

AGENDA
CITY OF BERKELEY LAKE
PLANNING & ZONING COMMISSION
JANUARY 14, 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) December 10, 2024

IV. OLD BUSINESS

V. NEW BUSINESS

- a) PZV-24-10 – 4245 S Berkeley Lake Rd variance to Section 78-197 (11) to increase building coverage from 15% to 19.8%
- b) Election of Chair
- c) Election of Vice Chair
- d) Appointment of Secretary

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
DECEMBER 10, 2024
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Barbara Geier
 Pekka Ignatius
 George Kaffezakis
 Rand Kirkus

City Officials: Leigh Threadgill - City Administrator

Citizens Present: 2

I. CALL TO ORDER

Kaffezakis 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

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

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

III. MINUTES

1. Minutes of September 10, 2024

Geier moved to approve the minutes of the September 10th meeting. Ignatius seconded and all voted to approve the minutes.

IV. OLD BUSINESS

There was no old business to discuss.

V. NEW BUSINESS

a) PZTA-24-09, Amendment to Sections 78-3, 78-300 and 78-301 Clarifying GC-A Regulations

Kaffezakis asked staff if this was related to another recent change to the GC-A district.

Threadgill explained that the Gwinnett County- Annexed, or GC-A, district was established to create a zoning district that would allow newly annexed properties to continue to be regulated according to Gwinnett County standards. Over the years, however, Gwinnett County has revised their standards, but the standards frozen in place at the time of annexation have not been updated.

The city is trying to ensure consistency between county standards and GC-A district standards, which was the original intent. The proposed amendment is to address some of the uses that either didn't exist and therefore weren't regulated or did exist but were regulated differently by the 2011 Gwinnett County zoning regulations.

Kirkus asked if any of the property owners in the GC-A district had asked for this change. Threadgill responded that this was not at the request of any of the property owners in the GC-A district.

There was further discussion regarding the annexed area. Threadgill reiterated that the intent was to provide consistency between the city's regulation of commercial property and the county's regulation of commercial property to address an immediate need while we continue reviewing all of the city's zoning and development regulations for a total overhaul.

There was discussion about the uses that are the subject of the proposed amendment.

Kaffezakis opened the public hearing and asked if anyone wanted to speak on the proposed amendment.

Jay Boettcher, 4685 Berkeley Walk Point, asked for further clarification about whether this change is more liberal or less liberal. Threadgill gave an example of Hookah bars, which were not addressed in the 2011 county code, but are now specifically regulated by Gwinnett County. Ignatius added that any changes by the county since the annexation don't apply to the annexed areas. Threadgill clarified that this isn't an adoption of the entire Gwinnett County code.

Chet McQuaide, 3455 Kingsland Circle, is particularly interested in some of these changes for properties along the front part of the city with the rezoning proposal on the north side of the intersection. He doesn't live on any adjacent property, but Berkeley Walk is close to the front of the city. He is interested in the safety of children. Anything that might have a larger impact on the safety of the coming and going of school buses is of interest. Years ago, he served on a planning board for a small city in New Jersey. He was interested in attending to learn what he could.

Ignatius moved to recommend approval of PZTA 24-09, Amendment to Sections 78-3, 78-300 and 78-301 of the zoning code. Kirkus seconded the motion. All were in favor and the motion passed.

VI. CITIZEN COMMENTS

There were no comments.

VII. DISCUSSION

There was discussion about the vision for the future and the need to focus on how the commercial areas of the city are regulated.

VIII. ADJOURNMENT

There being no further business, Kaffezakis moved to adjourn. Ignatius seconded the motion. All were in favor. Kaffezakis adjourned the meeting at 7:46 PM.

Respectfully submitted,

Leigh Threadgill
City Administrator

**City of Berkeley Lake
Staff Analysis**

CASE NUMBER:	PZV-24-10, 4245 S BERKELEY LAKE RD.
RELIEF REQUESTED:	NEW CONSTRUCTION OF SINGLE-FAMILY HOME TO EXCEED 15% BUILDING COVERAGE LIMIT BY 4.98%
EXISTING ZONING:	R-100, RESIDENTIAL
PROPOSED USE:	SINGLE FAMILY RESIDENCE
APPLICANT:	JUDIE AND MILLARD BOWEN BLAKE BOWEN 5072 BRISTOL INDUSTRIAL WAY, STE A BUFORD, GA 30518
OWNERS:	JBBB PROPERTIES / JUDIE BOWEN SAME AS ABOVE
MEETING DATE:	JAN. 14, 2025, P&Z COMMISSION

PROPOSED PROJECT:

The applicant recently purchased the property at 4245 South Berkeley Lake Road and demolished the existing residence to build a new single-family home. In order to have adequate space for their needs, the applicant has proposed a home that is larger than allowed by city code. Per Section 78-197(11) of the zoning ordinance, homes built in the R-100 district are limited to a roof print no more than 15% of the area of the lot if they are more than 25 feet in height. The proposed home exceeds 25 feet in height and is proposing to occupy 19.98% of the lot.

