

**MINUTES
CITY OF SUWNEE, GEORGIA
ZONING APPEALS BOARD MEETING
OCTOBER 16, 2007**

PLANNING AND ZONING APPEALS BOARD MEMBERS: Present: Bill Thee, Tucker Balch and Paula Hill. Absent: Winship Rees and Herb Godfrey. Staff members present: Josh Campbell and MaryAnn Jackson.

CALL TO ORDER

Bill Thee called the meeting to order at 6:35 pm.

ADOPTION OF THE AGENDA

Tucker Balch moved to adopt the agenda as presented, second by Paula Hill. Motion carried 3-0.

PROCEDURES FOR PUBLIC MEETING

Bill Thee read the procedures for public meetings.

OLD BUSINESS

NEW BUSINESS

V-2007-020 – Applicant: Pedro Peidra. Owner: John Karwitz. Requests a variance from Section 1612 of the Suwanee Zoning Ordinance to allow for a wall sign exceeding the maximum size limitation. Site is located in Land Lot 212 and 235 of the 7th District at the northwest intersection of Lawrenceville-Suwanee Road and contains approximately 1.36 acres.

V-2007-021 – Applicant: Pedro Peidra. Owner: John Karwitz. Requests a variance from Section 1612 of the Suwanee Zoning Ordinance to allow for a wall sign exceeding the maximum size limitation. Site is located in Land Lot 212 and 235 of the 7th District at the northwest intersection of Lawrenceville-Suwanee Road and contains approximately 1.36 acres.

Josh Campbell presented the staff analysis as follows: The applicant seeks two variances from Section 1612 of the City of Suwanee Zoning Ordinance to allow for two walls sign each in excess of the maximum allowed wall signage. The tenant space occupies the entire second floor of a two story building. The applicant is seeking the variance to allow for two approximately 75 square foot wall sign on two separate walls for a tenant in a multi-tenant building. The subject property is located at the entrance to the Shadowbrook mixed-use project (zoned PMUD) at the corner of Lawrenceville-Suwanee Road and Suwanee Avenue.

The applicant installed the sign thru the permitting process meeting the requirements for an individual establishment on an individual lot. When the sign was submitted for review it appeared that user would be occupying the entire building. Therefore, when the applicant applied for the sign permits it appeared the signs were for an individual establishment on an individual lot, which means the size of the signs would be based on the dimensions of the wall of the building.

However, when the sign was installed and inspected it was noted that the applicant was a tenant in a multi-tenant building with independent exterior access for each tenant space. As such, the location is required to comply with the requirements for a tenant space in a multi-tenant shopping center. Section 1612.C(3)b. of the Zoning Ordinance regulates the size of wall signage for a tenant in a multi-tenant building. The size of the sign is limited to a maximum of 5 percent of the wall area per business, measured by using the leasable exterior wall per business. The area of the exterior leasable walls for the proposed signs are 1,080 square feet each, which means they would be allowed a maximum of 54 square feet for each of tenant wall sign. The area of each sign is approximately 74.2 square feet. This area is determined by the measure of the smallest rectangle that contains the entire message. As such, in order to keep the signs variances are necessary.

The subject property is located on Lawrenceville-Suwanee Road in a mixed use environment.

The building is an unusual design, with a common entrance for all three tenant spaces, plus individual access for the two tenant spaces on the first floor. This apparently created some confusion on the part of both the application and the City. The applicant notes that although each sign has an area of 74.2 square feet the sign only covers approximately 53 square feet.

The City's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances.

In conclusion, although the subject property does not have a situation which rises to the level of hardship, the building is unusual. It appears the unusual configuration did contribute to some confusion during the permitting process. While there is no true hardship, because the confusion during the process contributed to the installation of the non-conforming sign it could be appropriate to allow the signs provided conditions are included to mitigate the impact of the larger signs. As such, staff recommends approval with conditions of V-2007-020 and V-2007-021.

Tucker Balch asked Josh Campbell about the number of tenants and the square footage of the building. Josh Campbell explained that there is the potential for the building to have 3 tenants. The square footage is based on the exterior wall space. The applicant is leasing the entire second floor. He is allowed a maximum of 4 signs which is one sign per exterior wall. The signs can be 5% of the wall the sign is mounted on. The signs the applicant installed are smaller than the allowed size if they were the only tenant. If both variances are approved it would remove the ability for future tenants to have signage on certain wall faces. The owner of the building would be impacted by these conditions. The applicant is the tenant, not the owner. Under Ordinance, this building is allowed a 4 signs on the top floor and 6 on the bottom floor. There could possibly be 10 signs on this building.

Bill Thee called upon the applicant.

Pedro Piedra, 2012 Hailston Drive, Duluth, GA. Mr. Piedra is the owner of Extreme Transformations. Mr. Piedra indicated the owner is aware of the application. Mr. Piedra is planning to lease the space downstairs for a market. Josh Campbell asked Mr. Piedra if he had

seen the conditions of approval recommended by staff. Mr. Piedra stated he had not seen the conditions.

Tucker Balch asked Mr. Piedra if the owner is aware that if the variance is approved other tenants will not be able to post signs. Mr. Piedra indicated he is unsure if the owner is aware of the conditions.

Bill Thee called for opposition.

Robert Patalski, 302 Suwanee Avenue, Suwanee, GA. Mr. Patalski stated the Extreme Transformation sign shines into his upstairs bedroom at night. Mr. Patalski has a signed petition from some of the townhome residents against the variance. He fears this sign will have a negative impact on the resale of his property. Indigo Joe's has a sign but it is not as reflective as the Extreme Transformation sign. Mr. Patalski is against the variance unless the sign is turned off from 9:30 pm until 6:00 am everyday. Tucker Balch stated Mr. Patalski is gaining value by being next to the commercial mixed use area. There are lights on commercial property. Mr. Patalski stated Bowen Family Homes told him the building was proposed to be a bank.

Jennifer Hays, Suwanee, GA. Ms. Hays is a resident of Shadowbrook Subdivision. Ms. Hays' boyfriend lives across the street from Extreme Transformation. The light from the sign shines into his master bedroom. Ms. Hays is also concerned about resale.

Tucker Balch asked Josh Campbell if there are regulations regarding illumination of signs. Josh Campbell explained there are no regulations regarding illumination. Staff has encouraged back lit signs instead of internally illuminated as much as possible. Signs are not allowed to blink. There are no regulations regarding time signs are lit. Tucker Balch stated the owner of the building needs to be aware of the conditions.

Pedro Piedra stated he does not have a problem putting a timer on the signage. He was unaware that a problem existed. The sign is on the front of the building because of visibility.

Tucker Balch moved to solicit a letter from the building owner regarding his opinion on V-2007-021 and V-2007-022 to include acknowledgement that approval of these variances reduces the signage available to future tenants, second by Paula Hill. Motion carried 3-0.

Tucker Balch moved to postpone V-2007-021 and V-2007-022 to the regularly scheduled November Zoning Board of Appeals meeting, second by Paula Hill. Motion carried 3-0.

OTHER BUSINESS

ANNOUNCEMENT

Marty Allen is the only finalist for the City Manager position.

ADJOURNMENT

Bill Thee moved to adjourn at 7:20 pm.