

----- Original Message -----

Subject: 90 Lakeshore Drive; Refusal to Issue Boat House Permit
Date: Mon, 11 Feb 2008 15:23:17 -0500
From: Tom Koenig <takoenig@dynasound.com>
To: Lois Salter <lois.salter@mindspring.com>
CC: Jennifer Lombardi <jenlom@comcast.net>

Feb. 11, 2008

Dear Mayor Salter and Council:

On Tuesday, January 8, 2008 I was denied a permit for a new boat house as referenced above by a member of your staff, Leigh Threadgill. The permit was denied on Leigh's insistence that I could not have two boathouses. Leigh is a very professional employee who is very committed to doing the right thing. *_However, I respectfully contest her interpretation of the building ordinance as written. Nowhere in the ordinance does it clearly and specifically state that I cannot construct another boat house._*

* *

Leigh said that I may be correct in that it does not state that I cannot have two boat houses. However she did go on to say that boat house permitting has been very controversial in the past and that she would not feel comfortable issuing a building permit for a second boat house. She did say that she could issue a permit for the new boat house if my existing non-conforming boat house were demolished or structurally modified in some manner so that it could no longer function as a boat house.

Back ground information. The property at 90 Lakeshore Drive has a previously built, non-conforming, historical (1950's) boat house covered with vines with a roof patio railed in wrought iron. Half of the structure has a small water filled boat slip. The other half of the structure has a floor and functions as storage. It is a charming structure that adds to the character of the entire setting. It is situated entirely in back of an existing sea wall and does not project into to the lake *(see attached drawing and photos)*.

On November 26, 2007 Jennifer Lombardi of Outside In Designs, LLC had submitted drawings for the new boat house that is in full compliance with the boat house ordinance as presently written. However she was denied the permit because she was told by your staff members (Leigh Threadgill, Gene Rodgers and Craig Lokey) that we could not have a

second boat house. Jennifer Lombardi had also been told that she would not be issued a permit for a new boat house for this property until the existing boat house was either demolished or modified in some manner so that it could no longer function as a boat house.

Again, nowhere do we see any provisions in the existing ordinance that *_clearly and specifically_* states that we cannot construct another boat house. Please consult with others, including City Legal Council. *_I have referred this matter to my attorney and he is in full agreement with our interpretation that nowhere in the present ordinance does it clearly and specifically prohibit construction of another boat house._*

We would greatly appreciate you and council reviewing this matter and either issuing a building permit for the new boat house as originally requested or showing us where in the ordinance it *_specifically and clearly states that we cannot construct another boat house_*. We would very much like to resolve this issue as soon as possible so that we can proceed with the construction of the new boat house as we would like lake access before the septic field is dug and installed.

Please see below a copy of the boat house ordinance as it is presently written as well as attached pictures of new 1930ish designed home, photos of the existing boat house and a drawing showing the existing boat house, sea wall, and location of the new boat house.

Please advise if you have any questions or require additional information for the Feb 21st Council Meeting.

Article 04: General Provisions.

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39-401 Accessory Uses or Structures

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Item 2. Boat Houses and Docks. Boat houses and docks shall not extend more than 25 feet into the lake from the natural shoreline; shall be at least 12 ½ feet from the side lot line, projected into the lake; shall be at least 75 feet from the opposite shore; shall not exceed 14 feet in height from the mean water level; shall not have a footprint that exceeds 875 square feet; shall not have a total roof footprint that exceeds 675 square feet; shall not have an area enclosed on two or more sides with any material including, but not limited to screening and glass; and shall not have an enclosed area greater than 100 square feet. (Adopted 2.2.06)

Again, nowhere above do we see any text that *_clearly and specifically prohibits the construction of another boat house_*. If you and your staff disagree, *_please advise where it clearly and specifically so states that a second boat house cannot be built. _*

We await your reply.

Sincerely,

Thomas A. Koenig

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Norcross, GA 30092

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