

**VARIANCE(S):**

**V-2024-003**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBERS:** V-2024-003

**REQUEST:** TO ALLOW FOR ALTERATION OF A NON-CONFORMING SIGN

**APPLICABLE SECTION:** SECTION 1609/1611

**LOCATION:** 3141 LAWRENCEVILLE-SUWANEE ROAD

**PARCEL:** 7-169-172

**ZONING:** C-2A

**APPLICANT:** WEBB, KLASE & LEMOND, LLC.  
1900 THE EXCHANGE SE #480  
ATLANTA, GA 30339

**OWNER:** ATLANTIC BILLBOARDS, LLC.  
3162 JOHNSON FERRY RD #260-441  
MARIETTA, GA 30062

**CONTACT:** ADAM WEBB  
**CONTACT PHONE:** 770-444-9325

**STAFF RECOMMENDATION:** **DENIAL**

**ANALYSIS:**

The applicant requests a variance from Section 1609/1611 of the City of Suwanee Zoning Ordinance to allow for alteration of a non-conforming sign from a static billboard to a multi-message electronic display billboard. The subject property is approximately 0.01 acre and is located at 3141 Lawrenceville-Suwanee Road.

The subject property is zoned C-2A (Special Commercial District) and is carved out of an outparcel at 3141 Lawrenceville Suwanee Road which is currently vacant (formerly Burger King). The proposed approximately 11.5' x 24' electronic billboard would replace an existing static billboard of the same size. The existing static billboard 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 grandfathered, nonconforming sign.

The outparcel is surrounded by a vacant commercial lot zoned C-2A (Special Commercial District). This parcel is surrounded by the Office Depot shopping center zoned C-2A as well. Across Lawrenceville-Suwanee Road is a Chick-Fil-A zoned PMUD (Planned Mixed Use Development District). Diagonally from the outparcel, on the northwest corner of Northolt Parkway and Lawrenceville-Suwanee Road is a small shopping center with restaurants and retail zoned PMUD.

Section 1609.B of the Zoning Ordinance reads: “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:

1. Enlarged, altered or rebuilt except in conformance with this Ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition;”

Section 1611 of the Zoning Ordinance lists “Prohibited Signs”, including but not limited to, “Electronic signs used for purposes other than traffic management and official government signs.”

The Zoning Ordinance defines an “Electronic sign” as “Any sign wherein the message can be electronically programmed or modified by an electronic or automated means. This includes, but is not limited to, signs commonly known as LED, LCD, and other similar technologies.”

The applicant is seeking to replace the existing non-conforming sign and replace it with a new electronic billboard. The proposed electronic billboard would have a copy area of approximately 276 square feet. Section 1611.4 of the City of Suwanee Zoning Ordinance prohibits “electronic signs used for purposes other than traffic management and official government signs.” Section 1611.18 prohibits “signs exceeding two hundred square feet in copy area.” As such, a variance is required to alter the sign as proposed.

The applicant does not articulate “extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography” and does not articulate any hardship that could be addressed by approval of a variance.

The applicant acquired the property housing the non-conforming sign in late 2022. The City has not enacted any new signage related regulations subsequent to the property’s acquisition nor has anything changed with the sign. Before acquiring the non-conforming sign, the owner could have informed itself about its status and consulted the ordinance, which prohibits both electronic signs and alterations to non-conforming signs within the city.

The applicant contends that approval of the requested variance will not endanger the public safety. While studies show that continuously changing displays are a distraction to drivers, the question here is not one of public safety but rather extraordinary conditions and hardship.

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. Here, a variance would run contrary to both the express language of the city's sign ordinance and its intent.

No hardship necessitating an alteration to the existing sign is present. Therefore, the Planning Department recommends **DENIAL** of V-2024-003.

## Recommended Conditions

### **V-2024-003**

The Planning Department recommends denial of a variance to allow for alteration of a non-conforming sign to a digital billboard sign. Should the board approve a variance to allow for a digital billboard sign, the sign should be subject to the following condition(s):

1. The proposed electronic billboard will be no larger than shown in Exhibit 'A'.
2. The proposed electronic billboard will have dedicated time for City approved messaging.
3. The proposed electronic billboard shall not change messaging more often than once every hour.

## 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?**

Approval of the variance may 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 may impair the public health, safety, comfort, morals or welfare of the inhabitants of the City. Electronic signs are prohibited in the City as continuously changing displays are a distraction to drivers.

