

## Building Permits

The City of Berkeley Lake appointed its own Building Inspector and began issuing its own building permits in January 2006 for the convenience of residents. There is now no need to go to Gwinnett County unless a Health Department Septic Tank Report is requested. Commercial building permit applications are still also reviewed by Gwinnett County Fire Department. If you currently have an open residential building permit with Gwinnett County, you will still need to call them for inspections. Please feel free to call city hall if you have any questions.

We are now also providing access to all our building permit and other relevant application forms here. You may download them and complete them before coming to City Hall with the relevant fees. All of the information you require should be contained in the documents below. Please read the general information about permits FIRST. Each file contains individual information.

Please note most of the permit forms were updated in August 2006.

[Building Permit Checklist](#)

[Building Permit Application](#)

[Electrical permit Electric\\_Permit\\_Version\\_B\\_Aug\\_06.pdf](#)

[Plumbing Permit Plumbing\\_Permit\\_Version\\_B\\_Aug\\_06.pdf](#)

[HVAC permit HVAC\\_permit\\_Version\\_B\\_Aug\\_06.pdf](#)

[Inspection Request Inspection-request.pdf](#)

[Land Disturbance/Grading permit Land\\_Disturbance\\_Permit.pdf](#)

If a lot is being cleared for a new home or a renovation, a site plan with a tree save presentation plan is also required.

The following affidavit can be submitted by a sub-contractor who is overseeing one project which may involve several contractors:

[Sub-contractor Affidavit sub-contractor\\_affidavit](#)

The following affidavit can be submitted by a homeowner who is completing permitted work on their own home themselves:

[Owner's Affidavit Owners-Affidavit.pdf](#)

## Zoning Overview

This section of the Frequently Asked Questions page is intended to give you an overview of zoning in the City of Berkeley Lake. It is brief and necessarily skips some details. If you have general questions, feel free to contact any member of the Planning and Zoning Commission. Contact information is provided in the City Directory, on this site under 'contact us' or from the City Clerk at 770.368.9484

- What do I need to do to build, expand, or significantly repair a structure (house, garage, boathouse, etc. &mdash; anything else with a roof)
- What is an "OEO"?
- What happens if I build/expand/repair without a permit?
- When do I need a use permit?
- What are the Building/Use Permit Procedures for Construction/Remodeling?
- How much will a Building/Use Permit cost?
- When do I NOT need a Building/Use Permit?
- I want to landscape a non-disturb buffer on my property, OK?
- Do my sub-contractors need permits?
- Do I need a building permit to remove a tree?
- What are the Building Regulations for the City of Berkeley Lake?
- Who is the zoning authority for Berkeley Lake?
- Is it OK if I just check with my homeowners association?
- If I ask a City official and they say it's OK, is that good enough?
- Why does the City now issue their own Building permits?
- Why must we have zoning ordinances in the first place?
- What can I do if I need an exception to the rules?
- How do I apply for a variance?
- What is the variance hearing process?
- What is an Administrative variance?
- What if I asked for a variance and it was denied?
- I heard that the P&Z granted a variance I am strongly opposed to!
- OK, I have read all this but it still isn't clear.

with a roof)?

You must obtain a Building Permit from the City of Berkeley Lake at City Hall.

## 2. What is an "OEO"?

The OEO is the City of Berkeley Lake "Ordinance Enforcement Officer". His responsibility is to insure all of our City ordinances are enforced, including zoning ordinances.

The OEO is no longer issuing 'Building/Use Permits'. It is the responsibility of the new City Building Inspector to review your detailed plans to be sure they are 100% compliant with the literal text of our zoning ordinances. If they are, your plans will be approved and you will be issued a building permit. If any areas fall short, he will identify them to you. You may modify your plans or seek an exception ("variance") if your circumstances are unique and plans are otherwise consistent with the intent of the particular ordinance.

## 3. What happens if I build/expand/repair without a permit?

We strongly advise against that! If you are found to be building, or having previously built, without a Use Permit, you will be required to get one after-the-fact and risk substantial fines. In the event your structure is found to be non-conforming (legaleeze for not complying with our zoning ordinances), remedies can be severe up to being required to return the property to its pre-construction state regardless of expense. This has happened before (zoning authority has real "teeth").

