

AGENDA
CITY OF BERKELEY LAKE
PLANNING & ZONING COMMISSION MEETING
August 9, 2022 at 7:15 PM
4040 South Berkeley Lake Road
Berkeley Lake, GA 30096

- I. CALL TO ORDER**
- II. APPROVAL OF OR CHANGES TO THE AGENDA**
- III. APPROVAL OF MINUTES**
 - 1. July 12, 2022
- IV. OLD BUSINESS**
 - 1. PZV-22-02, 156 Bayway Circle, Applicant Kathy Sanders requests relief from Section 78-141 to alter and expand the roof of a non-conforming boathouse.
- V. NEW BUSINESS**
 - CITIZEN COMMENTS**
- VI. DISCUSSION SESSION**
- VII. ADJOURNMENT**

**CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
PLANNING & ZONING COMMISSION MEETING
DRAFT MINUTES
July 12, 2022
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Dan Huntington, Chair
 Pekka Ignatius
 Rand Kirkus
 Robin Sansone

City Administrator: Leigh Threadgill

Citizens Present: 4

I. CALL TO ORDER

Huntington called the meeting to order at 7:15 PM. A quorum was present. City Administrator Leigh Threadgill was also present.

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. Sansone seconded and all voted to approve the agenda.

III. MINUTES

1. Minutes of February 8, 2022

Ignatius moved to approve the minutes of the February 8th 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-22-02, 156 Bayway Circle, Applicant Kathy Sanders requests relief from Sections 78-141 of the zoning ordinance to alter and expand the roof of a non-conforming boathouse.

Huntington recognized the applicant and asked for any additional information she would like to share.

Kathy Sanders, 156 Bayway Circle, introduced the project. The boathouse has been there for a long time and is grandfathered in. The door of the boathouse isn't tall enough to fit the boat with the Bimini, so she is asking to raise the roof 18 inches. The non-conformity is relative to the setback adjacent to 150 Bayway Circle. From the land side, there is no increased visual barrier.

Huntington stated that as it currently sits with the tree full of leaves, there is no visual impact whatsoever. Without the tree or when the tree loses its leaves, there is a visual impact.

Ignatius asked for clarification about whether the roof would be raised on both sides. Sanders stated that it would be to keep the same roof slant as it currently has.

Sansone asked if there was any thought about putting the boathouse on the other side of the dock. Sanders stated that because it's non-conforming and grandfathered, she would have to build a new structure.

There was further discussion. It was noted that the boathouse couldn't be built today in its current location and enclosed form.

Ignatius asked if the boathouse was located to meet the required setback if the roof extension would materially impact the view.

There was further discussion.

Huntington proposed that the boathouse could be altered to open the boathouse so that it became conforming with regard to the enclosure which would mitigate the visual impact of the increased roof height and allow visibility through the boathouse.

There was further discussion. Ignatius agreed that opening the boathouse would mitigate the visual impact and asked about other proposed changes to the boathouse.

Sanders described some of the other alterations proposed to the boathouse, including replacing the siding. The pilings are fine, but the siding is in need of replacement. The intent is to use a siding that would make the boathouse more compatible with the aesthetic of the house.

Huntington asked why opening up would not be acceptable. Sanders stated that there is good storage with deep shelves in the enclosure, which is why it is preferred to keep the enclosure.

There was further discussion.

Sanders stated that her alternative would be not to open it up and leave it exactly as it is and rather buy a boat with a retractable Bimini to fit in the existing boathouse.

There was further discussion.

Kirkus stated that he had a lot of background information regarding the neighbor's property and the view of the subject boathouse from the neighbor's house and there will not be a negative visual impact as a result of the increased roof height. There is perhaps one vertical post that is visible from the neighbor's house. The proposed alteration to raise the corner of the overhang would actually help because it would not be in the sight line.

There was further discussion.

Ignatius moved to continue the variance to the August meeting. Sansone seconded the motion. All were in favor to continue this item.

2. Request to allow a church as a permitted use in O-I

There was discussion about churches as appropriate uses in the O-I district.

Ignatius moved to authorize churches as a permitted use in O-I. Sansone seconded the motion. All were in favor, and the motion passed.

VI. CITIZEN COMMENTS

There were no citizen comments.

VII. DISCUSSION

Huntington expressed appreciation for the comments and idea sharing on the variance request under consideration.