**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: Atlantic Billboards, LLC by  
Webb, Klase & Lemond, LLC  
Address: 1900 The Exchange SE #480  
City: Atlanta  
State: GA 30339  
Phone: 770-444-9325  
E-mail address: Adam@WebbLLC.com

**OWNER INFORMATION**

Name: Atlantic Billboards, LLC  
Address: 3162 Johnson Ferry Rd # 260-441  
City: Marietta  
State: GA 30062  
Phone: 678-571-8889

CONTACT PERSON: Adam Webb

PHONE: 770-444-9325

ADDRESS OF PROPERTY (Outparcel) 3141 Lawrenceville Hwy, Suwanee, GA 30024 (Tax R7169 172)

LAND DISTRICT 7 LAND LOT 169 PARCEL 172 LOT 2A

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) BILLBOARD SIGN TRACT HWY 317

ZONING C-2A

VARIANCE REQUESTED Convert existing sign faces to digital multi-message sign faces  
pursuant to O.C.G.A. § 32-6-75.

NEED FOR VARIANCE See Attached


**\*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.

  
*[Signature]* 1/29/24  
Signature of Applicant Date  
Michael B. Fitzgerald, Manager  
Typed or Printed Name and Title  
*[Signature]* 1/29/24  
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]* 1/29/24  
Signature of Applicant Date  
Michael B. Fitzgerald, Manager  
Typed or Printed Name and Title  
*[Signature]* 1/29/24  
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: \_\_\_\_\_

V. 2024.003  
Last revised 1-25-2012 dpr



## Variance Statement

Atlantic Billboards, LLC (“Atlantic”) seeks a variance from all applicable provisions of the Sign Ordinance of the City of Suwanee to permit the conversion of the sign faces on the existing off-premise advertising sign at 3141 Lawrenceville-Suwanee Road from static faces to electronic faces. Section 2009(A) of the City’s Zoning Ordinance grants the Zoning Board of Appeals (ZBA) the power to issue variances, where it is determined that the requested variance (1) will not unreasonably increase the congestion in public streets, (2) will not increase the danger of fire or endanger the public safety, (3) will not unreasonably diminish or impair established property values within the surrounding area, or (4) will not in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City. Atlantic satisfies these criteria.

First, granting Atlantic a variance will have zero impact on congestion in the public streets of Suwanee.

Second, Atlantic’s requested variance will not increase the danger of fire or endanger the public safety. To the contrary, public safety will be enhanced to the benefit of the City and its residents because Atlantic will make the requested electronic displays available to City and State law enforcement for emergency messaging (Amber Alerts, fugitive alerts, weather or disaster information, etc.) and donating space to the City for public safety messaging. Without the requested variance, these benefits will not be available.

Third, the requested variance will not unreasonably diminish or impair established property values. Instead, the variance will increase property values, starting with the parcel at 3141 Lawrenceville-Suwanee Road. Because this parcel is so small (0.01 acres), the only way the property can realistically generate any revenue is through the existing outdoor advertising sign. The only way for the property to increase its value is through the use of electronic sign faces, which will allow for more advertisers to promote their churches and organizations or products and services in the City. Increased advertising for local organizations and businesses will lead to increased involvement and a more vibrant local economy, which will benefit property values.

Finally, granting the requested variance will not impair the public health, safety, comfort, morals, or welfare of the residents of Suwanee. Atlantic’s willingness to make the sign available to law enforcement for emergency messaging and to the City for civic messages will directly benefit the public health, safety, and welfare of the citizens of Suwanee. And since the Suwanee Sign Ordinance recognizes the importance of providing fair and reasonable opportunities for the identification of businesses that are located within the City, providing for the identification of products, goods, and services available in the City, promoting economic vitality, and ensuring the protection of free speech rights under the state and United States Constitutions within the City, granting this variance will benefit the City.

Atlantic looks forward to presenting this variance request to the ZBA and is excited to bring this opportunity to the City. This project will provide much needed income for the landowner, increase involvement in local churches and organizations, drive business activity in the City by allowing targeted advertising for local businesses, and provide invaluable emergency and community messaging.

V. 2024.003



REFERENCES :

- 1. DEED BOOK 115, PAGE 4, GWINNETT COUNTY RECORDS.
- BEING PART OF 3131 LAWRENCEVILLE-SUWANEE HWY. SUMANEE, GEORGIA SHOPPING CENTER

ACCORDING TO AN EXAMINATION OF THE OFFICIAL F. I. R. M. FLOOD MAPS, THIS PROPERTY DOES NOT HAVE ANY SPECIAL FLOOD HAZARD CONDITIONS.

