

**MINUTES  
CITY OF SUWANEE, GEORGIA  
ZONING APPEALS BOARD MEETING  
June 17, 2008**

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

**CALL TO ORDER**

Chairperson Paula Hill called the meeting to order at 6:30 pm.

**ADOPTION OF THE AGENDA**

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

**APPROVAL OF MINUTES: May 20, 2008**

*Herb Godfrey moved to approve the May 20, 2008 minutes as presented, second by Bill Thee. Motion carried 4-0.*

**PROCEDURES FOR PUBLIC MEETING**

Paula Hill read the procedures for public meetings.

**OLD BUSINESS**

**NEW BUSINESS**

**V-2008-008** – Applicant/Owner: Burnette Insurance Agency, Inc. Requests a variance from Section 1609 of the Zoning Ordinance to allow for replacement of a legal nonconforming sign not in conformity with the Suwanee Zoning Ordinance. Site is located in Land Lot 193 and 194 of the 7<sup>th</sup> District at 3447 Lawrenceville-Suwanee Road and totals approximately 1.53 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 proposes to replace a portion of the existing copy area (identification panel) with an LED panel (electronic reader board) in order to display time, temperature, and community messages. The applicant states that he wants to upgrade the appearance of the sign to provide information to the Suwanee citizens. The subject property is approximately 1.53 acres and is located along Lawrenceville-Suwanee Road and contains an approximately 5,200 square foot one-story insurance company.

The subject sign was legally permitted in 2000. The sign ordinance was subsequently amended. The amended sign ordinance reduced the size and height requirements for a ground sign on the subject property. Section 1612.C.2 limits a 5,200 square foot building to a ground sign for each road frontage no taller than 8 feet in height (for a sign setback between 5 and 20 feet), no more than 48 square feet of copy area, and no more than 64 square feet of sign area. The existing sign is 8 feet 8 inches tall with 60 square feet of copy and sign area. The sign exceeds current height

and copy area requirements; therefore the sign is considered a legal non-conforming sign.

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 by replacing the identification panels with an LED variable message board. Section 1611 specifically prohibits variable message boards. A variable message board is defined as a programmable sign that provides changing information more often than once each one (1) hour period. The applicant states that the sign will show the time, temperature, and messages for the citizens of Suwanee.

With the installation of the variable message board, the sign would be reduced in size from 60 square feet to approximately 56 square feet. This would still exceed the current copy area requirements and would include a variable message sign. Therefore, in order to alter the sign as proposed, a variance is required.

The subject property is located at 3447 Lawrenceville-Suwanee Road and is surrounded by a mixture of uses.

The applicant notes that they wish to upgrade the appearance of the existing sign with the addition of the electronic reader board. The existing sign does not contain an electronic reader board and a portion of the sign would be removed in order to install the electronic reader board. The stated reason for the request is, "to upgrade the appearance of the sign and provide information to the Suwanee citizens."

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. The Regulations allow for safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians. Signs that 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 introduction of an illuminated sign with changing messages onto a section of road may distract drivers.

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 an 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 have a situation that rises to the level of hardship as defined by the Zoning Ordinance. Allowing a variable message board where there previously was not one, would impair the purposes and intent of the Zoning Ordinance. The existing sign is legally non-conforming due to its size and height. Any alteration to the sign would require the applicant to bring the sign into compliance, which would result in the reduction of the height of

the sign and reduction of the copy area. The existing sign does not contain an electronic reader board. The Zoning Ordinance prohibits variable message reader boards that 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 that could distract drivers and adversely affect traffic safety. Therefore, staff recommends denial of V-2008-009.

Josh Campbell stated the applicant initially applied for the variance and indicated he wanted to change the sign to add an LED panel showing time, temperature and message. This would have been a variable message board. The applicant has subsequently indicated that he does not wish to pursue this as a variable message board. The message will not change more frequently than once per hour. However, altering the sign from what it is now to include an LED sign is still altering a legal nonconforming sign and still requires a variance. Even without the variable message board the Planning Department is recommending denial of the request.

Herb Godfrey asked Josh Campbell his reasons for recommending denial of the request. Josh Campbell expressed his concern for LED signs and the distractions they cause and issues with code enforcement.

Bill Thee asked Josh Campbell how much the sign would need to be reduced to come into compliance. Mr. Campbell explained the sign exceeds the copy area requirements and the height requirements.

Herb Godfrey asked Josh Campbell for the overall height of the proposed sign. Mr. Campbell stated the overall height of the sign is 8 feet 8 inches. Josh Campbell explained the current sign is 12 square feet over the copy requirement and it is being reduced to 8 square feet over the copy area.

Winship Rees asked if the sign is considered a variable message board if the message does not change every hour. Josh Campbell stated it will not be considered a variable message board. At this time a LED sign is permissible.

Paula Hill called upon the applicant.

Stan Burnette, 5459 North Ridgeland Creek Road, Buford, GA. Mr. Burnette stated the top portion of his sign will remain the same. He plans to change the middle panel. He will lose 6 square feet. The sign will be high definition with the capability to have signs and pictures. He has agreed to not change the sign more than once per hour so that it will be in compliance. There are other LED signs in the City of Suwanee. The sign will not flash or be distracting to drivers.

Herb Godfrey asked Josh Campbell about other LED signs in the City of Suwanee. Josh Campbell explained Quantum Bank was permitted before the City of Suwanee had sign requirements. Shadowbrook Baptist Church and Interstate Battery were permitted around the same time. LED signs are not prohibited at this time but it is an amendment to the ordinance that will be explored in the near future.

Stan Burnette stated if the variance is denied he will keep his current sign.

Paula Hill called for opposition. There was none.

Discussion ensued amongst the Zoning Board of Appeals members and staff regarding the alteration of the existing sign to an LED sign and code enforcement issues regarding LED signs.

***Herb Godfrey moved to approve V-2008-007 with conditions, second by Bill Thee with modifications to the conditions.*** Winship Rees asked Mr. Burnette if he agreed with the conditions. Mr. Burnette expressed concern with the condition allowing the sign to change only once per day. Winship Rees asked Mr. Burnette if he agreed with the condition on the brightness of the sign. Mr. Burnette agreed.

Herb Godfrey withdrew his motion.

***Herb Godfrey moved to approve V-2008-007 subject to the following conditions.*** Discussion ensued between the Zoning Board of Appeals members and staff regarding conditions. ***Second by Winship Rees with an additional condition. Herb Godfrey agreed to amend his motion to include the additional condition. Motion carried 4-0.***

1. The LED portion of the sign shall not alter messages more frequently than once (1) per hour.
2. The sign shall not be animated by means of flashing, blinking or traveling lights.
3. The brightness of the sign shall not exceed the direction of the Inspections Division.

V-2008-010 – Applicant: Fox Building Company, Inc. Owner: Suwanee Brothers, LLC. Requests a variance from Section 610 of the Zoning Ordinance to allow for a fence in a yard abutting a public street. Site is located in Land Lot 235 at 4189 Capital View Drive and totals approximately 2.69 acres.

Wes Rogers presented the staff analysis as follows: The applicant seeks variances from Section 610 of the City of Suwanee Zoning Ordinance to allow for an 8 foot tall black vinyl coated chain link security fence along the perimeter of the truck yard including the area within the yard abutting Capital View Drive Extension. The subject property is being developed with an approximately 40,000 square foot office/manufacturing facility. The subject property is zoned M-1 (Light Industry District) and is located at the corner of Capital View Drive and Capital View Drive Extension. Access is proposed for the site via two drives onto Capital View Drive Extension. One drive is constructed for car traffic and the other drive for truck traffic.

Section 610 of the Zoning Ordinance addresses fences and walls. It states that “In a yard abutting a public street [the front yard] only decorative fences and walls shall be allowed.” The definition of a decorative fence states, “Decorative fencing may be constructed of brick columns, wood, simulated wood, wrought iron, anodized aluminum or polyvinyl chloride. The distance between fence pickets must be a minimum of 2 inches apart”. Section 610 also states, “No fence or wall within a yard abutting a public street shall be constructed of woven wire or metal fabric (chain-linked, hog wire, barbed wire, or razor wire, etc.)” and “in a yard abutting a public street no fence

or wall shall exceed 4 feet in height...” The City of Suwanee Zoning Ordinance does not allow for chain link fences or fences in excess of 4 feet in height in yards abutting a public street (front yard setback area). The applicant is proposing an 8 foot tall chain link fence within the yard abutting a public street in order to close off a truck court and associated drive. As such a variance would be required in order to construct the fence.

The building is located at the intersection of Capital View Drive and Capital View Drive Extension in the back of an industrial park. The subject property is surrounded by industrial uses and zoning districts. To the north and west of the subject property is undeveloped light industrial land that is part of the same industrial park.

The applicant states that security for the truck court is an issue. They wish to install a fence around the truck court in order to be able to lock up the fleet of trucks after hours, to prevent unauthorized access to the truck court, and prevent unlawful dumping into the company dumpster. The fence is proposed to be 8 feet tall with black vinyl-coated chain link.

The subject property is partially impacted by its location on a corner lot, but the impact is exacerbated by the bulb of the cul-d-sac intruding further into the lot. The applicant is proposing to minimize the adverse impact to the surrounding area by locating the fence in an area that is not highly visible and the applicant has planted substantial landscaping in front of the fence.

The City of Suwanee’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 subject property may not rise to the level of hardship, but they are impacted by their location on a corner lot and the bulb of the cul-de-sac. Additionally the proposed fence will be located in minimally visible area in the rear of an industrial park and screened by already planted landscaping. As such, staff recommends approval with conditions.

Herb Godfrey asked if the PVC is intended to give the look of a wood fence. Josh Campbell stated the PVC will give the look of a picket fence. It will be more aesthetically pleasing than a chain link fence.

Paula Hill called upon the applicant.

Bobby Dullen, 4189 Capital View Drive, Suwanee, GA. Mr. Dullen stated he is the president and owner of Cabinet Resources. Cabinet Resources makes high end cabinetry. A lot of time and thought has gone into the design and landscaping of the building. A fence will allow him to lock up trucks at night. The fence is at the far right hand side of the building. It will not be highly visible.

Winship Rees asked Mr. Dullen if he is aware of the conditions. Mr. Dullen indicated he is aware of the conditions and has no issue with them.

Paula Hill called for opposition. There was none.

***Winship Rees moved to approve V-2008-010 with conditions, second by Herb Godfrey. Motion carried 4-0.***

1. The fence shall not exceed 8 feet in height and shall be constructed of black vinyl-coated chain-link fencing.
2. If the fence is not adequately maintained or is altered in a manner not consistent with this approval, as determined by the Planning Department, then the fence shall be removed at the request of the City.
3. The fence shall be located substantially as shown on the submitted variance exhibit labeled Exhibit "A".

### **OTHER BUSINESS**

### **ANNOUNCEMENT**

Josh Campbell welcomed Matt Dickison, Planning Division Director.

### **ADJOURNMENT**

Winship Rees moved to adjourn at 7:25 pm.