# AGENDA CITY OF BERKELEY LAKE PLANNING & ZONING COMMISSION JULY 11, 2023 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) June 13, 2023

#### IV. OLD BUSINESS

#### V. NEW BUSINESS

- a) PZV-23-07, 142 Lakeshore Drive Variance pursuant to Sec. 78-141, expansion of non-conforming structure (PUBLIC HEARING)
- b) AV-23-06, 828 Valley View Lane Administrative Variance Approval

#### 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 JUNE 13, 2023 7:15 PM

Those in attendance at the meeting were as follows:

Commission Members:

Pekka Ignatius, Vice-Chair George Kaffeazakis Rand Kirkus

City Administrator:

Leigh Threadgill

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Citizens Present:

# I. CALL TO ORDER

Ignatius called the meeting to order at 7:38 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

Ignatius asked if there were any suggested changes to the agenda.

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

# III. PUBLIC HEARING

1. PZTA23-05, O-23-248 – Proposed Zoning Ordinance Amendments pursuant to H.B. 1405

There was no public in attendance to comment.

# **IV. MINUTES**

1. Minutes of May 9, 2023

Kaffezakis moved to approve the minutes of the May 9<sup>th</sup> meeting. Kirkus seconded and all voted to approve the minutes.

#### V. OLD BUSINESS

There was no old business.

Draft Minutes Planning & Zoning Commission Special Called Meeting June 13, 2023 Page 1 of 2

### **VI. NEW BUSINESS**

1. PZTA23-05, O-23-248 – Proposed Zoning Ordinance Amendments pursuant to H.B. 1405

Threadgill explained that this is a housekeeping item to adopt changes that are required by a recently passed state law and are supposed to be enacted by July 1<sup>st</sup>. The Mayor and Council are scheduled to consider this for adoption on June 15, 2023.

There was further discussion.

Kaffezakis made a motion to approve the amendment with the change to replace "community development director" with "city administrator" in Sec. 78-400. Kirkus seconded the motion. All were in favor and the motion passed.

### **VII. CITIZEN COMMENTS**

There were no comments.

**VIII. DISCUSSION** 

There was no further discussion.

### **IX. ADJOURNMENT**

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

Respectfully submitted,

Leigh Threadgill City Administrator

|                   | City of Berkeley Lake<br>Staff Analysis                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------------------------------|
|                   | Stall Analysis                                                                                                               |
| CASE NUMBER:      | PZV-23-07, 142 LAKESHORE DR.                                                                                                 |
| RELIEF REQUESTED: | EXPAND NON-CONFORMING STRUCTURE AND ADD<br>LIVING SPACE THAT WILL ENCROACH 5 FEET INTO<br>THE REQUIRED 65-FOOT FRONT SETBACK |
| EXISTING ZONING:  | R-100, RESIDENTIAL                                                                                                           |
| PROPOSED USE:     | SINGLE FAMILY RESIDENCE                                                                                                      |
| APPLICANT:        | BRAD AND WINTER HORBAL<br>142 LAKESHORE DR<br>BERKELEY LAKE, GA 30096                                                        |
| OWNERS:           | SAME                                                                                                                         |
| MEETING DATE:     | JULY 11, 2023 P&Z COMMISSION                                                                                                 |

# PROPOSED PROJECT:

The applicant proposes to add 1,100 square feet of building area to the existing non-conforming house located at 142 Lakeshore Drive. Plans submitted with the variance application indicate a second-story addition which will encroach approximately 5 feet into the 65-foot front setback. The existing house is non-conforming with regard to front and rear setbacks and lot coverage..

# FINDINGS OF FACT:

- 1.) The existing non-conforming house is located at 142 Lakeshore Drive on a 0.36-acre lot, which is about 12,000+/- square feet shy of the 28,050-square-foot minimum lot size.
- 2.) According to Gwinnett County property records, the house was built in 1957, and the dock was built in 2007.
- 3.) The house is non-conforming with regard to front setback and rear setback and the amount of impervious surface coverage on the lot is non-conforming with regard to lot coverage.
- 4.) Based on the plans submitted with the application, it appears that the majority of the addition, all but approximately 98 square feet, is within the existing footprint and is being accomplished by adding a second story.
- 5.) The height of the structure will increase from 14.3' to 19.8' at the front and from 28.5' to 34.5' at the rear.
- 6.) The expanded house will meet the 20% building coverage. The front setback non-conformity will be improved by increasing the setback by 0.8' and the lot coverage non-conformity will be improved by decreasing the amount of impervious surfaces by 0.4%.
- 7.) Sec. 78-141 requires a variance to be issued for an extension or enlargement of a nonconforming structure.
- 8.) In addition, the proposed second story expansion will encroach into the required 65-foot front setback approximately 5 feet which requires a variance to Sec. 78-197(5).