FINDINGS OF FACT:

- 1.) The property at 4245 South Berkeley Lake Road is currently vacant. The former house, built in 1960, was recently demolished, and the lot has been cleared and roughly graded.
- 2.) This lot, at 29,698 square feet and 100 feet wide, meets the minimum lot size and minimum lot width standards. It is rectangular in shape and has gentle topography.
- 3.) Septic approval has been granted for the proposed house; and besides building coverage, the proposal meets all other zoning requirements.
- 4.) The applicant has asked for a variance to exceed the 15% building coverage limit by 4.98% for a total of 19.98% building coverage, or roof print, on the lot.
- 5.) The applicant is proposing a nearly 6,000-square-foot underroof area, including a 956-square foot garage, and 6,139 square feet of living space, of which 4,348 is on the first floor and 1,791 square feet is on the second floor.
- 6.) Adjacent properties are zoned R-100. Adjacent uses are as follows: single-family residential to the north, south and east and South Berkeley Lake Road right-of-way and single-family residential 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.*

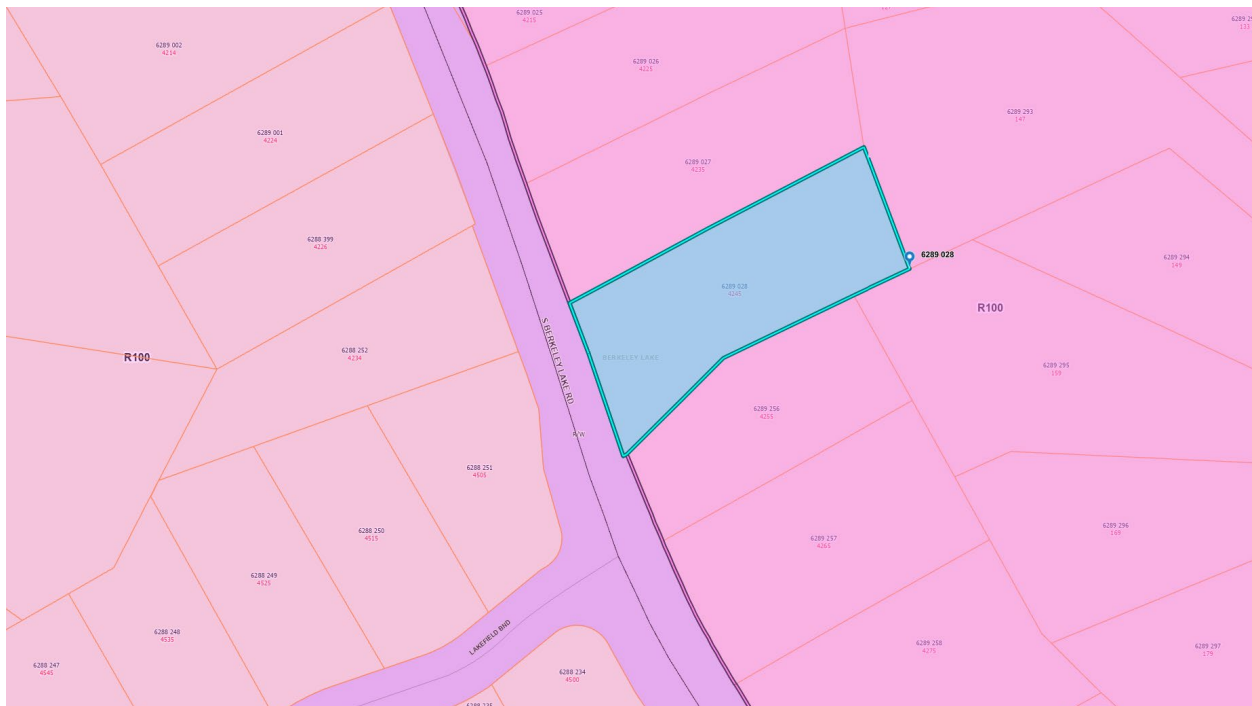
AERIAL PHOTO



TOPOGRAPHICAL MAP

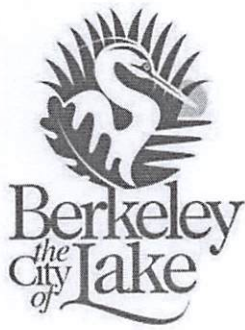


LOCATION MAP



SITE PHOTO





Application for Variance

For Office Use Only	
Application #:	V/AV <u>24-10</u>
Check #:	<u>008403</u> Cash: _____
Date Paid:	<u>11/23/24</u>
P&Z hearing date:	<u>1/14/2025</u>
Action:	_____
Appeal filed:	_____
Council hearing date:	_____
Account 100.34.1390.2	
Variance App	\$ <u>450.00</u>

