

**CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
PLANNING & ZONING COMMISSION MEETING
FULL MINUTES
September 13, 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: 5

I. CALL TO ORDER

Huntington called the meeting to order at 7:15 PM. A quorum was present with Commissioner Bob Erwin absent. 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 August 9, 2022

Sansone moved to approve the minutes of the August 9th meeting. Kirkus seconded and all voted to approve the minutes.

IV. OLD BUSINESS

There was no old business.

V. NEW BUSINESS

1. PZV-22-03, 3945 N. Berkeley Lake Rd., Applicant Kenneth Ellsworth, on behalf of owners Malissa Hunter and Eric Wilson, requests relief from Sections 78-141 of the zoning ordinance to alter and expand a non-conforming structure and from Section 78-197(7) to reduce the side setback to 7 feet for a second story addition.

Huntington acknowledged the applicant to introduce the request.

Kenny Ellsworth, with Studio Sogo, 1631 S. Gordon Street, Atlanta, GA, the architect representing the owners, reviewed the application with the Commission.

Huntington asked about the issue of hardship. The idea of a hardship is significant, not just to the Commission but also to the Mayor and Council.

Huntington asked if the ordinance is enforced as written how it creates an unnecessary hardship.

Ignatius asked if there is a reasonable way to accomplish the addition without having to apply for a variance.

There was discussion.

Ellsworth noted it would be difficult structurally and awkward architecturally to add a second story that met the 12.5-foot setback requirement along the south side property line.

Kirkus asked if there are alternatives that can be considered so that the addition does not increase the non-conformity. Ellsworth stated that to meet the setback would shrink the bedroom sizes. The total encroachment is 68 square feet.

There was discussion about the visual impact.

Kerry and Linda Langley, 134 Bayway Circle, located immediately south of the subject property asked for clarification with regard to the requested variances and confirmed that the request was not to allow a reduction in the side setback for the length of the property, but only in those areas where the proposed plan encroached.

Langley showed pictures of the subject structure as seen from her property.

There was further discussion.

Mary Lou Dennisson, 3935 N. Berkeley Lake Rd., located on the other side of the subject property noted that the setbacks are there for a reason and for the benefit of all involved.

There was further discussion.

Huntington noted for the record that there is no such thing as a precedent as it relates to variances. No two cases are the same. Every request heard is unique.

The Commission discussed further.

Huntington asked if the variances could be split between the side setback variance and the expansion to the non-conforming structure. There was further discussion.

Full Minutes

Planning & Zoning Commission Meeting

September 13, 2022

Page 2 of 3

Sansone moved to continue this discussion so that a revised plan that does not show an encroachment into the side yard could be submitted and considered. The motion failed for lack of a second.

Ignatius moved to approve the request with the exception of anything that encroaches into the side setback so that the expansion conforms with all zoning requirements. Kirkus seconded the motion. All were in favor and the motion passed.

VI. CITIZEN COMMENTS

There were none.

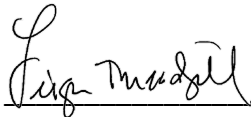
VII. DISCUSSION

There was no further discussion.

VIII. ADJOURNMENT

There being no further business, Ignatuis moved to adjourn. Kirkus seconded the motion. All voted in favor and Huntington adjourned the meeting at 8:33 PM.

Respectfully submitted,



Leigh Threadgill
City Administrator