

**AGENDA**  
**CITY OF BERKELEY LAKE**  
**PLANNING & ZONING COMMISSION**  
**AUGUST 13, 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) July 9, 2024

**IV. OLD BUSINESS**

**V. NEW BUSINESS**

a) PZTA-24-06 – Amendment of Sec. 78-300 and 78-301 to clarify GC-A zoning regulations

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

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

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

**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  
JULY 9, 2024  
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members:                    Barbara Geier  
    Dan Huntington  
    Pekka Ignatius  
    Rand Kirkus

City Officials:                             Leigh Threadgill - City Administrator

Citizens Present:                         3

**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.

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

**III. MINUTES**

1. Minutes of February 13, 2024

**Kirkus moved to approve the minutes of the February 13<sup>th</sup> meeting. Ignatius seconded and all voted to approve the minutes.**

**IV. OLD BUSINESS**

There was no old business to discuss.

**V. NEW BUSINESS**

a) PZV24-05, 4470 Peachtree Lakes Drive, Variance to Sec. 78-141, expansion of non-conforming structure and Sec. 78-302, reduction of the side setback from 20 feet to 4 feet to allow construction of a side gazebo.

Huntington recognized the applicant to review the variance requests.

Jack Godfrey, owner of Greater Georgia Concrete, provided a brief history. He noted that the company was formed in 2013 and moved here in 2014. They bought property at 4500 Peachtree Lakes Drive and moved in 2015. The business has continued to grow and thrive, and they have run out of space. They purchased the adjoining property, 4470 Peachtree Lakes Dr., in December to accommodate the growing business, but the building was in disrepair. There is a good amount of cosmetic work needed on the building at 4470 Peachtree Lakes Dr. Since buying the building at 4500 Peachtree Lakes Dr., they have updated and upgraded it and want to replicate that same thought onto the new building. During the real estate transaction, the former owners did not disclose that the current building sits outside the boundaries of the setback. In the back lefthand corner, the building encroaches onto the setback. There was a temporary gazebo structure that was in disrepair, which has been removed. They would like to use the same space and upgrade it into a more permanent structure. In the process of moving forward, they came up with a design that is a big upgrade. There are two versions. One with the gazebo and one without it. The gazebo is desirable but not a mission critical space. The neighbors at the Korean Church next door are supportive of the addition. (Mr. Godfrey distributed a letter from the neighbors in support). They see that they are making a large investment. Godfrey estimated they will invest about half a million dollars in upgrading the building to improve the curb appeal. There are really two issues. The first is they are adding a soffit wrap, consistent with the current building at 4500 Peachtree Lakes Dr., and portico out front. The soffit, about two thirds back, jumps the setback by about two feet and they would like to have approval on that.

The second issue is to add the side gazebo, which is a more significant setback encroachment, but they would like to have it because it gives the building more curb appeal.

Godfrey provided information about the Greater Georgia Concrete company.

Ignatius asked for clarification on the gazebo and whether that is just a roof over the side door.

Geier asked the purpose of the side gazebo and whether cars would drive through that area.

Godfrey explained there is a concrete pad there that was formerly covered with a temporary cloth-like awning. It may have been a break area. The awning was dilapidated and has been removed. Greater Georgia Concrete intends to use it as a recreational area. This may be a side social area, but not for vehicle traffic. They may have a cookout there or cornhole tournament. It would be a good space for special occasions. They will not be out there continuously.

There was discussion about the location of the current HVAC units that are located in the vicinity of the proposed side gazebo.

Huntington noted that he is typically sensitive to side setbacks, but usually that is in a residential area. After visiting the site, he believes the side gazebo addition will make the building more attractive.

There was discussion about a tree that is generally in the area of the proposed gazebo which Godfrey stated is to remain.

Ignatius asked how usable the area would be given the location of the HVAC units. Godfrey explained the HVAC units are on the street side of the pad location and would not interfere with the gazebo.

There was further discussion.

Ignatius asked to clarify if the temporary awning was in the same footprint as the proposed permanent structure. Godfrey stated that it is proposed to be in the same footprint.

