

**MINUTES  
CITY OF SUWANEE, GEORGIA  
ZONING APPEALS BOARD MEETING  
MARCH 18, 2008**

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

**CALL TO ORDER**

Chairperson Paula Hill called the meeting to order at 6:36 pm.

**ADOPTION OF THE AGENDA**

*Winship Rees moved to approve the agenda as presented, second by Herb Godfrey. Motion carried 4-0.*

**APPROVAL OF MINUTES: February 19, 2008**

*Herb Godfrey moved to approve the February 19, 2008 minutes, second by Winship Rees. Motion carried 4-0.*

**PROCEDURES FOR PUBLIC MEETING**

Paula Hill read the procedures for public meetings.

**OLD BUSINESS**

**NEW BUSINESS**

**V-2008-005** – Applicant/Owner: John and Nina Shih. Requests a landscape variance from Article XVII of the Suwanee Zoning Ordinance to allow for relief from tree maintenance requirements. Site is located in Land Lot 237 of the 7<sup>th</sup> District along Peachtree Industrial Boulevard north of Eva Kennedy Road and totals approximately 0.72 acres.

Wes Rogers presented the staff analysis as follows: The applicant seeks a variance from Section 1705.4.3 of the City of Suwanee Zoning Ordinance to allow for the removal of 10 trees required to be maintained by the city's Buffer, Landscape and Tree Protection regulations. The approximately 0.73 acre site contains a 4,600 square foot doctor's office and 3,100 square foot drapery shop. The subject property is located near the intersection of Peachtree Industrial Boulevard and Eva Kennedy Road with access along on both roads. The site was originally developed in 1999 with one existing 3,100 square foot building located along Eva Kennedy Road and the 4,600 square foot doctor's office.

In 1999, the applicant was required to provide 12.6 tree density units in order to meet tree density, landscape strip and parking lot requirements. The applicant designated approximately 0.02 acres along Peachtree Industrial Boulevard and 0.01 acres along Eva Kennedy Road as Tree Save Area. The tree save area along Peachtree Industrial Boulevard and Eva Kennedy Road contained 11 trees and 7 trees respectively. Section 1705.4.3 of the Landscape Ordinance titled "Continuing Maintenance" states, "The owner, occupant, tenant, and respective agent of each, if

any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers and landscape plantings required by the Article.”

As required by the city’s regulations and shown on the landscape plan approved in 1999, 11 pine trees were designated as tree save along Peachtree Industrial Boulevard. The tree save areas provided 4.9 tree density units towards the required 12.6 tree density units. The applicant now wishes to remove the pine trees in the Tree Save Area along Peachtree Industrial Boulevard. The applicant contends that the trees pose a danger to vehicles due to their proximity to the parking lot. Also, the applicant states that the trees are visually unappealing and make the site look unprofessional, as well as reduce visibility from Peachtree Industrial Boulevard.

The applicant also wishes to remove 3 Leyland Cypress located in the northwest end of the property, near the entrance off of Peachtree Industrial Boulevard. The applicant states that they planted the trees in addition to the required landscape plan and now they are getting overgrown, reducing visibility. However, the Leyland Cypress trees are located on the adjacent office building site, not the subject property.

The subject property is located near the intersection of Peachtree Industrial Boulevard and Eva Kennedy Road and is surrounded by a mixture of office, commercial, and residential uses and zoning districts.

The City’s Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. The Zoning Ordinance also states that variances may be granted when relief would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

The continuing maintenance provision of the landscape ordinance is necessary for successful implementation of the Buffer, Landscape and Tree Protection Ordinance. If sites are not required to maintain preserved and required tree plantings, then landowners would be able to simply preserve and plant additional trees required in order to obtain a Certificate of Occupancy and then remove the trees when they become too expensive to maintain, reduce visibility, or are otherwise perceived to be a liability. Allowing the applicant to remove preserved trees would undermine the intent of the Zoning Ordinance.

Also, the preserved trees were used as part of the Site Density Calculation and resulted in a reduction in the number of replacement trees required for development of the site. Currently, the preserved trees have a value of 8.6 tree density units. On a parcel that is less than one acre, this is a substantial reduction in tree density. Additionally, the subject tree preservation area was used to fulfill the 10 landscape strip requirements for the site.

In conclusion, the subject property does not appear to have a situation that rises to the level of hardship as defined by the Zoning Ordinance. There are no site constraints that would inhibit implementation of the regulations. The applicant chose to preserve existing trees on site during development. Removal of the entire tree save area would significantly reduce the tree density for the small site. Approving a variance to allow for the removal of the preserved trees could serve to undermine the purposes and intent of the Zoning Ordinance. Therefore, staff recommends denial of V-2008-005.

Herb Godfrey asked if all of the trees were used to calculate tree density units in the original development plan. Wes Rogers indicated the trees were used to calculate tree density units.

Paula Hill called upon the applicant.

John and Nina Shih, 960 Peachtree Industrial Boulevard, Suwanee, GA. Ms. Shih stated there were 11 trees on the property. There are now 10 because 1 tree fell. It fell into the landscape strip, not in the parking lot. Ms. Shih requested the variance because she does not want to take a chance on another tree falling. She has had a tree expert out to the site. It would be best for the trees to be removed because of their height and proximity to the parking lot. There are 3 extra cypress trees that were planted by Ms. Shih in error. They were not on the original landscape plan. She was not required to plant them.

Herb Godfrey asked if the cypress trees are on the property. Ms. Shih stated she is unsure if the trees are actually on her property. Josh Campbell indicated the cypress trees are not shown on the original landscape plan. The City of Suwanee cannot authorize Ms. Shih to remove trees from someone else's property.

Herb Godfrey asked Ms. Shih if the pine trees are a safety hazard in her opinion. Ms. Shih stated 1 of the trees has already fallen. She is afraid more of the trees will fall. Herb Godfrey asked if the electric company is concerned about the pine trees. Ms. Shih indicated the electric company has come out to cut the pine trees once.

John Shih stated the cypress trees are blocking the driveway and scratching cars. Bill Thee asked Dr. Shih if he had contacted his neighbor regarding removal of the trees. Dr. Shih indicated he had not contacted the neighbors.

Herb Godfrey asked Josh Campbell if he believes the pine trees are hazardous. Mr. Campbell explained there is an expectation that the trees will grow to full maturity and become large trees. At some point, trees die and fall down. If someone feels that the trees are hazardous there is a procedure for someone to go about removing the trees. The Georgia Forestry Commission can be consulted or someone they recommend can be hired. If the trees are removed it will be very important that the site provide some tree density compensation so that they are still meeting the tree density requirements. Herb Godfrey asked if they would need to be something similar in caliper as the pine trees. Josh Campbell stated they would not be able to buy trees that large. The typical replacement tree is around 3 to 6 inches in caliper. The tree save area is about 4.9 tree density units. In order to compensate for that it would require the planting of 10 2" caliper trees and 8 or 9 3" caliper trees. Additionally, those trees were kept in a location that allowed them to meet landscape strip requirements. If they are removed that area will be void of vegetation. It will be very important for the trees to be replaced.

Nina Shih asked Josh Campbell about the 4.9 tree density units. Josh Campbell explained the requirements to Ms. Shih. Ms. Shih asked about the cypress trees. Mr. Campbell stated the cypress trees are not on the property.

Winship Rees asked about over story trees and the power lines along Peachtree Industrial

Boulevard. Josh Campbell explained the property has more than 10 feet of landscape strip.

Bill Thee asked Ms. Shih if she wants to remove the trees due to visibility. Ms. Shih indicated this is the case.

Bill Thee asked if the City of Suwanee could assist the applicant in where to plant the new trees. Josh Campbell stated the applicant would need to hire a professional landscape Architect and submit plans to the City of Suwanee.

Wes Rogers stated all of the trees are not pine trees. There are 3 oak trees close to the entrance. The trees are healthy.

Herb Godfrey asked what it would take for the applicant to meet the same tree density unit requirement that is on the property now. Josh Campbell stated based on the size of the trees currently, the tree density might be less than 4.9.

Nina Shih asked for clarification of the conditions. Josh Campbell explained the staff conditions to the applicant.

Paula Hill called for opposition. There was none.

Discussion ensued amongst the Zoning Board of Appeals members regarding the pine trees and the hiring of a certified arborist to determine health of the pine trees.

Bill Thee asked Ms. Shih if she would be willing to consult a certified arborist then present the report to the board. Ms. Shih indicated she would be willing to do so.

***Winship Rees moved to postpone V-2008-005 in order to give the applicant time to consult with a certified arborist, second by Herb Godfrey. Motion carried 4-0.***

**V-2008-006** – Applicant/Owner: Quantum National Bank. Requests a sign variance from Section 1609 of the Suwanee Zoning Ordinance to allow for replacement of a legal nonconforming sign not in conformity with the current Zoning Ordinance. The site is located in land Lot 252 of the 7<sup>th</sup> District at the southwest intersection of Peachtree Industrial Boulevard and Suwanee Dam Road and totals approximately 1.22 acres.

Wes Rogers presented the staff analysis as follows: The applicant seeks a variance from Section 1609 of the City of Suwanee Zoning Ordinance to renovate an existing non-conforming monument sign for an individual establishment on an individual lot. The applicant intends to expand an existing electronic reader board and the sign would continue to exceed the maximum height and copy area for a ground sign. The applicant states that the sign is outdated and therefore needs to be upgraded with newer technology. The subject property is approximately 1.23 acres and is located at the intersection of Suwanee Dam Road and Peachtree Industrial Boulevard and contains an approximately 12,000 square foot two-story bank.

Section 1609.B.2 of the Zoning Ordinance regulates existing legally permitted nonconforming signs. It states that any legally permitted and constructed sign shall be allowed to continue as a

legal non-conforming use under this Ordinance except that it shall not be enlarged, altered, or rebuilt except in conformance with this Ordinance. The applicant proposes to alter the sign including increasing the area of a variable message board. Section 1611 specifically prohibits variable message boards. Additionally, the sign would maintain the same size (approximately 58.15 square feet) and height (approximately 10.6 feet). Section 1612.C.2 limits a 12,000 square foot building to a ground sign for each road frontage no taller than 10 feet in height and no larger than 48 square feet of copy area. Therefore, in order to alter the sign as proposed, a variance is required.

The subject property is located at the intersection of Suwanee Dam Road and Peachtree Industrial Boulevard.

The bank has frontage along Suwanee Dam Road and Peachtree Industrial Boulevard and therefore can have a ground sign on both roads. The existing monument sign is located at the intersection of Suwanee Dam Road and Peachtree Industrial Boulevard, approximately 15 feet from the closest right-of-way line along Peachtree Industrial Boulevard.

The applicant notes that they wish to upgrade the existing sign because the existing technology is outdated and uses more energy. Also, the applicant plans to increase the size of the electronic reader board and reduce the size of the identification panel, while maintaining the existing dimensions and height of the sign.

One of the purposes of the sign ordinance is to allow property to take advantage of their first amendment rights to free speech while regulating the erection and placement of signs in the City in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians. Signs, which by reason of their size, location, and manner of illumination cast light directly on streets or are animated by means of flashing, blinking, or traveling lights could distract drivers and adversely affect traffic safety.

The City's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. According to Section 2006 of the Ordinance, the Board is authorized to grant variances when literal enforcement of the Ordinance will result in unnecessary hardship to a property owner. The zoning ordinance also states that variances may be granted when conditions are peculiar to the piece of property, or when relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

In conclusion, the subject property does not appear to have a situation that rises to the level of hardship as defined by the Zoning Ordinance. The existing sign is legally non-conforming due to its size, height, and the electronic reader board. Any alteration to the sign would require the applicant to bring the sign into compliance, which would result in the removal of the electronic reader board, reduction of the height of the sign, and reduction of the sign area. The Zoning Ordinance prohibits variable message reader boards since signs, which by reason of their size, location, and manner of illumination cast light directly onto streets or are animated by means of flashing, blinking, or traveling lights which could distract drivers and adversely affect traffic safety. Therefore, staff recommends denial of V-2008-006.

Winship Rees asked if there was a sign ordinance when this sign was constructed. Josh

Campbell indicated he is unsure if variable message boards were allowed at the time the sign was constructed.

Paula Hill called upon the applicant.

Doug Wren, President Quantum National Bank, 505 Peachtree Industrial Boulevard, Suwanee, GA. There has been a change in LED technology since the original sign was installed. The base of the sign will not change at all. The matrix board is currently 27"x 96". The plan is to reduce the length to 92" and increase the width to 39". The LED technology is the primary reason for the variance request. The sign is used for public service announcements. There have been 154 accidents at this intersection in the last two years. This is the same number of accidents that have taken place at Lawrenceville-Suwanee Road and Satellite Road and McGinnis Ferry Road and Peachtree Industrial Boulevard. There are no variable message boards at either of those intersections. The sign does not seem to be a distraction. By changing the sign the bank will be able to save energy.

Mr. Pruitt, 7108 Castlebury Road, Cumming, GA. Mr. Pruitt works for the sign company creating the sign (name of the sign company inaudible). The LED has the capacity of 64 levels of dimming. On the incandescent the power consumption would be approximately \$2500. On the LED the power consumption is approximately \$500. The sign is not unusually large. The same structure will be used but will be upgraded to be more energy efficient and better technology.

Winship Rees asked if it is possible to leave illuminated aspect of the sign the same measurement. Mr. Pruitt stated this is possible.

Stephanie Rodd, Quantum National Bank, 505 Peachtree Industrial Boulevard, Suwanee, GA. Ms. Rodd stated they could keep the current sign but what is there now has traveling lights. By widening the board to the LED size stationary messages could be used. This will be less of a distraction.

Josh Campbell explained that a variable message board changes its message more frequently than once per hour.

Paula Hill called for opposition. There was none.

***Winship Rees moved to approve V-2008-006 with staff conditions as modified, second by Herb Godfrey. Motion carried 4-0 (additions = bold italics, deletions = bold strikethrough).***

1. The height, copy area and sign area of the altered sign shall not exceed the current height, copy area and sign area of the sign.
2. The variable message sign ~~be consistent with the information included in exhibit 'A'~~ ***cannot exceed the current size of the variable message board.***
3. Future changes of grounds signage shall be subject to all of the City's signage regulations.

**4. *The brightness of the new sign shall not exceed the brightness of the current sign.***

**V-2008-007** – Applicant/Owner: Gwinnett Community Bank. Requests a sign variance from Section 1612 of the Suwanee Zoning Ordinance to allow for a ground sign exceeding the maximum allowable square footage. Site is located in Land Lot 211 of the 7<sup>th</sup> District at the northeast intersection with Lawrenceville-Suwanee Road and Suwanee Avenue and totals approximately 1.74 acres.

Wes Rogers presented the staff analysis as follows: The applicant seeks a variance from Section 1612 of the City of Suwanee Zoning Ordinance to allow for an increase in the copy area of a ground sign for an individual establishment on an individual lot. The applicant is seeking to locate a ground site on a required retaining/screening wall. The subject property is located at the intersection of Suwanee Avenue and Lawrenceville-Suwanee Road and is currently under development for an approximately 3,560 square foot bank. The applicant indicates they intend to subdivide the property and develop the remainder of the property, located directly on the corner, in the future.

Section 1612.C.2 of the Zoning Ordinance regulates ground signage for individual establishments on individual lots. An individual establishment on an individual lot is limited to one sign per road frontage. For a site containing a building between 0 and 10,000 square feet in size, ground signs are limited to 40 square feet of copy area, 64 square feet of sign area, and 6 to 8 feet of height depending on the setback of the sign. The applicant is proposing a ground sign with 60.15 square feet of copy area located on a required wall along Lawrenceville-Suwanee Road, therefore a variance is required. The sign area and height of the sign are not relevant in this case because the wall is serving a functional purpose as a retaining wall.

The subject property is located within the Old Town Commercial District.

The applicant notes that they are currently proposing a ground sign that is larger than allowed in order to increase visibility. It should be noted that the site is subject to unique requirements which limit the available locations for ground signs. Additionally, the applicant is proposing to take advantage of a required wall, thereby eliminating the need for a sign structure which could clutter the site. Finally, because the proposed sign is parallel to Lawrenceville-Suwanee Road, it will have a single sign face. The typical ground sign has two sign faces, thus enabling other users to double the copy area for a ground sign.

The City's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. According to Section 2006 of the Ordinance, the Board is authorized to grant variances when literal enforcement of the Ordinance will result in unnecessary hardship to a property owner. The zoning ordinance also states that variances may be granted when conditions are peculiar to the piece of property, or when relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

In conclusion, the subject property is unique. The site has limited locations for a ground sign and the applicant the proposing to take advantage of a required wall, thus minimizing the impact of the request to the surrounding area. Therefore, staff recommends approval with conditions of V-

2008-007.

Josh Campbell explained the applicant was required to bring the building as close to the road as possible. This is a requirement of the Old Town Overlay District. This will make the site more accessible to pedestrians. Because of this requirement, there are limited locations for a ground sign. The applicant is handling the signage in such a way that is very sensitive to the surrounding residential area. The signage will be visible to vehicles going by but there will not be a monument sign sticking up that could clutter the site from the view of the adjacent residential neighborhood.

Paula Hill called upon the applicant.

Ann Marshall, 3893 Lawrenceville-Suwanee Road, Suwanee, GA. Ms. Marshall is Executive Vice President of Gwinnett Community Bank. Ms Marshall stated the wall was constructed in order to hold back the parking lot. It is a foundation wall. Since this will be the only ground signage on the property she is requesting to increase the size of the sign slightly. The bank is willing to only have the lettering on the face of the brick wall. The letters will be externally illuminated brushed aluminum. It is the intention of the bank to divide the property thru the middle of the parking lot. The bank will retain the sign face as part of its property. It will not ever be partially divided and given to the owner of the other space.

Winship Rees asked if the large tree will remain on the property. Ms. Marshall stated the tree will remain inside the fenced area. It is greatly illuminated.

Paula Hill called for opposition. There was no opposition.

***Bill Thee moved to approve V-2008-007 with staff conditions, second by Herb Godfrey. Motion carried 4-0.***

1. The ground sign shall be constructed of individual brushed aluminum, stud mounted letters.
2. If signage on the property is illuminated, external illumination shall be used. No internally illuminated signs shall be allowed. External illumination is subject to the approval of the Inspections Department.
3. The ground sign shall be located approximately as indicated in Variance Exhibit "A" and "B". The copy area of said sign shall be limited to 61 square feet.

### **OTHER BUSINESS**

Copies of the 2030 Comprehensive Plan are available at City Hall for review. Please submit written comments by April 1<sup>st</sup>.

### **ANNOUNCEMENT**

Stage 5 of the Tour de Georgia will be starting in Suwanee at Town Center Park on April 25<sup>th</sup>.

**ADJOURNMENT**

Herb Godfrey moved to adjourn at 8:14 pm.