

AGENDA
CITY OF BERKELEY LAKE
PLANNING & ZONING COMMISSION
May 9, 2023 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

1. April 11, 2023

IV. OLD BUSINESS

1. PZV 23-02 – 498 Lakeshore Drive Variance to expand a non-conforming structure (Sec. 78-141) and increase the lot and building coverage by 11.2% and 3.2% respectively (Sec. 78-197 (10) and (11)) and reduce the side setback from 12.5 feet to 11.5 feet (Sec. 78-197 (7))

V. NEW BUSINESS

VI. CITIZEN COMMENTS

VII. DISCUSSION SESSION

VIII. ADJOURNMENT

**CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
PLANNING & ZONING COMMISSION
PRE-DRAFT MINUTES
APRIL 11, 2023
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Dan Huntington, Chair
 Pekka Ignatius, Vice-Chair
 George Kaffeazakis
 Rand Kirkus

City Administrator: Leigh Threadgill

Citizens Present: 4

I. CALL TO ORDER

Huntington called the meeting to order at 7:18 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. Kaffeazakis seconded and all voted to approve the agenda.

III. MINUTES

1. Minutes of March 21, 2023

Ignatius moved to approve the minutes of the March 21st meeting. Kirkus seconded and all voted to approve the minutes.

IV. OLD BUSINESS

1. PZV-23-02 – 498 Lakeshore Drive variance to expand a non-conforming structure (Sec. 78-141) and increase the building coverage by 7.2% (Sec. 78-197(11)).

Huntington noted that the applicant is not ready to proceed tonight.

Kaffezakis moved to continue the application to next month. Ignatius seconded the motion. All were in favor and the motion passed.

2. PZTA-23-03 - Amendment to Sec. 78-196, R-100 Permitted Uses, to adopt regulations regarding the raising of poultry.

Huntington noted that this was advertised and asked for any public comment, and there were no comments. The commission noted that at the last meeting when this was discussed there was consensus to reinstate the prior ordinance to prohibit poultry in the city.

V. NEW BUSINESS

1. PZV 23-04 – 3960 Peachtree Industrial Boulevard variance to reduce the front setback from 75 feet to 55 feet along North Berkeley Lake Road and from 75 feet to 65 feet along Peachtree Industrial Boulevard (Sec. 78-272(5)) and reduce the side setback from 25 feet to 10 feet (Sec. 78-272(7)).

Huntington recognized the applicant who introduced the project.

Michael Guobaitis, 255 Norcross St., stated that he was representing Mr. Lavassani who owns one of the retail spaces adjacent to the subject property. Guobaitis explained that Mr. Lavassani bought this vacant lot, Tract A, and expanded it by purchasing a portion of the other tract to develop an event space/wedding hall and wants to utilize as much of that empty space on tract A as possible. When you apply all the setbacks, it results in a lot of unbuildable space. Guobaitis reviewed the original site plan and noted that all the shops have been constructed and he believes all but two of the office buildings have been constructed. Originally a bank was proposed for the subject lot. When you look at the original site plan you can see the setback lines. At the time, the North Berkeley Lake right-of-way had not been widened. It appears that the setbacks were applied to property lines prior to adjacent roads being widened. Looking at the final plat, you can see that the road was widened and new property lines are shown and you can see how everything shifted, but the setback line didn't change on the final plat. The new setbacks cause the constraints. The goal with this application is to bring the building envelope in line with the original setback, which is why the curb/gutter and grass area are built where they are, based on the original setback line.

Kaffezakis asked about the orange construction flags at the site currently. The applicant responded that they were just trying to get an idea of the layout. Guobaitis noted that it is an odd-shaped space making it a little bit more difficult.

Kaffezakis further asked if the roads had not been widened, would the proposal be within the original setbacks. The applicant responded yes; they would adhere to the setbacks as measured from the property lines prior to the road widening.

There was discussion about the internal side setback standard. Threadgill noted that the original intent appeared to be to treat the entire development as one lot even if it was subdivided and sold off in the future. However, in consultation with the attorney it was determined that the best way to handle this was through the variance process. Guobaitis noted

that the applicant intends to add a sidewalk around the building and would not need a 0-foot setback.

There was discussion about potential impacts to the neighboring buildings. Guobaitis stated that the new building would line up with those already built in the development.

There was discussion regarding parking for the proposed use.

It was noted that the request seems to be necessitated by the widening of the roads after the original site plan was developed.

Kirkus moved to approve the requested variance PZV 23-04. Kaffezakis seconded the motion. All were in favor and the motion passed.

VI. CITIZEN COMMENTS

There were none.

VII. DISCUSSION

There was no further discussion.

