

**VARIANCE(S):**

**V-2023-008**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2023-008

**REQUESTS:** LARGE BUILDING SIGN REQUIREMENT  
REDUCTION

**APPLICABLE SECTION:** SECTION 1612.A(5)

**LOCATION:** 4545 SUWANEE DAM ROAD

**DISTRICT/LAND LOT:** 7-277-002

**ZONING:** R-100 (RESIDENTIAL SINGLE FAMILY  
DISTRICT)

**DEVELOPMENT:** COMMUNITY FACILITY-PRIVATE SCHOOL

**APPLICANT/OWNER:** MAGNOLIA FARMS EDUCATIONAL  
PROPERTIES, LLC.  
4545 SUWANEE DAM ROAD  
SUWANEE, GA 30024

**CONTACT:** J. ETHAN UNDERWOOD  
**PHONE:** 770-781-4100

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

**ANALYSIS:**

The applicant seeks a variance from Section 1612 of the City of Suwanee Zoning Ordinance to reduce the requirement for a large building sign from 5,000 gross square feet to 3,000 gross square feet. The applicant's business is a private school which is planning to open with 50-70 students, and then expand up to 150 students. The proposed private school is proposed to occupy an existing 3,300 square foot structure (4,300 square feet including the unfinished portion of the basement). The school will also make use of an existing approximately 900 square foot accessory structure.

At some point in the future the applicant intends to expand the school to accommodate more students. This expansion would include an approximately 4,200 square foot addition to the 900 square foot accessory structure. At that point, the school would have a single structure that exceeds 5,000 square feet, plus the 4,300 square feet (finished and unfinished) in the primary structure.

The subject property was recently (September 26, 2023) rezoned from PMUD to R-100 in order to allow for the proposed small private school. Small schools (under 20,000 square feet) are allowed within the R-100 zoning district as a use by right. The R-100 Zoning district allows for certain non-residential uses on a smaller scale as a use by right, including religious institutions, schools, and neighborhood amenity areas. Some of these uses commonly have ground signs. Ground signs are allowed in commercial, institutional, and industrial zoning districts regardless of building size. However, in residential districts the provision of ground signs is much more limited.

Section 1612A(5) of the Zoning Ordinance regulates ground signs in residential districts by limiting ground signs to those parcels with a large building, or more than 5,000 gross square feet. This particular sign requirements applies only to residentially zoned property. It is intended to allow for signage for those non-residential uses that occasionally occur in residential areas. The subject property does not currently have a single building totaling 5,000 square feet. In a residential zoning the property owner would be limited to a ground sign totaling 5 square feet to advertise the school. As such, a variance would be required in order for a ground sign to be installed on the property.

The subject property is located within the PIB/Suwanee Junction character area. Across Suwanee Dam Road, to the northwest, is Sims Lake Park, which is zoned R-140 and does have a ground sign advertising the name of the park. To the south is the Three Bridges neighborhood, zoned PMUD. To the west is a single family home and to the east is a farm and single family home, both zoned R-100 (Residential Single Family District). Further to the north, along Suwanee Dam Road, are several institutional uses that do have signs which were installed prior to the current signage regulations. Two religious institutions have ground signage along this section of Suwanee Dam Road and both are zoned to residential zoning districts. Additionally, North Gwinnett High School, zoned GCA, has an electronic sign (the school is exempt from City zoning requirements). The addition of a ground sign for an institutional use would not be out of character with the existing development in the area.

The applicant is seeking to install a 6 foot 2 inch tall ground sign with 19 square feet of copy area and 27 square feet of sign area setback at least 5 feet from the right of way of Suwanee Dam Road. Because the property was recently rezoned to R-100 (Single Family Residential District) from PMUD (Planned Mixed-Use Development District), the property is limited to a ground sign of 5 square feet. If the facility were to qualify as a large building (5,000 square feet), it would be allowed a sign with a total of 64 square feet of sign area, 32 square feet of copy area and a maximum height of 6 feet. The large building requirements are calculated based on the largest single building on the property. The largest building is currently 3,300 square feet. However, if the unfinished area of the basement is included, the combined square footage for school facilities is currently over 5,000 square feet and will only increase with the addition of the 4,186 square foot building.

The City has never considered a variance request to lower the requirement for a large building sign. In this case, the combined square footage of the school facilities is over 5,000 square feet. The intention of the ordinance is to allow for ground signage for certain non-residential uses

located within residential districts. The subject project is just such a use. Additionally, there are at least two similar institutional uses with ground signs on Suwanee Dam Road. The requested variance would not undermine the intent of the Zoning Ordinance. In this case, if conditions are included to limit the size of the sign, approval of a request to reduce the large building sign requirement could be appropriate.