VIII. ADJOURNMENT

There being no further business, Sansone moved to adjourn. Ignatius seconded the motion. All voted in favor and Huntington adjourned the meeting at 8:03 PM.

Respectfully submitted,

Leigh Threadgill
City Administrator

**City of Berkeley Lake
Staff Analysis**

CASE NUMBER:	PZV-22-02, 156 BAYWAY CIR.
RELIEF REQUESTED:	RAISE NON-CONFORMING BOATHOUSE ROOF 18 INCHES
EXISTING ZONING:	R-100, RESIDENTIAL
PROPOSED USE:	SINGLE FAMILY RESIDENCE
APPLICANT/OWNER:	KATHY SANDERS 156 BAYWAY CIR. BERKELEY LAKE, GA 30096
MEETING DATE:	JULY 12, 2022 P&Z COMMISSION

PROPOSED PROJECT:

The applicant/owner has proposed to raise the boathouse roof 18 inches to accommodate the height of her boat. This boathouse is non-conforming because it does not meet the 12.5-foot side setback as projected into the lake on the north side and the enclosed portion of the structure is greater than 100 square feet. While the proposed height meets the height requirement of Section 78-89(g)(4) and is a conforming change to a non-conforming structure, raising the roof is an enlargement of the structure and increases the non-conforming aspect of the boathouse.

FINDINGS OF FACT:

- 1.) The subject property is a 0.46-acre lot on Bayway Circle.
- 2.) It is occupied by a single-family residence that was recently rebuilt. According to county tax records, it was originally built in 1969.
- 3.) In 1997, the owners at the time were granted a variance to expand a non-conforming structure and to reduce the north side setback from 12.5 feet to 11 feet to allow the addition of a garage and office. In addition, the house is non-conforming with respect to building coverage, which is approximately 18% as opposed to the 15% limit set by the zoning ordinance.
- 4.) A variance was granted in 2020 to allow the reconstruction of the non-conforming house. The addition built in 1997 remained while the rest of the residence was rebuilt in the original footprint.
- 5.) Regarding the boathouse itself, city records indicate that a variance was granted in 1992 to allow the expansion of the existing non-conforming boathouse.
- 6.) The boathouse is non-conforming with regard to both setback from the north side property line and because more than 100 square feet of the structure is enclosed.
- 7.) The applicant is requesting to modify the existing boathouse to raise the roof 18 inches to accommodate the height of her boat. Sec. 78-141 requires a variance to be issued for an extension or enlargement of a non-conforming structure.

- 8.) Sec. 78-367 allows the Planning & Zoning Commission chairman to grant an administrative variance to a conforming change to a non-conforming structure provided that the modification does not increase the non-conforming aspects of the structure.
- 9.) The 2020 survey shows the boathouse sitting within about a foot of the northeast property corner, an encroachment into the required 12.5-foot setback.
- 10.) Increasing the roof height will further reduce visibility of the lake from properties to the north, thus increasing the non-conforming aspect of the structure, which has resulted in the need for the commission to consider the request.
- 11.) Properties to the north and south are zoned R-100 and the location of single-family residences. Lake Berkeley is adjacent to the east and the right-of-way of Bayway Circle is adjacent to the west.

STANDARDS FOR APPROVAL:

