

AGENDA
CITY OF BERKELEY LAKE
PLANNING & ZONING COMMISSION
MAY 12, 2026 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 14, 2026

IV. OLD BUSINESS

V. NEW BUSINESS

a) PZV-26-03 – 540 Lakeshore Drive variance to Section 78-89(g)(3) to build a boathouse closer than 75 feet from the opposite shore

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 14, 2026
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Dan Huntington
 Pekka Ignatius
 George Kaffezakis
 Rand Kirkus
 Dave Meilander

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.

Kaffezakis moved to approve the agenda. Ignatius seconded the motion. All were in favor and the motion passed.

III. MINUTES

1. Minutes of March 11, 2025

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

IV. OLD BUSINESS

There was no old business to discuss.

V. NEW BUSINESS

a) PZTA-26-02 – Amendment to Chapter 78, Zoning, Article X, Commercial Use District, to create a new C-2 General Business District

Huntington acknowledged the applicant and asked him to review his request.

Gary Volino, 380 Lakeshore Dr. asked for any questions and described his vision for development of a commercial piece of property he owns in the city that requires the proposed zoning ordinance amendment. Volino and partner Mark Metz, Peachtree Corners' resident, continued to describe a use that would either be classified as an indoor recreation center or an outdoor recreation center, depending on the location of some of the various proposed uses, such as pickleball.

Threadgill explained the staff analysis and how it seems like this is putting a square peg in a round hole. The current Gwinnett County C-2 code, from which the application was modeled, doesn't fit seamlessly into the existing City of Berkeley Lake zoning code. Creating a new zoning district without careful consideration can lead to unintended consequences.

There was further discussion.

Meilander made a motion to make a recommendation to city council to create a new C-2 district with the constraint that it only adopts the proposed permitted uses and that the permitted uses be further refined to eliminate smoke, novelty or CBD shop and request staff to further cross reference with the proposed draft UDO C-2 permitted uses. Kirkus seconded the motion. Meilander, Huntington, Ignatius and Kirkus were in favor and the motion passed. Kaffeidakis abstained.

VI. CITIZEN COMMENTS

Holben, 325 Lakeshore Drive, noted that he has a lot of questions. Huntington noted that those can all come out during the rezoning application. Holben thanked Threadgill for her hard work. Holben invited the commission to review documents he had displayed in the chambers.

VII. DISCUSSION

There was none.

VIII. ADJOURNMENT

Kirkus made a motion to adjourn. Ignatius seconded the motion. All were in favor and Huntington adjourned the meeting at 9:13 PM.

Respectfully submitted,

Leigh Threadgill
City Administrator

**City of Berkeley Lake
Staff Analysis**

CASE NUMBER:	PZV-26-03, 540 LAKESHORE DR.
RELIEF REQUESTED:	REDUCTION IN THE REQUIRED DISTANCE FROM OPPOSITE SHORE FROM 75 FEET TO 32.5 FEET
EXISTING ZONING:	R-100, SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	BOATHOUSE
APPLICANT:	BARRY NEWTON 540 LAKESHORE DR. BERKELEY LAKE, GA 30096
OWNER:	SAME AS APPLICANT
MEETING DATE:	MAY 12, 2026 P&Z COMMISSION

PROPOSED PROJECT:

The applicant previously received a variance to re-build a damaged non-conforming dock and is now requesting to build a modified structure that requires variance approval. The former approval brought the closest point of the boathouse roof to 26.5 feet from the opposite shore, and the closest point of the dock to about 36.5 feet. The modified plan shows the closest point of the boathouse to be approximately 32.5 feet from the opposite shore. Formerly, the plan was to build a cantilevered roof, but that proved infeasible. The posts for the roof will be 32.5 feet from the opposite shore.