EQUIPMENT USED : SEOMAX Z00R90.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000 FEET, AND AN ANGULAR ERROR OF 1" PER ANGLE POINT, AND WAS ADJUSTED USING: NO ADJUSTMENT.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 18,521 FEET.

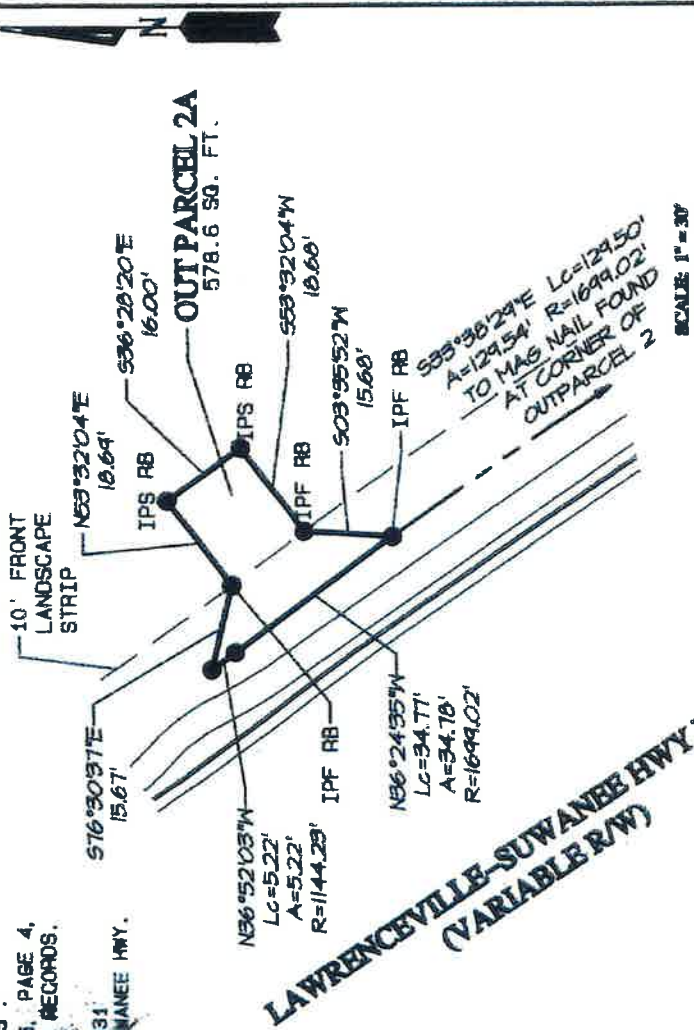
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 160-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 16-6-67.

CERTIFICATE OF AUTHORIZATION NUMBER LSF 000106



THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 16-6-67.

*John O. Hufman* 9-12-23  
JOHN O. HUFMAN RLS 2034



SURVEY FOR  
**ATLANTIC HILLBOARDS, LLC**  
LOCATED IN LAND LOT 16  
7th DISTRICT  
GWINNETT COUNTY, GEORGIA

DATE OF SURVEY: DECEMBER 16, 2022  
DATE OF DRAWING: SEPTEMBER 11, 2023

**LEGEND**

IPF	-	IRON PIN FOUND
IPS	-	IRON PIN SET
RB	-	REBAR
OT	-	OPEN TOP
CT	-	CRIMP TOP
SR	-	SOLID ROD
CB	-	CATCH BASIN
JB	-	JUNCTION BOX
MH	-	MANHOLE
PP	-	POWER POLE
MON	-	MONUMENT