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 conclusion, the subject property does not appear to have a situation which rises to the level of hardship. However, the fact that the area is heavily wooded and the aggregate size of the facilities will exceed 5,000 square feet could warrant the approval of a variance. The proposed sign is slightly taller than allowed, but the applicant has agreed to comply with the 6 foot maximum height. The sign would be consistent with other institutional signs in the area. As such, it is likely that approval of this variance would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2023-008.

V-2023-008

Planning Department Recommendation:

Approval of a variance to allow for a reduction in the requirement for a large building sign from 5,000 gross square feet to 3,000 gross square feet subject to the following conditions:

1. The sign area, copy area, height, materials, and design of the sign shall be consistent with the sign presented in variance exhibit 'A', except the height of the sign shall not exceed 6 feet.
2. The sign shall be setback a minimum of 5 feet from the property line.

## 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 variance unreasonably increase the congestion in public streets?**

Approval of this variance would not increase the congestion in public streets.

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

Approval of this variance would not increase the danger of fire or endanger public safety. Approval of the request could actually assist with the response speed for emergency services.

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

Approval of the variance 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 variance 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: Magnolia Farms Educational Properties, LLC  
Address: 4545 Suwanee Dam Road  
City: Suwanee  
State: Georgia  
Phone: 770-781-4100  
E-mail address: eunderwood@milesfansford.com / bmercerc@milesfansford.com

**OWNER INFORMATION**

Name: Magnolia Farms Educational Properties, LLC  
Address: 4545 Suwanee Dam Road  
City: Suwanee  
State: Georgia  
Phone: 770-403-4664  
E-mail address: eunderwood@milesfansford.com / bmercerc@milesfansford.com

CONTACT PERSON: J. Ethan Underwood PHONE: 770-781-4100

ADDRESS OF PROPERTY 4545 Suwanee Dam Rd. Suwanee, GA 30024

LAND DISTRICT 7 LAND LOT 227 PARCEL R7277 LOT 002

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) \_\_\_\_\_

ZONING Concurrent Rezoning Application to R-100 - RZ2023-009

VARIANCE REQUESTED Reduce the requirement for a large building sign from 5,000 gross square feet to 3,000 gross square feet. [Zoning Ordinance § 1612(A)(5)].

NEED FOR VARIANCE The requested variance is needed to facilitate the development as proposed so the Proposed Use can be properly identified.

**\*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.2023.008

**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.

[Signature] 6/24/2023  
Signature of Applicant Date

Kelli Jones - Owner/Manager  
Typed or Printed Name and Title

[Signature] 6/24/2023  
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.

[Signature] 6/24/2023  
Signature of Applicant Date

Kelli Jones - Owner Manager  
Typed or Printed Name and Title

[Signature] 6/24/2023  
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: \_\_\_\_\_





**LETTER OF INTENT**

<b>Applicant:</b>	<b>Magnolia Farms Educational Properties, LLC</b>
<b>Subject Property:</b>	<b>4.38 Acres Designated as Gwinnett County Tax Parcel(s): R7277 002</b>
<b>Current Zoning:</b>	<b>PMUD – Planned Mixed Use Development District</b>
<b>Proposed Zoning:</b>	<b>R-100 – Residential Single Family District</b>
<b>Proposed Use:</b>	<b>Community Facility – School, Private</b>
<b>Application:</b>	<b>Variance</b>
<b>ROW Access:</b>	<b>Suwanee Dam Road</b>
<b>Governing Jurisdiction:</b>	<b>City of Suwanee</b>

This statement is intended to comply with application procedures established by the Governing Jurisdiction, and is intended to set forth a preliminary development plan for the Subject Property, to evaluate the proposed development and new zoning classification, conditional use, and variances (if any), based upon factors set forth by the Governing Jurisdiction and is otherwise intended as the Letter of Intent for the Subject Property. The Applicant has provided all required information and has submitted the appropriate application fees. The requested Application meets all judicial and statutory requirements for approval.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, sketch plat, conditional use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, sketch plat, conditional use permit, and variance applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

**Variance(s):**

- 1. Reduce the requirement for a large building sign from 5,000 gross square feet to 3,000 gross square feet. [Zoning Ordinance § 1612(A)(5)].**

**COMPREHENSIVE PLAN**

The City of Suwanee Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Mixed-Use Village Character Area. The Proposed Use does conform to the Comprehensive Plan, which allows for the Subject Property to be developed with small-scale non-residential uses. See City of Suwanee Comp. Plan, p. 26.