FINDINGS OF FACT:

- 1.) There was formerly a non-conforming dock which sustained damage from a fallen tree. The applicant removed the damaged dock and has proposed building back in the same place, with a smaller footprint, but seeks to add a roof to cover his boat. The posts for the boathouse roof come as close as 32.5 feet from the opposite shore.
- 2.) However, there will be an additional 5 feet of clearance from the opposite shore, even with the roof posts, than there would be when the boat was parked previously.
- 3.) The proposed roof will cover not only a portion of the dock and boat, but also a freestanding deck on the shore connected to the dock. The total roof area is 675 square feet.
- 4.) The breakdown of the proposed boathouse is as follows:
 - a. 494 square feet of dock, most of which is covered
 - b. 204 square feet of covered boatslip
- 5.) Previously, the dock projected about five feet further into the water than the proposed dock, but the boathouse roof support posts will come closer to the opposite

shore than the prior grandfathered structure which was destroyed and removed as well as the proposed structure approved in March of 2025.

- 6.) If you consider the overall impact of the dock and boatslip on navigability, the new proposal provides more space to navigate the cove even though the structure is closer to the opposite shore than before. This is because the parked boat would come about 5 feet closer to the opposite shore than the proposed boathouse roof support posts.
- 7.) The proposed dock/boathouse meets setback requirements, size requirements and height requirements, but the cove in this location is approximately 45 feet wide. There is no way to meet the separation from opposite shore requirement in this location.
- 8.) A similar variance request was submitted in 2005, but the variance was never granted and doesn't appear to have been discussed in the planning and zoning commission minutes around the time of application submission.
- 9.) Properties to the east and west are zoned R-100 and the location of single-family residential uses. The right-of-way of Lakeshore Drive is located to the north, and Lake Berkeley is adjacent to the south.

STANDARDS FOR APPROVAL:

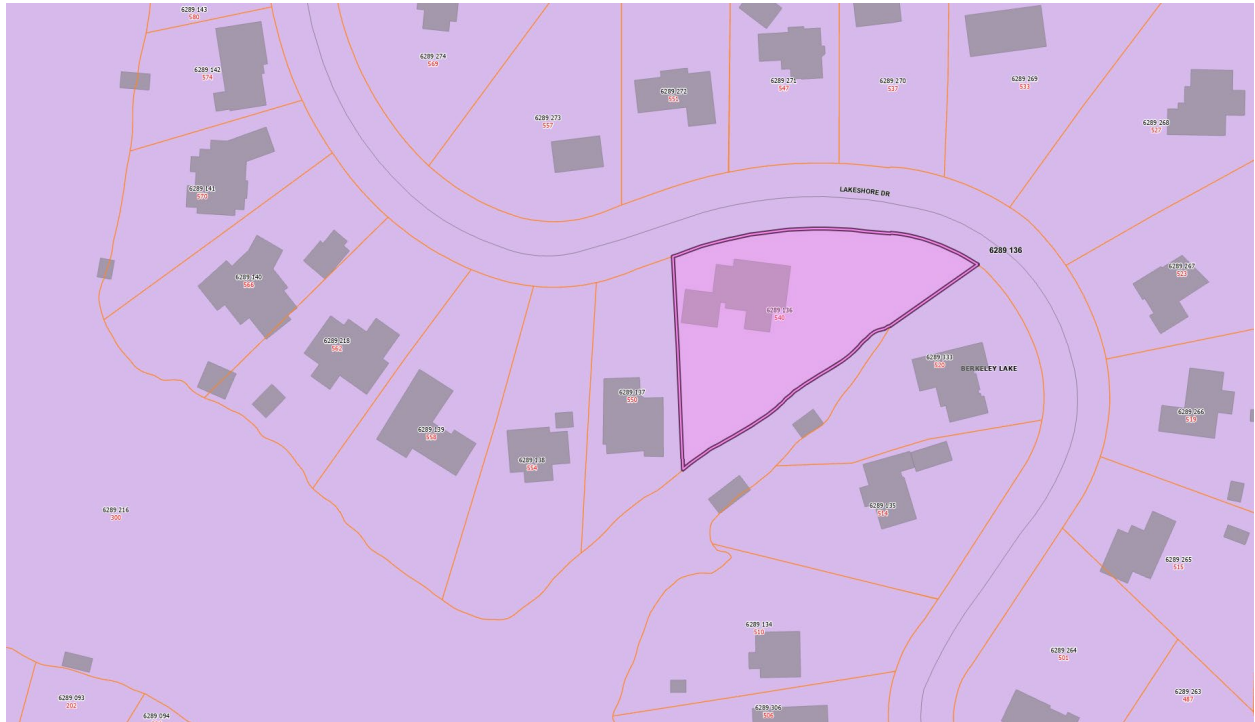
In considering whether to grant or deny this variance request, the commission must evaluate the application based on the criteria specified in Section 78-366 (a)(1) of the zoning ordinance:

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





Application for Variance

For Office Use Only	
Application #:	V/AV 26-03
Check #:	1059 Cash: _____
Date Paid:	3/27/2026
P&Z hearing date:	5/12/2026
Action:	_____
Appeal filed:	_____
Council hearing date:	_____
Account 100.34.1390.2	
Variance App	\$ 450.00

Part 1: Applicant Information

APPLICANT IS: Owner Agent Attorney

NAME Barry Newton DATE March 17,2026

MAILING ADDRESS 540 Lakeshore Drive

CITY Berkeley Lake STATE GA ZIP 30096

TELEPHONE 770-294-6876 MOBILE 770-294-6876 FAX _____

E-MAIL barry@newton.org

Part 2: Property Owner Information

NAME(S) (same)

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____ MOBILE _____ FAX _____

E-MAIL _____

Part 3: Property and Use Information

PROPERTY ADDRESS 540 Lakeshore Drive PARCEL ID R6289 136

PARCEL SIZE 0.6 acre ZONING R-100

EXISTING USE Single family residential

I am requesting relief from code section 78-89 (g) (3) for the purpose of:

Rebuilding a dock and adding a roof

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

BARRY NEWTON

CITY OF BERKELEY LAKE

BARRY NEWTON

**540 Lakeshore Drive
Berkeley Lake, GA 30096
Barry@newton.org
770-294-6876**

March 17, 2026

I'm requesting a modification to the variance approved March 12, 2025, to add supports for the roof.

The newly planned dock will be significantly smaller than the one it replaces and will be built so that it allows an additional five feet of clearance to the far shore.