9.) 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 Lakeshore Drive 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.





# LOCATION MAP



# AERIAL PHOTO



| Applica<br>Varia                                                                                                                                                         |                       | For Office Use Only         Application #:       V/AV_23-07         Check #:       1671       Cash:         Date Paid:       6/13/2023                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Part 1: Applicant Information                                                                                                                                            |                       | Variance App <u>§ 450.00</u>                                                                                                                                                             |
| APPLICANT IS: 🛛 Owner                                                                                                                                                    | □ Agent               | □ Attorney                                                                                                                                                                               |
| NAME Bradley Horbal                                                                                                                                                      |                       | DATE <u>6/7/2023</u>                                                                                                                                                                     |
| MAILING ADDRESS <u>142 Lakeshore Dr</u>                                                                                                                                  |                       |                                                                                                                                                                                          |
|                                                                                                                                                                          |                       | ZIP                                                                                                                                                                                      |
|                                                                                                                                                                          |                       | 78-343-1764 FAX                                                                                                                                                                          |
| E-MAILbrad.horbal@kimley-horn.co                                                                                                                                         | m                     |                                                                                                                                                                                          |
| NAME(S) Bradley & Winter Horbal<br>MAILING ADDRESS <u>142 Lakeshore Dr</u><br>CITY Berkeley Lake                                                                         |                       | ZIP <u>30096</u>                                                                                                                                                                         |
|                                                                                                                                                                          |                       | B-343-1764 FAX                                                                                                                                                                           |
| E-MAIL brad.horbal@kimley-horn.con                                                                                                                                       |                       |                                                                                                                                                                                          |
| PROPERTY ADDRESS <u>142 Lakeshore I</u><br>PROPERTY ADDRESS <u>142 Lakeshore I</u><br>PARCEL SIZE <u>0.36 acres (per survey)</u><br>EXISTING USE <u>Residential home</u> |                       | PARCEL ID <u>R6289 086</u><br>ZONING <u>R100</u>                                                                                                                                         |
| I am requesting relief from code                                                                                                                                         | section 78-141, 78-19 | 97 (5)(10) for the purpose of:                                                                                                                                                           |
|                                                                                                                                                                          |                       | ne addition that would allow for our vehicles to fit inside the<br>room, a play room for our daughter and office space for our<br>ement for a Building Permit for proposed construction. |
| The following supplemental doc                                                                                                                                           | umentation must b     | be submitted with this application:                                                                                                                                                      |
| • • • •                                                                                                                                                                  |                       | l 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.

Our home and lot are currently non-conforming with the front building setback and the lot coverage criteria. The proposed home expansion over our garage will not result in an increase to the non-conformities. The front setback (code min. 65') will improve from the existing 59.5' to a proposed 60.3'. The lot coverage (code allowed 30%) will improve from existing 40.9% to proposed 40.5%.

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

Without the approval of this variance, we could not plan for any improvements to our home. These improvements will allow for a direct access from our to garage to our home to avoid the, less than safe, existing route from our vehicles to get inside. They allow for my vehicle to be parked inside of the garage for safety and maintaining the vehicle. They allow for our daughter to have a playroom which she currently doesn't have. They allow for our family to install a laundry room which we currently don't have. The improvements also allow for storage within the home which we currently have limited space for. In addition they allow for an office space with the work from home situation being so much more prevalent versus using our living room as we do currently.

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

The home was originally built in the 50's and piece-mealed together over the years with random additions. These piece-mealed additions resulted in atypical layouts like closets within closets and a 3" step running through the middle of the house. This also resulted in things like very limited storage, no laundry room, and no direct access into the house from the garage. We would like to improve the home in order to mitigate some of the previous design decisions.

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

The conditions requiring a variance are not the result of the property owner as the areas of proposed improvement were existing when our family purchased the home.