Part 1: Applicant Information

APPLICANT IS: ☒ Owner ☒ Agent ☐ Attorney

NAME Judie and Millard Bowen/Blake Bowen DATE 11/25/24
MAILING ADDRESS 5072 Bristol Industrial Way, Ste A
CITY Buford STATE GA ZIP 30518
TELEPHONE 770-530-7984 MOBILE 770-530-7985 FAX _____
E-MAIL blakebowen86@gmail.com/bbbowen@bellsouth.net

Part 2: Property Owner Information

NAME(S) JBBBProperties/Judie Bowen
MAILING ADDRESS 5072 Bristol Industrial Way, Ste A
CITY Buford STATE GA ZIP 30518
TELEPHONE 770-530-7984 MOBILE 770-530-7985 FAX _____
E-MAIL blakebowen86@gmail.com/bbbowen@bellsouth.net

Part 3: Property and Use Information

PROPERTY ADDRESS 4245 S Berkeley Lake Rd PARCEL ID R6289 028
PARCEL SIZE 29,698sqft/0.68 acres ZONING R100
EXISTING USE residential single family home

I am requesting relief from code section 78-197 number 11 for the purpose of: _____

Granting relief from the maximum building coverage allotment

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

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.

This is a small, narrow lot under 1 acre. We have had engineers survey the lot and the lot does not allow for a basement and therefore can only support a slab or a 2 story home.

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

Given that we need a two story home based on the lot not supporting a basement, the building coverage allotment reduces to 15%. Currently the proposed home to be built has a building coverage of 19.8%.

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

The lot is unique in that it only allows for a slab lot. Additionally, the lot size is misleading as from the street the lot has a width of 133 ft. The middle of the lot narrows to 99.7ft. In order to have the optimal living space, we had to create a deeper floor plan, therefore we had to exceed the maximum building coverage allowed. River that Achilles was (mostly!) dipped in.

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

Yes, we have designed a home that best suits our needs within the constraints and limitations that the lot allows.

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

In our opinion there is no detriment to the public. This is not a lake lot and the view of the lake will not be obscured by the construction of this home. Additionally we feel that the construction of this home will positively impact the values of the surrounding homes.

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

Yes it is

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

Judie B. Bowen

Date

11-25-2024

Owner's Signature

Judie B. Bowen

Date

11-25-2024

Letter of Intent from Judie and Millard Bowen

We propose to build a single family home on the property located at 4245 S Berkeley Lake Rd, Berkeley Lake, GA.

We are requesting a variance from code section 78-197 number 11 pertaining to the building coverage allotment.

We want to build our forever home as we are now in our older years and need primarily all of our living place on the main floor. We do have a large family, 6 kids and 10 grandkids, and are lucky enough that they come to visit often. Unfortunately, the lot does not allow us to build a basement, and we need the space and extra rooms that a second floor will provide.

Our goal is to build a home that will increase and enhance the real estate value of the surrounding properties. We decided when we purchased the lot a few years ago, that we wanted to live our remaining years in Berkeley Lake as we have grown to love the community and have many family and friends in the area.

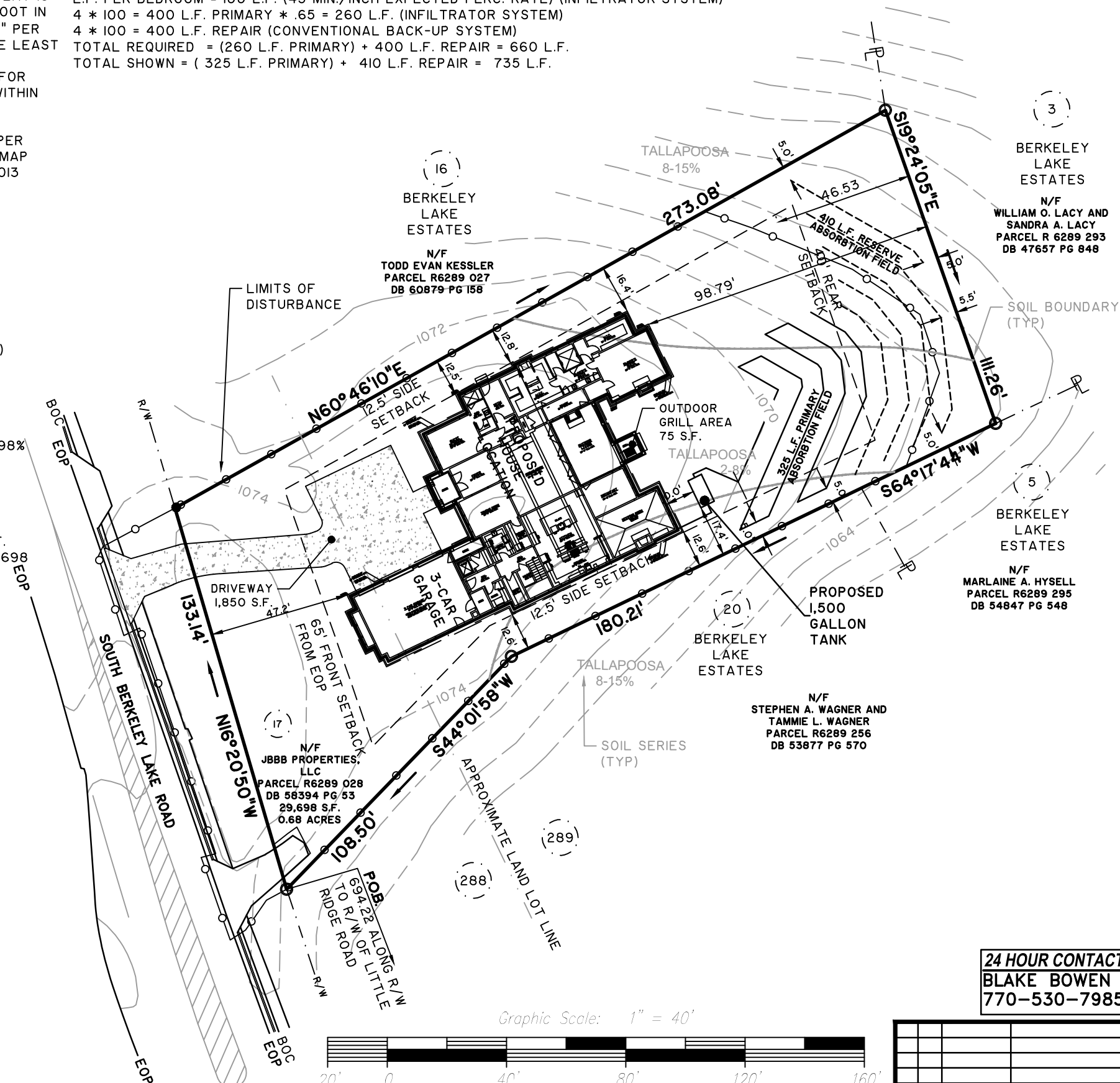
We hope that you will grant us the variance needed to build our dream home.