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**STANDARDS GOVERNING EXERCISE OF THE ZONING POWER**

- 1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and/or**

The Subject Property contains stream buffers rendering the western half of the property undevelopable. The Subject Property's shape, size, and topography substantially limit the buildable area of the subject property. The shape, size, and topography of the property necessitate the requested variance and placement of structures in the locations proposed by the Applicant in order to permit feasible development of the subject property. In order to adequately identify the Subject Property, the Applicant seeks to have a monument style sign no greater than 64 square feet to properly identify the Proposed Use.

- 2. The application of the Zoning Ordinance to the particular piece of property would create an unnecessary hardship; and/or**

Yes, the application of the Zoning Ordinance and Sign Ordinance would create an unnecessary hardship for the Subject Property. Based on the shape, size, and topography of the Subject Property, strict conformity to the requirement to limit signage would prevent the reasonable economic development of the Subject Property.

- 3. Such conditions are peculiar to the particular piece of property involved; and/or**

The Subject Property contains stream buffers rendering the western half of the property undevelopable. The subject property's shape, size, and topography substantially limit the buildable area of the subject property. The shape, size, and topography of the property necessitate the requested variance and placement of structures in the locations proposed by the Applicant in order to permit feasible development of the subject property.

- 4. Such conditions are not the result of any actions of the property owner; and/or**

Such conditions are not the result of any actions of the property owner.

- 5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.**

The proposed variance will not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance or Sign Ordinance. The requested variance is the minimum necessary to accommodate the current and proposed structures to allow the property to be developed in an economically feasible and physically practicable manner.

**CONCLUSION**

Because the Applicant's Proposal complies with all criteria appropriate for consideration for the Application, the Applicant respectfully requests that this Application, which is incorporated herein by

V-2023-008



reference, be approved as requested. The Applicant and owner reserve the right to amend and supplement this Letter of Intent at any time.

U-2023-008

11-8-2022



**LBA**

**ARCHITECT - ENGINEER**  
 1111 W. ...  
 SUWANEE, GA 30024

**PROPOSED "FUTURE" SITE PLAN**  
 4.38 SUWANEE DAM ROAD  
 SUWANEE, GEORGIA 30024



**FIELD NO. 11**  
 FOR "FUTURE" ZONE" EXISTS ON  
 1111 W. ...  
 No. 131300023-00, DATED 03/04/2013

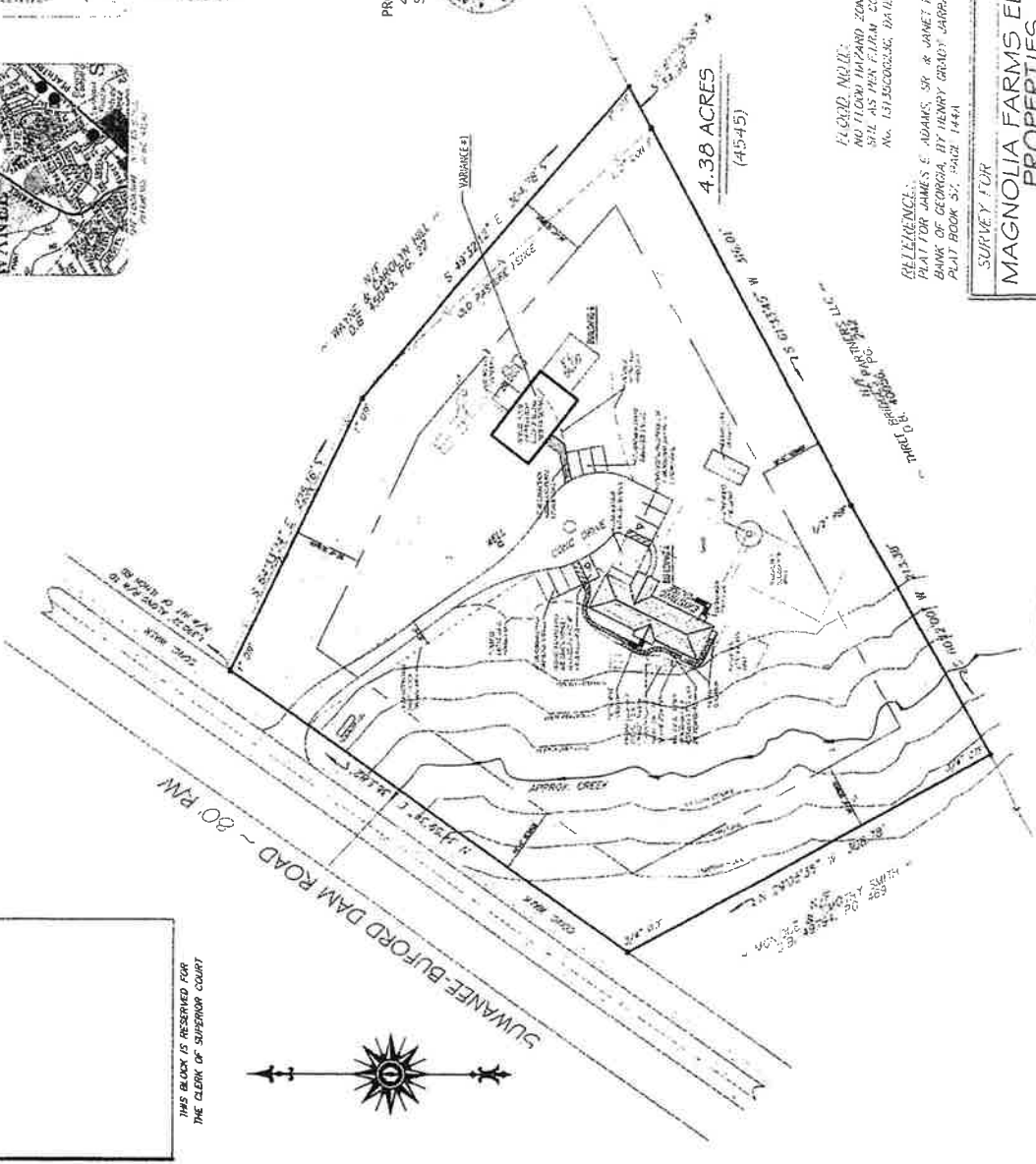
**CHALLENGE:**  
 FOR JAMES E. ADAMS, SR. & JANEY H. ADAMS & HUSBANDS;  
 GRANTS OF GEORGIA, BY HENRY GRIFFIN JARROLD, DATED: 10/28/1992;  
 PLAT BOOK 51, PAGE 144A