VIII. ADJOURNMENT

There being no further business, Ignatius moved to adjourn. Kirkus seconded the motion. All voted in favor and Huntington adjourned the meeting at 7:43 PM.

Respectfully submitted,

Leigh Threadgill
City Administrator

**City of Berkeley Lake
Staff Analysis**

CASE NUMBER: PZV-23-02, 498 LAKESHORE DR.

RELIEF REQUESTED: EXPAND NON-CONFORMING STRUCTURE
INCREASING BUILDING COVERAGE TO 18.2% AND
LOT COVERAGE TO 41.2% AND REDUCING SIDE
SETBACK TO 11.5 FEET

EXISTING ZONING: R-100, RESIDENTIAL

PROPOSED USE: SINGLE FAMILY RESIDENCE

APPLICANT: MARTIN BRINTON
498 LAKESHORE DR
BERKELEY LAKE, GA 30096

OWNERS: MARTIN AND JANINE BRINTON
SAME AS ABOVE

MEETING DATE: MAY 9, 2023 P&Z COMMISSION

PROPOSED PROJECT:

The applicant proposes to expand the existing non-conforming house located at 498 Lakeshore Drive by 120 square feet. This expansion will result in an increase in the already non-conforming building coverage and lot coverage. In addition, the expansion will result in the eave overhang encroaching one foot into the side setback.

FINDINGS OF FACT:

- 1.) The existing house is located at 498 Lakeshore Drive on a 0.31-acre lot and was built in 1987 according to Gwinnett County property records.
- 2.) At 13,503 square feet, this lot does not meet the minimum lot size requirement of 28,050 square feet, and the existing house does not meet the rear setback standard nor the building coverage standard. Finally, the impervious areas on the lot do not comply with the lot coverage standard.
- 3.) Sec. 78-141 requires a variance to be issued for an extension or enlargement of a non-conforming structure.
- 4.) The applicant has proposed to add approximately 120 square feet to the front of the house.
- 5.) With the increase in building area, the lot coverage and building coverage, which are already non-conforming, will be increased and require a variance to Section 78-197 (10) and (11) respectively.

	Zoning Standard	Existing Condition	Proposed Condition
Lot Coverage	30%	40.2%	41.2%
Building Coverage	15%	17.12%	18.2%

- 6.) In addition to the need for a variance to allow expansion of a non-conforming structure and increases to the lot and building coverage standards, the proposed addition requires a one foot variance to the north side setback to accommodate the roof overhang of the proposed addition.
- 7.) The zoning ordinance requires a 12.5-foot side setback, inclusive of overhangs, and the proposed addition will be 11.5 feet from the north side property line.
- 8.) Properties to the north and south are zoned R-100 and the location of single-family residences. Lake Berkeley is adjacent to the west and the right-of-way of Lakeshore Drive is adjacent to the east.

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.*

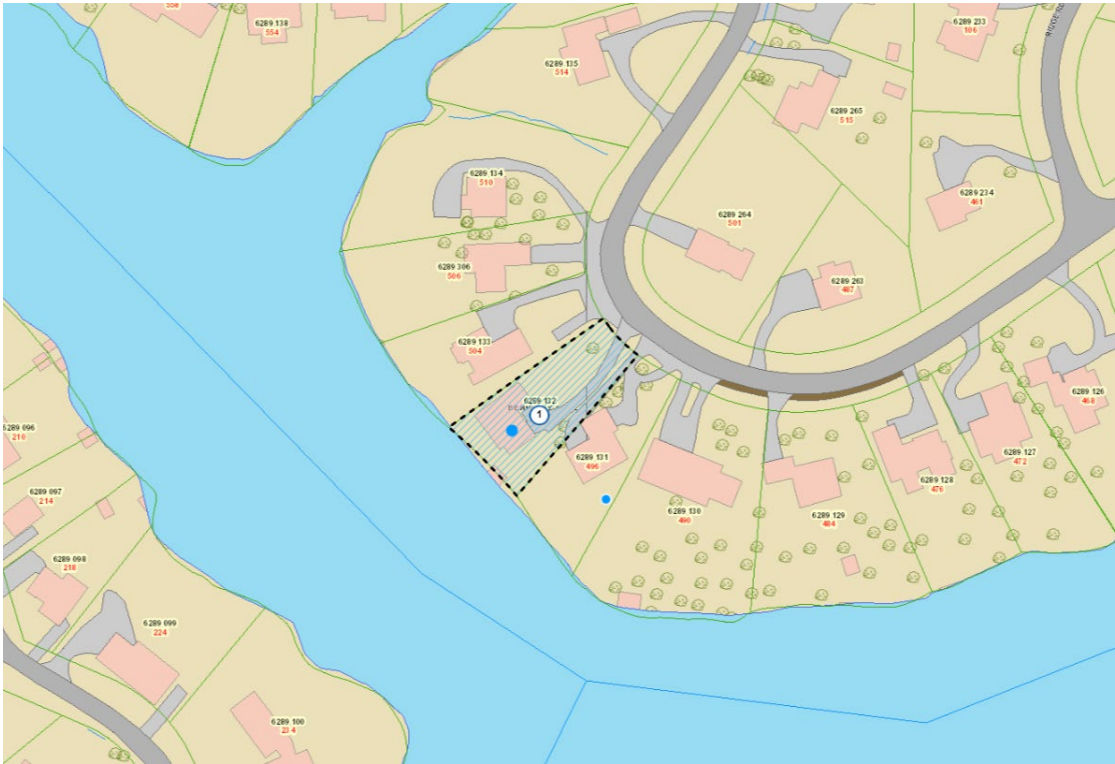
(1) *All applications for variances shall be submitted initially, in writing, to the planning and zoning commission of the city, which shall consider these requests at its next called meeting. The planning and zoning commission may authorize such variance from the terms of this zoning chapter as will 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 PHOTOS



