

VARIANCE(S):

V-2023-004

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBERS: V-2023-004

REQUEST: TO ALLOW FOR 2 ELECTRONIC SIGNS

APPLICABLE SECTION: SECTION 1611

LOCATION: 3463 LAWRENCEVILLE SUWANEE ROAD
SUITE A

PARCEL: 7-193-673

ZONING: C-2A

APPLICANT: FUNKY CHICKEN-SUWANEE, LLC.
3030 N. ROCKY POINT DR W., #262
TAMPA, FL 33607

OWNER: WDG SUWANEE, LLC.
3715 NORTHSIDE PKWY,
SUITE 4515
ATLANTA, GA 30327

CONTACT: SANJAY PATEL
CONTACT PHONE: 732-754-2271

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks two variances from Section 1611 of the City of Suwanee Zoning Ordinance to install one new electronic display menu board and one new electronic display pre-browser board. The subject property is located at 3463 Lawrenceville-Suwanee Road Suite A and totals approximately 0.64 acres. The property is developed with a fast food restaurant (Popeyes) that includes a single lane drive through. The proposed signs would serve the drive through lane. The property is zoned C-2A (Special Commercial District).

The City of Suwanee Zoning Ordinance does not allow for “electronic signs used for purposes other than traffic management and official government signs” (Section 1611). The request to install one electronic display menu board and one electronic display pre-browser board results in the need to obtain a variance. The applicant has indicated the menu board will display offerings with prices and only change when the “limited time offers” change every 6 weeks. The pre-browser board display will rotate through the latest offers from Popeyes and will change every 6-8 weeks.

The applicant is proposing to install a digital menu board measuring approximately 22 square feet and a digital pre-browser board measuring approximately 7.5 square feet. Because the City prohibits electronic signs, a variance is required in order to install the signs. Typically, the City allows for menu boards without sign permits because the message contained on them is conveyed in such a way (small print/symbols) that it is clearly targeting users on the property. Electronic signs are capable of being used in such a way that the boards could convey messages out to the general public making them signage regulated by the Zoning Ordinance.

The surrounding area is characterized by a mix of commercial and light industrial uses. Across Lawrenceville-Suwanee Road to the west is a mix of light industrial uses including a chef uniform store, an electronics store, and a machine manufacturer (M-1). To the north and east is a collection of office condominium buildings (zoned a combination of M-1 and C-2). To the south is an IHOP (C-2A) and a shopping center (C-2A).

Electronic signs are prohibited as the continuously changing displays are a distraction to drivers. In this instance, it is important to note that the location of the signs and the layout of the property would mean that the signs would not be able to be seen from the right-of-way. Additionally, the message on the signs as proposed would be geared to the drivers in the drive through. The front of the building lies approximately 150 from the right-of-way and the electronic signs will be located in the rear of the building. They will only be visible from the private drive that gives access to the commercial uses behind the building. As such, the digital signs should not cause detriment to the people passing by in cars on Lawrenceville-Suwanee Road.

Since 2019 the City has considered three instances in which a commercial entity proposed electronic displays. In 2019, at the McDonalds on Lawrenceville-Suwanee Road, the applicant proposed 2 20 square foot menu boards and 2 10 square foot pre-menu boards. The board approved the requested signage with conditions. Later in 2019, at the McDonalds on Peachtree Industrial Boulevard, the applicant proposed a 28 square foot menu board and a 14 square foot reader board. The board approved the requested signage with conditions. In both instances, larger non-electronic menu boards were being removed. In 2022, at a gas station on the east side of I-85, the applicant proposed to remove a large roof sign and replace it with a ground sign that included an electronic display. The board approved the request. This case is not quite the same situation as the current request, but the two requests approved by the City in 2019 are very similar to the current request.

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. A variance may be granted if the conditions are unique to the property and/or are unlikely to cause substantial detriment to the public good or if the variance will not undermine the intent of the Zoning Ordinance. In addition, a variance may be granted when such conditions are not the result of any actions of the property owner. In approved with appropriate conditions the signage would not undermine the intent of the Zoning Ordinance.

Although there does not appear to be a hardship, the proposed signs being located so far from the right of way and the size and orientation of the 2 requested signs should not cause substantial detriment to the public good or impair the purposes or intent of the Zoning Ordinance. The board has approved similar requests in the past. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2023-004.