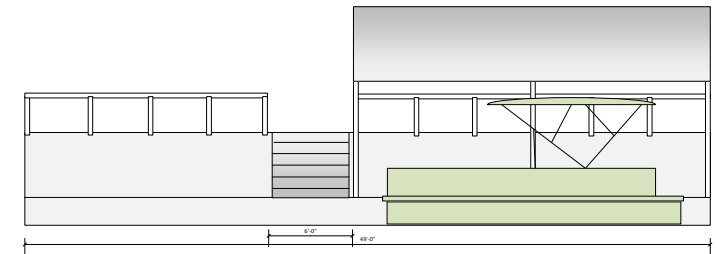
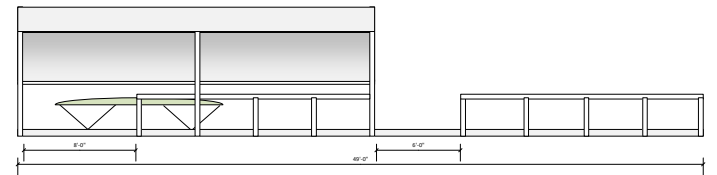
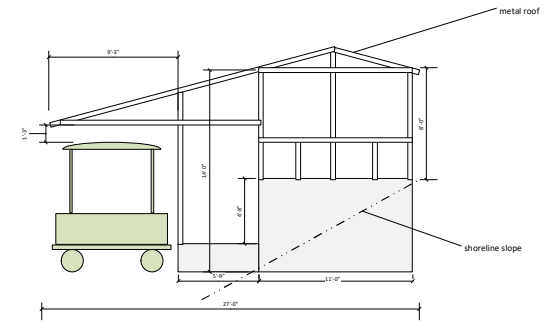
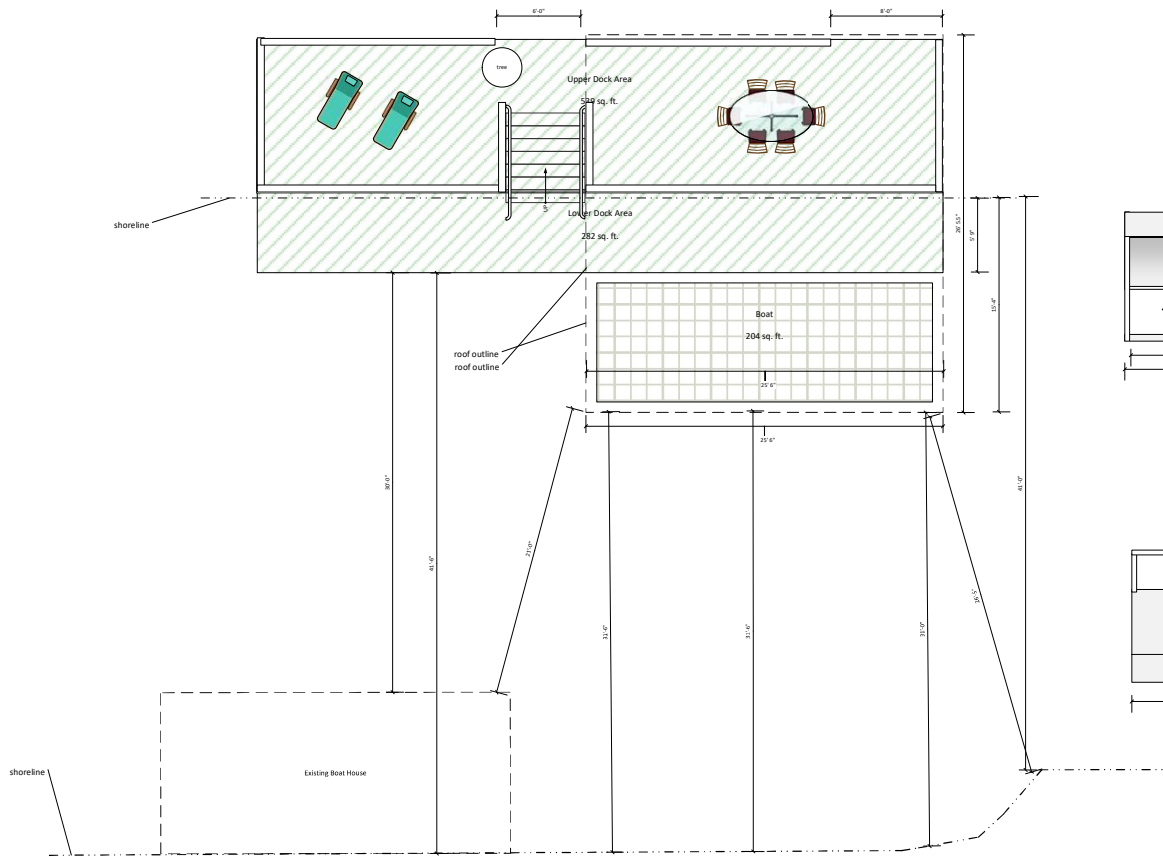
The resulting plan increases the navigable width of the cove as compared to the original dock with boat parked.