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.*

SITE PHOTOS

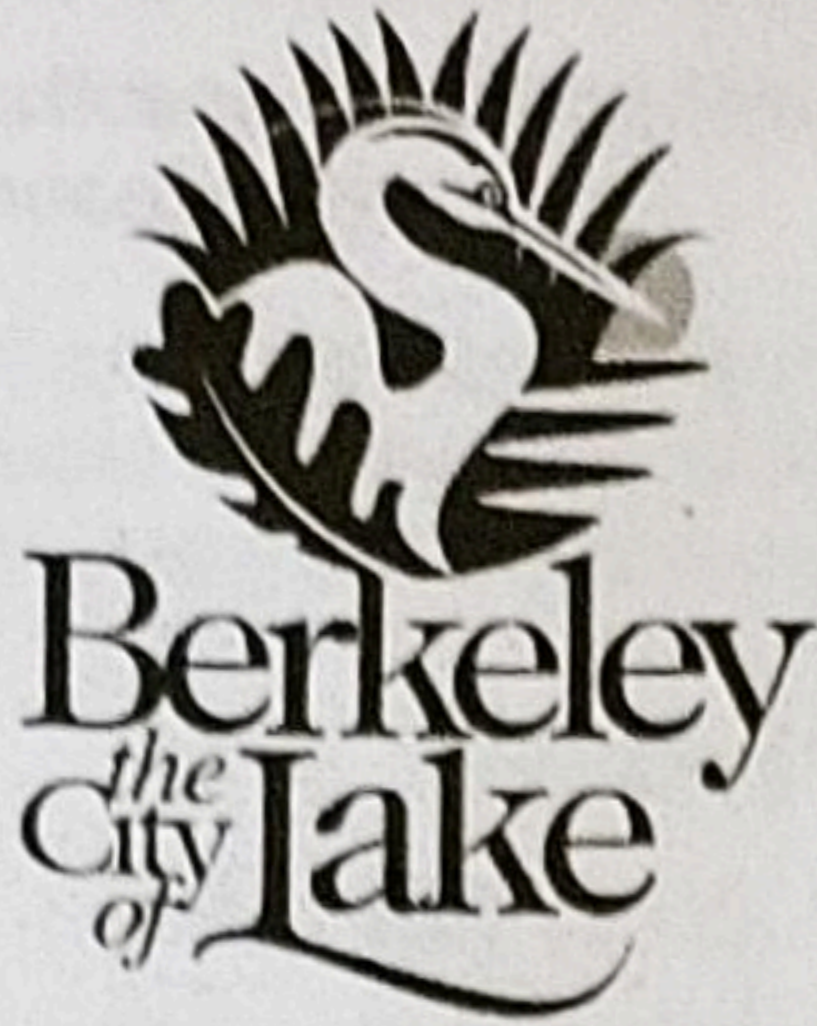


LOCATION MAP



AERIAL PHOTOS





Application for Variance

For Office Use Only	
Application #:	V/AV V-22-02
Check #:	3192 for \$150 Cash: \$300
Date Paid:	5/24/2022
P&Z hearing date:	7/12/2022
Action:	Continued to 8/9/2022
Appeal filed:	
Council hearing date:	
Account 100.34.1390.2	
Variance App	\$ 450.00

Part 1: Applicant Information

APPLICANT IS: Owner Agent Attorney

NAME KATHY SANDERS DATE 26/MAY 22
 MAILING ADDRESS 156 BAYWAY CIR
 CITY BERKELEY LAKE STATE GA ZIP 30096
 TELEPHONE 770 331 5470 MOBILE 770 331 5470 FAX _____
 E-MAIL kathryn.sanders@accenture.com

Part 2: Property Owner Information

NAME(S) Same as above
 MAILING ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____ MOBILE _____ FAX _____
 E-MAIL _____

Part 3: Property and Use Information

PROPERTY ADDRESS 156 Bayway PARCEL ID R6298 027
 PARCEL SIZE .52 acres ZONING Residential
 EXISTING USE _____

I am requesting relief from code section _____ for the purpose of:

raising the roof of our boathouse which will remain under the 14' limit. The total dock + boathouse will remain at 872 sq'.

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

Variance Application: Part 3: Property and Use Information (continued)

Applicant: Please provide written responses to the following items in order to support the request. Attach a separate sheet if necessary:

1) Explain the extraordinary and exceptional conditions pertaining to the size, shape or topography of the subject property; OR if this request is for the expansion of a non-conforming structure, explain whether granting the variance would result in an increase in the non-conforming aspects of the structure.

The boathouse is a pre-existing structure. We are not changing the footprint. We would like to replace materials that are rotting and raise the roof by approx. 18".

2) Explain how the application of the ordinance to the subject property would create an unnecessary hardship.

The hardship would be the need to keep our boat out in the elements as it will not fit in the existing structure. We will remain under the 14' height limit

3) Explain how the conditions are peculiar or unique to the subject property.

The boathouse is already built and is situated on the property line. This will not change the current situation.

4) Are the conditions requiring a variance the result of any actions of the property owner? If YES, explain.

No

5) What, if any, detriment to the public or impairment to the purposes of the ordinance would result if the variance were granted.

None

6) Is the proposed use of land, building or structure permitted by the zoning ordinance?

Yes.

