

**AGENDA**  
**CITY OF BERKELEY LAKE**  
**PLANNING & ZONING COMMISSION**  
**MARCH 11, 2025 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) January 14, 2025
- IV. OLD BUSINESS**
  - a) Election of Chair
  - b) Election of Vice Chair
- V. NEW BUSINESS**
  - a) PZV-25-01 – 540 Lakeshore Drive variance to Section 78-89(g)(3) to build a boathouse closer than 75 feet from the opposite shore
  - b) Report on Administrative Variance Approval AV-24-07 – 3960 Peachtree Industrial Blvd
  - c) Report on Administrative Variance AV-24-08 – 3762 Frederica Rd
  - d) Report on Administrative Variance AV-25-02 – 600 Hilltop Ln
- 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  
JANUARY 14, 2025  
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members:

Barbara Geier  
Dan Huntington  
Rand Kirkus

City Officials:

Leigh Threadgill - City Administrator

Citizens Present:

12

### **I. CALL TO ORDER**

Huntington called the meeting to order at 7:21 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. There was a consensus to accept the agenda as submitted.

### **III. MINUTES**

1. Minutes of December 10, 2024

**Geier moved to approve the minutes of the December 10<sup>th</sup> meeting. Kirkus seconded and all voted to approve the minutes.**

### **IV. OLD BUSINESS**

There was no old business to discuss.

### **V. NEW BUSINESS**

- a) PZV-24-10, 4245 South Berkeley Lake Road – Variance to Sec. 78-197(11) increase the building coverage from 15% to 19.98%**

Huntington recognized the applicant and asked if they would like to provide any additional information about the application.

Millard Bowen, 10665 Big Canoe for property at 4245 S. Berkeley Lake Rd., explained he is trying to build a house to be close to their children that will accommodate family gatherings. They sold the last house that was suitable for that, and they can't duplicate that house. They have 22 in their family, and to enjoy Christmas and all the holidays and birthdays, they want to build here.

Huntington asked if there were any questions from the commission.

Kirkus asked about the inability to build a basement. Bowen responded that the lot isn't conducive to a basement. With basements, there are steps.

Geier asked if Bowen was a builder and developer. Bowen responded he was. Geier asked when the lot was purchased. Bowen answered that his wife bought the lot, and it was at least three years ago and there have been renters there. Geier asked why they bought a lot that was not supportive of the house that they wanted to build. Bowen responded he wasn't aware of the ordinance and the lot narrows in the back. It's wide at the front but narrows towards the back. He stated he has built houses for 50 years, but never in a city with this kind of ordinance (building coverage). He admitted he hadn't done enough research. Unfortunately, the house they want doesn't meet the city's requirements. He stated that he will build a nice home of which the community would be proud.

Huntington asked more about the basement and why they can't make that work. Bowen responded that you can always build a basement but at this point he doesn't want a home with a basement. Blake Bowen responded that her brother, who is the engineer on the project, said a slab worked out better with the lot. A full daylight basement isn't possible.

Huntington discussed the concept of a hardship. Everyone wants what they want. Not to get it isn't the hardship. There was more discussion about the possibility of a basement.

Threadgill explained that the difference in height between a single story with a basement as opposed to a two-story home does impact the building coverage requirement. If under 25 feet in height, the building coverage allowance is 20%. If the structure exceeds 25 feet, then the building coverage allowance is 15%. Threadgill explained the history of the building coverage standards and the intent as she understood it, which was to make sure that structures fit with the scale of the property for the preservation of viewshed. A lower profile home was given additional horizontal space because there is less vertical obstruction.

Huntington opened the public hearing for citizen comments.

Bill Lacy, 147 Lakeshore Drive, adjoins the subject property for 111 feet at the rear. He acknowledged it is a beautiful home that would be a good addition to the community, but his concern is the runoff and how that is going to be controlled. A lot of the trees have been

removed, and the reduction in mature trees causes concern. This may be controlled by planting trees and shrubs to help control the water. There are a number of lots that could be impacted by the runoff. He indicated he is happy with the house and size. It's just the runoff concern.

