obtain any additional permits as may be required and that failure to do so will result in enforcement action taken by the City.

Applicant's Signature 

Date 7/22/2024

Owner's Signature 

Date 7/22/2024



**PROPOSED WALKWAY  
OVERHEAD PLAN**

268 LAKESHORE DRIVE  
BERKELEY LAKE, GA 30066

DESIGN NOTES:  
 ALL EXISTING POSTS, FRAMES, AND DECKING TO BE RE-? ?  
 OR BETTER MATERIALS TREATED 50:50:50 YELLOW PINE  
 ACCORDING TO BE 1/2" MIN  
 ALL JOIST HANGERS TO BE CORROSION RESISTANT AND  
 INSTALLED PER MANUFACTURER'S INSTRUCTIONS  
 ALL GALVANIZED THROUGH HOLES WITH BRACKETS & NUTS  
 TO BE USED TO SECURE FRAMING TO POSTS

SCALE: 1/4" = 1'-0"  
 DATE: 7/2/2024  
 SHEET: 1 OF 2

1  
22  
FRAMING PLAN  
SCALE 1/4" = 1'-0"

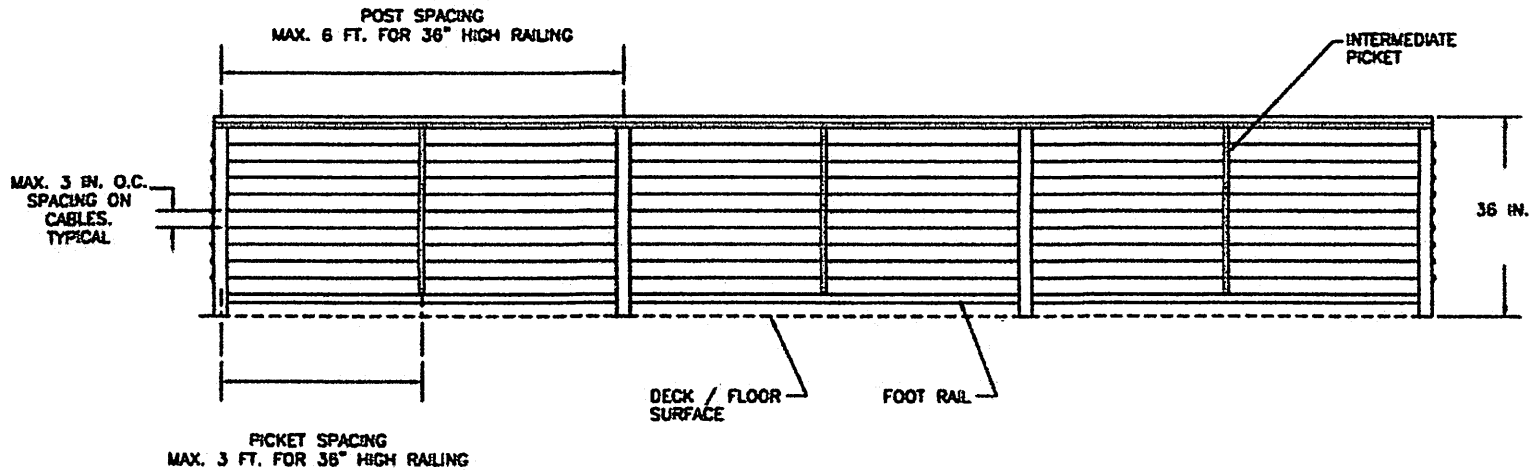


**S1**

**PROPOSED WALKWAY  
RAILING PLAN**

288 LAKESHORE DRIVE  
BERKELEY LAKE, GA 30086

RAILING: HORIZONTAL CABLE INFILL (WITH FOOT RAIL)  
36" HIGH FRAME WITH FOOT RAIL



SCALE: 1/4" = 1'-0"  
DATE: 7/1/2024  
SHEET: 2 OF 2

FRAMING PLAN  
SCALE 1/4" = 1'-0"