**SURVEY FOR**  
**MAGNOLIA FARMS EDUCATIONAL**  
**PROPERTIES, L.L.C.**

LAND LOT & INSTRUMENT NO.	COUNTY	SCALE
LAND LOT 215, 1111 W. ...	SUWANEE	1"=100'

STATE OF GEORGIA  
 W. I. DENNING AND ASSOCIATES, L.L.C.  
 1111 W. ...  
 SUWANEE, GA 30024

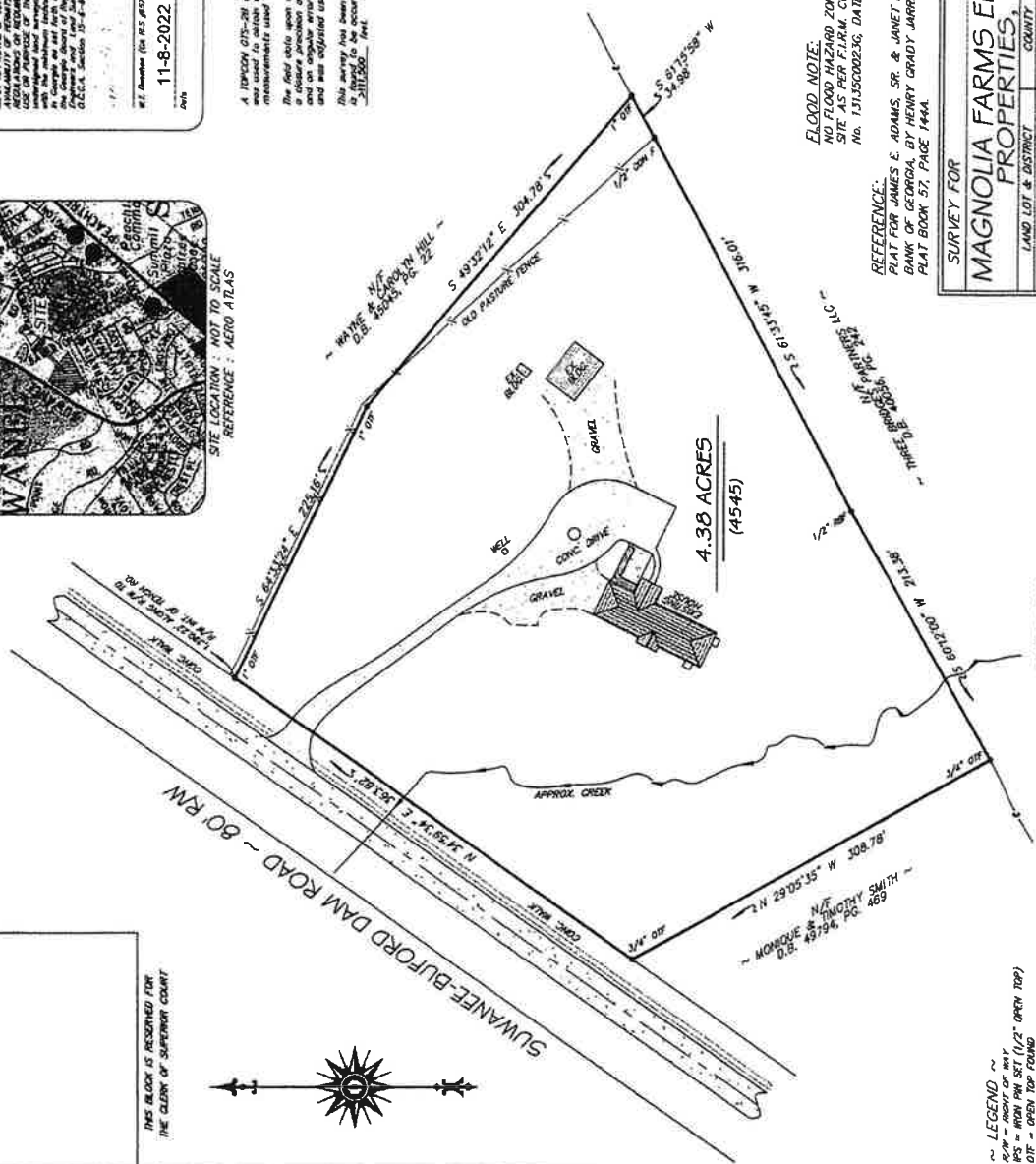
THIS BLOCK IS RESERVED FOR  
 THE CLERK OF SUPERIOR COURT



**SURVEYORS CERTIFICATION:** (1)  
 This plat is a representation of an existing parcel of property and does not constitute a warranty of title or a guarantee of accuracy. The surveyor has not conducted a title search and does not warrant the accuracy of the information shown hereon. The surveyor's responsibility is limited to the accuracy of the measurements and computations shown hereon. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE MEASUREMENTS AND COMPUTATIONS SHOWN HEREON. THIS SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE MEASUREMENTS AND COMPUTATIONS SHOWN HEREON. THIS SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE MEASUREMENTS AND COMPUTATIONS SHOWN HEREON.

W. T. DUNHAM, JR.  
 No. 1377  
 PROFESSIONAL  
 11-8-2022

A TYPHOON 035-20 TOTAL STATION was used to obtain the bearing and angular measurements used in the preparation of this plat. The field notes upon which this plat is based has a closure precision of one part in 21,500. The plat was adjusted using the compass rule. This survey has been calculated for either any is found to be accurate within one foot in 311,500 feet.