LOCATION MAP



AERIAL PHOTOS





Application for Variance

For Office Use Only	
Application #:	V/AV <u>29-002</u>
Check #:	Cash: _____
Date Paid:	_____
P&Z hearing date:	_____
Action:	_____
Appeal filed:	_____
Council hearing date:	_____
Account 100.34.1390.2	
Variance App	\$ _____

Part 1: Applicant Information

APPLICANT IS: Owner Agent Attorney

NAME MARTY + JANINE BRINTON DATE 4-12-23

MAILING ADDRESS 498 LAKE SHORE DR

CITY BERKELEY LAKE STATE GA ZIP 30096

TELEPHONE 678 591 6741 MOBILE SAME FAX _____

E-MAIL MARTYBRINTON@YAHOO.COM

Part 2: Property Owner Information

NAME(S) SEE PART 1

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____ MOBILE _____ FAX _____

E-MAIL _____

Part 3: Property and Use Information

PROPERTY ADDRESS 498 LAKE SHORE DR PARCEL ID _____

PARCEL SIZE 0.313 Acres / 13504 SF ZONING _____

EXISTING USE R-100

I am requesting relief from code section 78-141 for the purpose of:

Add a 5x24' (120 SF) to END of GARAGE. Extension FOOTPRINT REMAINS WITHIN required setbacks. REDUCE side setback on North side by 1' - VARIANCE of 1' Allow impervious increase of 1.2% BLDG coverage increase of 1% SEPTIC TANK to FOUNDATION VARIANCE of 5' NO CHANGE IN CURRENT VARIANCE to rear setback.

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.

LOT AREA IS 13,504 SF AND COMPARED TO THE TYPICAL LOT THAT IS 28,000+ SF, % CALCULATIONS APPEAR/HAVE A LARGE VALUE BUT REPRESENT A SMALL AREA IN REAL SF.

2) Explain how the application of the ordinance to the subject property would create an unnecessary hardship. (2923 SF)

CURRENT LOT COVERAGE IS 17.12% (~~2923~~ SF). THE APPROVAL OF THIS REQUEST WOULD INCREASE LOT COVERAGE TO 18.2% (2,458 SF). IMPERVIOUS COVERAGE WILL INCREASE FROM CURRENT 40.2% TO 41.2% AN INCREASE OF 1.2%.

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

THE SHAPE OF THE LOT IS NARROW + PIE SHAPED. THE PROPOSED ADDITION'S CORNER OF ROOF OVERHANG WILL BE IN THE SIDE SETBACK NO MORE THAN 1 FT. THE COUNTY/CITY MINIMUM DISTANCE BETWEEN THE FOUNDATION AND WALL OF SEPTIC TANK IS 10'. THE PROPOSED ADDITION WILL BE 5 FEET. A VARIANCE OF 5 FT IS REQUESTED.

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

YES, ADDING 120 SF TO EXISTING GARAGE/STRUCTURE FOOTPRINT.