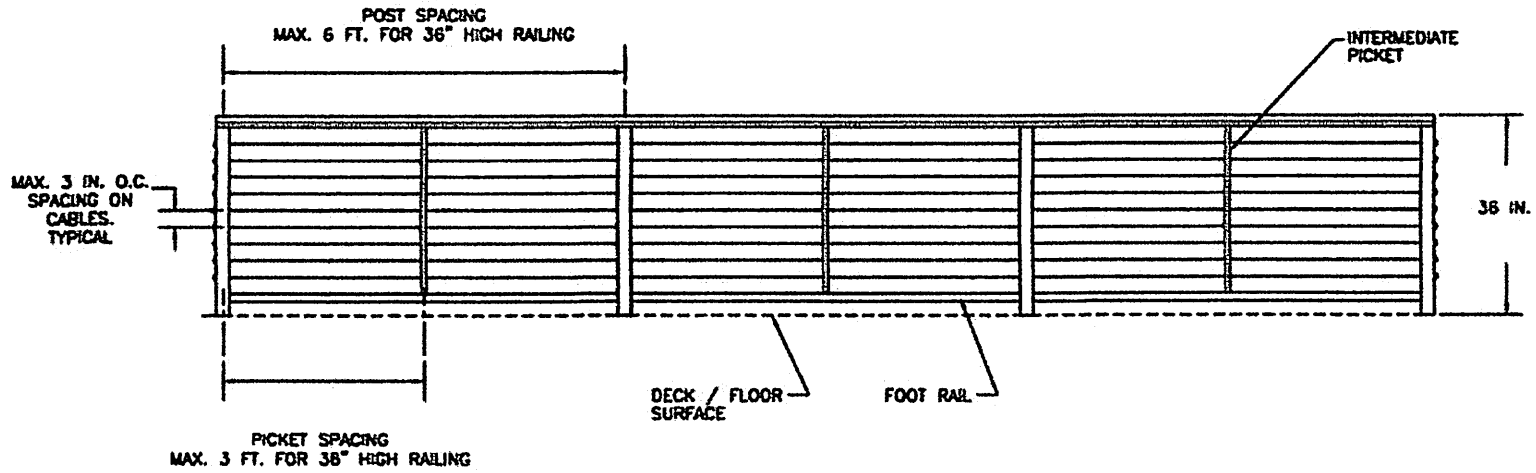
**S2**



**PROPOSED WALKWAY  
RAILING PLAN**

288 LAKESHORE DRIVE  
BERKELEY LAKE, GA 30086

RAILING: HORIZONTAL CABLE INFILL (WITH FOOT RAIL)  
36" HIGH FRAME WITH FOOT RAIL



SCALE: 1/4" = 1'-0"  
DATE: 7/1/2024  
SHEET: 2 OF 2

FRAMING PLAN  
SCALE 1/4" = 1'-0"