Sincerely,

Barry Newton

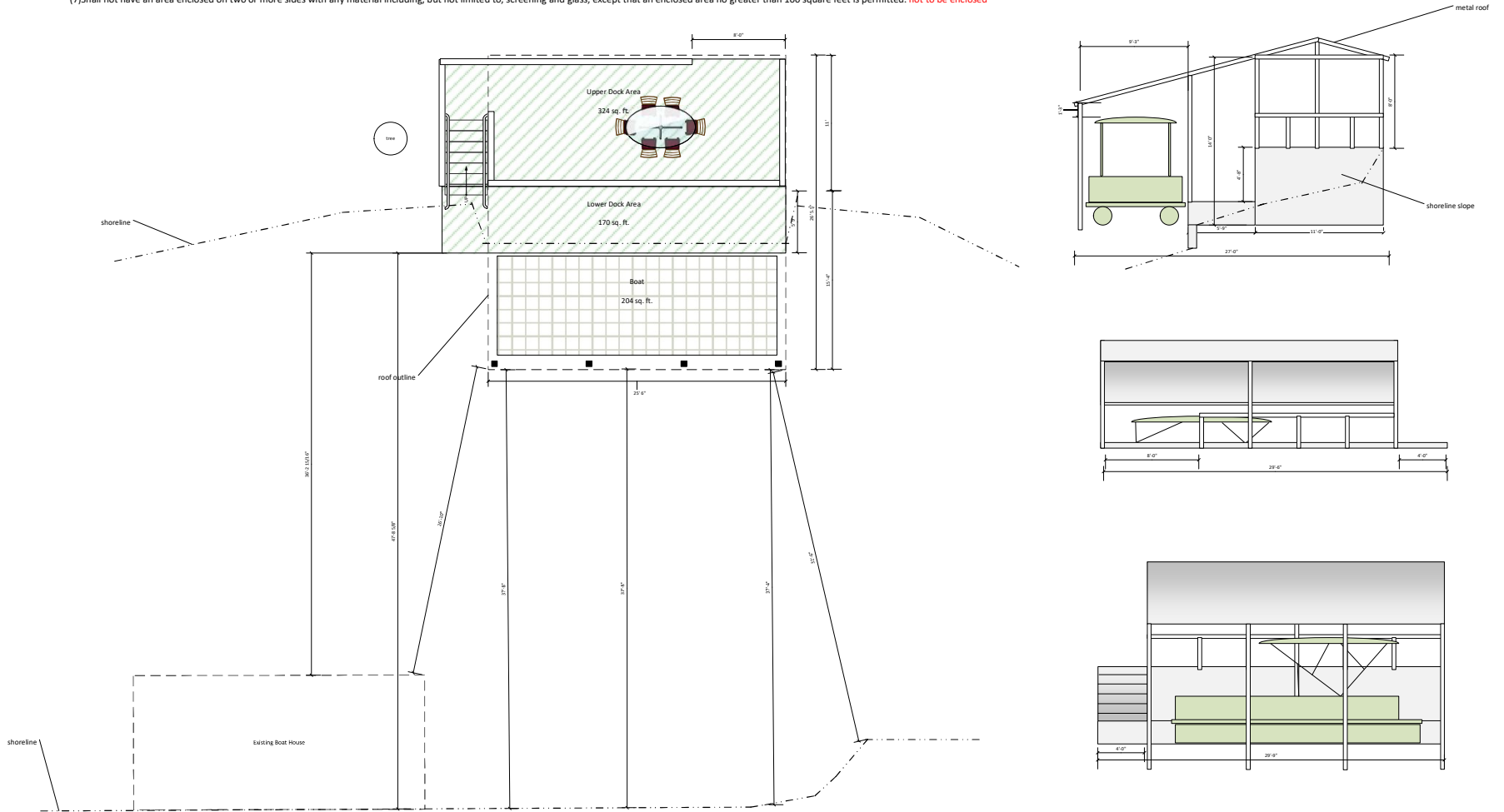
540 Lakeshore Dr. Variance Request

- (1) Shall not extend more than 25 feet into the lake from the natural shoreline; **approx. 6' for the dock, 9.5' for the roof**
- (2) Shall have a minimum setback of 12.5 feet from the side lot line(s) as projected into the lake; **closest point of the deck from property line is approx. 20'**
- (3) Shall be at least 75 feet from the opposite shore, as measured from the closest point of the boathouse or dock to the opposite shore; **not possible to comply, request variance**
- (4) Shall not exceed 14 feet in height measured from the mean water level; **roof to be 14' at shoreline**
- (5) Shall be limited in size to a total or combined gross square footage, including the area of the boat slip, of 875 square feet; **871 square feet, no boat slip**
- (6) Shall be limited to a total or combined roof area of 675 square feet; **675 square feet**
- (7) Shall not have an area enclosed on two or more sides with any material including, but not limited to, screening and glass; except that an enclosed area no greater than 100 square feet is permitted. **not to be enclosed**