Louis Young, 4265 S. Berkeley Lake Rd., is also concerned about runoff. He already has runoff problems and a gully behind his house. The trees on his lot are affected by how soft the soil is. His trees will be affected by additional runoff. He already has gutters around his lot to help control runoff. It would be nice for the developer to talk about how he plans to prevent additional runoff which didn't seem to be included in the plans. That would be helpful in knowing whether this should be approved.

Bill Lyons, 127 Lakeshore Dr., is down the hill from Bill Lacy. There are already runoff issues. He noted that he spent significant money when he bought his house to put in systems to control runoff. He is concerned that there haven't been engineering studies on the impact of this. He believes this will contribute to the runoff issue. He would like to see the engineering analysis about the runoff impact.

Mark Miller, the applicant's contractor, indicated that they will be installing underground retention. Every downspout will be hard piped to that underground tank which will eliminate the roof water.

Kirkus asked where the water will go from there. Miller responded the tank can be perforated to allow the water to leach out into the yard, or it can be a storage tank and the water can be repurposed for irrigation or other purposes. Miller has done it both ways. The engineer will draw the plan for the city's review.

Kirkus asked if the tank has been located on the plan. Miller said it has not. The engineer will have to do the calculations to determine pipe sizes.

Huntington asked about the tank size. Miller said that it would depend on the engineering. There was further discussion about the tank design and location.

Kirkus referenced the public comments and asked Bowen what responsibility he has to protect his neighbors and whether he was willing to do more than what Miller suggested. Bowen responded that his son is the project engineer and will design the system. He also noted that he can't keep spending money but will have a set of drawings prepared. Blake Bowen added that they were aware that stormwater management is required but that they didn't want to engineer it yet in case the plans change which would result in the change in design for the stormwater management system.

There was further discussion about the stormwater requirements.

Geier asked how much the roof print would need to shrink to meet the 15% building coverage requirement. Blake Bowen stated that it's about 1000 square feet that would need to be lost from the roof area. There was further discussion.

Kirkus asked what modifications have been discussed with the architect to meet the code. Blake Bowen stated they haven't talked about changing the plans yet.

Huntington asked about the origin of the building coverage standard. Threadgill stated that she had tried to research this and determined that it was in part due to address McMansions. There was further discussion about the standard and whether a hardship had been met to warrant a variance.

Huntington noted that he did not think that a hardship had been demonstrated, that wanting a 4200-square-foot main floor and 3-car garage is difficult to call a hardship. There was further discussion and consensus that the threshold for a hardship had not been met.

**Geier moved to deny PZV 24-10. Kirkus seconded the motion. All were in favor and the motion passed.**

Bowen expressed his appreciation for the commission's consideration.

#### **b. Election of Chair**

There was discussion to wait on this to determine if there was any specific interest in the chair and vice chair positions.

**Huntington made a motion to continue the election of chair and vice chair until the next meeting. Kirkus seconded. All were in favor and the motion passed.**

#### **c. Election of Vice Chair**

See above.

#### **d. Appointment of Secretary**

**Geier moved to appoint Leigh Threadgill as secretary. Kirkus 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. Geier seconded the motion. All were in favor. Huntington adjourned the meeting at 7:58 PM.**

Respectfully submitted,

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Leigh Threadgill  
City Administrator

DRAFT

**City of Berkeley Lake  
Staff Analysis**

CASE NUMBER:	PZV-25-01, 540 LAKESHORE DR.
RELIEF REQUESTED:	REDUCTION IN THE REQUIRED DISTANCE FROM OPPOSITE SHORE FROM 75 FEET TO 31.5 FEET
EXISTING ZONING:	R-100, SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	BOATHOUSE
APPLICANT:	BARRY NEWTON 540 LAKESHORE DR. BERKELEY LAKE, GA 30096
OWNER:	SAME AS APPLICANT
MEETING DATE:	MARCH 11, 2025 P&Z COMMISSION

**PROPOSED PROJECT:**

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The applicant intends to rebuild a dock and add a cantilevered roof that will be 31.5 feet from the opposite shore as opposed to the required 75 feet per Section 78-89(g)(3). The dock itself will be 41.25 feet from the opposite shore (33 feet from the boathouse across the cove), which is the same distance it was before being damaged and demolished.

