

**VARIANCE(S):**

**V-2022-005**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBERS:** V-2022-005

**REQUEST:** TO ALLOW FOR A FREE STANDING SIGN THAT EXCEEDS THE MAXIMUM HEIGHT AND SIZE REQUIREMENTS AND INCLUDES AN ELECTRONIC DISPLAY

**APPLICABLE SECTION:** SECTION 1600  
ZONING ORDINANCE

**LOCATION:** 2893 LAWRENCEVILLE-SUWANEE ROAD

**PARCEL:** 7-152-017 and 7-152-010

**ZONING:** C-2

**APPLICANT/OWNER:** DECATUR ZS, LLC  
2876 OVERLOOK WAY  
ATLANTA, GA 30324

**CONTACT:** W. CHARLES ROSS, ESQ.  
**CONTACT PHONE:** 770-962-0100

**STAFF RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

**ANALYSIS:**

The applicant requests a variance from Section 1600 of the City of Suwanee Zoning Ordinance to allow for a monument sign that exceeds the maximum height, maximum sign area, maximum copy area, and includes an electronic display. The site contains approximately 0.99 acre and is located at 2893 Lawrenceville-Suwanee Road at the intersection of Horizon Drive.

The subject property is zoned C-2 (General Commercial District) and is developed with a gas station and convenience store that were built in 1980. The proposed monument sign would replace a 17 foot high, 493 square foot billboard-style sign that is mounted on top of the fuel canopy. The existing roof-mounted roof sign does not comply with the City's zoning regulations, but the sign is allowed to remain because it was erected prior to the adoption of the City's Zoning Ordinance and is considered a legal, nonconforming sign.

The gas station is surrounded by commercial uses. There is another gas station on the corner across Lawrenceville-Suwanee Road also zoned C-2. Other parcels (zoned C-2) across Lawrenceville-Suwanee are occupied by fast food drive-thru restaurants. The corner across Horizon Drive contains a bank (zoned C-2), and the corner located diagonally from the subject property (zoned unincorporated Gwinnett County C-2) is occupied by a freestanding restaurant. Shopping centers zoned C-2A are located to the south, southeast, and northeast, and free standing restaurant buildings occupy the other parcels along Lawrenceville-Suwanee Road northwest of the subject property (zoned C-2). Most of these properties have legal, nonconforming ground signs that exceed 8 feet in height.

The gas station on the subject property is being renovated. As part of this renovation, the applicant is seeking to remove the existing non-conforming sign and replace it with a new monument sign at the corner of the subject property. The proposed monument sign is 28 feet tall and 188 square feet including a brick base. The proposed sign area is 104 square feet, and the copy area is 88.4 square feet. All of these dimensions exceed what is allowed per the Sign Ordinance, so a variance is required to build the sign as proposed.

Section 1612.C.5 of the City of Suwanee Sign Ordinance limits free standing signs for convenience stores with fuel sales to the following dimensions: maximum height of 8 feet high, maximum copy area of 48 square feet, and maximum sign area of 64 square feet. The ordinance would allow for 3 ground signs on the subject property since it has 3 road frontages. The applicant is proposing only one sign.

Although the proposed sign exceeds the City's maximum allowed dimensions, the proposed sign would be more compatible with signs on other commercial properties in the City than the existing roof-mounted sign. Additionally, removing the roof-mounted sign would eliminate a nonconforming sign that some consider to be an eyesore in the Suwanee Gateway area. The existing roof-mounted sign is 493 square feet. The applicant is proposing to replace the roof-mounted sign with a free standing monument sign that is 188 square feet. The proposed change would result in less overall signage.

The applicant is also asking for a variance from Section 1611.4 of the City of Suwanee Sign Ordinance, which prohibits "electronic signs used for purposes other than traffic management and official government signs" (Section 1611). Due to the height of the proposed sign, it would be difficult to frequently change fuel prices on the sign manually. The applicant has requested that the portion of the sign advertising fuel prices be allowed to be digital.

Electronic signs are prohibited in the City as continuously changing displays are a distraction to drivers. In this case, the only portion of the sign that would be digital would be the portion of the sign advertising fuel prices for the station. According to the applicant, these would change no more than once every 24 hours, so the sign is not likely to be a distraction to drivers.