**FLOOD NOTE:**  
 NO FLOOD HAZARD ZONE EXISTS ON THIS SITE AS PER FIRM COMMUNITY PANEL No. 13135000236, DATED 03/04/2013.

**REFERENCE:**  
 PLAT FOR JAMES E. ADAMS, SR. & JANET H. ADAMS & HOMETRUST BANK OF GEORGIA, BY HENRY GRADY JARRARD, DATED: 10/30/1992. PLAT BOOK 57, PAGE 1444.

SURVEY FOR

**MAGNOLIA FARMS EDUCATIONAL PROPERTIES, L.L.C.**

LAND LOT & DISTRICT	COUNTY	SCALE	DATE
LAND LOT 227, 7th DISTRICT	CHMNETT	1"=60'	10/13/2022

STATE OF GEORGIA

W. T. DUNHAM, JR. AND ASSOCIATES, L.L.C.

**LEGEND**

- ~ = RIGHT OF WAY (1" OPEN TOP)
- = OPEN TOP FOUND
- = REBAR FOUND
- E- = PROPERTY LINE
- CON F = CONDUIT FOUND

V-2023-008

CUSTOMER: THE MOSAIC FIELD SCHOOL

PROPOSED BY STEVE METZ

DESIGNER: MOLLIE CROCKER

19 JULY 2023



# UNITED SIGNS<sup>®</sup>

ARCHITECTURAL SIGNAGE

SIGNAGE PROPOSAL

PREPARED FOR



All designs and drawings attached herein are copyrighted and may not be reused, duplicated or used for any purpose other than to facilitate implementation of the signs systems for the specific project they were prepared for without the express written consent of United Signs, LLC or EdgeX.



