ZONING BOARD OF APPEALS (ZBA) APPLICATION

to Amend the Official Zoning Map of DeKalb County, Georgia

APPLICANT/OWNER: Shadowbox Studios & Henrico 183, LLC (c/o Bloom Parham, LLP)

Subject Property Address: 3600 International Park Drive & 3455 International Park Drive

City: Atlanta State: GA Zip: 30316

Parcel ID Number(s): 15 051 01 001 & 15 077 03 027

Commission District(s): 3 Super District(s): 6 Acreage: +/- 155

TYPE OF HEARING REQUESTED (check one)

☐ VARIANCE (from Development Standards causing undue hardship upon owners of property.)

☐ SPECIAL EXCEPTIONS (to Reduce or Waive off-street parking or loading space requirements.)

☑ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

***PLEASE REVIEWTHE FILING GUIDELINES ON PAGE 5.**
FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.*

NOTE: PLEASE BE MINDFUL THAT THE APPLICATION AND ALL OF ITS CONTENTS IS A PUBLIC RECORD ONCE SUBMITTED AND ACCEPTED FOR A ZONING CYCLE

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner ☑ Agent ☐

Signature Date 6/25/26

Email plansustain@dekalbcountyga.gov with any questions

ZONING BOARD OF APPEALS (ZBA) APPLICATION

FEE: $300.00

DeKalb County does not require payment by wire transfer.
Be aware of scammers and fraudulent emails.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: June 25, 2026 Applicant Signature: [signature]

DATE: ____________________ Applicant Signature: ____

DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the ZoningBoard of Appeals for the requests as shown in this application.

June 25, 2026
Date

Applicant/Owner Signature:

TO WHOM IT MAY CONCERN:

(I)/ (WE): Henrico 183, LLC
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

Sara Wheeler
Notary Public

SARA WHEELER
Notary Public - California
Los Angeles County
Commission # 2544357
My Comm. Expires Feb 3, 2030

Owner/Applicant Signature

6/25/26
Date:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Los Angeles)ss.

On June 25, 2026 before me Sara Wheeler, Notary Public, personally appeared Peter Rumbold, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Simon H. Bloom
[redacted]

June 25, 2026

<u>**VIA EMAIL**</u>
(plansustain@dekalbcountyga.gov; ljcarter@dekalbcountyga.gov)

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
1300 Commerce Drive
Decatur, Georgia 30030

Re: Letter of Intent to Zoning Board of Appeals ("ZBA") Regarding Appeal of Denial of Shadowbox Studios ("Shadowbox") and Henrico 183, LLC's ("Henrico") (collectively, "Shadowbox") LDP Change of Use Application for +/- 155 Acres of Property at 3600 International Park Drive, Tax Parcel ID Nos. 15 051 01 001 & 15 077 03 027 (the "Property").

To the Members of the Zoning Board of Appeals:

This firm represents Henrico 183, LLC and Shadowbox Studios with respect to the above-referenced matter. On March 6, 2026, Shadowbox applied to change the use under its land development permit from a film studio to a data center (the "Application"). <u>Exhibit A</u>, LDP Change of Use Application. On June 12, 2026, Lelti Abrha, Engineering Manager of the County Planning Department, informed Shadowbox that the Application was not accepted and will not be reviewed due to the County's moratorium on data center developments. <u>Exhibit B</u>, 6/12/2026 County Planning Department Email.

Shadowbox now appeals the County Planning Department's refusal to process or consider the Application and its denial. The County Planning Department cannot rely on the moratorium to deny the Application because doing so violates Shadowbox's vested rights, which Shadowbox acquired before the County enacted the moratorium on July 8, 2025. Accordingly, we request that the ZBA recognize Shadowbox's vested right to develop a data center on the Property, deem the Property exempt from the moratorium, and approve the Application.[1]

The DeKalb County Zoning Ordinance requires the ZBA "to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this zoning ordinance or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988." DeKalb County Zoning Ordinance, Ch. 27, Art. 7, Div. 5, § 7.5.2(A). In her role as Engineering Manager of the Planning Department, Lelti Abrha is an administrative official, and her decision to refuse to process or consider and deny the Application constitutes an erroneous final decision made in the enforcement of the zoning ordinance. Shadowbox's appeal is timely because it has been brought within 15 days of the Planning Department's decision. Id. at § 7.5.2(B). The ZBA thus has jurisdiction to consider this timely appeal of the Planning Department's decision.[2]

A. Property Background.

The Property consists of roughly 155 acres and is zoned M, which is the County's Light Industrial zoning district. Shadowbox purchased the Property in 2021 and originally planned to develop a film studio. The County issued Shadowbox a land development permit for the film studio on September 1, 2022. Exhibit E, Film Studio LDP. In June 2023, however, Shadowbox began to explore the possibility of including a data center component on the Property alongside the film studio development.