Sincerely,

Judie and Millard Bowen

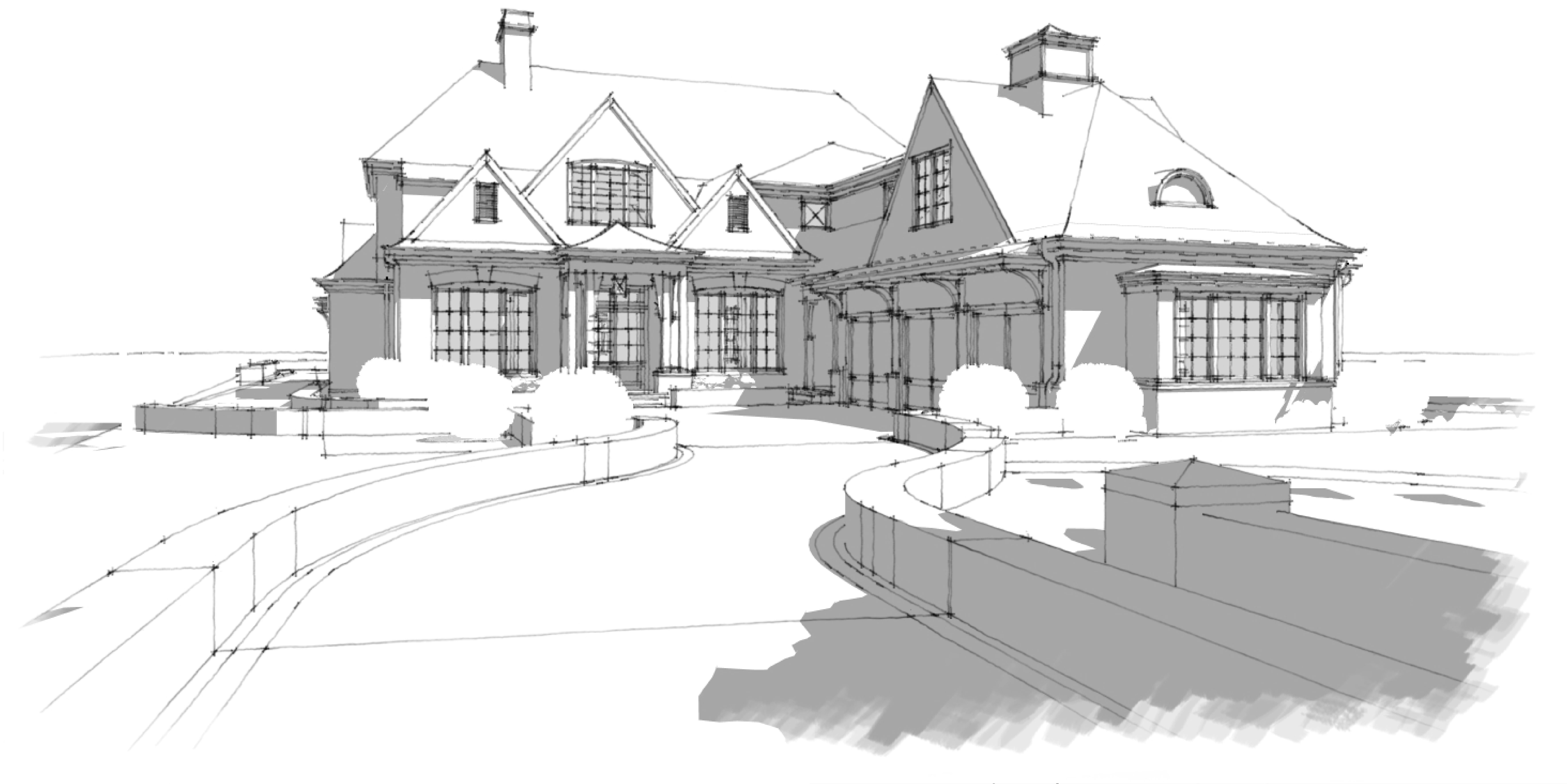
THIS MAP OR PLAT HAS BEEN CALCULATED
FOR CLOSURE AND IS FOUND TO BE
ACCURATE WITHIN ONE FOOT IN 500,000 FEET.