## 4. When do I need a building permit?

In general, no building or other structure shall be erected, moved, added to or structurally altered without a building permit issued at City Hall. This would not apply to ordinary maintenance and repairs to existing structures but does apply to electric, plumbing and HVAC replacement. Please ask if you are not sure what 'ordinary maintenance and repairs' are defined as. Any work costing in excess of \$2000 requires a building permit. The Planning and Zoning Commission (P and Z) also has to pre-approve a Building Permit under certain circumstances.

Properties with 'On Site Sewage management Systems' or OSSMS (Septic tanks) are more regulated than properties utilizing municipal sewer. New regulations allow very little to be done on a property utilizing OSSMS without first obtaining approval from the Georgia Department of Environmental Health. This even includes most landscape work. You will be asked to provide information detailing where your septic tank is located (if applicable).

## 5. What are the Building/Use Permit Procedures for Construction/Remodeling?

The following checklist may not cover everything pertinent to a specific situation. The current code prevails. For more information, please check with City Hall.

Before beginning construction, you may apply for a Building Permit application in person, or by mail at City Hall. If the work is repair and maintenance, you may be issued with a permit whilst you wait if you have the correct documentation. Otherwise your plans may need to be reviewed by the Building Inspector first. (Please allow a maximum of a week for this part of the process) The following items must be provided to the City:

- Sub-division Architectural Review Committee approval (if applicable) ;
  
- Site and building construction plans and total cost estimate (2 copies)
  
- For work involving tree removal, a current Tree Survey (2 copies), Tree Preservation and/or Replacement Plan (2 copies);
  
- Soil Erosion and Sedimentation Control Plans (2 copies);
  
- Proof of location of septic tank, lines and field. Health Permit (2 copies) for septic tank system if building work is to be completed in the vicinity of the septic tank, lines and/or field. (Source: Gwinnett County);

### Payment of Fees.

Upon full and satisfactory receipt of the items listed above, and Building Inspector review, of the application, a building permit will be issued. If required, No grading, clearing, grubbing, or construction will be permitted until a Land Disturbing Permit is issued.

When construction is complete, the Building Inspector will perform a Foundation Survey (to ensure setbacks are met), Final Framing Inspection (ensures height requirement), and a Septic System Inspection (done before covering) or Plumbing Inspection. If these inspections are satisfactory a Certificate of Occupancy will be issued to the property owner.

A Building Permit is valid from the date of issuance for a period of one (1) year. Use Permits may be extended once for an additional six months without fee provided the project continues to meet all Zoning Ordinances in effect at the time of the extension unless specifically accepted via a variance.

## 6. How much will a Building/Use Permit cost?

Please see the actual fee schedule above.

- A Building Permit is required by the City of Berkeley Lake when a structure is changed, modified or added to (as opposed to maintenance) and the estimated cost is over \$500. Due to new Codes, all electric, plumbing, and heating and air work requires a permit. The fee is \$6 per \$1000 with a minimum fee of \$50.

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If a homeowner proceeds without a Building Permit, a summons and citation to appear in Municipal Court will be issued, and the homeowner may be punished by a fine up to \$500, plus court costs, as provided in City Code, Section I-108. In addition, double permit fees are assessed per SBCCI codes.

#### 7. When do I NOT need a Building/Use Permit?

Generally, simple landscaping (including retaining walls less than 4 feet high, sprinkler systems, plantings, etc.), sidewalks, swing sets (unless any portion is covered by a roof), fences, etc. However, it can also depend on the degree of landscaping activity as in some cases, a grading permit may be required. Also, if you have a septic system, you also need approval from the Georgia Department of Environmental Health. you will need approval When in doubt, contact City Hall.

#### 8. I want to landscape a non-disturb buffer on my property, OK?

In general, you do not need permission to perform landscaping unless your property has a septic tank system. However, buffers are special exceptions.

Buffers are created by the Planning and Zoning Commission in the subdivision plat approval process. This actually goes through preliminary and final plat stages, each of which is separately approved by City Council. It is a very involved and carefully deliberated process.

We know that any buffer on your property reduces your flexibility. It has affected your property's market value and thus the price you paid. On the down side, a small area you own can not be developed. The up side is the same!

In any event, buffers exist in the interest of the entire community. They don't particularly benefit the homeowner or the sub-division. While exceptions are often difficult to justify, our standard variance procedure is applicable to buffers.