**Kirkus moved to approve the variance to Sec. 78-141 to make a conforming change to a non-conforming structure and to reduce the side setback from 20 feet to 4 feet along the east side property line in accordance with the plans presented. Geier seconded the motion. All were in favor and the motion passed.**

#### **VI. CITIZEN COMMENTS**

There were no comments.

#### **VII. DISCUSSION**

There was no discussion.

#### **VIII. ADJOURNMENT**

**There being no further business, Kirkus moved to adjourn. Ignatius seconded the motion. All were in favor. Huntington adjourned the meeting at 7:41 PM.**

Respectfully submitted,

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Leigh Threadgill  
City Administrator

## Administrative Variance Approval Report

This report is made pursuant to Sec. 78-367(b)(3), which requires administrative variances to be reviewed and recorded into the minutes of the next called Planning & Zoning Commission Meeting

1.) AV-24-02, 766 Lakeview Lane

Conforming change to non-conforming structure to expand a front porch

- The property is non-conforming with regard to side setbacks
- The porch expansion complies with all setbacks, building coverage and lot coverage

2.) AV-24-03, 586 Lakeshore Drive

12-month extension of expiring variance, now set to expire in March of 2025

- The original variance was set to expire on 3/21/24
- The applicant requested a one-year extension as authorized by Sec. 78-367(a)(3)

3.) AV-24-04, 3695 N Berkeley Lake Rd

Conforming change to non-conforming structure to build a roof over a front stoop

- The property is non-conforming with regard to front setback
- The area of the front stoop is recessed from the front of the house and meets the front setback
- The alteration complies with all setbacks, building coverage and lot coverage

**City of Berkeley Lake  
Staff Analysis**

CASE NUMBER:	PZTA-24-06, O-24-253
CODE SECTIONS:	78-300 and 78-301
PURPOSE:	GC-A REGULATION CLARIFICATION
MEETING DATE:	AUGUST 13, 2024 P&Z COMMISSION

**PURPOSE:**

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The City Attorney prepared the suggested amendments to clarify the regulations pertaining to properties within the GC-A zoning district.

**BACKGROUND:**

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The intent upon annexation was to bring forward the zoning regulations governing the annexed properties in existence immediately prior to annexation. However, in a recent review of the ordinance verbiage, the original intent was not clearly captured and thus the language needs clarifying. This amendment will ensure that the underlying zoning regulations, in addition to any property-specific zoning regulations, in place at the time of annexation apply to the subject GC-A properties. Staff along with TSW, the consultant team working to update the city's zoning and development regulations, are evaluating alternatives to relying on outdated regulations.

ORDINANCE NO. 24-253

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO AMEND CHAPTER 78. “ZONING,” SECTIONS 78-300, REGULATION OF LANDS IN THE GC-A ZONING DISTRICT, AND 78-301, DEVELOPMENT OF PROPERTIES IN THE GC-A ZONING DISTRICT, TO CLARIFY UNDERLYING ZONING STANDARDS APPLICABLE TO PROPERTIES WITHIN THE GWINNETT COUNTY – ANNEXED ZONING DISTRICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

SECTION I.

IT IS HEREBY ORDAINED, by the governing authority of the City of Berkeley Lake that Chapter 78 of the Code of Ordinances, entitled “Zoning,” shall be amended as follows:

- a. Subsection 78-300 shall be amended by deleting the title and text thereof in its entirety and inserting in lieu thereof the following:

78-300 Regulation of lands in the GC-A zoning district.

Any properties zoned Gwinnett County-Annexed (GC-A) as shown on the official zoning map, unless otherwise specifically approved by the Berkeley Lake mayor and city council, shall be subject to the property-specific conditions of zoning or special use permit approval, or both, adopted by the Gwinnett County Board of Commissioners by resolution which applied to said properties at the time they were zoned, or the special use was permitted, in unincorporated Gwinnett County immediately prior to annexation. The official Gwinnett County zoning and special use permit files of properties so annexed shall become official files of the City of Berkeley Lake and shall be maintained by the city clerk, and said conditions of zoning or special use approval, or both, adopted by the Gwinnett County Board of Commissioners as adopted and applied by the City of Berkeley Lake, shall constitute the zoning regulations governing said properties. Further, and properties zoned Gwinnett County – Annexed (GC-A) as shown on the official zoning map shall be subject to those provisions of the zoning district of Gwinnett County’s Zoning Resolution which applied to the property immediately prior to annexation.