PROPOSED 4 BEDROOM HOUSEHOLD
 L.F. PER BEDROOM = 100 L.F. (45 MIN./INCH EXPECTED PERC. RATE) (INFILTRATOR SYSTEM)
 4 * 100 = 400 L.F. PRIMARY * .65 = 260 L.F. (INFILTRATOR SYSTEM)
 4 * 100 = 400 L.F. REPAIR (CONVENTIONAL BACK-UP SYSTEM)
 TOTAL REQUIRED = (260 L.F. PRIMARY) + 400 L.F. REPAIR = 660 L.F.
 TOTAL SHOWN = (325 L.F. PRIMARY) + 410 L.F. REPAIR = 735 L.F.



24 HOUR CONTACT:
BLAKE BOWEN
770-530-7985

				Date: 01/06/25	Land Lot: 288 & 289	District: 6TH	1 of 2
				County: GWINNETT, GA. Scale: 1" = 40'			
				Drawn By: MJH Checked By: CCB			
No.	By	Date	Revision	Job Number: BERKELEY File Number: BERKELEY			



Bowen Residence

Bowen Residence

South Berkley Lake

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DATE 07 / 12 / 2024	REVISED
DRAWN/CHECKED JF / SF	
PROJECT / TUBE NO.	
	SHEET TITLE COVER
	SHEET A0 of 8

Bowen
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South Berkley Lake

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PROJECT/TUBE NO.	

SHEET TITLE
MAIN LEVEL
FLOOR PLAN

SHEET

A2 of 8

FLOOR PLAN NOTES:

- SIZE OF STAIR RISERS MAY VARY ACCORDING TO SIZE OF FLOOR SYSTEM.
- ALL WALLS 2 x 6 WOOD STUDS, UN.D.
- ALL CEILINGS 12'-0" UNLESS NOTED OTHERWISE.