I hereby make application to the City of Berkeley Lake, Georgia for the above referenced property. I do hereby affirm that the information provided here, above and contained in all material I submit for the purposes of supporting my request for a Variance, to the best of my knowledge is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken as a result of this application. I understand that it is my/our responsibility to conform to all City of Berkeley Lake ordinances in full and obtain any additional permits as may be required and that failure to do so will result in enforcement action taken by the City.

Applicant's Signature

H. Sanders

Date

28 / May 2022

Owner's Signature

H. Sanders

Date

28 / May 2022

Kathryn Sanders
156 Bayway Circle
Berkeley Lake, GA 30096

May 31, 2022

LETTER OF INTENT

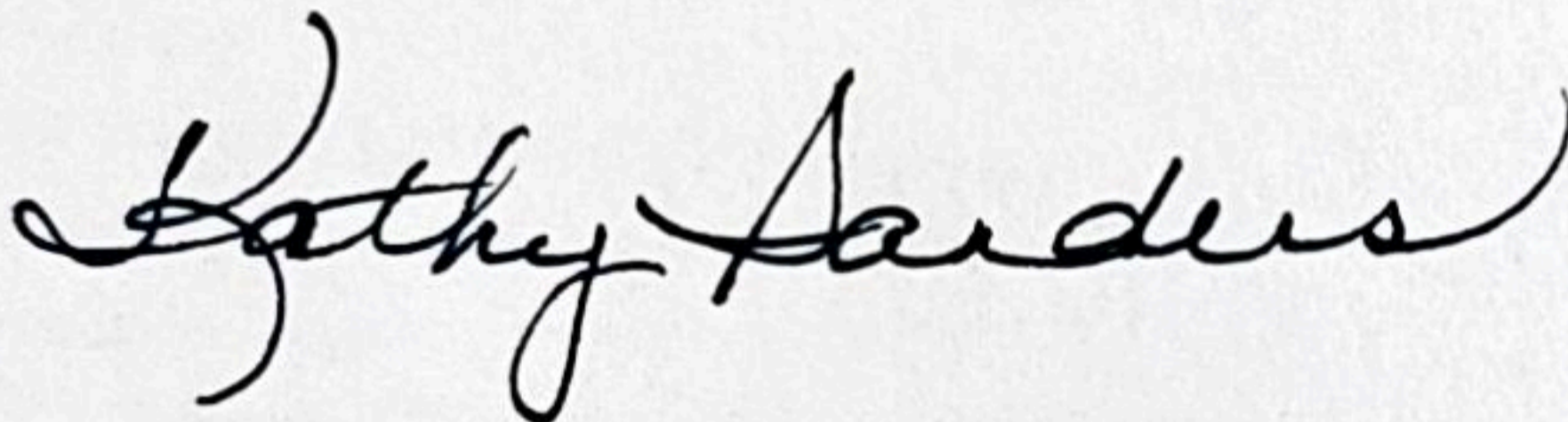
The purpose of this letter is to outline the improvements that we would like to make to our boathouse at 156 Bayway Circle.

In order to accommodate a boat with a standard Bimini, we would like to raise the height of our boathouse by approx.. 18 inches. It will remain well below the 14' height limit so we will not increase the non-compliance of the structure.