**FINDINGS OF FACT:**

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- 1.) There was formerly a dock in the same footprint as proposed which recently sustained damage from a fallen tree. The applicant removed the damaged dock and has proposed building back in the same place but seeks to add a cantilevered roof to cover his boat.
- 2.) As staff understands it, the purpose of cantilevering the roof is to leave as much navigable water as possible in the narrow cove where the property is located. However, unless in use, the boat for which the roof is being built to provide cover occupies the under-roof area.
- 3.) The proposed roof will cover not only a portion of the dock and boat, but also a freestanding deck on the shore connected to the dock. The total roof area is 675 square feet.
- 4.) The breakdown of structure along the shore is as follows:
  - a. 526.29 square feet of dock/boathouse in the water (244.29 sf open water under roof / 282 sf dock)
  - b. 539 square feet of deck along the shore on land
  - c. 1,065.29 total square feet of structure (decking/dock/boathouse roof)

- d. Under roof is approximately 430 square feet of deck/dock (285 sf deck and 145 sf dock) and 245 square feet of water for boat parking
- 5.) At a distance of 15.33 feet from the natural shoreline, only 5.75 feet of which is dock, the majority of the extension into the lake is the proposed cantilevered roof. At its closest point, the proposed roof (which is 10 feet above water level) is 23.5 feet from the nearest boathouse.
- 6.) The proposed dock/boathouse meets setback requirements, size requirements and height requirements, but the cove in this location is approximately 45 feet wide. There is no way to meet the separation from opposite shore requirement in this location.
- 7.) A similar variance request was submitted in 2005, but the variance was never granted and doesn't appear to have been discussed in the planning and zoning commission minutes around the time of application submission.
- 8.) Properties to the east and west are zoned R-100 and the location of single-family residential uses. The right-of-way of Lakeshore Drive is located to the north, and Lake Berkeley is adjacent to the south.

#### STANDARDS FOR APPROVAL:

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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:

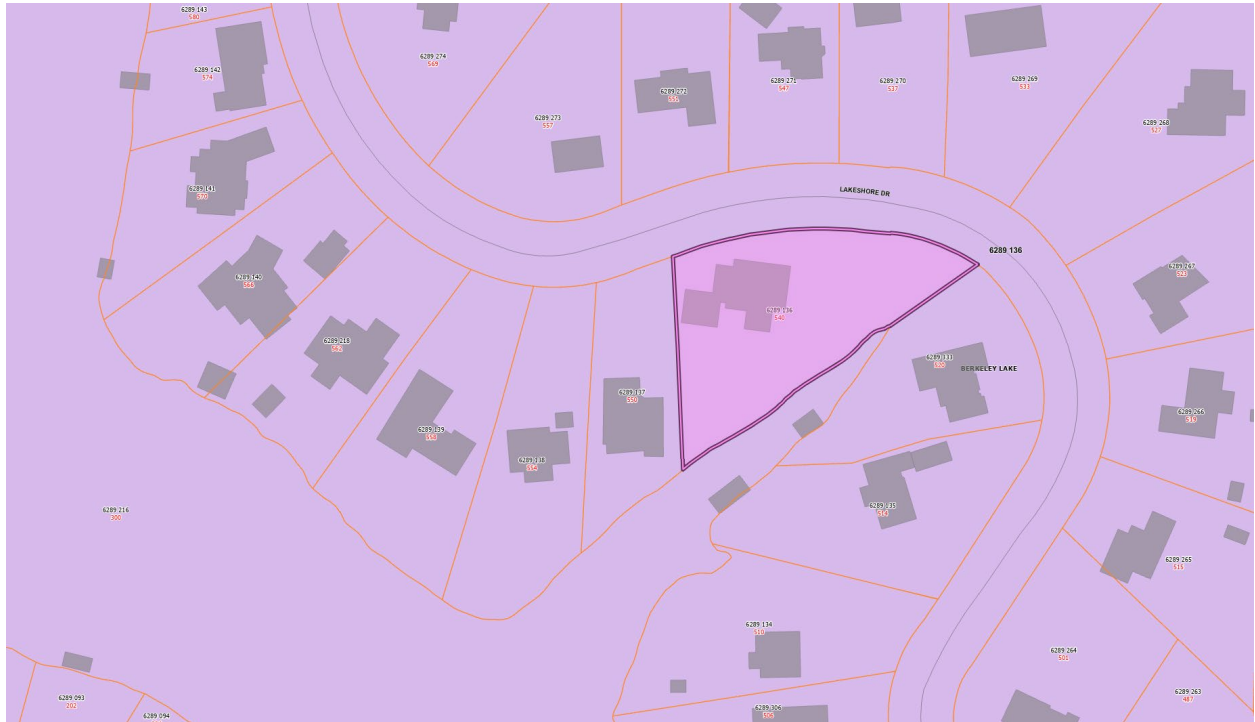
a) *Applications for variances.*

*(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:*

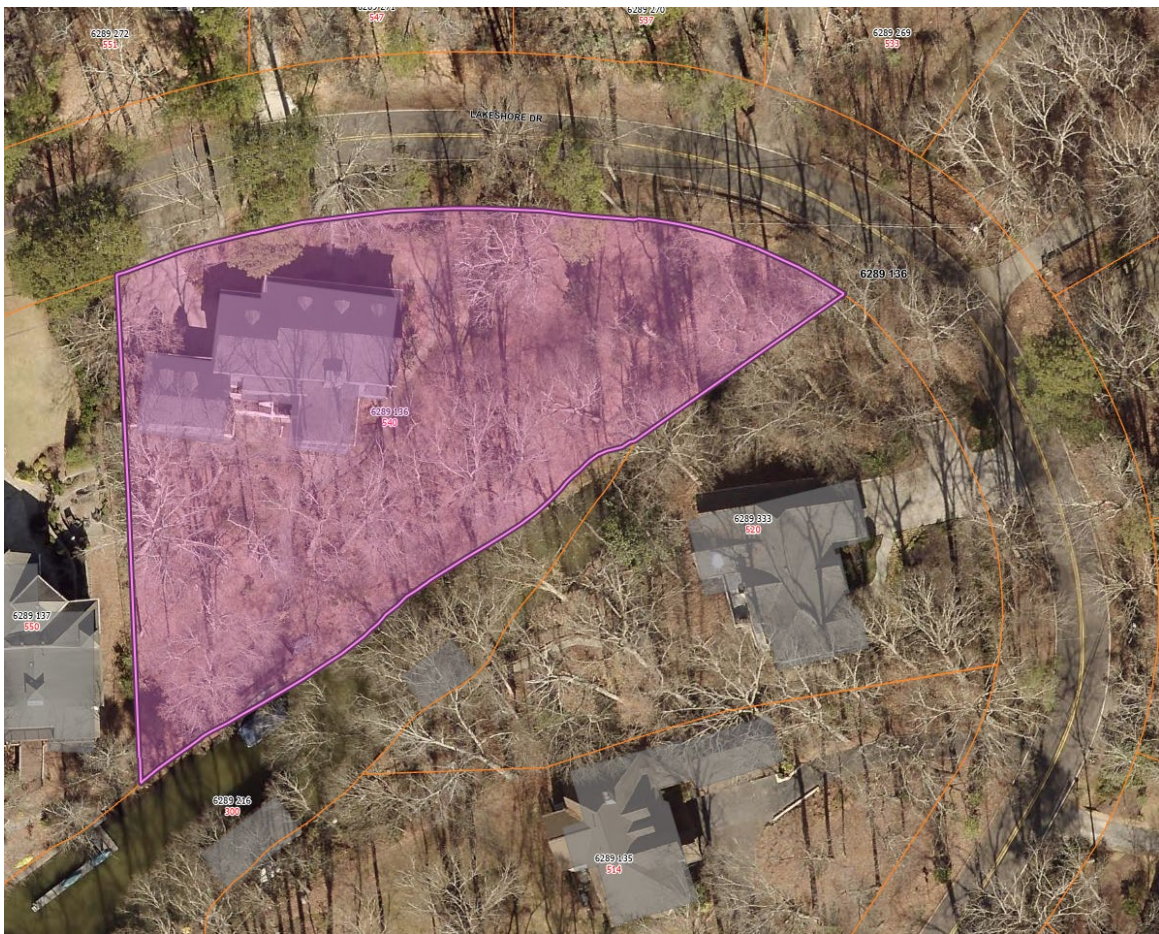
- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and*
- b. The application of this chapter to this particular piece of property would create an unnecessary hardship; and*
- c. Such conditions are peculiar 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.*