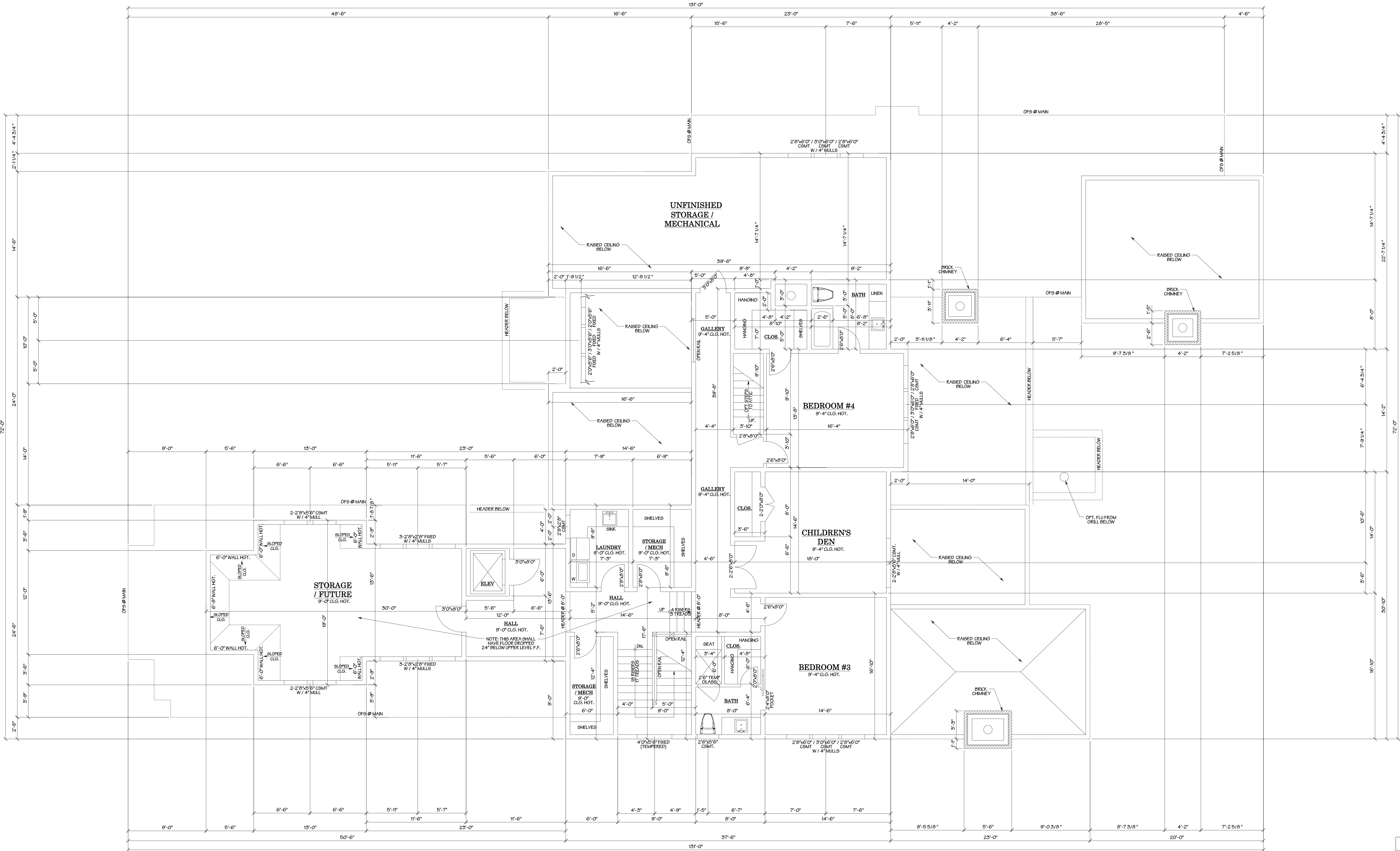
AREA SUMMARY

MAIN LEVEL	4,348 SQ. FT.
UPPER LEVEL	1,791 SQ. FT.
TOTAL	6,139 SQ. FT.
(not included)	
GARAGE	956 SQ. FT.
STORAGE / FUTURE	461 SQ. FT.

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1 MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



FLOOR PLAN NOTES:

- SIZE OF STAIR RISERS MAY VARY ACCORDING TO SIZE OF FLOOR SYSTEM.
- ALL WALLS 2 x 6 WOOD STUDS, U.N.G.
- ALL CEILINGS 9'-4" UNLESS NOTED OTHERWISE.

AREA SUMMARY	
MAIN LEVEL	4,348 SQ. FT.
UPPER LEVEL	1,791 SQ. FT.
TOTAL	6,139 SQ. FT.
(not included)	
GARAGE	956 SQ. FT.
STORAGE / FUTURE	461 SQ. FT.

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1 UPPER LEVEL FLOOR PLAN
A3 SCALE: 1/4" = 1'-0"

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SHEET TITLE	SHEET
UPPER LEVEL FLOOR PLAN	
A3 of 8	