If your buffers are not well defined on your property plat, ask the OEO for assistance in locating and defining the boundaries of your buffer zone.

9. Do my sub-contractors need permits?

The Building Inspector requires all sub-contractors to complete a subcontractors affidavit. A separate permit may be needed for any plumbing, electrical or HVAC work.

10. Do I need a Building Permit to remove a tree?

Building Permits are only for construction. However, to remove a tree you need a Tree Removal Permit (at no charge) from the OEO pursuant to the City's "Tree Protection Ordinance". Even removal of dead trees require authorization. Failure to obtain this approval can result in extremely costly tree replacement or an appearance in Records Court.

11. What are the Building Regulations for the City of Berkeley Lake?

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All residences in Berkeley Lake are single family (R100) and the rental of an apartment is prohibited under City zoning regulations.

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The following area, yard coverage, height and supplementary regulations apply to R-100 Single Family Residence Use Districts. Lots adjoining Lake Berkeley have additional regulations.

Lot Depth Minimum 200 ft

Lot Area Minimum 28,050 sq. ft

Lot Width at bldg. line Minimum 100 ft

Building Setback (front) Minimum 65 ft from edge of road

Building Setback (rear) Minimum 40 ft from any point of rear lot line or shoreline of Lake Berkeley

Building Setback (side) Minimum 12.5 ft; corner lots 25 ft from edge of bordering road

Street Frontage Minimum 50 ft

Building Height Maximum 35 ft to highest point of structure, measured at the front, and not to exceed 45 feet at the rear on a downward sloping lot

Septic System Setback Minimum 75 ft from any point of the distribution lines to any point of the natural shoreline of the lake.

The footprint of all structures however shall not occupy more than 15% of the property upon which they are located.

## 12. Who is the zoning authority for Berkeley Lake?

The City of Berkeley Lake is an incorporated City within the state of Georgia. As such, we are our own zoning authority similar to other cities such as Norcross or Atlanta. We have our own zoning ordinances and ordinance enforcement (backed by the full force of law).

This is one of the many great assets of being a homeowner here. We craft our ordinances to reflect our own community priorities. Those who pass ordinances and consider exceptions are your neighbors. They make a significant personal sacrifice for community service at little or no pay.

## 13. Is it OK if I just check with my homeowners association?

In a word, no. Some properties within Berkeley Lake are subject to deed covenant restrictions overseen by their home owners associations. If you live in such an area, you should contact your association for any needed authorizations per your deed covenants prior to construction.

However, it must be noted that home owners associations are not government entities. They can not issue required government permits. Approval to proceed on a project from your homeowners association has no official relevance to the City of Berkeley Lake.

Homeowner associations often remind their members of the requirement for City permits and authorizations. When this happens it is a considerate service to their membership. However, the ultimate responsibility is yours.

14. If I ask a City official and they say it's OK, is that good enough?

In a word, no. You only have permission when you have a Use Permit. To be certain a Use Permit is not required, speak with the OEO or a member of the Planning and Zoning Commission.

All members of City Government want to be of assistance. We are your neighbors. You elected us or we were appointed by those you elected. On occasion citizens have unfortunately been given erroneous information by friends, neighbors, and even City officials. Sadly, we can not excuse permitting problems resulting from this. Play it safe, speak directly to the OEO or Planning and Zoning Commission member. They are the experts in matters of zoning ordinances and have years of experience. You are the one taking the risk otherwise!

15. Why does the City now issue their own building permits?

The primary reason was to make it more convenient for the residents of Berkeley Lake. Previously residents needed to apply for a 'use permit' at City Hall, and then go to Lawrenceville to get a building permit. This sometimes involved a long drive followed by a long wait. Now permits are issued at City Hall and at a smaller overall fee.

16. Why must we have zoning ordinances in the first place?

We don't have to. However, if we didn't Berkeley Lake would be a different place. Zoning ordinances shape the nature of our City. They place restrictions on unbounded property rights in order to achieve an environment in the interests of the citizens.

Without zoning ordinances, we would evolve into something many of us would dislike. We would be discouraged, our property values lowered, and ultimately move to get away.

We are extremely fortunate to have the full authority of a City, especially a small one, to mold our government to our specific community requirements.

17. What can I do if I need an exception to the rules?

When people understand what zoning is about, they are 100% behind it. Often they feel it should be made much stronger! Except... when it applies to them.