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 if conditions are unique to a property and/or are unlikely to cause substantial detriment to the public good or undermine the intent of the Zoning Ordinance.

In this case, the existing large, nonconforming, billboard-style sign is unique to the property. One of the goals of the City is to improve the appearance of the Suwanee Gateway area. Replacing the billboard-style sign with a sign that is more compatible with other commercial signage in the City is a desirable step towards achieving this goal and would not cause substantial detriment to the public good. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of V-2022-005.

## Recommended Conditions

### **V-2022-005**

The Planning Department recommends approval of a variance to allow for a free standing sign that exceeds the maximum height, maximum sign area, and maximum copy area, and includes an electronic display subject to the following condition(s):

1. This variance shall apply to one free standing monument sign. No other free standing signs or roof-mounted signs shall be permitted on the subject property. (This condition does not apply to exempt ground signs.)
2. Monument sign shall be substantially similar to "Exhibit A" and not taller than 18 feet or larger than 119 square feet including a brick base.
3. The sign area is limited to 104 square feet.
4. The copy area is limited to 88.4 square feet.
5. Said sign shall be located in approximately the same location as shown on "Exhibit B"
6. The digital portion of said sign shall be limited to the display of fuel prices and shall not change more than once per day.

## Standards for Consideration

**Pursuant to Section 2009A of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.**

**A. Will approval of the variances unreasonably increase the congestion in public streets?**

Approval of the variances would not increase the congestion in public streets.

**B. Will approval increase the danger of fire or endanger public safety?**

Provide the frequency of the message changing on the sign is minimized, approval of the variances would not increase the danger of fire or endanger public safety.

**C. Will approval unreasonably diminish or impair established property values within the surrounding area?**

Approval of the variances would not unreasonably diminish or impair property values within the surrounding area. Approval of the variance will likely result in an improvement to the quality of signage on the property.

**D. Will approval in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City?**

Approval of the variances would not impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

**APPLICATION FOR VARIANCE FROM THE  
CITY OF SUWANEЕ ZONING BOARD OF APPEALS**

Please complete this application and submit with all necessary attachments as stated on the Variance Information Form (please type or print)

**APPLICANT INFORMATION**

Name: Decatur ZS, LLC  
Address: 2876 Overlook Way  
City: Atlanta  
State: Georgia  
Phone: 770-605-3639  
E-mail address: cross@powelledwards.com

**OWNER INFORMATION**

Name Decatur ZS, LLC  
Address: 2876 Overlook Way  
City: Atlanta  
State: Georgia  
Phone: 770-605-3639

CONTACT PERSON: W. Charles "Chuck" Ross, Esq. PHONE: 770-962-0100

ADDRESS OF PROPERTY 2893 Lawrenceville-Suwanee Road, Suwanee, Georgia 30024

LAND DISTRICT 7 LAND LOT 152 PARCEL 010 & 017 LOT       

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Lawrenceville-Suwanee Texaco

ZONING C2 ACREAGE 1.99

VARIANCE REQUESTED: Applicant requests a variance from Section 1611(4) to permit a sign with an electronic price display. The display would not be allowed to change more than once per 24 hours. Applicant additionally requests a variance from Section 1612(C)(5)(a) to permit a free-standing sign in excess of 8 feet in height. The sign would stand no taller than 28 feet in height.

NEED FOR VARIANCE: Currently the location has a grandfathered "billboard-style" sign located atop the fuel canopy. Such signs are no longer permitted by the City, however, as long as the sign is maintained, it is considered a "legal non-conforming sign" and is allowed to remain. The Applicant is willing to remove that sign in return for variances to allow the new proposed sign to be installed. Applicant believes that the City would prefer the proposed sign over the existing "grandfathered" sign. Additionally, the Applicant is amenable to the City utilizing the retaining wall below the proposed sign for City Wayfinding.

**\*A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.**

**SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

**\*\*\*The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.**

**APPLICANT CERTIFICATION**

The undersigned below is authorized to make this application and is aware that an application or re-application for the same type of variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than (6) months from the date of the last action by the Board of Appeals.