V-2023-006

LOGO

MOUNTING & MATERIAL



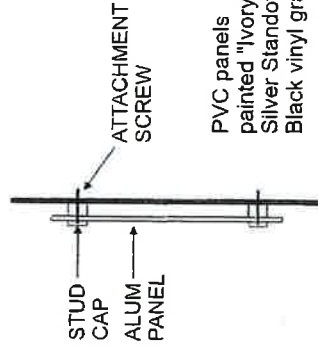
METALLIC SILVER FINISH  
1/2" Dimensional PVC  
pin mounted

BASE OPTIONS



OFF WHITE BRICK BASE  
WITH STUCCO FINISH BASE CAP

TENANT PANELS

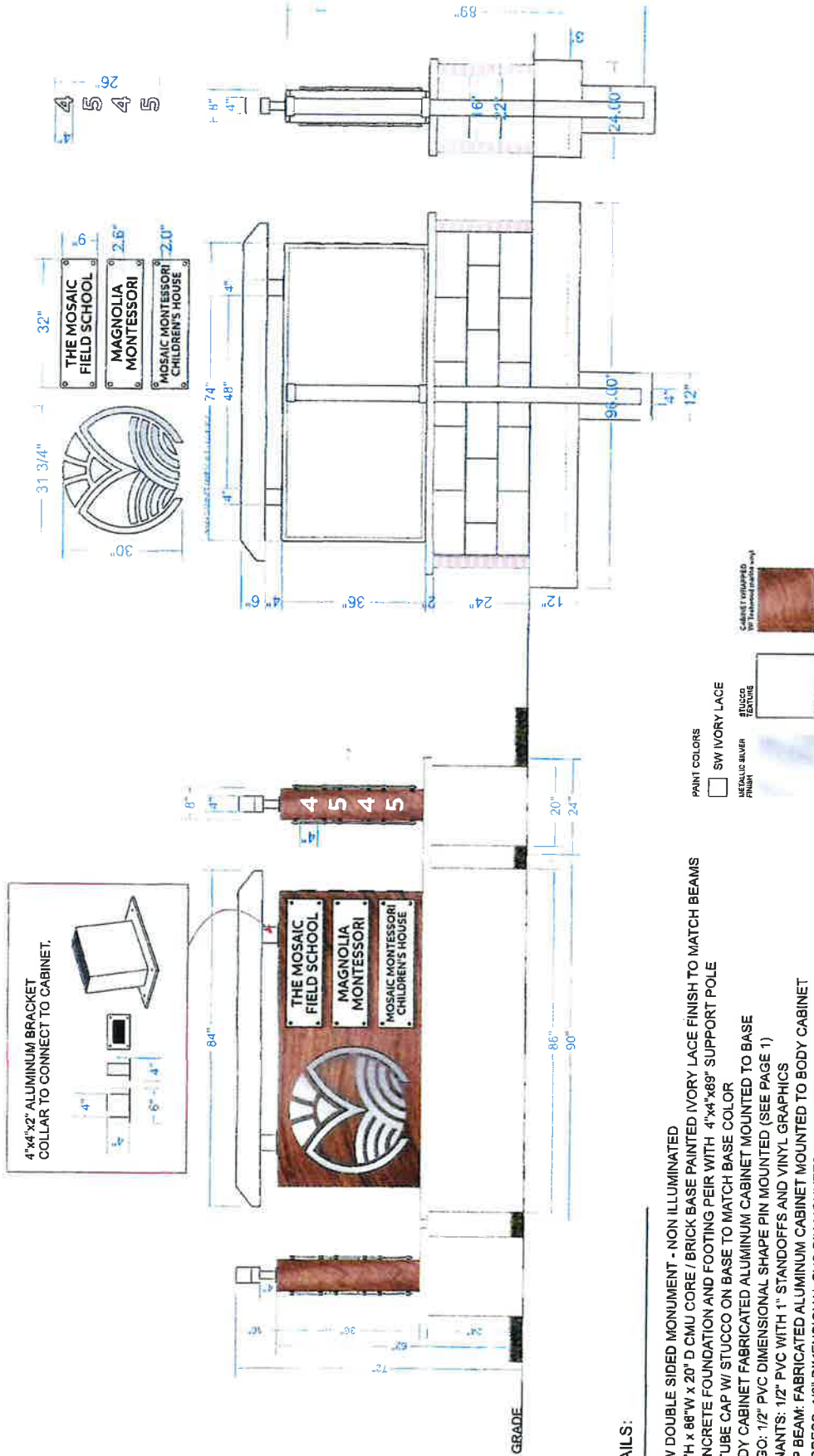


PVC panels  
painted "Ivory Lace"  
Silver Standoffs/caps and  
Black vinyl graphics