Recommended Conditions

V-2023-004

The Planning Department recommends approval of a variance to allow for electronic signs subject to the following condition(s):

1. The property shall be limited to a maximum of 2 electronic signs.
2. One signs shall be no larger than 23 square feet.
3. The second sign shall be no larger than 8 square feet.
4. The signs shall be located in approximately the same location as shown on "Exhibit A"
5. The displayed message shall not change more than once per hour.
6. The size of the font and any symbols on the sign shall not be large enough to be clearly visible from the right-of-way.

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?

Provided 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.

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 SUWANEE 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: Funky Chicken - Suwanee, LLC
Address: 3030 N. Rocky Point Dr W., #262
City: Tampa
State: FL
Phone: 33607
E-mail address: sanjayp@psqmc.com

OWNER INFORMATION

Name: WDG SUWANEE LLC
Address: 3715 Northside Pkwy, Suite 4-515
City: Atlanta
State: GA 30327
Phone: 706-296-2964

CONTACT PERSON: Sanjay Patel

PHONE: 732-754-2271

ADDRESS OF PROPERTY 3463 Lawrenceville-Suwanee Rd., Bldg. C, Suwanee 30024

LAND DISTRICT _____ LAND LOT _____ PARCEL _____ LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING _____ ACREAGE _____

VARIANCE REQUESTED Variance from Section 1611 - digital menu-board in drive-thru

NEED FOR VARIANCE request that the Popeyes be allowed to install digital menu-board in drive-thru just like the other quick service restaurants in Suwanee.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

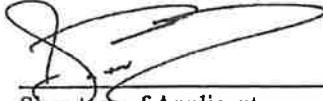
*****The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant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

V.2023.004

Last revised 8-12-2013 dpr

APPLICANT CERTIFICATION

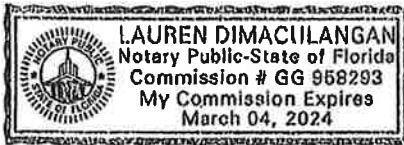
The undersigned below is authorized to make this application and is aware that an application or re-application for the same type of variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived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

 5/17/2023
Signature of Applicant Date

Sanjay Patel, member

Typed or Printed Name and Title

 05/17/2023
Signature of Notary Public Date



Notary Seal

PROPERTY OWNER CERTIFICATION

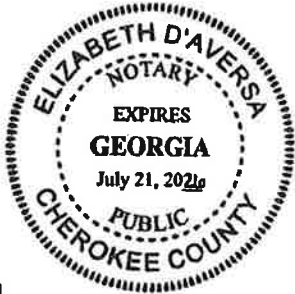
The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for the same type of Variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last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

 5.17.23
Signature of Applicant Date

Matt Wilson - Manager

Typed or Printed Name and Title

 5/17/2023
Signature of Notary Public Date



Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number _____ Variance _____ Administrative _____
Date Rec'd _____ Rec'd By _____ Hearing Date _____
Amount Rec'd _____ Receipt _____