03/31/2022

Signature of Applicant

Date

Shan Sultan, Manager

Typed or Printed Name and Title

3/31/2022

Signature of Notary Public

Date



Notary Seal

**PROPERTY OWNER CERTIFICATION**

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for the same type of Variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than six (6) months from the date of the last action by the Board of Appeals.

03/31/2022

Signature of Applicant

Date

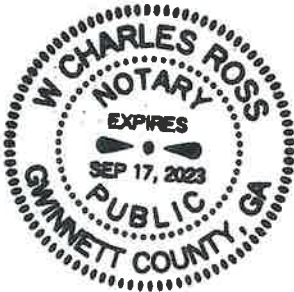
Shan Sultan, manager

Typed or Printed Name and Title

3/31/2022

Signature of Notary Public

Date



Notary Seal

**DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY**

Case Number <u>V.2022.005</u>	Variance _____	Administrative _____
Date Rec'd _____	Rec'd By _____	Hearing Date _____
Amount Rec'd _____	Receipt _____	

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_



Tony Powell  
Brian Edwards  
Nathan Powell  
W. Charles Ross



Mandy Williams  
Jay Crowley  
Rob Poston  
Laura Walsh  
Laura Shoop

April 8, 2022

Josh Campbell, Director  
Department of Planning & Inspections  
330 Town Center Avenue  
Suwanee, Georgia 30024

**RE: VARIANCE APPLICATION AND LETTER OF INTENT FOR DECATUR ZS,  
LLC, FOR 2893 LAWRENCEVILLE-SUWANEE ROAD.**

Dear Mr. Campbell:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of Decatur ZS, LLC, (the "Applicant") to request two variances to the Suwanee sign ordinance for the new Texaco project at the former Sims/Valero gas station located at 2893 Lawrenceville-Suwanee Road and having Gwinnett County Tax ID Number of R7152010 & R7152010 (the "Property"). As you are aware, the Applicant is in the process of renovating this site and has already submitted its Development Review Application which the Applicant has been working with the City closely upon. As directed by your department, we are submitting this application for two variances related to the new sign Applicant desires to construct.

As discussed, this location was due for a facelift and update. As part of this update, the Applicant would like to update its signage. We are aware that the City would prefer not to have the existing large "billboard-style" fuel price sign atop the primary fuel canopy. However, I believe that we are all in agreement that it was legally permitted when the sign was erected and so long as it is maintained, the Applicant can continue to use it. However, the Applicant is willing to remove the "billboard-style" sign if it can erect a new monument sign on the location previously utilized for a similar sign. A rendering of the proposed sign (Main ID) is attached to this application. The base would be clad in brick. The variances requested would permit the sign to exceed the current 8' foot height limitation and would allow for an electronic display of the fuel prices.

We believe that there is ample justification for these variances. First, the new sign would conform with the City's current design standards regarding materials and colors and would be much more pleasing to the eye. The electronic display would be limited to only the fuel price and would not feature any blinking, colored or animated display and would change no more often than once every 24 hours. Additionally, the sign location sits atop a stone retaining wall which the Applicant would be amenable to allow the City to use for wayfinding, such as a "Welcome to Suwanee" sign, etc.

V-2022-005

**A PROFESSIONAL CORPORATION**

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • [powelledwards.com](http://powelledwards.com) • 770.962.0100

Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

The Applicant and I welcome the opportunity to meet with you and your staff to answer any questions or to address any concerns relating to the matters set forth in this Letter of Intent or in its Application for Variance filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

POWELL & EDWARDS, P.C.



W. Charles "Chuck" Ross  
Attorney for Applicant

Enclosures

V-2022-005

**2893 Lawrenceville-Suwanee Rd  
Suwanee, GA**



**Customer Approval:**

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

I understand that by signing this drawing I am giving my approval for TI to proceed with this layout for my site as drawn for permitting & material placement. I understand that any changes necessary due to permitting or other requirements will be communicated to me by TI and may require additional revisions.