540 Lakeshore Dr. 2nd Variance Request

- (1) Shall not extend more than 25 feet into the lake from the natural shoreline; **approx. 4' for the dock, 14.5' for the roof**
- (2) Shall have a minimum setback of 12.5 feet from the side lot line(s) as projected into the lake; **closest point of the deck from property line is approx. 30'**
- (3) Shall be at least 75 feet from the opposite shore, as measured from the closest point of the boathouse or dock to the opposite shore; **not possible to comply, request variance**
- (4) Shall not exceed 14 feet in height measured from the mean water level; **roof to be 14' at shoreline**
- (5) Shall be limited in size to a total or combined gross square footage, including the area of the boat slip, of 875 square feet; **698 square feet, including boat slip**
- (6) Shall be limited to a total or combined roof area of 675 square feet; **675 square feet**
- (7) Shall not have an area enclosed on two or more sides with any material including, but not limited to, screening and glass, except that an enclosed area no greater than 100 square feet is permitted. **not to be enclosed**



63

62

6

WOOD / WIRE FENCE
N00°23'59"W

WOOD / WIRE FENCE

EDGE OF LAKE

(249.0' P)
234.78'(M)
S64°46'49"W

BERKELEY LAKE

RBF
0.2' NORTH

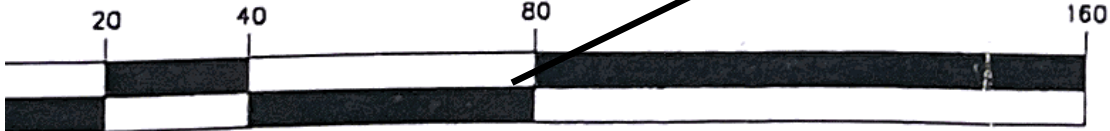
OTF

46' 3"

36' 5"

