

AGENDA
CITY OF BERKELEY LAKE
PLANNING & ZONING COMMISSION
JUNE 10, 2025 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) April 8, 2025

IV. OLD BUSINESS

a) Election of Chair

b) Election of Vice Chair

V. NEW BUSINESS

a) PZTA-25-04 – Amendment to Sec. 78-111, Fences and Walls

b) Report on Administrative Variance Approval AV-25-05 – 562 Lakeshore Dr.

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
APRIL 8, 2025
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Dan Huntington
Pekka Ignatius
Rand Kirkus

City Officials: Leigh Threadgill - City Administrator

Citizens Present: 5

I. CALL TO ORDER

Huntington called the meeting to order at 7:15 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. Kirkus seconded the motion. All were in favor and the motion passed.

III. MINUTES

1. Minutes of March 11, 2025

Ignatius moved to approve the minutes of the March 11th meeting. Kirkus seconded and all voted to approve the minutes.

IV. OLD BUSINESS

- a) Election of Chair

Ignatius moved to continue consideration of this until the next meeting. Kirkus seconded the motion. All were in favor and the motion passed.

b) Election of Vice Chair

Ignatius moved to continue consideration of this until the next meeting. Kirkus seconded the motion. All were in favor and the motion passed.

V. NEW BUSINESS

a) PZV-25-03 - 246 Lakeshore Drive variance to Section 78-197(7) – side setback, 78-197(10) – lot coverage, 78-197(11) – building coverage, and 78-141 to expand a non-conforming structure to enclose a carport and build a second story above

Huntington recognized the applicant and asked if he would like to provide any additional information about the application. The applicant indicated that everything was provided in the paperwork, but that he would be happy to answer any questions.

The commission discussed the merits of the application, the additional encroachment on the side setback and the lot constraints.

It was noted that the existing structure was already non-conforming, and that the request would increase the degree of non-conformity.

There was discussion about the expectation to have a garage, and the visual impact of enclosing the existing carport.

Alex Riess, 246 Lakeshore Drive, asked if the commission would consider if they didn't expand the footprint, but just enclose the existing carport?

There was further discussion regarding the location of the proposed garage, and potential alternative locations.

Ignatius indicated that if the scope was reduced to only enclose the existing carport, that would be acceptable to him but that he is not in favor of further reducing the setbacks.

Kirkus asked to clarify the new proposal to enclose the carport and possibly add a garage to the front of the house.

There was further discussion.

The commission agreed that adding to the non-conformity is problematic, even adding a new building to the front. If that were the case, something would have to be removed so as not to increase the non-conformity.

There was further discussion about not increasing the non-conforming aspects with regard to lot and building coverages.

Ignatius made a motion to approve enclosure of the existing carport with no expansion. Kirkus seconded the motion.

There was further discussion about ensuring that no new construction is closer than 8'2" to the property line.

Ignatius amended the motion to approve enclosure of the carport provided no new construction is closer than 8'2" to the side property line. Kirkus seconded the motion. All were in favor and the motion passed.

VI. CITIZEN COMMENTS

There were no comments.

VII. DISCUSSION

There was no discussion.

VIII. ADJOURNMENT

There being no further business, Huntington adjourned the meeting at 8:07 PM.

Respectfully submitted,

Leigh Threadgill
City Administrator

City of Berkeley Lake Staff Analysis

| | |
|----------------|--------------------------------|
| CASE NUMBER: | PZTA-25-04, O-25-258 |
| CODE SECTIONS: | 78-111, WALLS AND FENCES |
| PURPOSE: | AMENDMENT TO FENCING STANDARDS |
| MEETING DATE: | JUNE 10, 2025 P&Z COMMISSION |

PURPOSE:

Staff received a request to amend the fencing standards to address concerns over deer and the impact they have on home gardens and landscaping. While making two small adjustments to permanent fencing height limitations and temporary fencing time limitations, staff also made small amendments to correct errors in the code and restrict the use of barbed wire on fencing.

BACKGROUND:

While no permits are necessary for the installation of fences, the city has several regulations regarding fencing to provide for aesthetic and public safety concerns. In recent years, there has been a growing concern about the impact of deer on home gardens and landscaping, which has prompted staff to revise the fence regulations to increase fence height in side and rear yards from 6 feet to 8 feet and to remove time limits on temporary fencing in order to provide citizens with more options for protecting gardens and landscaping from deer grazing/browsing. In addition, staff took the opportunity to address concerns regarding barbed wire and other housekeeping items in the existing regulations.

ORDINANCE NO. 25-258

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO AMEND CHAPTER 78, "ZONING," SECTION 78-111, WALLS AND FENCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SECTION 1:

IT IS HEREBY ORDAINED, by the governing authority of the City of Berkeley Lake that Chapter 78 of the Code of Ordinances, entitled "Zoning" shall be amended as follows:

Sec. 78-111. – Walls and fences.

The setback requirements of this chapter shall not prohibit any necessary retaining wall nor prohibit any wall or fence subject to the following requirements:

- (1) In a residential district, no wall or fences shall exceed ~~six~~ **eight** feet in height within a side or rear yard, or four feet within a front yard and no chain-link fence is permitted in a front yard.
- (2) In a nonresidential district, fencing shall be allowed in the side and rear yard provided it does not exceed eight feet in height. Fencing not exceeding eight feet in height shall be allowed in the front yard in industrial zoning districts subject to the following:
 - a. All front yard fences shall be set back a minimum of five feet from the property lines and planted with a landscape strip consisting of one tree and eight shrubs for each 50 linear feet of strip length. The remaining ground area shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.
 - b. Chain-link fencing is prohibited in front yard.
- (3) Barbed wire is only permitted on top of fences in ~~the rear yard in nonresidential~~ **industrial** districts, a minimum of six feet above the natural grade.
- (4) Walls and fences must be constructed of bricks, masonry, stone, metal, wood, rigid plastic, composite or fiberglass, or other weather and decay-resistant materials designed for permanent outdoor use. Wood fences must be constructed of cedar, redwood, pressure-treated pine or other decay-resistant wood. Fences must not be constructed from razor wire, filter fabric, plastic sheeting, plywood, or materials originally intended for other purposes.

- (5) Fences must be installed so that posts and lateral supports are not on the side of the fence facing ~~on-an~~ adjacent property or public right-of-way, unless exposed on both sides. Concrete block shall have decorative treatment applied to any side facing adjacent property or public right-of-way.
- (6) Temporary fences constructed of light-duty wire or plastic mesh are permitted in residential districts for residential garden uses. ~~only for a period not to exceed six months.~~
- (7) The provisions of this section shall not apply to barriers erected for erosion control, tree protection, safety or security during construction or land disturbance activities.

SECTION 2:

Should any article, section, subsection, paragraph, clause, phrase or provision of this ordinance be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

SECTION 3:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4:

This ordinance shall be effective upon its adoption.

Passed and adopted by the Mayor and Council on this _____ day of _____, 2025.

LOIS D. SALTER
Mayor

ATTEST:

LEIGH THREADGILL
City Clerk