Address: <b>2893 Lawrenceville-Suwanee Rd. Suwanee, GA</b>	Job Number: JNP-27709-TX
Customer: JONES PETROLEUM	Date: 03/16/2021
Drawn by: JH	Customer Approval: _____
Revisions:	3/16/2021
Rev. 0 - Original Drawing	

**TOTAL IMAGING**

IMAGING THE PETROLEUM  
INDUSTRY FOR OVER 30 YEARS  
1-866-246-1985

Customer Approval: \_\_\_\_\_ **Please Initial here**

**Existing Nonconforming Sign**  
V-2022-005



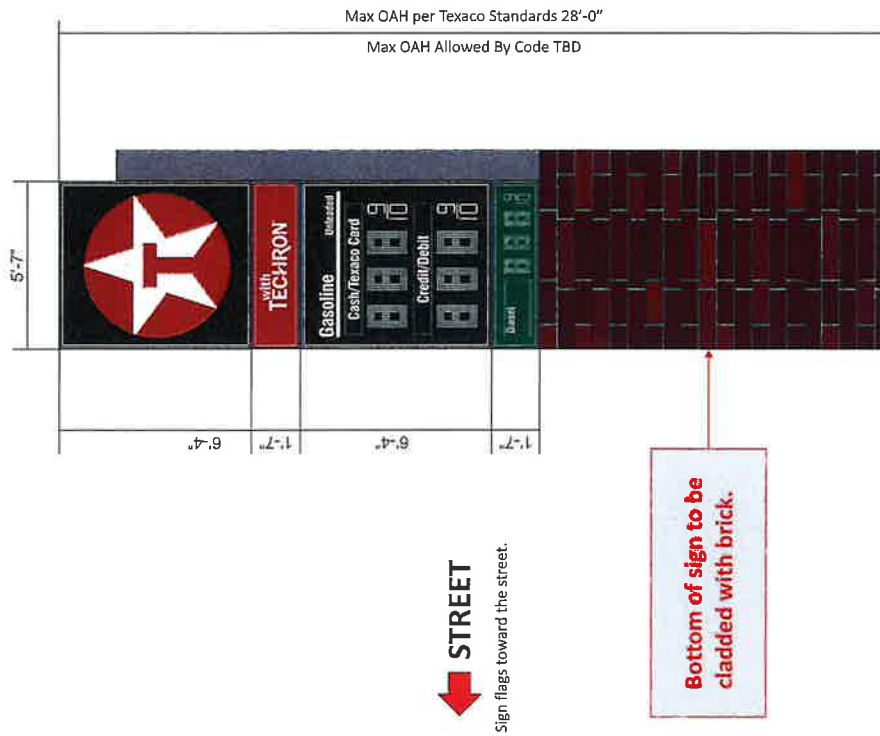
**SCOPE OF WORK**

Install new standard Texaco TX 60 sign system on new TII supplied footer to include: Texaco logo & 2-product (Regular/Diesel) LED pricer w/ 2-tier (Cash/Credit) pricing for Regular. Sign pole to be painted Texaco Dark Gray. Bottom of sign to be cladded with brick.

**Exact MID Location TBD**



**PROPOSED:**



**Sq. Ft. Calc**

Existing: N/A sq ft  
Proposed: 86.38 sq ft

Revisions:	3/16/2021	Job Number: JNP-27709-TX
Rev. 0 - Original Drawing	03/30/2021	Date: 03/16/2021
Rev. 1 - Brick Base		
Address: 2893 Lawrenceville-Suwanee Rd. Suwanee, GA	Customer: JONES PETROLEUM	Customer Approval: _____
Drawn by: JH		

**TOTAL IMAGING**  
IMAGING THE PETROLEUM INDUSTRY FOR OVER 30 YEARS  
1-866-246-1685

This original drawing is a property of the client and is not to be exhibited, copied, or reproduced without permission.