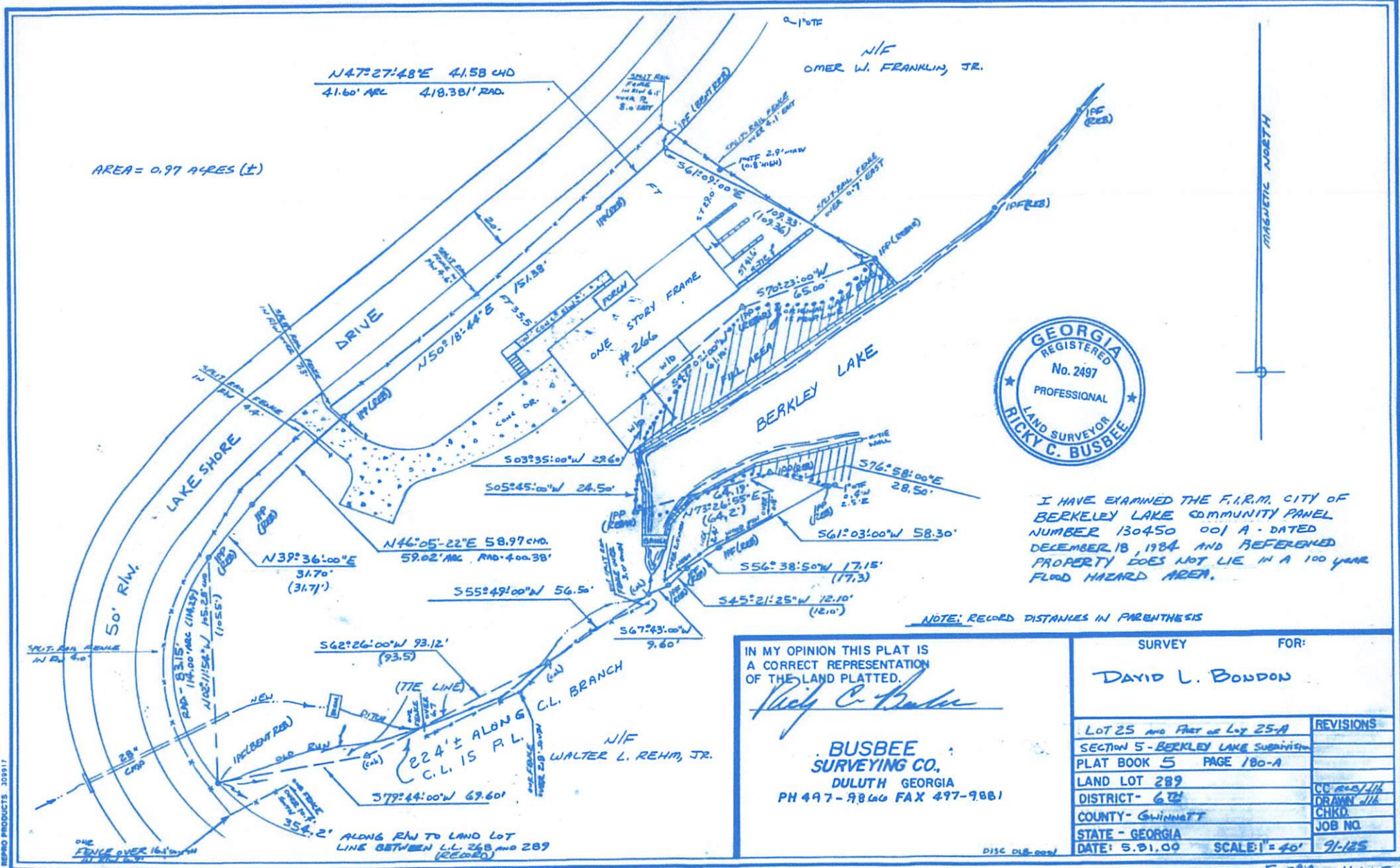


**S2**









AREA = 0.97 ACRES (±)

N/E  
OMER W. FRANKLIN, JR.



I HAVE EXAMINED THE F.I.R.M. CITY OF BERKELEY LAKE COMMUNITY PANEL NUMBER 130450 001 A - DATED DECEMBER 18, 1984 AND REFERENCED PROPERTY DOES NOT LIE IN A 100 YEAR FLOOD HAZARD AREA.

NOTE: RECORD DISTANCES IN PARENTHESES

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED.