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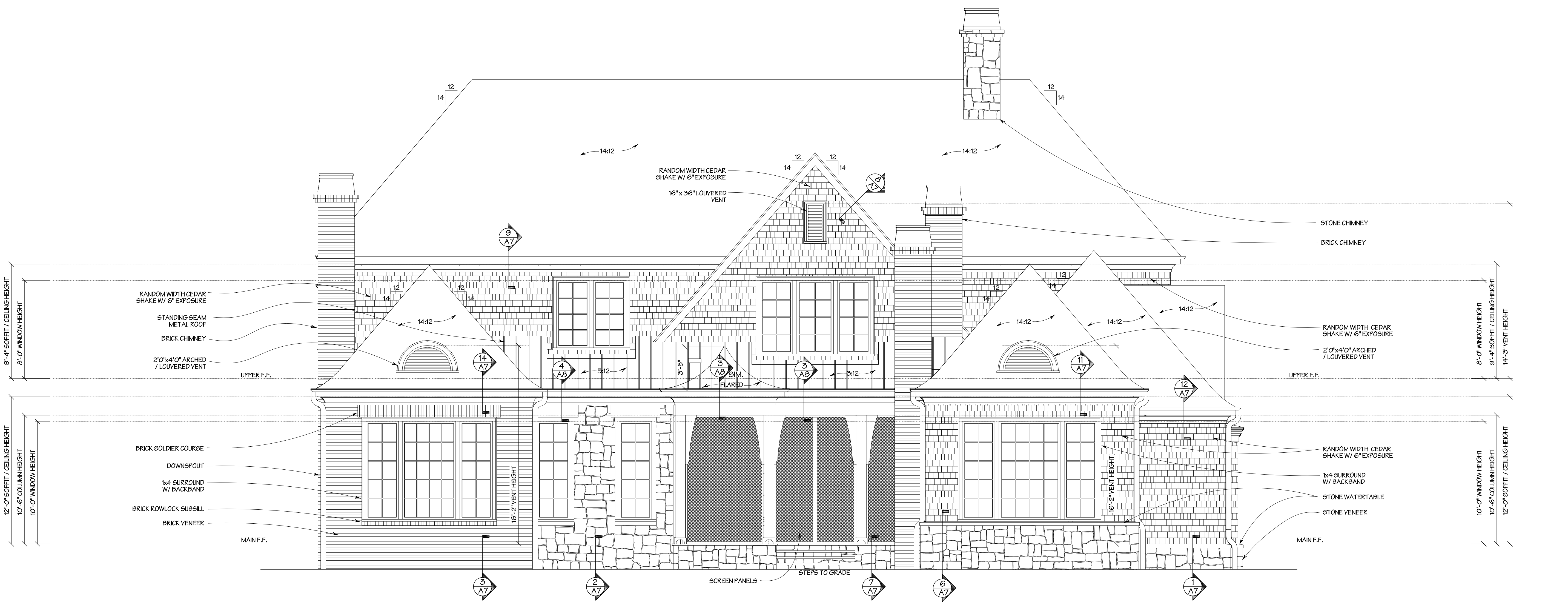
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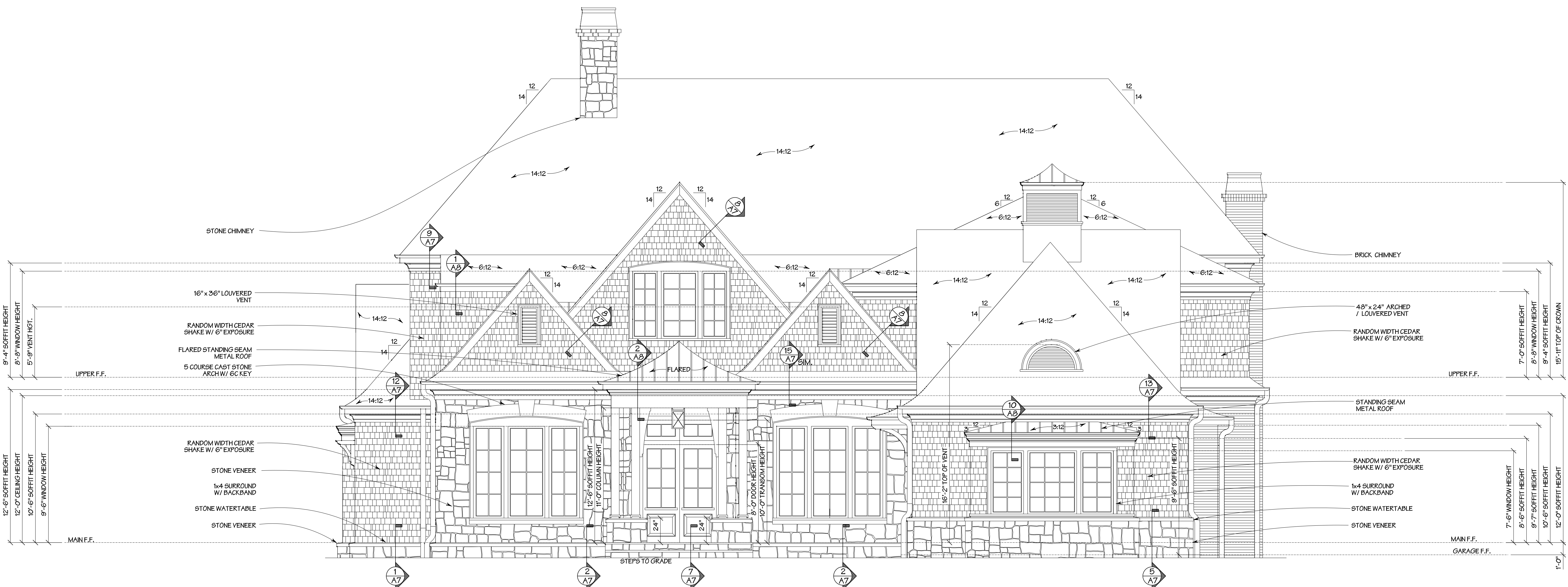
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SHEET TITLE
ELEVATIONS
SHEET
A5 of 8

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2
A5
REAR ELEVATION
SCALE: 1/4" = 1'-0"



1
A5
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

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Stephen S. Fuller, Inc., Design Traditions, Inc., and/or American Home Gallery, Ltd. assume no liability for any home constructed from this Plan. It is the responsibility of the purchaser of this Plan to perform the following before construction:

- Contractor must verify ALL DIMENSIONS prior to proceeding with construction.
- Contractor must verify compliance with ALL LOCAL BUILDING CODES in the area the home is to be built.
- Plans indicate locations only; all engineering aspects should incorporate actual site conditions.
- Stephen S. Fuller, Inc. must make any modifications, other than "red-line" modifications.
- The liability of Stephen S. Fuller, Inc., Design Traditions, Inc., and/or American Home Gallery, Ltd., in connection with the plan and the home constructed therefrom, is limited to the total license fees paid by Purchaser of this Plan.

Caution must be exercised in making any modification to this plan, if changes are necessary, contact Stephen Fuller Design.