ACTION TAKEN _____

SIGNATURE _____ DATE: _____

Re: Variance application for Popeyes in Suwanee

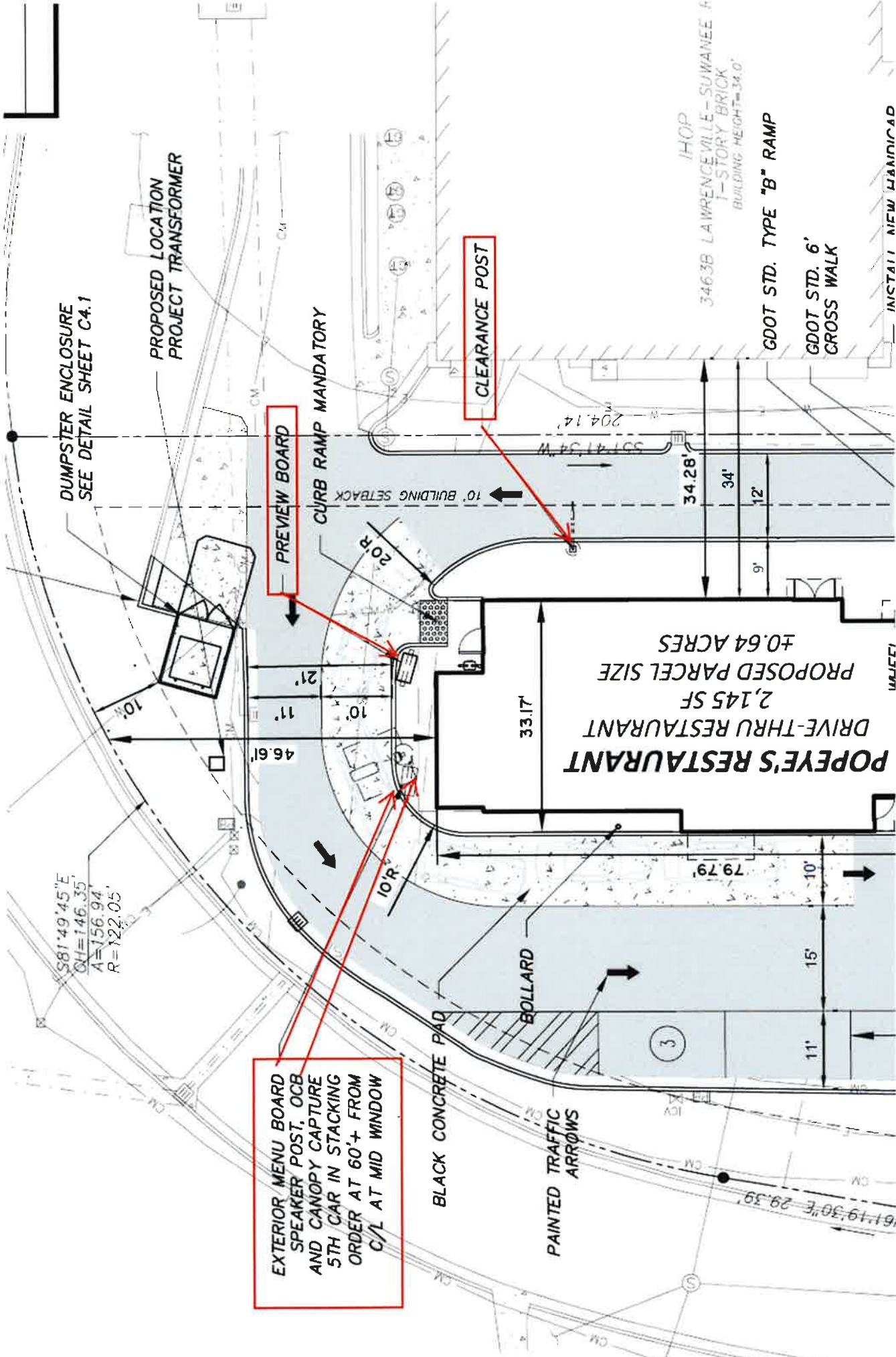
This is part of the request for variance from section 1611. We would like to install a digital presell-board and a digital menu-board at the Popeyes located at 3463 Lawrenceville-Suwanee Rd., Bldg. C, Suwanee 30024.

All the content in the presell board and menu board is targeted to the Popeyes guest already in our drive-thru lane.

This is part of standard package for all Popeyes. The content of the menu-board display our offerings with prices and only change when the "limited time offers" change which is once in 6 weeks.

The presell board display rotates through the latest offers from Popeyes. Those offers change every 6-8 weeks.

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DUMPSTER ENCLOSURE
SEE DETAIL SHEET C4.1

PROPOSED LOCATION
PROJECT TRANSFORMER

PREVIEW BOARD

CURB RAMP MANDATORY

CLEARANCE POST

POPEYE'S RESTAURANT
DRIVE-THRU RESTAURANT
2,145 SF
PROPOSED PARCEL SIZE
±0.64 ACRES

EXTERIOR MENU BOARD
SPEAKER POST, OCB
AND CANOPY CAPTURE
5TH CAR IN STACKING
ORDER AT 60'+ FROM
C/L AT MID WINDOW

BLACK CONCRETE PAD

BOLLARD

PAINTED TRAFFIC
ARROWS

I-HOP
3463B LAWRENCEVILLE-SUWANEE RD
1-STORY BRICK
BUILDING HEIGHT=34.0'