*Rick C. Busbee*

**BUSBEE SURVEYING CO.**  
DULUTH GEORGIA  
PH 497-9866 FAX 497-9881

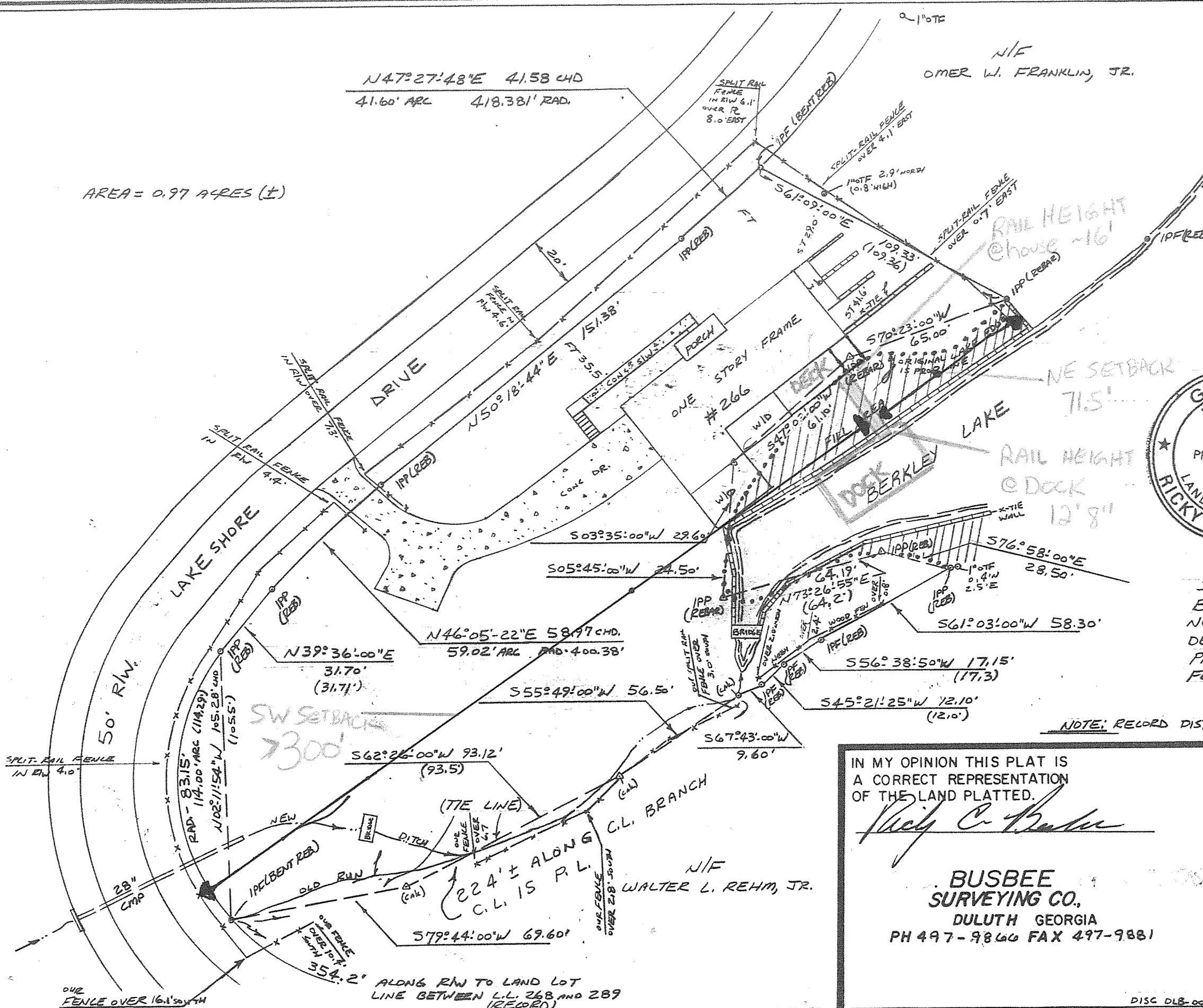
SURVEY FOR:

DAVID L. BONDON

REVISIONS
LOT 25 AND PART OF LOT 25-A
SECTION 5 - BERKELEY LAKE SUBDIVISION
PLAT BOOK 5 PAGE 180-A
LAND LOT 289
DISTRICT - 6 <sup>TH</sup>
COUNTY - GWINNETT
STATE - GEORGIA
DATE: 5.31.00
SCALE: 1" = 40'
9-125

F-299 H.W.P.

AREA = 0.97 ACRES (±)



NIF  
OMER W. FRANKLIN, JR.

NIF  
WALTER L. REHM, JR.



I HAVE EXAMINED THE F.I.R.M. CITY OF BERKELEY LAKE COMMUNITY PANEL NUMBER 130450 001 A - DATED DECEMBER 18, 1984 AND REFERENCED PROPERTY DOES NOT LIE IN A 100 YEAR FLOOD HAZARD AREA.

NOTE: RECORD DISTANCES IN PARENTHESIS

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED.

*Rick C. Busbee*

**BUSBEE SURVEYING CO.**  
DULUTH GEORGIA  
PH 497-9866 FAX 497-9881

SURVEY FOR:

DAVID L. BONDON

LOT 25 AND PART OF LOT 25-A	REVISIONS
SECTION 5 - BERKLEY LAKE SUBDIVISION	
PLAT BOOK 5 PAGE 180-A	
LAND LOT 289	
DISTRICT - 6 <sup>TH</sup>	CC REC/DLB
COUNTY - GWINNETT	DRAWN D/LB
STATE - GEORGIA	CHKD.
DATE: 5.31.00	JOB NO.
SCALE: 1" = 40'	91-125

DISC DLB-0001