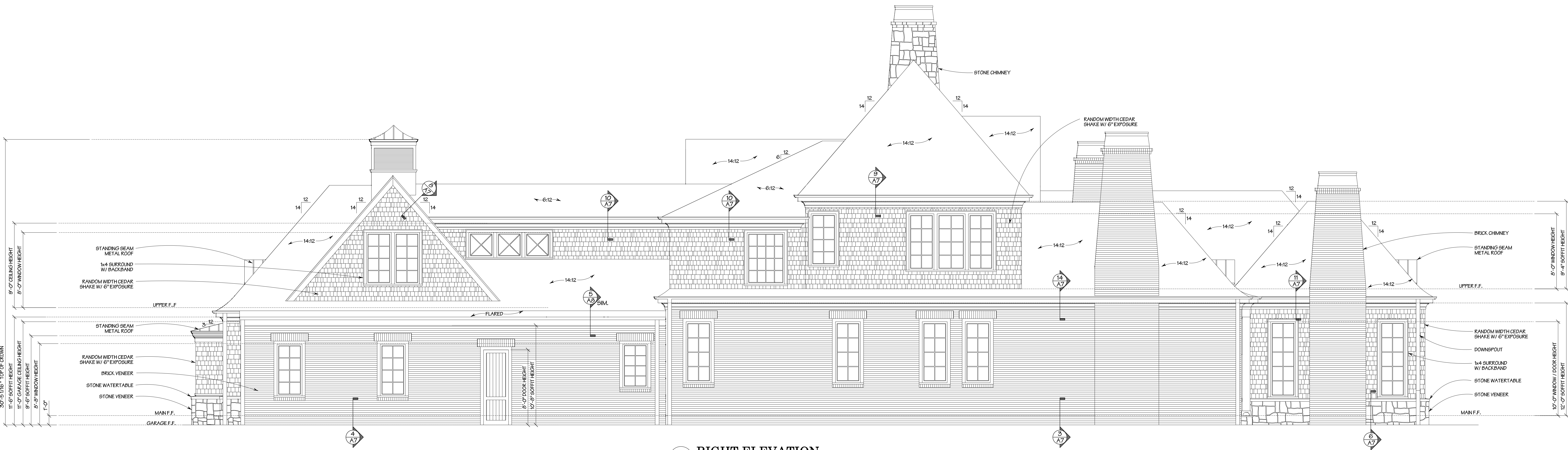
DATE
07/12/2024

DRAWN/CHECKED
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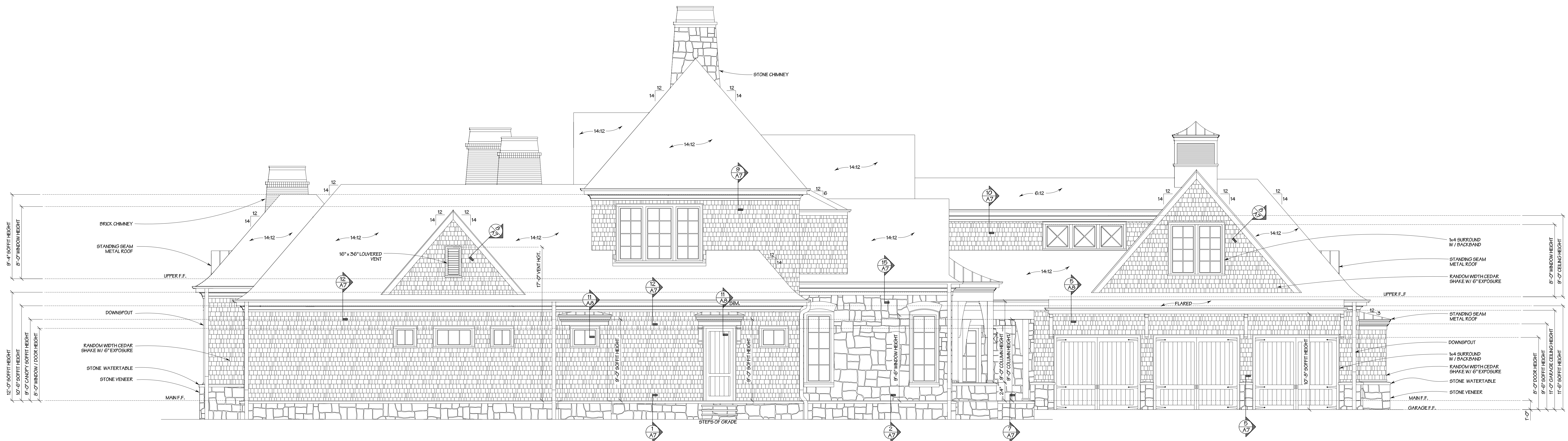
PROJECT/TUBE NO.

SHEET TITLE
ELEVATIONS

SHEET
A6 of 8



2 RIGHT ELEVATION
A6 SCALE: 1/4" = 1'-0"



1 LEFT ELEVATION
A6 SCALE: 1/4" = 1'-0"

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