GDOT STD. TYPE "B" RAMP

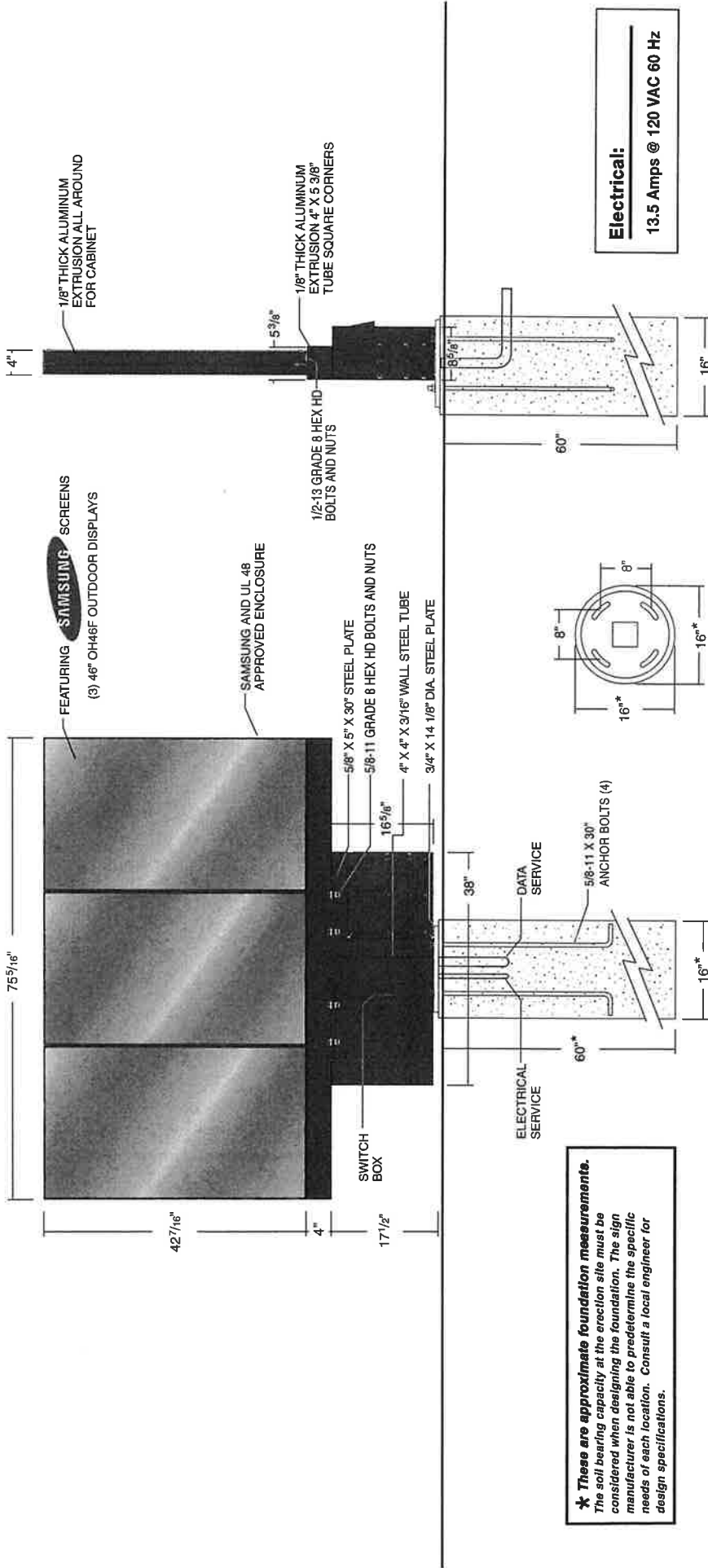
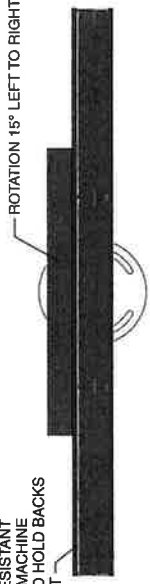
GDOT STD. 6'
CROSS WALK

INSTALL NEW HAMMOCK RD

V-2023-004



TAMPER RESISTANT SECURITY MACHINE SCREWS TO HOLD BACKS TO CABINET



*** These are approximate foundation measurements.**
 The soil bearing capacity at the erection site must be considered when designing the foundation. The sign manufacturer is not able to predetermine the specific needs of each location. Consult a local engineer for design specifications.