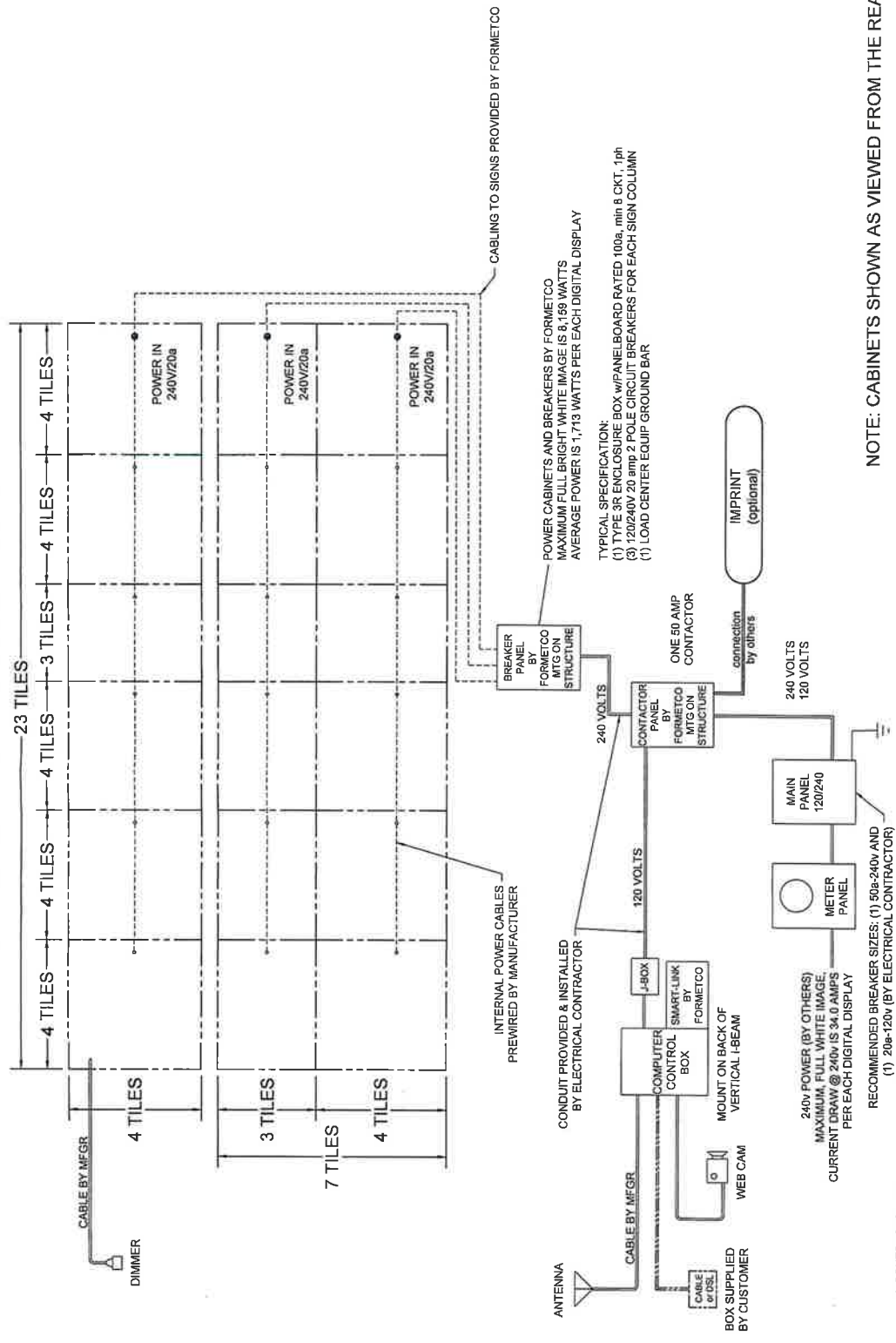
**H. B. & P.**  
**SURVEYING, LLC**  
850 KENNESAW AVE.  
SUITE 8  
MARIETTA, GA. 30060  
PHONE (770) 425-0141  
FAX (770) 425-8579

JOB # 23-030

V-2024-003

V-2024-005

POWER CABINET AND BREAKER REQUIREMENTS AND AMPERAGE AND WATTAGE RATINGS SHOWN ARE PER DIGITAL DISPLAY UNLESS OTHERWISE INDICATED.



NOTE: CABINETS SHOWN AS VIEWED FROM THE REAR

FORMETCO IS NOT RESPONSIBLE FOR THE QUALITY OF THE POWER DELIVERY SYSTEM TO THE DISPLAY  
ALL DISPLAYS MUST BE GROUNDED PER ARTICLE 250 AND 600 OF THE NEC  
ALL ELECTRICAL WORK DONE MUST MEET OR EXCEED ANY LOCAL AND NATIONAL ELECTRICAL CODES  
THE OVER CURRENT PROTECTION DEVICE MUST BE MATCHED TO THE FAULT CURRENT THAT IS AVAILABLE  
ON THE POWER DELIVERY CIRCUIT.  
DUE TO THE INRUSH CURRENT CREATED BY THE DISPLAY ON STARTUP THE OVER CURRENT PROTECTION  
DEVICES(S) MAY HAVE TO BE OVERSIZED  
ALL PRIMARY FEEDER CIRCUITS TO THE DISPLAY MUST BE UL 489 LISTED  
ALL SPECIFICATIONS ARE SUBJECT TO CHANGE IN IF TO FORMETCO'S CONTINUING PRODUCT IMPROVEMENT

