

**CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
PLANNING & ZONING COMMISSION MEETING
FINAL MINUTES
June 8, 2021
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Dan Huntington
 George Kaffezakis
 Rand Kirkus
 Robin Sansone

Deputy City Administrator: Leigh Threadgill

Citizens Present: 1

I. CALL TO ORDER

Chairman Huntington called the meeting to order at 7:21 PM. A quorum was present. Deputy City Administrator Leigh Threadgill and one member of the public were also present.

II. APPROVAL OF OR CHANGES TO THE AGENDA

Sansone moved to approve the agenda. Kaffezakis seconded. All were in favor.

III. MINUTES

1. Minutes of April 13, 2021

It was noted that Kirkus' name needed to be changed to Huntington's name in the call to order.

Kirkus moved to approve the minutes of the April 13th meeting. Kaffezakis seconded and all voted to approve the minutes.

IV. OLD BUSINESS

There was no old business to discuss.

V. NEW BUSINESS

Huntington requested to discuss the administrative variance first, even though it was the second agenda time under new business.

1. Report – AV-21-09., 3400 Duckpond Trace, Applicant/Owner Deborah Wickfall requests relief per Section 78-367(2) to expand a non-conforming structure where the expansion does not increase the degree of non-conformity.

Huntington noted that this was interesting because the house was initially built 1.5 feet too close to the road. He reported that the ordinance requires administrative variance actions to be reported to the commission at a meeting, and stated this request was granted on April 28, 2021.

2. PZV 21-10, 4035 N. Berkeley Lake Rd., Applicant Tim Rider requests relief from the following:
 - (a) Section 78-89 (a), to locate an accessory structure in the front yard; and
 - (b) Section 78-197 (5) to reduce the front setback from 65 feet to 43 feet; and
 - (c) Section 78-89 (d)(3) to increase the allowable square footage from 550 square feet to 592 square feet.

Huntington recognized the applicant.

Tim Rider, 4035 N. Berkeley Lake Rd., introduced the application. He stated that the plan is to build two structures, a boathouse which will conform and an accessory structure which requires a variance. The accessory structure will be Mr. Rider's primary office. An architect has been hired to design the accessory structure to match the fit and finish and look and feel of the existing home, including the exterior materials and roof. If you look at the lot, it narrows because of the curve of the road and the shoreline. Placement of the structure within the side yard is problematic because there is a vineyard there. In addition, placement within the side yard would make the yard awkward. The structure will be down the hill from the road and minimally visible from the street. It will be hard to see from the lake as well.

Huntington asked how tall the building will be. The structure is planned to be 18 feet tall. Huntington asked how much the lot slopes down from the road. Rider estimated 8 to 10 feet from the sidewalk.

Huntington asked about the unnecessary hardship if the variance were not to be granted and asked Rider to explain that further.

Rider stated the key issues are aesthetics and also the functionality of the vineyard and the yard. The street and lake views will be exacerbated if it is moved to meet the standards for accessory structure placement.

Kaffezakis asked if this lot was on sewer. Rider stated that it is. A bathroom is planned to be included in the structure.

Kaffezakis confirmed that the structure could fit within the side yard and asked why the need for an increased accessory structure above the size limit of 550 square feet. Rider stated that the original thought was that the 550 square-foot limit only applied to enclosed space, and the reason it exceeds this is because of the porch that has a roof over it.

Sansone asked how this structure was oriented and where the porch would face. Rider stated that it will be angled toward the lake.

Sansone asked what other type of space besides the bathroom is planned. Rider stated that there would be a kitchen/bar along the back wall as well as a small conference space.

It was noted that there is a 72-square-foot shed planned on the back (oriented to the street) of the structure.

Huntington stated that the ordinance doesn't even address the front setback for an accessory structure because there is no allowance for a structure in the front yard. You can put a garage in the front yard if necessary, but it has to comply with the 65-foot setback. Even though not written, there is another unwritten standard for which a variance is needed and that is to the 65-foot front setback that is being considered here.

There was further discussion about the proposed location for the structure.

Kaffeidakis noted that this is a large property and there is plenty of space to fit a nice accessory structure.

Sansone stated that the lay out of this property is atypical.

The question about hardship was discussed further and whether the structure could be moved to a location that would meet the setbacks. Rider explained that he would have to remove the vineyard in order to do so. There was further discussion about how to locate the structure to encroach less into the front setback.

There was further discussion about how to redesign the structure to comply with the maximum size requirements, which might also accomplish having less encroachment into the front setback.

Kirkus noted that a scaled drawing is needed.

There was discussion about continuing the request to allow the applicant the opportunity to provide a to-scale drawing and reduce the size to within the 550-square-foot size limitation and minimize the setback variance request. It was suggested that the applicant consider multiple alternatives to propose to the commission.

Kaffeidakis moved to continue the request to allow the applicant time to come back with additional information, including a to-scale drawing of the plan. Kirkus seconded the motion. All were in favor and the motion passed.

3. Discussion - changes to Sections 78-366 and 78-367 regarding notice requirements, variance standards, and administrative variance categories.

Huntington stated that the chairman should be able to grant an administrative variance on an expired variance, similar to a case heard earlier this year. Consider whether to add this as one of the types of administrative variances as Sec. 78-367 (3). There was discussion.

Huntington then asked to discuss the voting system. He described three scenarios. If there are three people with the chairman, the chairman has to vote, and the vote has to be unanimous for the application to pass. If there are four people, the chairman doesn't vote but the vote still has to be unanimous for the application to pass. If there are five people, then it can pass three to two. It was noted that many times the full membership of the commission does not attend, so in those cases, there has to be a unanimous vote among the attending commissioners to approve an application.

Huntington stated that all membership, including the chair, should vote and a majority wins. Kaffezakis noted that there would need to be language to deal with the instance of a tie. If a tie, it would mean that it does not pass. There was discussion to allow approval with a simple majority of the commissioners at the meeting and not a majority of the full commission. That way an application could be approved by a vote of two to one.

Huntington asked the commission to think about whether or not it should be allowed to approve an application with a simple majority of the membership present at the meeting; and whether the chairman should get to vote on each application, regardless of whether a tie or to make quorum. Huntington asked the commission to consider this further before making a recommendation.

Huntington then asked to discuss the variance criteria. They are somewhat vague and somewhat subjective. There was a question about the definition of hardship and whether there could be additional guidelines about variance criteria.

VI. CITIZEN COMMENTS

There were none.

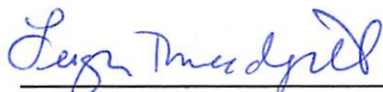
VII. DISCUSSION

There was no further discussion.

VIII. ADJOURNMENT

There being no further business, Kaffezakis moved to adjourn. Kirkus seconded. All voted in favor and Huntington adjourned the meeting at 8:50 PM.

Respectfully submitted,



Leigh Threadgill
Deputy City Administrator