Electrical:
 13.5 Amps @ 120 VAC 60 Hz



MATERIALS: All Joints To Be Welded All Around
 Grade A36 Steel Shapes
 Grade A500 B Steel Tube

Note: 1) Housing Constructed of Aluminum Extrusion
 2) Entire Board and Steel Powder Coat Black

Drawn By: DL
 Proj. Man.:
 Date: 10/03/19
 Proj. No.:

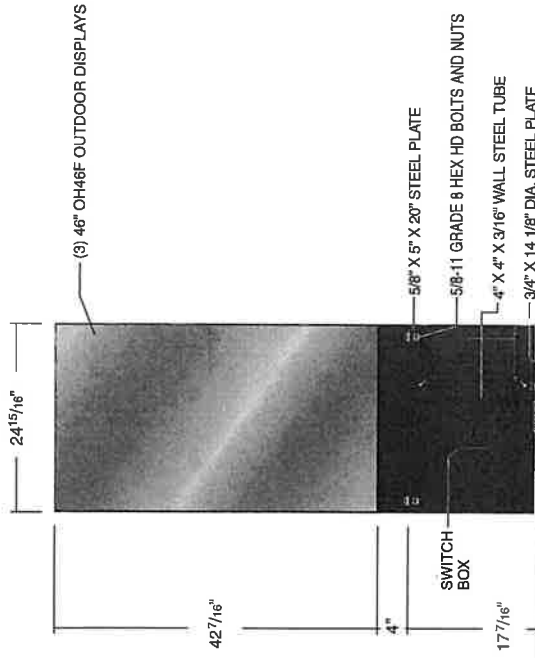
Drawing Type: Art Creative
 Customer: Popeyes Louisiana Kitchen
 Project Description: 1X3 Digital Drive-Thru

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V-2023-004

TAMPER RESISTANT SECURITY MACHINE SCREWS TO HOLD BACKS TO CABINET

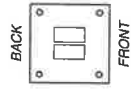
ROTATION 15° LEFT TO RIGHT



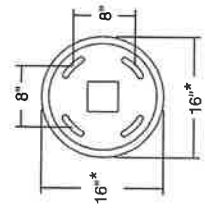
NOTE: The completed menu board is CUL / UL listed.

*** These are approximate foundation measurements.**
 The soil bearing capacity at the erection site must be considered when designing the foundation. The sign manufacturer is not able to predetermine the specific needs of each location. Consult a local engineer for design specifications.

ANCHOR BOLT TEMPLATE



Electrical:
 4.5 Amps @ 120 VAC 60 Hz



Drawing Type Art Creative
 Customer Various
 Project Description 1 X 1 Digital Pre-Sell Spec.

Drawn By: DL
 Proj. Mat.:
 Date: 12/12/18
 Proj. No.:

MATERIALS: All Joints To Be Welded All Around
 Grade A36 Steel Shapes
 Grade A500 B Steel Tube

Note: 1) Housing Constructed of Aluminum Extrusion
 2) Entire Board and Steel Powder Coat Black



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V-2023-004



Property Detail

- [Go Back](#)
- [Neighborhood Sales](#)
- [Property Report](#)

GIS Map



General Info

TGL REAL ESTATE LLC 7778 MCGINNIS FERRY RD STE 293 SUWANEE GA 30024-1622	Property ID	R7193 673
	Alternate ID	33272522
	Address	3463 LAWRENCEVILLE SUWANEE RD STE A
	Property Class	Fast Food
	Neighborhood	9630
	Deed Acres	0.6400

Value History

Year	2023	2022	2021	2020	2019
Reason	Bld Added, Updated or Razed	Notice of Current Assessment	Notice of Current Assessment	Adjusted for Market Conditions	Notice of Current Assessment
Land Val	\$278,800	\$133,800	\$133,800	\$133,800	\$117,100
Imp Val	\$223,900	\$0	\$0	\$0	\$0
Total Appr	\$502,700	\$133,800	\$133,800	\$133,800	\$117,100
Land Assd	\$111,520	\$53,520	\$53,520	\$53,520	\$46,840
Land Use	\$0	\$0	\$0	\$0	\$0
Imp Assd	\$89,560	\$0	\$0	\$0	\$0
Total Assd	\$201,080	\$53,520	\$53,520	\$53,520	\$46,840

Transfer History

Book	Page	Date	Grantor	Grantee	Deed	Type	Vacant Land	Sale Price
0607	834	5/24/2023	WDG SUWANEE LLC	TGL REAL ESTATE LLC	Fu	00	No	\$2,470,000
9344	450	10/26/2021	HOTCAKES SUWANEE VENUTRE LLC	WDG SUWANEE LLC	Fu	OY	Yes	\$550,000
9344	456	10/26/2021	WDG SUWANEE LLC	WDG SUWANEE LLC	QC	ND	Yes	\$0
7276	339	11/11/2006	MAIN STREET COMMONS I LLC	HOTCAKES SUWANEE VENUTRE LLC	Fu	N0	Yes	\$125,000