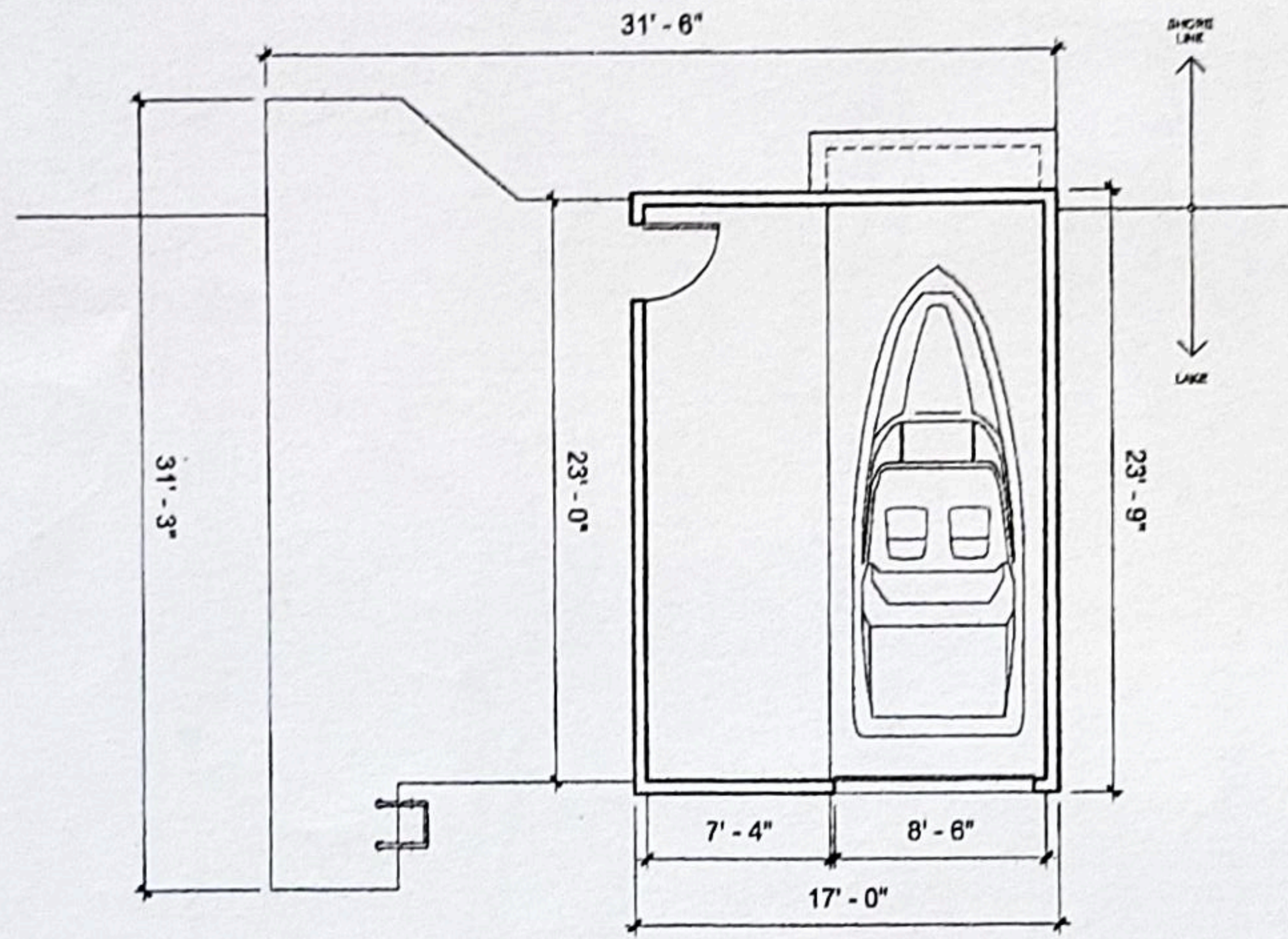
While we raise the roof, we would like to also replace the wood deck with Hardi-Plank and to replace the siding of the boathouse with the same. This will address issues with rotting wood in areas of the siding and will improve the overall appearance of the boathouse.

The actual structure and layout will remain the same as it is today.

