

MINUTES
CITY OF SUWANEE, GEORGIA
ZONING APPEALS BOARD MEETING
January 16, 2024

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

CALL TO ORDER

Alyssa Durden called the meeting to order at 6:31 p.m.

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Beth Lembo nominated Ray Brown for chairperson, second by Paul Altnauer. Motion carried 4-0.

Beth Lembo nominated Paul Altnauer for vice chairperson, second by David Sullivan. Motion carried 4-0.

Alyssa Durden turned the meeting over to Ray Brown.

ADOPTION OF THE AGENDA

David Sullivan moved to approve the agenda as presented, second by Paul Altnauer. Motion carried 4-0.

APPROVAL OF MINUTES

David Sullivan moved to approve the January 16, 2024 minutes, second by Beth Lembo. Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

V-2024-001- Owner: John T. Barrett. Applicant: Mulch-It LLC. The applicant requests a variance from Section 610 of the City of Suwanee Zoning Ordinance to allow for a chain-linked fence in a yard abutting a public street that exceeds the maximum height. The site contains approximately 8.85 acres in Land Lot 235 of the 7th District and is located at 265 Brogdon Road.

Alyssa Durden presented the staff report as follows: The applicant seeks a variance from Section 610 of the City of Suwanee Zoning Ordinance in order to allow for a temporary chain link fence along a public road. The subject property is located at 265 Brogdon Road. The business is a landscape materials business. The business enclosed their property in 6-foot tall chain link fence, including along Brogdon Road. In 2022, the applicant requested a variance for this temporary chain link fence along the subject property. The request was approved by the ZBA with a condition limiting the approval to December 2023. The applicant has extended their lease of the property for two more years and is requesting a new variance to keep the fence for two more years.

Section 610 of the City of Suwanee Zoning Ordinances regulates fences and walls in the City. Section 610 states, “In a yard abutting a public street only decorative fences or walls shall be allowed. No fence or wall within a yard abutting a public street shall be constructed of woven wire or metal fabric (chain-linked, hog wire, barbed wire, or razor wire, etc.)” (pg. 113). The Ordinance also states, “In a yard abutting a public street no fence or wall shall exceed 4 feet in height...” The Ordinance then proceeds to list several exemptions all of which apply only to residential lots. The fence on the subject industrially zoned property is 6 feet tall and constructed of woven wire. As such a variance is required in order to keep the fence.

The City of Suwanee does not require a permit in order to install a fence. However, fences are required to comply with City ordinances. In this case the applicant installed the fence without understanding the regulations. The City identified that the chain link fence installed on the subject property did not comply with the requirements of the ordinance and asked the applicant to remove the fencing back in 2022. The applicant sought a variance to keep the fencing for the remainder of their lease on the property which was projected to end in November of 2023. The variance (V-2022-006) was approved to keep the fencing for the remainder of their lease on the property. However, the applicant has now renewed their lease through November 2025 and is seeking another variance to keep the fence. Keeping the chain linked fence would require approval of a variance to deviate from the Zoning Ordinance prohibition of woven wire or metal fabric fences constructed in a yard abutting a public street.

The subject property is located along the industrial Brogdon Road Corridor. The subject property abuts the Norfolk Southern rail line to the south. To the north/west of the subject property, across Brogdon Road, is a large light manufacturing facility zoned M-1. To the east of the subject property, along Brogdon Road and off Capital View Drive, are several light industrial uses all zoned M-1.

The applicant indicates that the reason for the fencing is to ensure the security of the materials stored on site and to prevent people from dumping garbage on the property. The City has previously approved a variance (V-2022-006) for this fence, but the conditions only permitted the fence until November 2023. The City has also previously approved variances for fencing in yards abutting a public street taller than 4 feet in height for security purposes. In the prior cases, the applicants requested fencing that is 8 feet tall, but agreed to a decorative style. These fences can be seen on the south side of Satellite Boulevard between Lawrenceville-Suwanee Road and McGinnis Ferry Road. The applicant’s fence is a shorter 6 foot tall, chain link fence, but they are only wanting to keep the fence for the remainder of their lease, which is now set to expire in November of 2025.

The City’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. The zoning

ordinance also states that variances may be granted when relief would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

In conclusion, the subject property does not appear to have a situation which rises to the level of hardship. There are no apparent unusual or extraordinary conditions that would warrant approval of a variance. The fencing regulations are available for all property owners to review and staff is available to explain the regulations if you do not understand them. While the chain link fencing is unsightly, it is located in a less visible area that is also a more industrial area of Suwanee. The fence has already been in place for the past year. The applicant is not intending to keep the fencing indefinitely. Provided the applicant is willing to remove the fencing prior to the end of their lease in November of 2025, staff does not object to the temporary fencing. Therefore, staff recommends approval with conditions of V-2024-001.

Paul Altnauer asked about adjacent property owners. Alyssa Durden explained the adjacent property owners are notified via mail.

Beth Lembo asked if it would be desirable to ask for screening of the fence. Discussion ensued amongst the Zoning Board of Appeals members regarding screening of the fence.

Ray Brown called upon the applicant.

Mr. Sesmas, 265 B Brogdon Road, Suwanee, GA. Mr. Sesmas explained that he had cleaned up the area in front of the fence. He indicated that he is willing to let the grass grow back to screen the fence. However, he stated that the grass will need to be cut back for safety reasons.

Ray Brown called for opposition. There was none.

Beth Lembo moved to approve V-2024-001 with staff recommended conditions, second by David Sullivan. Motion carried 4-0.

1. No additional fencing shall be installed on the property.
2. Fencing shall be maintained. Damaged or rusted fencing shall be replaced or repaired in a timely manner.
3. If the fencing remains in place as of December 1, 2025, then the City shall be authorized to enter the property and remove the fence. The City may place a lien on the property or cash a performance surety in order to recover the cost of removing the fence.
4. Prior to January 1, 2026, the property owner shall provide a right of entry to the City for the purposes of removing the fence if it is still in place on December 1, 2025.
5. A surety in the amount of \$5,000 shall be provided to the City. The purpose of the surety shall be to ensure that the fencing is well maintained and to ensure that the fencing is

removed prior to the end of the applicant's lease in November of 2025. This surety shall be provided within 60 days of variance approval.

OTHER BUSINESS

ANNOUNCEMENT

ADJOURNMENT

David Sullivan moved to adjourn at 6:45 pm.