C01

V-2023-004




Attributes

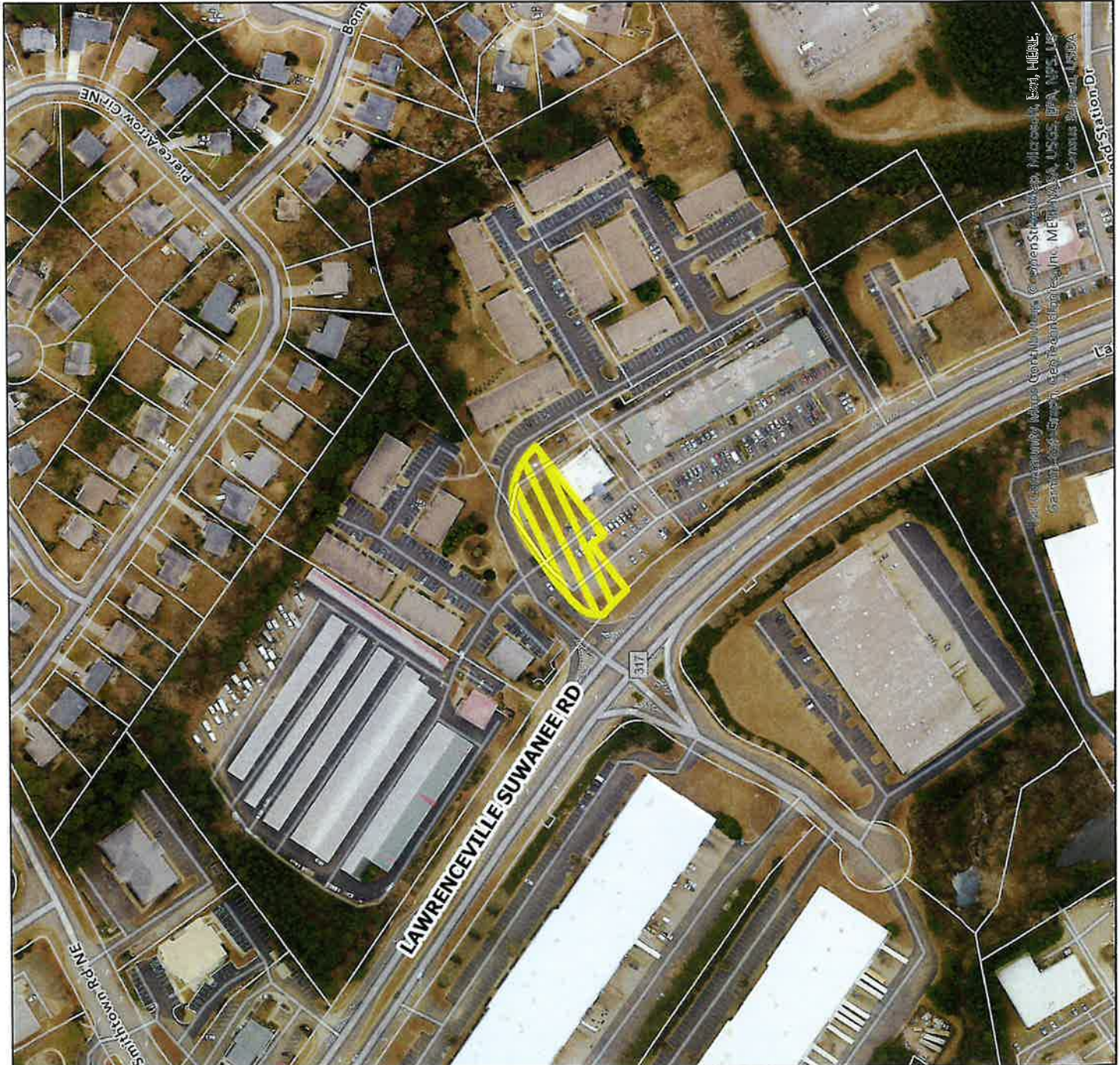
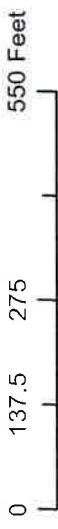
Floor Areas

Story	Use	Attribute	Code	Detail
		Class	85	Asphalt
		Roofing Cover	1	Built-up
		Stories	1	
		Exterior Wall	02	Conc. Block

Location Map V-2023-004

Legend

-  Subject Property
-  City Parcels
-  City Limits



Zoning Map V-2023-004

Legend

-  SUP-2022-005
-  City Parcels
-  City Limits
- 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