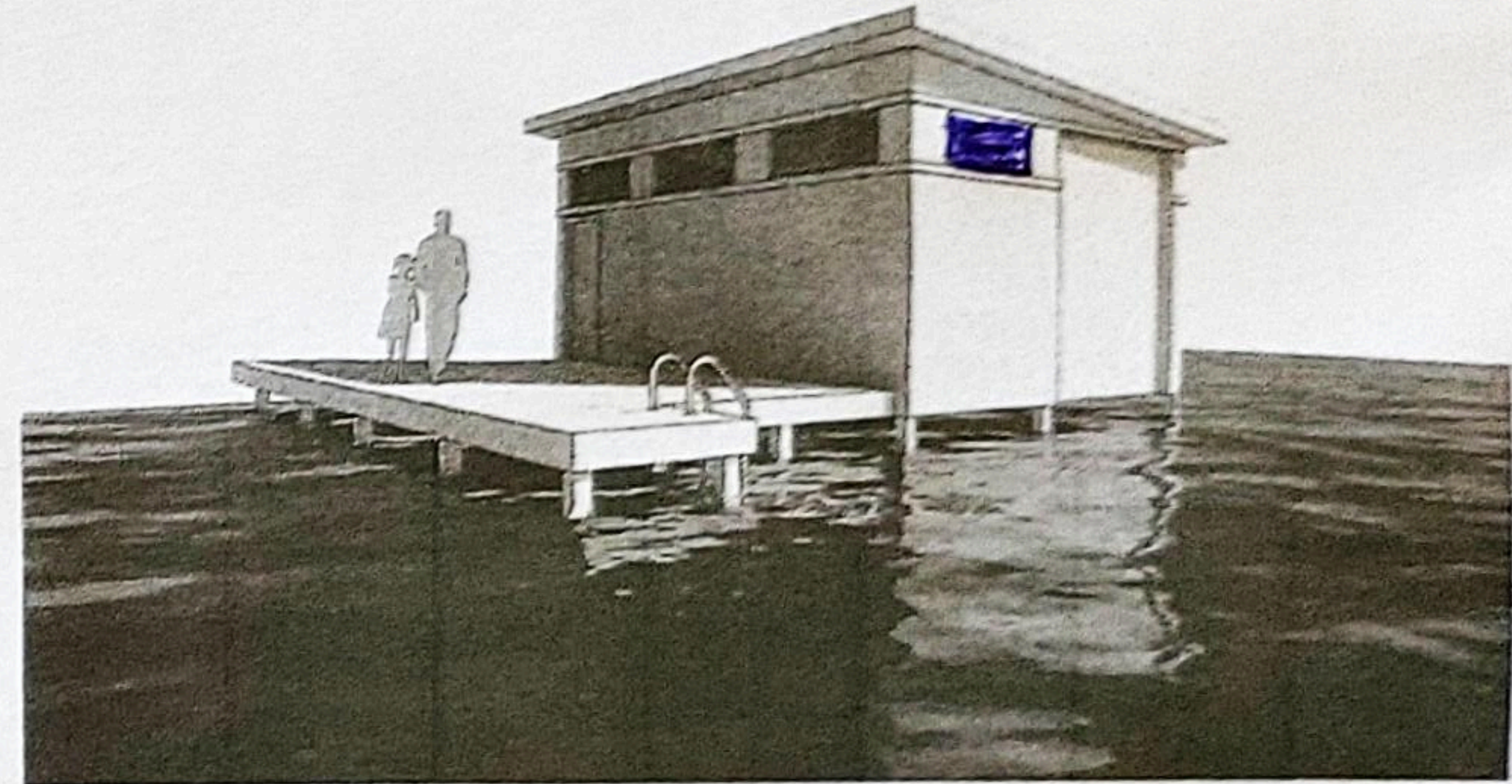
Respectfully submitted,

A handwritten signature in black ink that reads "Kathy Sanders". The signature is written in a cursive, flowing style with a large initial "K".