- b. Section 78-301 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-301. Development of properties in the GC-A zoning district.

Properties in the GC-A district shall be developed and used consistent with those uses permitted in the Gwinnett County zoning district classification which applied to the property immediately prior to annexation. Properties in the GC-A district shall continue to enjoy the use or uses specifically conferred by formal zoning or special use permit action of the Gwinnett County Board of Commissioners immediately prior to annexation. Development of any properties zoned GC-A on the effective date of this Zoning Ordinance shall comply with the following:

- (1) The property-specific conditions of zoning adopted by the Gwinnett County Board of Commissioners in a property-specific rezoning action by resolution and which were in effect for said property when in unincorporated Gwinnett County immediately prior to annexation.
- (2) The property-specific conditions of special use approval adopted by the Gwinnett County Board of Commissioners in a property-specific special use permit action by resolution and which were in effect for said property when in unincorporated Gwinnett County immediately prior to annexation.
- (3) Any modification of zoning or special use permit conditions granted by the Gwinnett County Board of Commissioners by official action which are part of the official Gwinnett County files for said property on record with the city clerk.
- (4) Any property-specific variances granted by the Gwinnett County Board of Zoning Appeals and which are a part of the official Gwinnett County files for said property on record with the city clerk.
- (5) Any property-specific modification of zoning or special use permit conditions approved by the Berkeley Lake mayor and city council through formal action at a regular meeting prior to the effective date of this Zoning Ordinance, on record with the city clerk.
- (6) In reviewing a development proposal for compliance with the zoning regulations of the GC-A zoning district, questions may arise as to what other additional dimensional requirements or use regulations apply. In certain cases, the city clerk may not be able to resolve such questions by relying on the zoning or special use permit conditions and any applicable variances or modification of said conditions alone. For example, a building on a site plan approved as a condition of zoning or special use permit approval may not be shown with enough specificity to determine the maximum building height or setbacks that apply to the proposed building. As another example, questions may arise as to whether the use provisions allow for an accessory building, structure, or use on the subject property that is not shown on the site plan approved as a condition. In such instances where questions about development permissions cannot be resolved by applying the above provisions (a) through (e) of this section, the city clerk shall apply regulations of the Berkeley Lake zoning district established in this



Zoning Ordinance which most closely resembles the zoning district of Gwinnett County’s Zoning Resolution which applied to the property immediately prior to annexation, as more particularly shown below:

Gwinnett County Zoning District	Berkeley Lake Zoning District Which Shall Apply When Questions Arise Under Terms of this Section as They Relate to Dimensional Requirements and Accessory Buildings, Structures, and Uses
M-1, Light Industry	M-1, Light Industrial
M-2, Heavy Industry	M-1, Light Industrial
C-1, Neighborhood Business	C-1, Neighborhood Business
C-2, General Business	C-1, Neighborhood Business
O-I, Office – Institutional	O-I, Office - Institutional
R-ZT, Single-Family Residence	R-100, Single-Family Residence
R-100, Single-Family Residence	R-100, Single-Family Residence

(7) *Exceptions.*

- (a) Notwithstanding any provision of the Peachtree Corners Overlay District, as established by the Gwinnett County Zoning Resolution, to the contrary, inflatable and temporary signage in conformance with Chapter 62 of this Code shall be allowed.

SECTION 2:

Should any article, section, subsection, paragraph, clause, phrase or provision of this ordinance be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

SECTION 3:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall be effective upon adoption.

Passed and adopted by the Mayor and Council on this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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LOIS D. SALTER  
Mayor

ATTEST:

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LEIGH THREADGILL  
City Clerk

Planning Commission  
Consideration: August 13, 2024

1<sup>st</sup> Reading: August 22, 2024

2<sup>nd</sup> Reading: September 19, 2024

Council Adoption: September 19, 2024

DRAFT