GRAPHIC SCALE

Edge of Lake



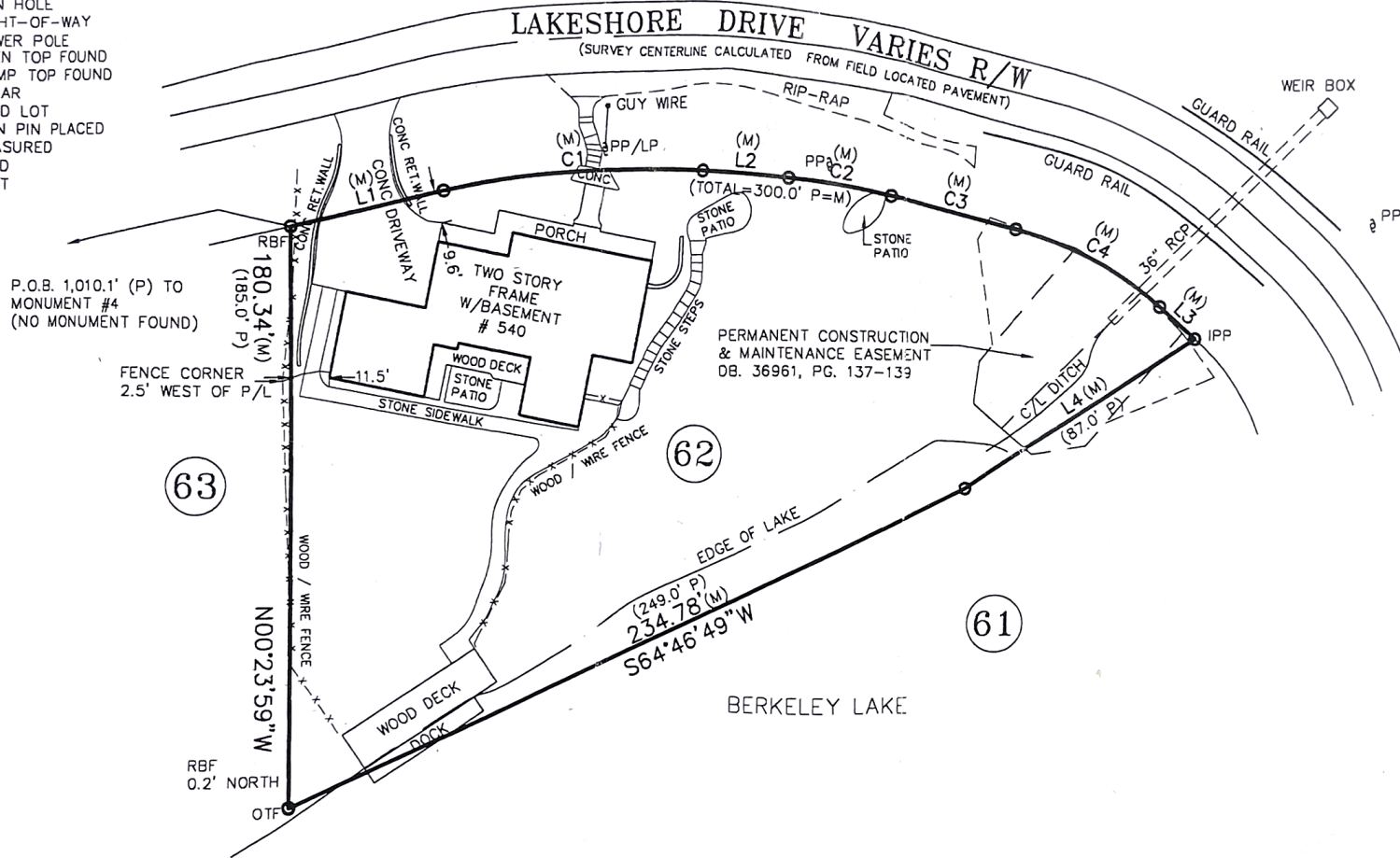
(IN FEET)

LEGEND

- CMP CORRUGATED METAL PIPE
- DE DRAINAGE EASEMENT
- SSE SANITARY SEWER EASEMENT
- BSL BUILDING SETBACK LINE
- RBF REBAR FOUND
- IPF IRON PIN FOUND
- CB CATCH BASIN
- JB JUNCTION BOX
- HW HEAD WALL
- POB POINT OF BEGINNING
- MH MAN HOLE
- R/W RIGHT-OF-WAY
- PP POWER POLE
- OTF OPEN TOP FOUND
- CTF CRIMP TOP FOUND
- RB REBAR
- LL LAND LOT
- IPP IRON PIN PLACED
- M MEASURED
- D DEED
- P PLAT

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	82.73'	252.02'	N85°40'08"E	82.36'
C2	32.91'	272.28'	S81°27'52"E	32.89'
C3	41.54'	657.63'	S76°39'44"E	41.54'
C4	51.95'	113.46'	S61°44'03"E	51.50'

LINE TABLE		
LINE	LENGTH	BEARING
L1	48.59'	N76°15'52"E
L2	27.25'	S84°55'36"E
L3	15.03'	S48°36'58"E
L4	86.23'	S57°05'13"W



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

NOTE:
ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR: STEVE ROBINSON	DATE 02/11/05	SCALE 1" = 40'	AREA OF LOT: 33,956 S.F. GWINNETT COUNTY, GEORGIA
OWNER / PURCHASER STEVEN L. ROBINSON & DEBRA S. ROBINSON	SECTION 6		
LAND LOT 289	6th DISTRICT	BLOCK	UNIT
SUBDIVISION BERKELEY REALTY AND INVESTMENT COMPANY			
SECTION SIX			
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED			
SOLAR LAND SURVEYING COMPANY P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993 TELEPHONE (770) 794-9055 FAX (770) 794-9052			
PLAT BOOK <u> E </u> , PAGE <u> 249 </u> DEED BOOK 21782, PAGE <u> 76 </u>			



JOB NUMBER: 05-00898

PLOTTED BY: