

**MINUTES  
CITY OF SUWANEE, GEORGIA  
ZONING APPEALS BOARD MEETING  
March 15, 2022**

**PLANNING AND ZONING APPEALS BOARD MEMBERS:** Present: Ray Brown, Donald Lee, David Sullivan, and Beth Lembo. Staff members present: Alyssa Durden and MaryAnn Jackson. Absent: Paul Altnauer

**CALL TO ORDER**

David Sullivan called the meeting to order at 6:30 p.m.

**ADOPTION OF THE AGENDA**

*Ray Brown moved to approve the agenda as presented, second by Beth Lembo. Motion carried 4-0.*

**APPROVAL OF MINUTES**

*Ray Brown moved to approve the January 18, 2022 minutes, second by Donald Lee. Motion carried 4-0.*

**OLD BUSINESS**

**NEW BUSINESS**

**APPEAL OF ADMINISTRATIVE DECISION – V-2022-001** Applicant: Ryan Parrish.  
Appealing the interpretation of livestock and how that applies to the special uses in the R-100 Zoning District.

David Sullivan called upon the applicant.

Ryan Parrish, 4530 Settles Bridge Road, Suwanee, GA. Mr. Parrish stated that the City of Suwanee definition of livestock is pretty broad. It covers a variety of animals including fowl and poultry. In the City of Suwanee Zoning Ordinance, under Special Use Permits for R-100, there are specific constraints for livestock, horses, goats, and cows. The Planning Department interpretation of that is applicable to the entirety of the livestock definition at the start of the document. Mr. Parrish stated that his interpretation is that those constraints apply specifically to horses, goats, and cows because they are called out specifically and some of the constraints list horses, goats, and cows. Other municipalities regularly distinguish between the larger animals and the smaller animals. It is common to interpret that there are distinct constraints for the larger animals than some of the smaller animals. These are the main reasons for the variance request.

David Sullivan asked if anyone had questions for the applicant.

Donald Lee asked Mr. Parrish if he received Article 3 that encapsulates the definition of livestock and delineates some other specific types of animals.

Mr. Parrish stated that he does have a copy of Article 3, however, the definition is broad and covers a slew of animals.

Donald Lee asked Mr. Parrish how he reconciles when it's stated explicitly with that provision with what your intended goals are.

Mr. Parrish explained that his interpretation is that he should be able to seek a Special Use Permit under the R-100 zoning district without the constraints applying because the constraints apply to cows, goats, and horses specifically.

Mr. Parrish stated he is not challenging the definition of livestock. He is challenging the interpretation that the set of constraints to apply for a Special Use Permit apply to the whole definition of livestock versus applying to cows, goats, and horses.

David Sullivan called upon staff.

Alyssa Durden presented as follows: The staff interpretation is that livestock is defined to include many animals. The City of Suwanee's definition of livestock is defined in the Zoning Ordinance as "the term livestock as used herein shall mean and include cattle, horses, goats, sheep, swine and other hoofed animals; poultry, ducks, geese and other live fowl; and mink, foxes, and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale."

This definition of "Livestock" was added to the Zoning Ordinance in 1998. Prior to that livestock was not defined in the Zoning Ordinance. Since then, the City has historically interpreted the special use of "Livestock" to include all livestock referred to in the above definition, and therefore assumed that the conditions for a Special Use Permit for "Livestock" applied to all livestock referred to in the above definition.

According to the City's interpretation of the Zoning Ordinance, livestock, which includes chickens kept as pets, is only permitted with a Special Use Permit and then only if the lot is at least 2 acres. As the property in this case is on a 0.85 acre lot, the Planning Department interpretation is that the property is not eligible for a Special Use Permit in the R-100 Zoning District.

Our interpretation is that all of the conditions found in Section 501 apply to all livestock.

Donald Lee asked Alyssa Durden if Article 3 and the requirement for R-100 SUP are public knowledge. Ms. Durden stated that the information is available on the Suwanee website.

Beth Lembo stated that Section 500 item 9 is exactly the same as in Section 501. There is also item 12 which talks about stables. It does not call out any animals specifically except in conditions d and e. Ms. Lembo asked Ms. Durden if there is a reason for that. Ms. Durden explained that in R-140 they are permitted uses. Livestock and stables are two separate uses in the Zoning Ordinance. Ms. Lembo stated that Mr. Parrish's interpretation might hold some water because Item 9 might only apply to those subtypes of livestock.

David Sullivan explained that the job of the Zoning Board of Appeals is to uphold the staff interpretation or vote against staff interpretation.

Mr. Parrish stated that some of the questions by the Zoning Board of Appeals are exactly the source of confusion and why he feels his interpretation is justified.

Ray Brown asked what the next step is if the decision is to uphold the staff decision. Alyssa Durden stated that the applicant will not be allowed to apply for a special use permit if the board upholds staff's decision.

Discussion ensued amongst staff and the Zoning Board of Appeals regarding the procedure if the interpretation is overturned.

David Sullivan called for a motion.

*Donald Lee moved to uphold the staff interpretation, second by Beth Lembo. Motion carried 4-0.*

### **OTHER BUSINESS**

### **ANNOUNCEMENT**

### **ADJOURNMENT**

Ray Brown moved to adjourn 6:56 pm.

*Approved April 19, 2022*