PART NUMBER	FTX++ DBB	C/JD	04-11-23
APPROVALS		DATE	APPD
REV		DESCRIPTION	REVISIONS
1			

FORMETCO  
2963 Pleasant Hill Rd. Duluth, GA 30096-3802  
FTX 220 x 460 - 16mm - 1Ø  
THIN LINE ELECTRICAL RISER





# Zoning Map V-2024-003

## Legend

Subject Property



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



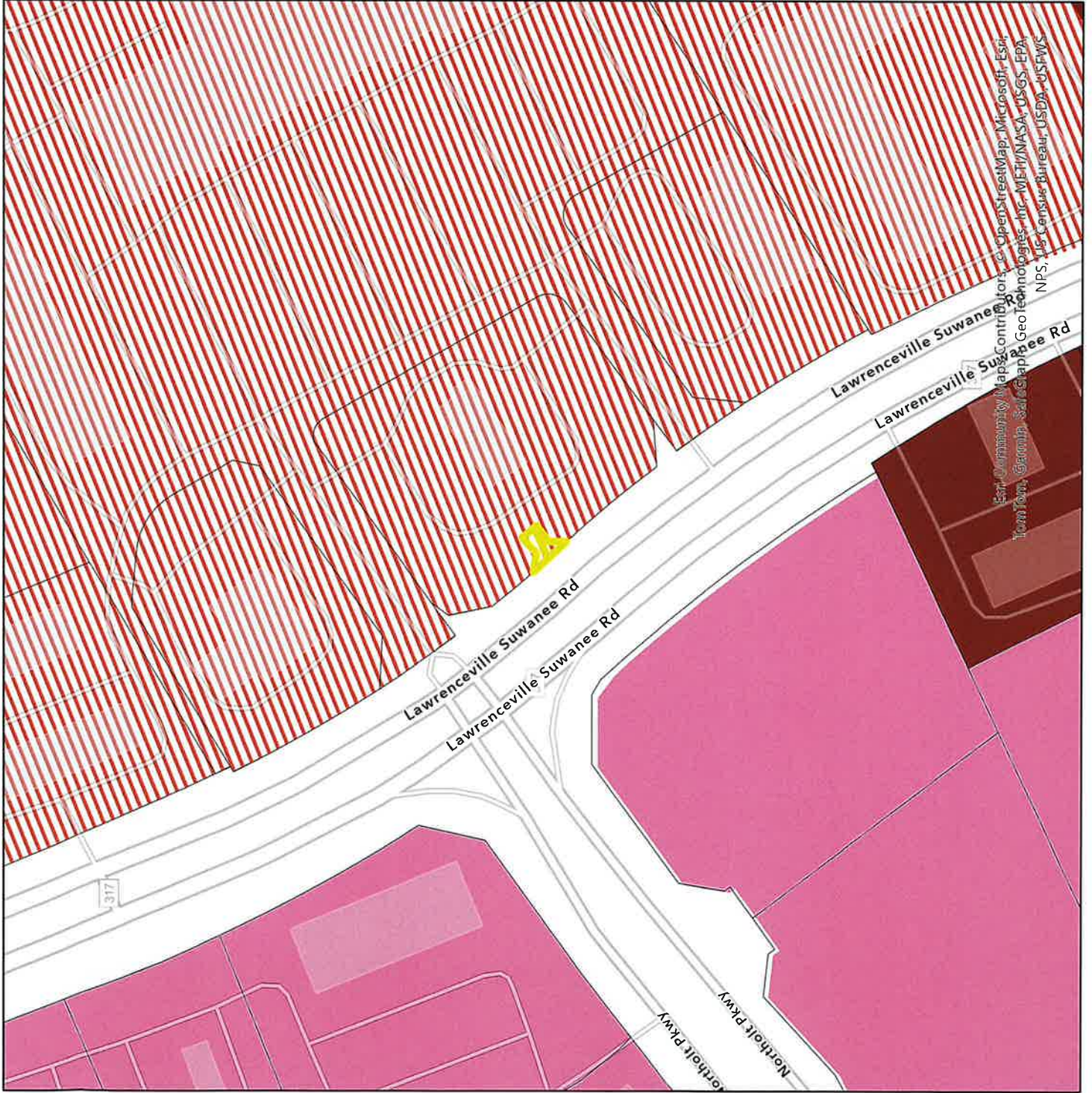
RM6



RM8



0 95 190 380 Feet



Esri Community Maps Contributor, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SatStaple, GeoTechnologies, Inc., MEI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS