

CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD, BERKELEY LAKE, 30096
PLANNING & ZONING COMMISSION MEETING
FULL MINUTES
August 10, 2010
7:30 PM

Those in attendance at the meeting were as follows:

Commission Members: Rodney Hammond, Chair
 Tom Merkel, Vice-Chair
 Jeff Cooper
 Sally Rich-Kolb

Deputy City Administrator: Leigh Threadgill

Citizens Present: 6

I. CALL TO ORDER:

Hammond called the meeting to order at 7:30 P.M. at 4040 South Berkeley Lake Road.

II. MINUTES of July 13, 2010

Cooper made a motion to approve the minutes as submitted. Kolb seconded the motion. All were in favor. The motion passed.

III. APPROVAL OF AGENDA

Cooper made a motion to move new business item (a), variance, to be heard before old business. Merkel seconded the motion. All were in favor. The motion passed.

IV. NEW BUSINESS

a.) Variance – 353 Lakeshore Drive

Hammond invited the applicant to introduce the proposal.

Gale Lightfoot, 353 Lakeshore Drive, explained the variance request is to reduce the setback requirement on the left side and allow the expansion of a non-conforming structure to accommodate a growing family. They intend to add a screened porch to the front of the house and a bathroom and kitchen expansion to the rear. When looking at the options, because of the septic tank location, the only good option is to put the screened porch on the left side of the front of the house. He explained that the placement of the existing residence was prescribed by Warren Coleman, a Berkeley Lake Official, at the time of construction back

in 1984. The original plan for the house was to locate it equidistant from each side property line, but because of Coleman's direction, it was located much closer to the left side property line. As a result, the house is non-conforming with regard to the left side setback.

Gail Lightfoot, 353 Lakeshore Drive, noted that they had attempted to place the screened porch to conform to all setback requirements, but after careful consideration of that, doing so would result in either an undesirable location or undesirable configuration.

Hammond invited additional comments from the public.

Tom Weber, 357 Lakeshore Drive, noted that he and his wife, Barbara, live adjacent to the Lightfoots. He indicated that the proposed plans will not impede his view or change his lifestyle. He expressed support of the variance application.

There were no further comments.

Hammond asked for staff to summarize the staff analysis. Threadgill gave a brief synopsis of the staff report.

Kolb asked if the elevation drawing depicting the screened porch had changed. She noted that the roof line appears to extend beyond the existing roofline. Gail Lightfoot stated that the elevation is not exactly accurate and that the proposed roofline will not go past the existing roofline.

Hammond stated that there are reasons for setbacks. At some point in the future, the hope is that all properties conform to the code or at least don't make things any worse. The code doesn't address aesthetics but is designed to maintain a certain set of codes for safety reasons and otherwise.

Merkel stated that based on the testimony, apparent facts of the case, and the support of the immediate next door neighbor who would be most adversely affected he would make a motion to approve the variance. Cooper seconded the motion.

Hammond noted that the variance is being approved subject to the condition that the plan be built exactly as approved by the Commission. If at a later point there is some discrepancy between the plan approved and what is built, the owner becomes liable.

All were in favor. The motion passed.

V. OLD BUSINESS

a.) Buffer, Landscape and Tree Ordinance Amendment

Hammond noted that this has been worked on for several weeks. If there are other editorial comments, he would like to go through those now.

Threadgill pointed out that she wanted to be sure that the Commission was confident in reducing the landscape strip width from 15 feet to 10 feet. She noted that she knew that had been discussed in the June 29th work session, but that it had also been discussed that Suwanee was a good example of the type of aesthetic desired for any future commercial development within the city. As such, Threadgill pointed out

that Suwanee requires a 15-foot landscape strip. There was consensus among the commissioners that the landscape strip width should be changed back to 15 feet.

Threadgill reviewed one other change that had been discussed in work session but had not been made pertaining to removal of parking lot trees. There was discussion about whether the change was needed. Commissioners agreed that no change was needed and to leave the language as is.

Kolb made a motion to approve the ordinance as presented with the additional change discussed. Cooper seconded the motion. Cooper and Kolb voted in favor. Merkel voted in opposition. The motion failed for the reason that three votes are needed to affirm or deny the motion.

Hammond noted he was in support of the ordinance.

Cooper asked for an interpretation of the by-laws regarding voting and quorums. Merkel asked staff to also investigate the process for handling proxy votes. There was further discussion about the need for alternates.

VI. NEW BUSINESS

b.) Chapter 78, Zoning Ordinance Amendments (Section 196, 240, 242, 271, 295, 298)

It was noted that this was simply a housekeeping item.

Cooper moved to adopt the changes to Chapter 78 as presented. Merkel seconded the motion. All were in favor. The motion passed.

There was discussion regarding the need for analysis of the zoning ordinance with regard to granting variances for expansions to non-conforming structures. Hammond requested that staff research this and develop recommendations to the Commission regarding how to deal with these situations.

VII. CITIZEN COMMENTS

There were none.

VIII. ADJOURNMENT

Kolb moved to adjourn the meeting. Cooper seconded the motion. All were in favor, and the motion passed.

Hammond adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Leigh Threadgill
Deputy City Administrator