

**CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
PLANNING & ZONING COMMISSION MEETING
FINAL MINUTES
February 23, 2021
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Dan Huntington
 Pekka Ignatius
 George Kaffezakis
 Rand Kirkus

Deputy City Administrator: Leigh Threadgill

Citizens Present: 1

I. CALL TO ORDER:

Chairman Huntington called the meeting to order at 7:15 PM. A quorum was present. Deputy City Administrator Leigh Threadgill and one member of the public were also present.

Huntington: *Our meeting is being held tonight by public conference call due to COVID-19 virus social distancing requirements. The Planning & Zoning Commission members are participating in the call with video capabilities in case anyone wonders how I am interpreting their voting tonight. In order to ensure that members of the public have access to this meeting, an advertisement was placed in the newspaper of record for Gwinnett County; a notice was placed at the front door of city hall; and a link was placed on the city website regarding the meeting. All of which included instructions for dialing into the meeting via telephone. For any members of the public in attendance, please dial star-six to mute your line to prevent ambient noise if you are not speaking as part of the meeting. To un-mute your line to speak, press star-six again.*

II. APPROVAL OF OR CHANGES TO THE AGENDA

Huntington asked if there were any changes to the printed agenda. There were none. **Kaffezakis moved to approve the agenda. Ignatius seconded. All were in favor.**

III. MINUTES

1. Minutes of January 12, 2021

Ignatius moved to approve the minutes of the January 12th meeting. Kirkus seconded and all voted to approve the minutes.

IV. OLD BUSINESS

There was no old business to discuss.

V. NEW BUSINESS

1. PZV 21-03, 186 Lakeshore Drive, Applicant/Owner Steve and Eileen Hangartner request relief from the following:
 - (a) Section 78-89 (g)(2) of the Zoning Ordinance to reduce the side setback as projected into the lake from 12.5 feet to 0 feet; and
 - (b) Section 78-89(g)(3) of the Zoning Ordinance to reduce the required distance from the opposite shore from 75 feet to 63 feet.

The applicant was recognized to introduce the application. Hangartner offered to elaborate on anything the commission members may have questions about.

Huntington reminded the commission that historically we have talked about reasonable expectations for certain things as property owners in Berkeley Lake. For example, there is a reasonable expectation to have a garage.

Kaffezakis asked to confirm that there is no swim platform currently. Hangartner stated that is correct. There is just a seawall.

Kaffezakis asked what is currently non-compliant. Hangartner stated that the existing boathouse is grandfathered, non-conforming. It doesn't meet the 75-foot offset. Threadgill continued that the existing boathouse is completely enclosed and is 300 square feet in area. The ordinance limits a boathouse enclosure to 100 square feet. In addition, the lot where the boathouse is located, 198 Lakeshore Drive, has another boathouse which is 852 square feet in area. Each lot is limited to no more than 875 square feet of dock/boathouse structure; therefore, the amount of dock/boathouse area on 198 Lakeshore Drive is non-conforming because it exceeds 875 square feet.

Kaffezakis asked if the proposed construction would make the existing boathouse larger and result in a further extension into the lake.

Hangartner stated that the existing structure is not really a boathouse. The new boathouse will be over the footprint of the current structure but will extend another eight feet out into the cove.

Kaffezakis asked what additional variances might be needed to accomplish the project. Threadgill stated that in addition to the side setback and the opposite shore offset, a variance will be needed to allow the overage of the total amount of dock/boathouse area on 198

Lakeshore Drive. The need for this last variance was discovered through the course of researching the application.

Ignatius asked if the proposed boathouse is enclosed. Hangarter stated that it is not. Ignatius further stated that the new structure is less imposing from a visual standpoint because even though larger, it doesn't have walls obstructing the view.

There was further discussion about the presence of two boathouses at 198 Lakeshore Drive, one serving 186 Lakeshore Drive. Ignatius acknowledged that if each boathouse complies with the size limitations, and one serves 198 Lakeshore Drive and one serves 186 Lakeshore Drive, then that is alright if there is a way to ensure that a third boathouse is not allowed.

There was discussion about the 99-year land lease and discussion about the location of the new boathouse and swim platform.

Kaffezakis addressed the concept of expectations. It is reasonable to expect a boathouse. There have been several different variance requests for similar structures, some have been approved some denied, and each is unique. In this case there is a concern about the further extension into the lake and the impact on the viewshed.

Hangartner responded stating that this design was intended to minimize any further intrusion into the cove. There was further discussion about the size of the proposed boathouse.

Kaffezakis moved to approve request 1(a) to reduce the side setback from 12.5 feet to 0 feet. Kirkus seconded. Kaffezakis and Kirkus voted in favor. Ignatius abstained. The motion passed.

Huntington suggested further discussion on 1(b) and to then combine the motions. There was further discussion.

There was discussion that the existing boathouse is taller than the proposed boathouse, but the exact dimension of the existing isn't known. Replacing the existing structure with the proposed may have the effect of reducing the visual intrusion.

Ignatius moved to approve the request, both 1(a) and 1(b), as presented in the application. Kirkus seconded the motion. Ignatius and Kirkus voted in favor. Kaffezakis voted in opposition. The motion passed.

There was further discussion about the need for a variance to increase the total square footage of dock/boathouse structure on 198 Lakeshore Drive.

Kaffezakis moved to approve the increase of the allotted square footage for dock/boathouse structures at 198 Lakeshore Drive in accordance with the plans submitted with the variance application and subject to the condition that no additional dock/boathouse structures be built on 186 Lakeshore Drive for the duration of the land lease. Ignatius seconded the motion. All were in favor and the motion passed.

VI. CITIZEN COMMENTS

There were none.

VII. DISCUSSION

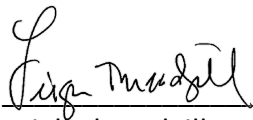
Huntington asked to add to new business next time some items for discussion. The first is to allow re-approving an expired variance to be handled as an administrative variance.

Huntington also asked the commission to consider the standards for approval for variances and the vagueness of those standards and be prepared to discuss at next month's meeting.

VIII. ADJOURNMENT

There being no further business, Kaffezakis moved to adjourn. Ignatius seconded. All voted in favor and Huntington adjourned the meeting at 8:35 PM.

Respectfully submitted,



Leigh Threadgill
Deputy City Administrator