# LOCATION MAP



# AERIAL PHOTO



# BARRY NEWTON

CITY OF BERKELEY LAKE

BARRY NEWTON

**540 Lakeshore Drive  
Berkeley Lake, GA 30096  
Barry@newton.org  
770-294-6876**

January 6, 2025

I'm requesting a variance to rebuild my dock which was destroyed by a fallen tree. I'm also requesting authorization to add a roof structure to the dock.

The planned dock will be slightly smaller than the one it replaces, but essentially identical. The old dock was non-conforming due to being too close to the far shore, but in our cove, it is not possible to meet the requirement. The new dock will be no more non-conforming than the one it replaces.

The planned roof structure will cover part of the dock and the area where I park the boat. It will not require supports in the lake more than what is already needed for the dock. It will be closer to the far shore but only at 10' above the water. It will not hinder navigation or make the cove more narrow for boats to pass.

Sincerely,

Barry Newton



# Application for Variance

For Office Use Only	
Application #:	V/AV 25-01
Check #:	1038
Cash:	
Date Paid:	1/15/2025
P&Z hearing date:	3/11/2025
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 Barry Newton DATE January 6, 2025

MAILING ADDRESS 540 Lakeshore Drive

CITY Berkeley Lake STATE GA ZIP 30096

TELEPHONE 770-294-6876 MOBILE 770-294-6876 FAX \_\_\_\_\_

E-MAIL barry@newton.org

## 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 540 Lakeshore Drive PARCEL ID R6289 136

PARCEL SIZE 0.6 acre ZONING R-100

EXISTING USE Single family residential

I am requesting relief from code section 78-89 (g) (3) for the purpose of:

Rebuilding a dock and adding a roof

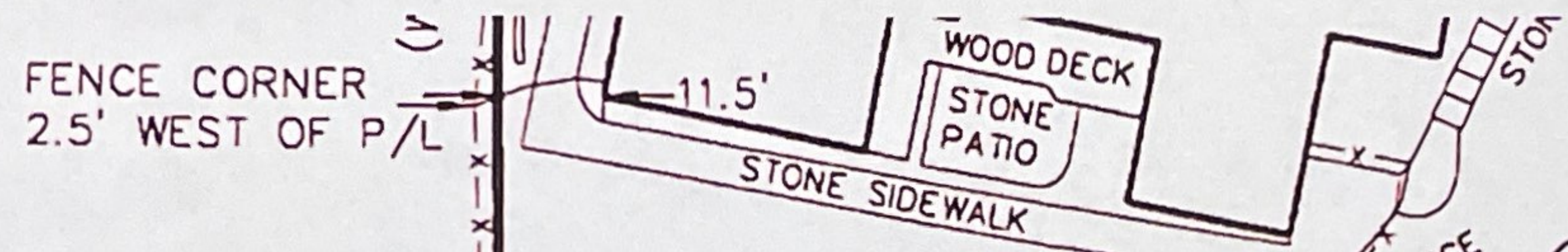
**NOTICE: The granting of a Variance does not affect any requirement for a Building Permit for proposed construction.**