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 _____

[Handwritten Signature]

Date _____

4/12/23

Owner's Signature _____

[Handwritten Signature]

Date _____

4/12/23

April 12, 2023 Submission

498 Lakeshore Drive
Berkeley Lake, GA

Existing Site Plan Condition

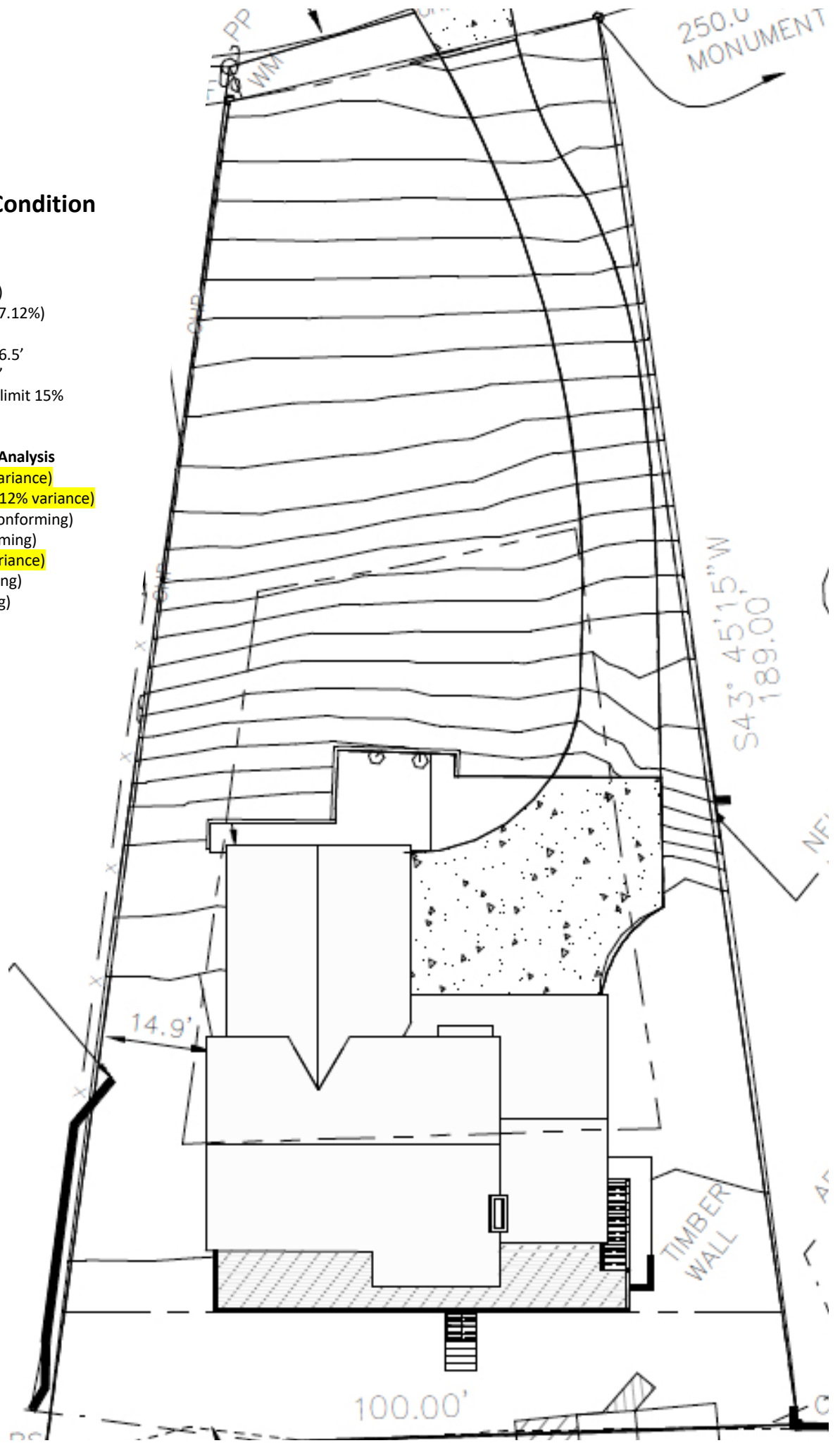
Scale 1":20'

Lot Area: 13,504 sf
Lot Coverage 5,428 sf (40.2%)
Building Coverage 2,323 sf (17.12%)

Structure height downhill = 36.5'
Structure height uphill = 27.5'
Applicable building coverage limit 15%

Building Code Conformance Analysis

- Lot Coverage 40.2% (10.2% variance)
- Building Coverage 17.12% (2.12% variance)
- Septic Sys rear setback 75' (conforming)
- Septic PL setback 5 ft (conforming)
- Rear setback 19.8 ft (20.2' variance)
- Side setbacks 12.5' (conforming)
- Front setback 65' (conforming)