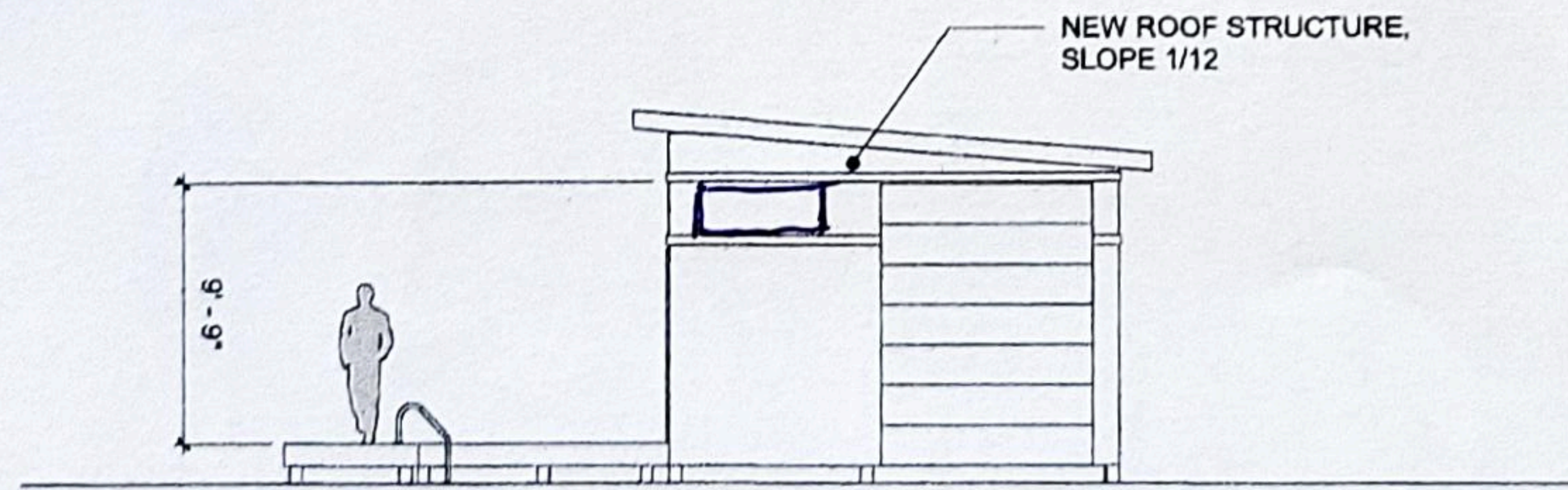
Kathy Sanders



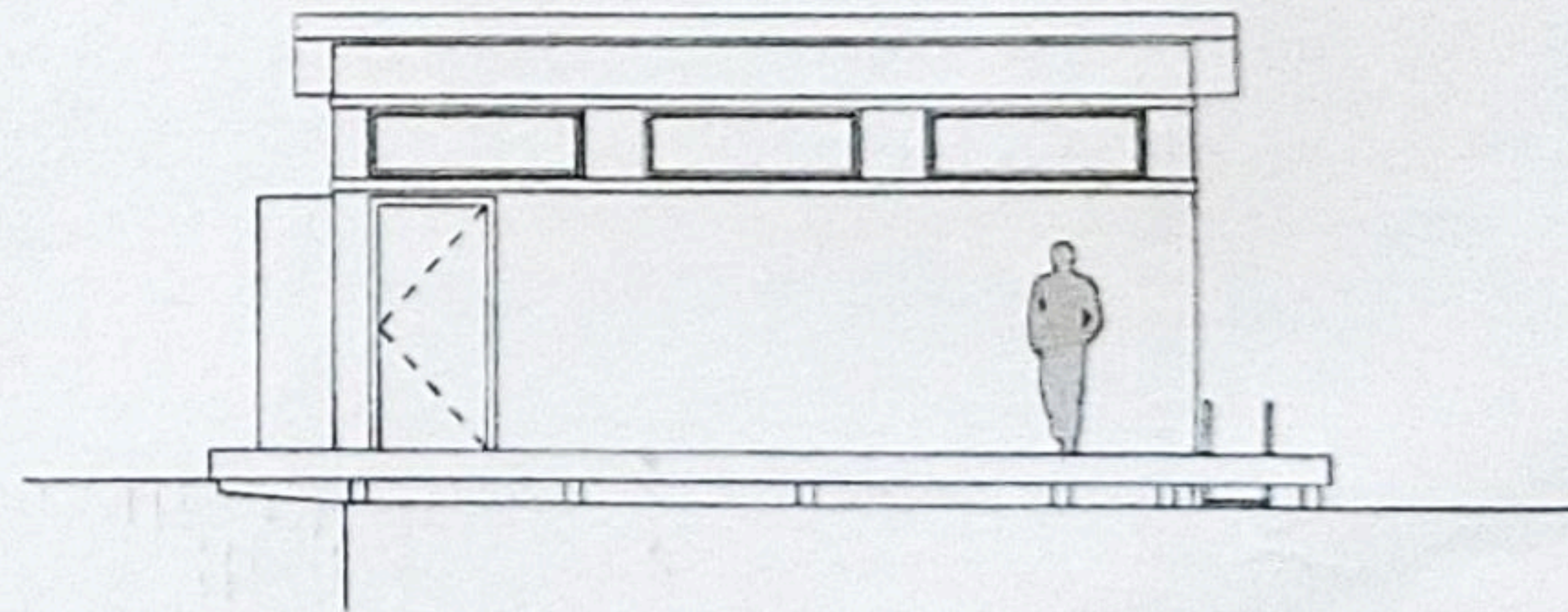
DOCK PLAN: SCALE (1/8"=1'-0")



DOCK 3D VIEW



DOCK ELEVATION: SCALE (1/8"=1'-0")



DOCK ELEVATION: SCALE (1/8"=1'-0")

Berkley Lake Dock House
DATE: 05.06.22