← Please initial here

Exhibit A - Proposed Monument Sign  
Y-2022-005



# Main ID (Sign) Location

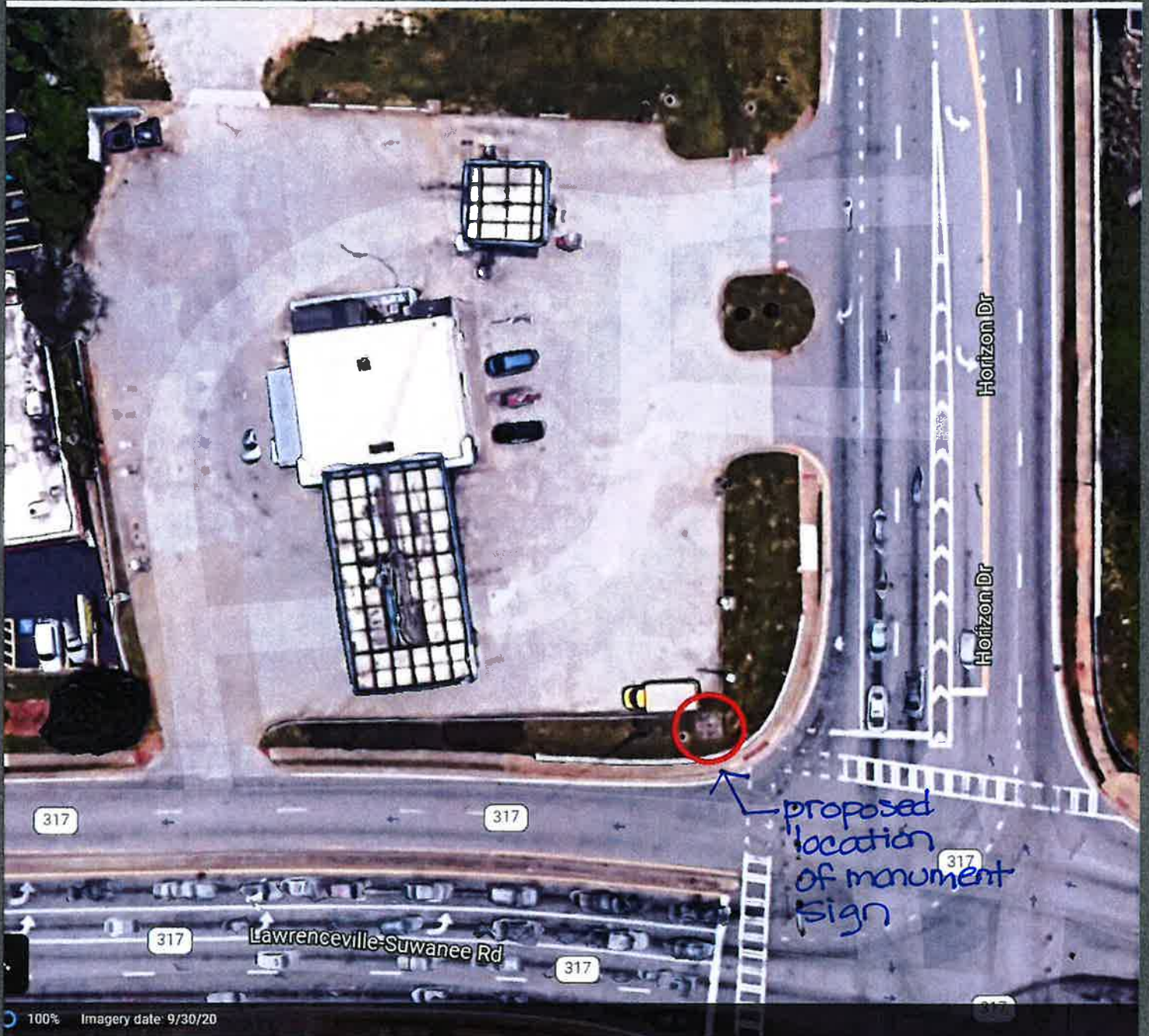


Exhibit B

Location is site of previous monument sign.

V-2022-005





EXISTING NONCONFORMING SIGN

LAWRENCEVILLE-SWANEE ROAD (LOOKING SOUTHEAST)

V-2022-005



LAWRENCEVILLE - SUWANEE ROAD  
(LOOKING NORTHWEST)

V-2022-005





# Location Map V-2022-005

## Legend



Subject\_Property



0 225 450 900 Feet







# Zoning Map V-2022-005

Subject Property

ZONING

- C-1
- C-2
- C-2A
- C-3
- GCA
- IRD
- M-1
- OI
- OTCD
- PMUD
- R-100
- R-140
- R-75
- R-85
- RM6
- RM8