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

There would be no detriment/impairment to the public or intent of the ordinance. The roof peak of our existing garage sits 4.5' below street elevation and the addition would only result in a roof peak at 5.5' above street elevation. Most of the homes on the lake have roof lines well above the street elevation so this minor 5.5' would not result in an inordinate visibility reduction. In addition, we are not encroaching into the side setback, we are improving the front setback distance, and improving the lot coverage percentage.

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

Yes, the residential use is permitted in R100.

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
 But flux
 6/12/2023

 Owner's Signature
 But flux
 Date
 6/12/2023

# Letter of Intent

Date:June 13, 2023Subject:142 Lakeshore Drive – Variance Request

#### Overview:

Brad and Winter Horbal submit the attached Variance Application relating to the proposed home addition located at 142 Lakeshore Drive, Berkeley Lake, GA. This Letter of Intent is offered to detail the Applicant's plans to improve their home and the associated variance requests.

The property is zoned R100 and the use is residential. The plans for the home propose to construct approximately 1,100 square feet of additional space to be used for home storage, installation of a laundry room, a playroom for our daughter, entry area from the garage, and office space.

The variances requested are listed below:

- Section 78-141: The home is currently non-conforming due to the front setback of 59.5' (65' required), the lot coverage of 41.3% (30% allowed) and the rear setback of 26.3' (40' required). Note below that we are improving the measurement for the front setback and the lot coverage. The rear setback is unchanging.
- Section 78-197:
  - (5): Required front setback minimum 65' from edge of road. The home, as purchased, has a front setback of 59.5' from the edge of the road. The proposed plans will actually improve the non-conformity and increase the front setback from 59.5' to 60.3'.
  - (10): Allowed maximum 30% lot coverage. The property currently has a lot coverage of 40.9%. The proposed plans will again improve the lot coverage by removing impervious areas during the construction of the home addition. The resulting lot coverage will be reduced by 0.4% down to 40.5%.
- Note: Relief is not required from Section 78-197 (11) [Building Coverage] due to the fact that both the existing and proposed conditions fall under the 20% building coverage criteria with less than 25' and 35' of vertical height from the mean finished grade respectively at the front elevation and rear elevation on a downward sloping lot.

Our original architectural plans included expansion of the main level between the garage and the lake. This would have resulted in a much larger Lot Coverage percentage that would have had a more direct impact on the lake. Because we wanted to avoid that impact, we reevaluated the design plans and revised the plans to the current proposal.

The proposed plans include an expansion over the top of the existing garage, enclosing the existing grilling patio, small deck for a grill, and lengthening the garage. This expansion will allow for a few different improvements including:

• Direct access from our garage to our home to avoid the, less than safe, existing route from our vehicles to get inside the home. We recently had someone slip and fall while walking from the garage to the home since the existing tile becomes extremely slippery in rainy weather. This direct access will also provide more safety for our family when coming home at night.

- The space created by the direct access from the garage to the home will also provide an area for a laundry room which the home currently does not have. Our family is using an existing laundry closet in the basement.
- The updated garage will be lengthened to fit a standard size pick-up truck. The goal here is to provide more safety when entering and leaving the house and help to maintain the vehicle.
- The area above the garage will provide a much-needed playroom for our 9-year-old daughter and her friends. She currently uses a small area in the living room behind a couch.
- A portion of the area above the garage will also be used as home office space for the more prevalent work from home scenarios in our family. Currently, home office space is utilized in a living room and a portion of the master bedroom.
- Because of the peculiar, piece-mealed additions previously completed on the home, an important goal of the home expansion is additional storage. The current storage is very minimal and burdensome.

With Berkeley Lake being a sought after city to reside in, I'm confident most would agree that the improvements like having a laundry room, an owner's vehicle fitting inside the garage, and having adequate home storage is a reasonable expectation for a house in our community. We are excited to improve the home with that in mind.

The Applicant respectfully submits this application and asks the board for their approval of the variances. The Applicant welcomes the opportunity to meet with staff and board members to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith.