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







FENCE CORNER  
2.5' WEST OF P/L

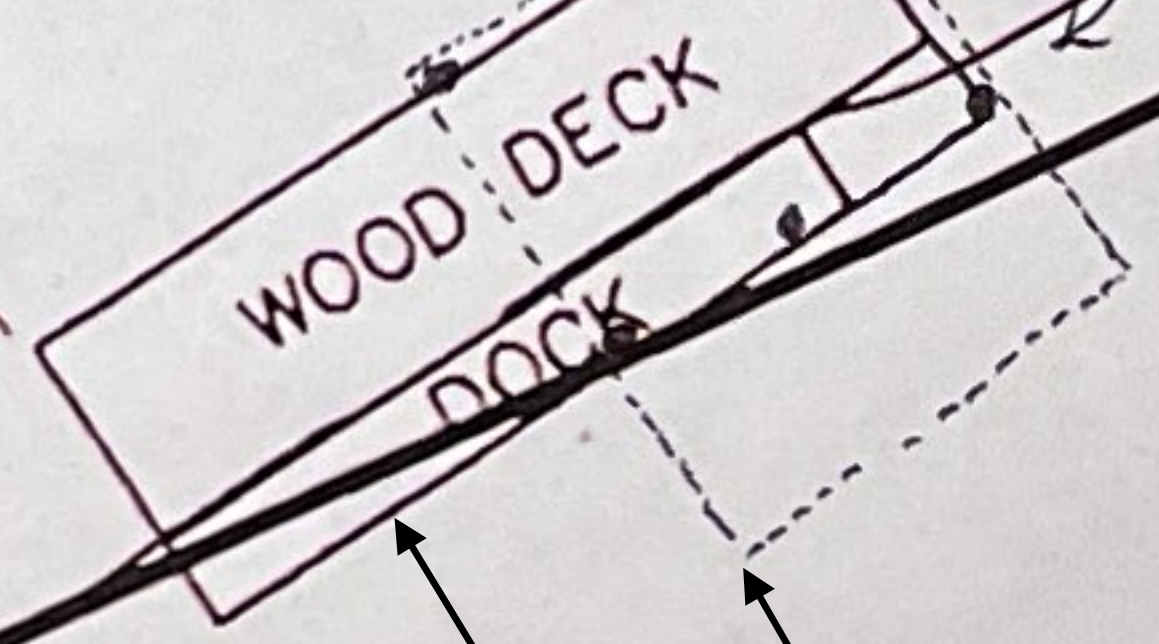
63

62

WOOD / WIRE FENCE  
N00°23'59"W

RBF  
0.2' NORTH

OTF



Supports

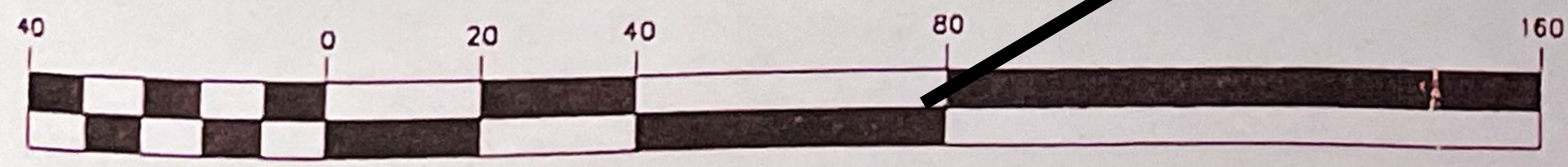
(249.0' P)  
234.78'(M)  
S64°46'49"W

Proposed  
roof  
outline

BERKELEY LAKE

Cantilever support -  
no supports in the lake  
beyond the dock needed.

GRAPHIC SCALE





## 540 Lakeshore Dr. Variance Request

- (1) Shall not extend more than 25 feet into the lake from the natural shoreline; **approx. 6' for the dock, 9.5' for the roof**
- (2) Shall have a minimum setback of 12.5 feet from the side lot line(s) as projected into the lake; **closest point of the deck from property line is approx. 20'**
- (3) Shall be at least 75 feet from the opposite shore, as measured from the closest point of the boathouse or dock to the opposite shore; **not possible to comply, request variance**
- (4) Shall not exceed 14 feet in height measured from the mean water level; **roof to be 14' at shoreline**
- (5) Shall be limited in size to a total or combined gross square footage, including the area of the boat slip, of 875 square feet; **871 square feet, no boat slip**
- (6) Shall be limited to a total or combined roof area of 675 square feet; **675 square feet**
- (7) Shall not have an area enclosed on two or more sides with any material including, but not limited to, screening and glass; except that an enclosed area no greater than 100 square feet is permitted. **not to be enclosed**