April 12, 2023 Submission

498 Lakeshore Drive
Berkeley Lake, GA

Existing Site Plan Condition

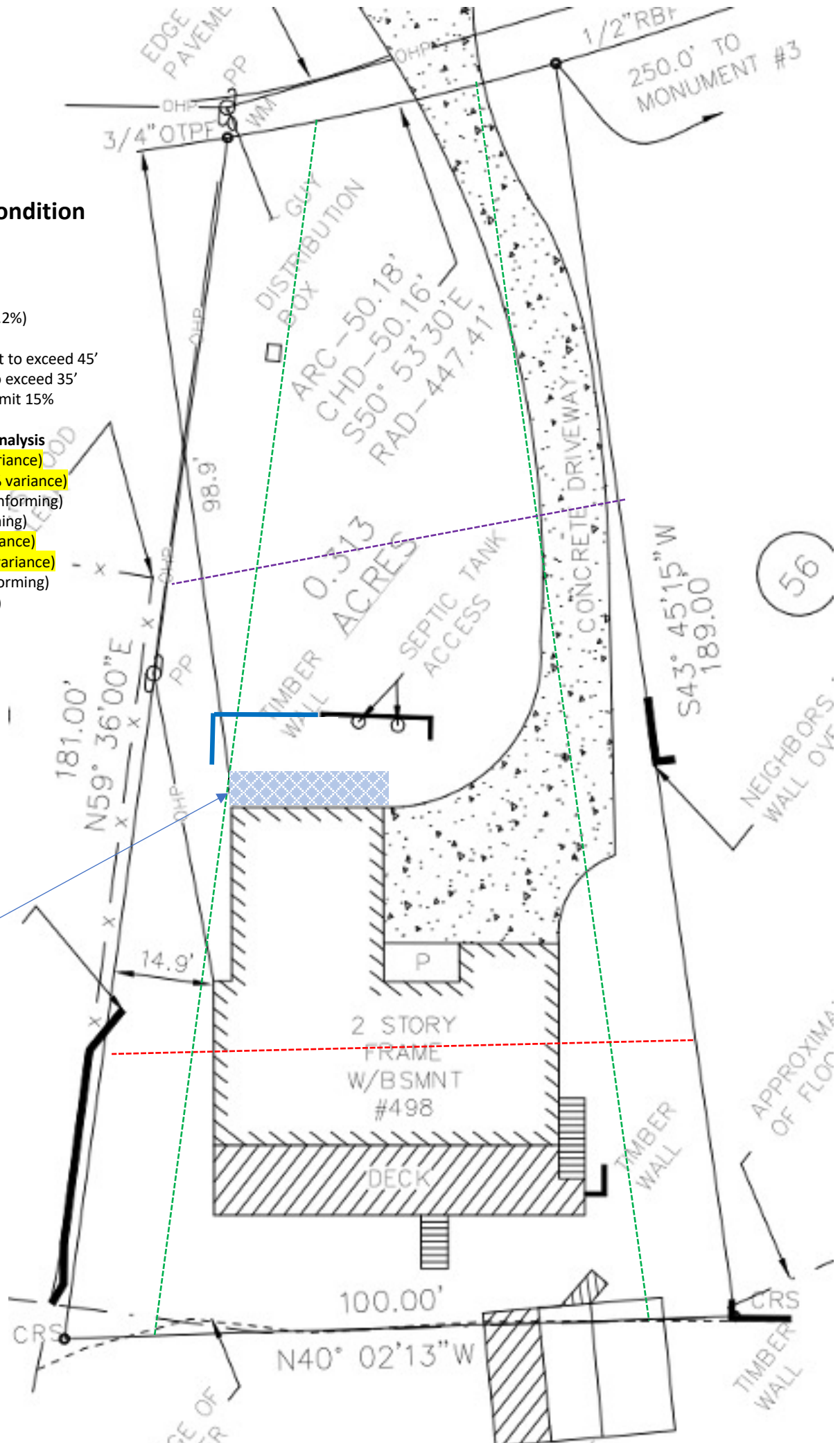
Scale 1"=20'

Lot Area: 13,504 sf
Lot Coverage 5,563 sf (40.2%)
Building Coverage 2,458 sf (18.2%)

Structure height downhill = not to exceed 45'
Structure height uphill = not to exceed 35'
Applicable building coverage limit 15%

Building Code Conformance Analysis

- Lot Coverage 41.2% (11.2% variance)
- Building Coverage 18.2% (3.2% variance)
- Septic Sys rear setback 75' (conforming)
- Septic PL setback 5 ft (conforming)
- Rear setback 19.8 ft (20.2' variance)
- North Side setback 11.5' (1 ft variance)
- South Side setback 12.5' (conforming)
- Front setback 65' (conforming)



Addition causes overhang on this corner to be within the 12.5 setback by 1 foot.