However, there are situations where the blind application of a one-size-fits-all zoning ordinance to a unique situation just isn't reasonable. In those circumstances the Planning and Zoning Commission will hold a public hearing to consider an exception called a "variance". If granted, the Building Inspector will review the permit application and a Building permit will be issued.

This process insures fairness and complete public disclosure. Variance hearings are open to the public, advertised in the paper, and posted on a sign on the involved property. No decisions are made behind closed doors or by a single official in private isolation.

Only by the Planning and Zoning variance procedure may exceptions be granted. No city official, even the OEO or Mayor, is empowered to make any exception to zoning ordinances.

#### 18. How do I apply for a variance?

All petitioners for a variance must first make sure that they fulfill all the requirements to file for a variance first. There are seven conditions listed in Chapter 78. If a petitioner believes they fulfill all the requirements, they should file a request at City Hall for the Planning Commission of the City of Berkeley Lake to review.

Items to be covered in official letter to Planning Commission requesting a variance:

- Name, mailing address, and phone number of property owner
- Address of property in question
- Specific variance requested and grounds for appeal
- Optional: diagrams, drawing

Before the Planning Commission acts upon an application for a variance the notice of the time and place of the hearing must be published at least 15 days prior to the hearing in the Gwinnett Daily Post (the official organ of Gwinnett County).

The Chair of the Planning Commission ensures that a sign is erected in a conspicuous place on the property involved,

which states the variance applied for and the time and place of the hearing. This required sign must be in place on the property at least 15 days prior to the hearing.

#### 19. What is the Variance Hearing Process?

At the Planning Commission hearing any party having an interest in the variance being considered may appear in person or be represented by an authorized representative. Based upon the guidelines of the Commission, a decision to either grant or deny the variance will be made.

#### 20. What is an Administrative Variance?

An administrative variance may be granted at the option of the Chair of the Planning Commission for certain variance requests. Please see point 18 above for the application process. Such variances will be granted only where the request does not exceed 10% of the required setbacks. See Berkeley Lake Code book for full explanation. Full public notification requirements must be met.

#### 21. What if I asked for a variance and it was denied?

The Planning and Zoning Commission was the first step in the original creation of all zoning ordinances. They are your neighbors and are generally unpaid for their service. If they do not approve it, it probably is not consistent with the intent of the ordinance.

If any citizen wishes to appeal a ruling by the Building Inspector or the Planning Commission the petitioner must file a written Notice of Appeal within 15 days of the ruling, specifying the grounds for the appeal. The Notice of Appeal shall be given to City Hall or to the Planning Commission (if the appeal is to the Planning Commission's ruling), and with the Mayor and Council specifying the grounds thereof. A copy of the Appeal shall be served upon the City Clerk.

City Hall or the Planning Commission will give all the papers constituting the record of the action to the Mayor and the Council. An appeal stays all legal proceedings unless there is an immediate peril to life and property.

Public notification of the appeal must be published at least 15 days prior to the hearing in the official organ of Gwinnett County in which the Sheriff's advertisements are published. A sign must be posted conspicuously on the property in question at least 15 days before the hearing before the Mayor and Council. The sign must state the variance applied for and the time and place of the hearing.

The Mayor and Council hear the Variance Appeal at the call of the Mayor.

If the Variance Appeal is denied, a re-application cannot be made to the Planning Commission or to the Mayor and Council earlier than 12 months from the date of the original application. Anyone may appeal the decision made by the Mayor and Council by filing an appeal to the Superior Court of Gwinnett County, Georgia. The appeal must be filed within 30 days of the Mayor and Council's decision. If no appeal is filed, the Mayor and Council's decision is final. The Mayor may establish fees in order to defray the expense of the appeal.

22. I heard that the P&Z granted a variance I am strongly opposed to!

You have the same right of appeal as the petitioner did. Simply contact the Chairman of the Planning and Zoning Commission or Mayor within 15 days after the varaince was granted for information on how to file an appeal.

23. OK, I have read all this but it still isn't clear.

We want to help. Your role is that of homeowner, not zoning expert! That won't excuse you from following the law, but fortunately help is available. If you have specific (detailed, written) plans, contact City Hall. If you just are confused about how this works please feel free to contact the Chairman or any member of the Planning and Zoning Commission.