PAINT COLORS

SW IVORY LACE

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



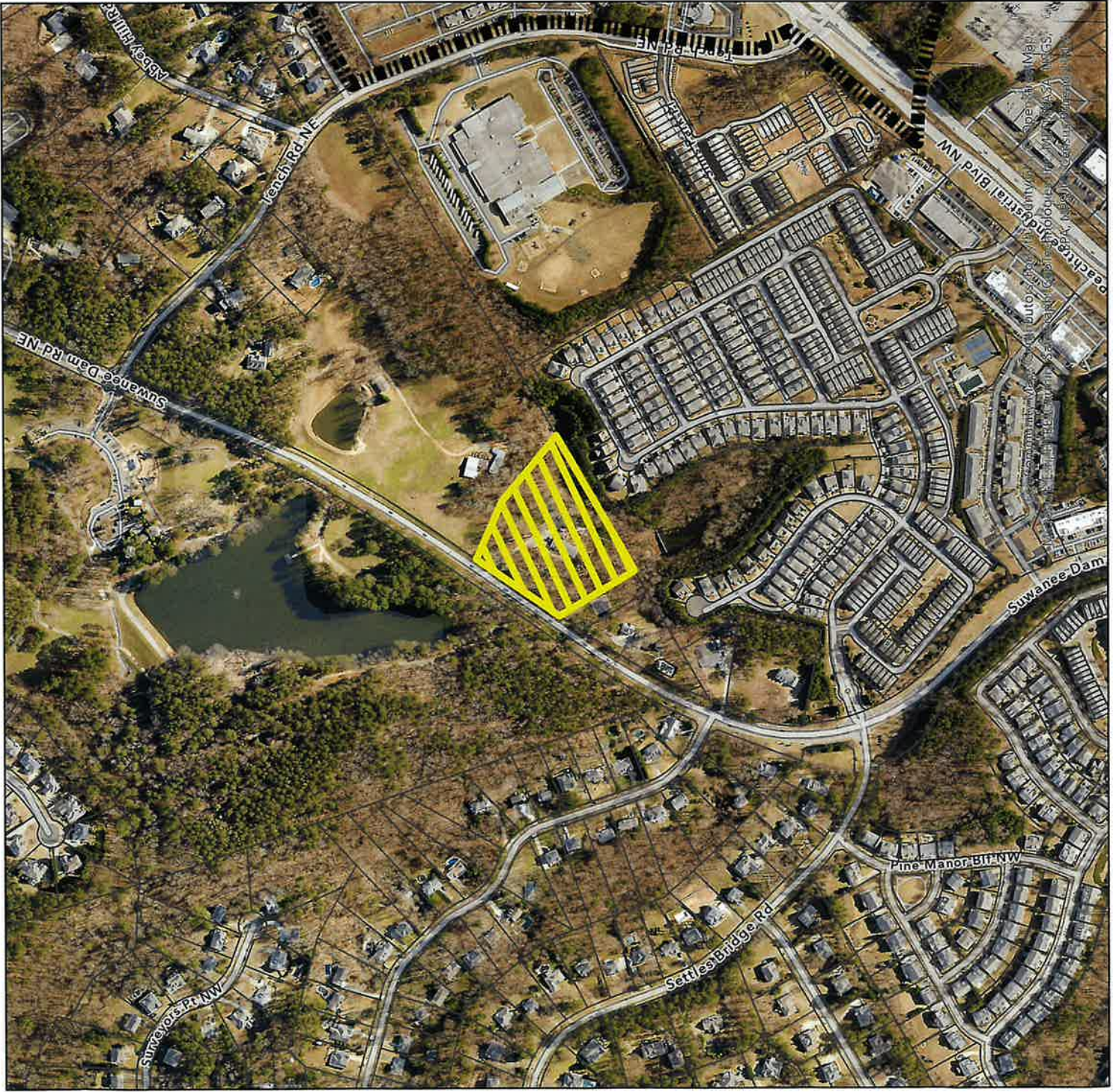
V-2023-008

<p>404-272-2633        10000 BIRCH CREEK RD        WOODBRIDGE, VA 22191</p>	PROJECT NUMBER: 2023-008 DESIGNER: STEVE METZ MC	DATE: 7/19/2023 REV: 8/10/2023	NOTES:	APPROVAL SIGNATURE: _____ DATE: _____
	3			



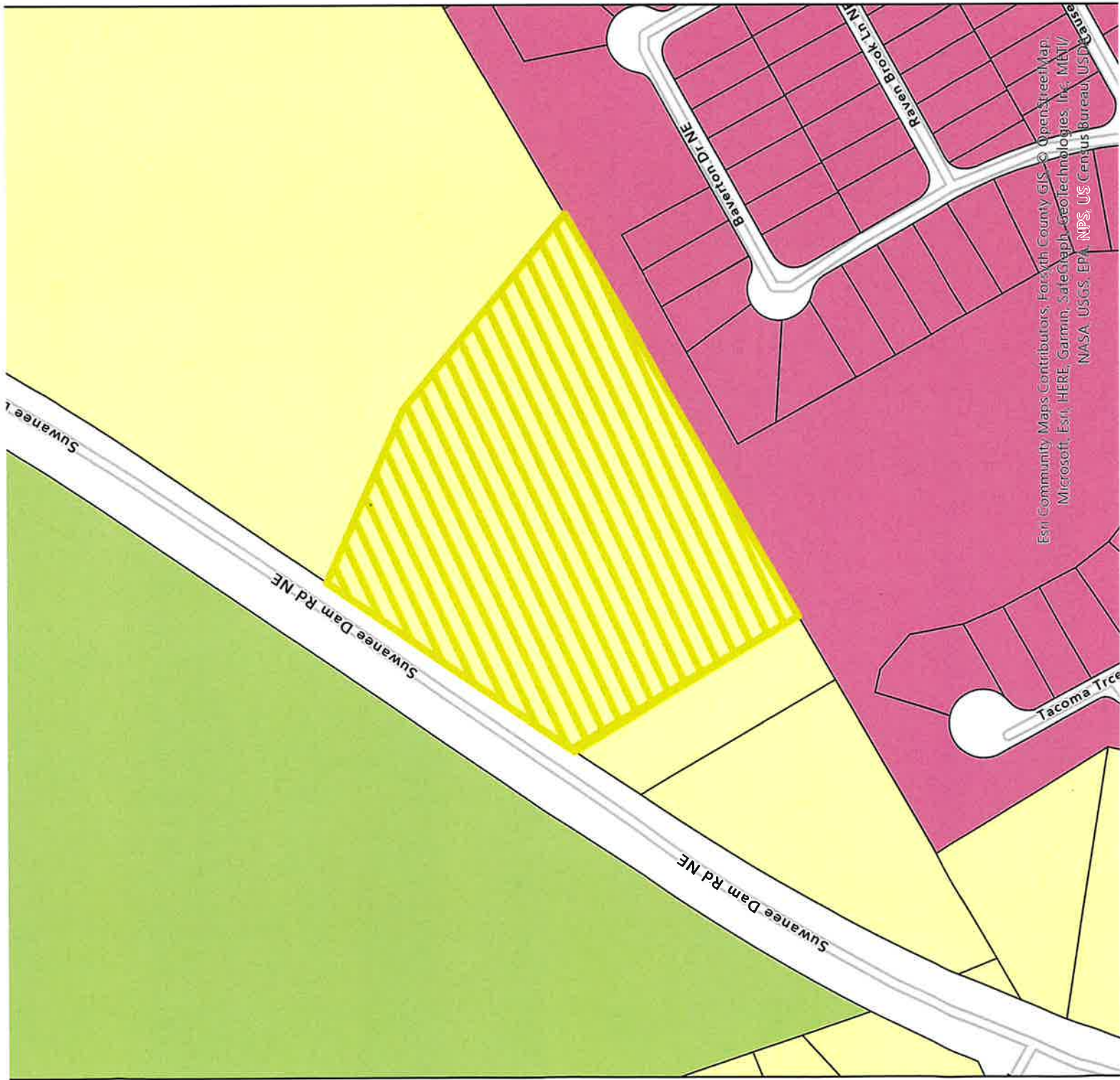
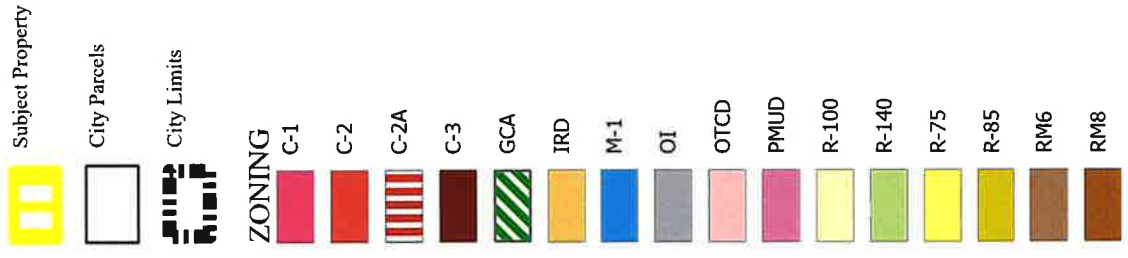
# Location Map V-2023-008

-  V-2023-008
-  City Parcels
-  City Limits



# Zoning Map V-2023-008

## Legend



Esri Community Maps Contributors, Forcyth County GIS, OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI, NASA, USGS, EPA, NPS, US Census Bureau, USDN