Sincerely,

Book An

Brad Horbal (Owner) 142 Lakeshore Drive







| EXISTING | SITE DATA |
|----------|-----------|
|----------|-----------|

| JURISDICTION                                               | BERKELEY LAKE, GA                      |
|------------------------------------------------------------|----------------------------------------|
| EXISTING ZONING                                            | R-100                                  |
| PROPERTY AREA                                              | 0.36 AC.                               |
| BUILDING COVERAGE:<br>CODE MAXIMUM<br>EXISTING             | 3,132 S.F. (20%)<br>2,900 S.F. (18.5%) |
| LOT COVERAGE:<br>CODE MAXIMUM<br>EXISTING                  | 4,698 S.F. (30%)<br>6,409 S.F. (40.9%) |
| BUILDING SETBACKS:<br>FRONT SETBACK MIN.<br>EXISTING FRONT | 65' FROM STREET<br>59.5'               |
| SIDE SETBACK MIN.<br>EXISTING SIDE                         | 12.5'<br>13.8'                         |
| REAR SETBACK MIN.<br>EXISTING REAR                         | 40'<br>26.3'                           |



|         | NOTES: | <u>ا (</u> | JOB NUMBER: | 142 LS DR       |
|---------|--------|------------|-------------|-----------------|
| 0.36 AC |        |            | SCALE:      | 1" = 20'        |
|         |        |            | DATE:       | 6/13/2023       |
|         |        |            | SHEET:      | EXISTING        |
|         |        | J          | COI         | <i>IDITIONS</i> |



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|           | PROPOSED SITE DATA                                                                                    |                                                                               |  |  |  |
|-----------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--|--|--|
|           | JURISDICTION                                                                                          | BERKELEY LAKE, GA                                                             |  |  |  |
|           | EXISTING ZONING                                                                                       | R-100                                                                         |  |  |  |
|           | PROPERTY AREA                                                                                         | 0.36 AC.                                                                      |  |  |  |
|           | BUILDING COVERAGE:<br>CODE MAXIMUM<br>EXISTING<br>*PROPOSED<br>*INCREASING BLDG COV                   | 3,132 S.F. (20%)<br>2,900 S.F. (18.5%)<br>3,132 S.F. (20.0%)<br>ERAGE BY 1.5% |  |  |  |
|           | LOT COVERAGE:<br>CODE MAXIMUM<br>EXISTING<br>*PROPOSED<br>*REDUCING IMPERVIOUS                        | 4,698 S.F. (30%)<br>6,409 S.F. (40.9%)<br>6,335 S.F. (40.5%)<br>5 BY 0.4%     |  |  |  |
|           | BUILDING SETBACKS:<br>FRONT SETBACK MIN.<br>EXISTING FRONT<br>*PROPOSED FRONT<br>*INCREASED FRONT SET | 59.5'<br>60.3'                                                                |  |  |  |
| GAZEBO    | SIDE SETBACK MIN.<br>PROPOSED SIDE                                                                    | 12.5'<br>12.5'                                                                |  |  |  |
| $\leq$    | REAR SETBACK MIN.<br>EX./PR. REAR                                                                     | 40'<br>26.3'                                                                  |  |  |  |
|           | BUILDING AREA:<br>EXISTING<br>PROPOSED                                                                | 3,314 SF<br>4,414 SF                                                          |  |  |  |
| Х<br>Д    | BUILDING HEIGHTS:<br>(MEAN FINISHED GRADE LEVEL TO ROOF PEAK)                                         |                                                                               |  |  |  |
| 8         | EXISTING:<br>FRONT<br>REAR<br>PROPOSED:                                                               | 14.3' TALL<br>28.5' TALL                                                      |  |  |  |
|           | FRONT<br>REAR                                                                                         | 19.8' TALL<br>34.5' TALL                                                      |  |  |  |
|           |                                                                                                       |                                                                               |  |  |  |
| BOAT DOCK | BERKELEY<br>LAKE                                                                                      |                                                                               |  |  |  |
|           |                                                                                                       |                                                                               |  |  |  |
|           |                                                                                                       |                                                                               |  |  |  |
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|         | NOTE                               |
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|   | VAG | PI |   | ~ | PEOI | IFCT | ED. |

NCE REQUEST FROM CODE SECTIONS: -414 -197 (5)(10)

| JOB NUMBER: | 142 LS DR           |
|-------------|---------------------|
| SCALE:      | 1" = 20'            |
| DATE:       | 6/13/2023           |
|             | ROPOSED<br>ITE PLAN |

