

**CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
PLANNING & ZONING COMMISSION
FULL MINUTES
FEBRUARY 13, 2024
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Dan Huntington
Pekka Ignatius
George Kaffezakis
Rand Kirkus

City Officials: Leigh Threadgill - City Administrator

Citizens Present: 2

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.

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

III. MINUTES

1. Minutes of November 14, 2023

Ignatius moved to approve the minutes of the November 14th meeting. Kirkus seconded and all voted to approve the minutes.

IV. OLD BUSINESS

There was no old business to discuss.

V. NEW BUSINESS

a) PZV24-01, 498 Lakeshore Drive, Variance to Sec. 78-141, expansion of non-conforming structure and Sec. 78-89, location of accessory structure in side yard 2 inches from side property line

Huntington recognized the applicant to review the variance requests.

Janine Brinton, 498 Lakeshore Drive, indicated that she was surprised to have to re-appear but now understands why. She thought the May variance was sufficient for the project. In May, five feet was approved for extending the garage, adding a laundry room and eat-in kitchen. They then contacted the architect because in the past they had drawn plans in advance, and it costs a lot of money to have plans drawn if they might get turned down. So they decided to go with the plan view presented in May, but they discussed afterward adding a storage room over the garage. Brinton remembered Commissioner Sansone asking her about what was going to happen above the garage during the variance consideration last year. At the time, they just intended to put the roof back on like it was. But the plans changed after the fact as they worked with the architect. They thought as long as what they did was within the dimensional restrictions associated with the building envelope approved by the May variance it would be permissible. The dilemma is that they are adding a conforming room to a non-conforming house and didn't realize that needed approval. Brinton thinks it's a lousy ordinance and even more so because it couldn't be handled administratively because it was within 12 months of the former variance approval. The other challenge is that with the state law change, they had to wait until February to appear because of new notice requirements. This caused a 9-week delay and cost about \$7,000 in additional rent due to having to come back through the process.

Brinton also noted the need for a variance to allow a recently constructed wood storage box that was intended to be a tasteful solution to avoid having to cover wood with blue tarps.

Huntington noted that he specifically asked how tall the area above the garage would be during the last variance process and that the applicant answered they did not know. Huntington asked what was submitted with the earlier variance request.

Threadgill noted that all that was submitted last time was a site plan, no elevations or renderings were submitted in the earlier application to indicate the vertical elements, which hadn't been determined at that point.

Brinton noted they just wanted to get the additional width to the garage, and then would engage the architect for new plans because of the expense. They hadn't made a decision about the addition above the garage.

Threadgill noted that all the commission had last time was the site plan and a narrative description of the project.

Kaffezaakis clarified that they approved a modest increase, about 1%, in lot coverage and building coverage in May for the house renovation and that the application under consideration tonight does not impact those.

Threadgill acknowledged that was correct.

There was discussion about the height standards and where they are measured.

Huntington reviewed the elevation with the applicant, Marty Brinton, and asked about the height of the peak of the house. Brinton noted that the peak is at 33'6". Part of the new vertical elements was to improve the aesthetics, to alter the roofline.

There was discussion about the height of the chimney, and Brinton noted that the chimney, which is existing, is one foot shorter than the peak of the height as redesigned.

Marty Brinton noted that the house was built too close to the lake when it was built. He noted that the new second story on the front of the house does not encroach into the 40-foot rear setback. The rear of the house is not proposed for modification. All of the additional height is within the confines of the boundaries of all the required setbacks. There is no encroachment into the 40-foot rear setback with the addition.

Kaffezakis moved to approve the variance to Sec. 78-141 to make a conforming change to a non-conforming structure in accordance with the plans presented. Kirkus seconded the motion. All were in favor and the motion passed.

There was discussion about the accessory structure's location in the side yard and the side setback encroachment.

Huntington clarified that the new primary structure garage expansion only encroaches into the side setback one foot at one corner of the garage per the May variance.

There was further discussion about the location of the firewood shed, which, Brinton explained, is currently located where it is because of the pending construction to renovate the house. He could put it next to the house, but then would have to move it during construction, and then he would have to move it back.

The applicant acknowledged the importance of preserving the view, which is why the location as proposed was chosen.

Ignatius noted that it is less about aesthetics and views and more about the principle of upholding the setbacks and asking for forgiveness and not permission. There was further discussion.

Historically, variances of this type have been denied, even less egregious applications in terms of setback dimensional changes.

Huntington noted that the commission has never allowed a setback variance of this magnitude, and to allow this is difficult.

There was further discussion. Threadgill clarified that this request isn't just to alter the side setback requirement but also to allow the location of an accessory structure in a side yard, which is prohibited by the zoning ordinance. Accessory structures are required to be in the rear yard, unless they are designed to match the primary structure, in which case they can be located in the side yard.

There was further discussion. It was noted that the house is not parallel to the side property line, so the setback widens from the front of the house to the rear.

There was discussion about moving the woodshed next to the house after the home renovation is complete and what an acceptable location would be.

Kirkus moved to approve the accessory structure woodshed location to remain for 12 months and after the 12-month expiration to approve a variance to allow the woodshed to be located no closer than 9 feet to the side property line and no closer than 4 feet to the northeast corner of the garage provided the woodshed dimensions are no more than 6 feet tall by 16 feet long by 3 feet wide. Ignatius seconded the motion. All were in favor and the motion passed.

b) Election of Chair

Ignatius nominated Dan Huntington to serve as chairman for 2024. Kaffezakis seconded the motion. Huntington abstained. All were in favor and the motion passed.

c) Election of Vice Chair

Ignatius nominated Kaffezakis to serve as vice chairman for 2024. Kirkus seconded the motion. Kaffezakis abstained. All were in favor and the motion passed.

d) Appointment of Secretary

Kirkus moved to appoint Leigh Threadgill as secretary for 2024. Kaffezakis seconded the motion. All were in favor and the motion passed.

VI. CITIZEN COMMENTS

There were no comments.

VII. DISCUSSION

Huntington noted that this case illuminated that the commission can't consider variances of this magnitude without renderings. The entire build is much bigger than what was understood in the May variance approval last year, especially in regard to height.

There was discussion about the original project scope of this project and other projects that have been approved based upon a site plan. Threadgill stated that applicants can be encouraged to provide elevations through the variance application checklist and by staff in pre-application conferences. To make it an application requirement may necessitate codifying the requirement in the pending code re-write that is going to be taking place in the coming months.

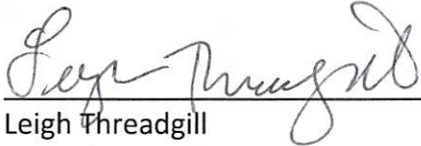
Huntington noted that he wished they had set limitations on the May approval, similar to what they did tonight, with regard to the home renovations, especially with regards to height, to set the expectation of what would be built.

There was further discussion about how to ensure adequate information is provided upon which the commission can make a decision, especially for larger projects of this nature.

VIII. ADJOURNMENT

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

Respectfully submitted,



Leigh Threadgill
City Administrator