The County's code of ordinances did not include, list, contemplate, or define data centers nor recognize it explicitly as a permitted use. Before spending money to pursue a data center development, Shadowbox asked the County to confirm that it could develop the Property as a data center by right. County Senior Planner Robert Satterwhite offered much needed clarity on June 16, 2023. Mr. Satterwhite confirmed that the County viewed data centers as analogous to the zoning ordinance's "communications" use, which is "granted by right" under the Property's M zoning classification. Exhibit F, 6/16/2023 Email.

[1] On June 11, 2026, Shadowbox also received an email from Supervising County Attorney John Jones, wherein Mr. Jones communicates that he "remain[s] unpersuaded that [Shadowbox] has a viable vested rights claim." Exhibit C, 6/11/2026 Email from John Jones. To the extent Mr. Jones's email constitutes a final decision by an administrative official, Shadowbox appeals that decision in addition to the Planning Department's refusal to process or consider the Application.

[2] On June 22, 2026, Shadowbox reached out to Mr. Lucas Carter with the County Planning Department to schedule a pre-application meeting. On June 25, 2026, Mr. Carter confirmed that Shadowbox may proceed with filing the appeal without having had the pre-application meeting. Exhibit D, Email Communications with Lucas Carter. Mr. Carter also confirmed that the County deems Shadowbox's appeal timely based on its expression of intent to file the appeal. Id.

Armed with this written assurance from the County, Shadowbox took additional steps to pursue a data center development on the Property, including by applying to Georgia Power on March 22, 2024 for 651 megawatts—a power allocation of a magnitude that is only necessary for a significant data center component. Exhibit G, Georgia Power Application.

Shortly after submitting the application to Georgia Power, Shadowbox sought a second written confirmation from the County that it could develop a data center on the Property. On April 12, 2024, the County reiterated its position that Shadowbox was entitled to develop the Property as a data center by right because data centers are a permitted use under the Property's M zoning classification. Just as Senior Planner Robert Satterwhite indicated in June 2023, County Zoning Administrator Rachel Bragg confirmed that data centers would be considered a "Communication-Utility" or "warehouse" and thus be allowed under M zoning. Exhibit H, 4/12/2024 Email.

Now with two written assurances from the County, Shadowbox took further action in pursuit of a data center development on the Property. Shadowbox CEO, Peter Rumbold, asked its Board of Directors to approve formally the cessation of a studio project and authorize the continued development of the property exclusively as a data center. To that end, on July 17, 2024, Shadowbox's Board of Directors voted to cancel the studio project and pivot to develop the Property 100 percent for a data center. Exhibit I, Excerpted 7/17/2024 Board Meeting Minutes.

Since pivoting to a 100 percent data center development in July 2024, Shadowbox has spent approximately $36,700,000 in pursuit of that use. Exhibit J, Expenditures Spreadsheet. All of these expenditures were necessarily incurred in pursuit of the data center because they occurred after the 100 percent pivot. And, critically, these expenditures came after the County provided two written assurances to Shadowbox in 2023 and 2024 confirming that Shadowbox had the right to develop a data center on the Property.

As Shadowbox continued to pursue a data center development on the Property, it ultimately requested a formal zoning certification letter from the County on February 10, 2025. Exhibit K, 2/10/2025 Request. The County assured Shadowbox for a third time in writing that Shadowbox had the right to develop a data center on the Property because data centers constitute a permitted use under the Property's M zoning classification. Specifically, in its zoning certification letter dated February 24, 2025, the County once again concludes that the proposed data center is analogous to the zoning ordinance's "Communication Utility" use and is permissible under the Property's M zoning classification. Exhibit L, Zoning Certification Letter.

After receiving this third written assurance in February 2025, Shadowbox continued to incur substantial reliance expenditures. Of the approximately $36.7 million spent since the July 2024 Board Action, Shadowbox has spent $14.7 million since the County's third and final written assurance approving data centers on the Property.

Shadowbox's $36.7 million in expenses include typical land development expenditures as well as expenditures that can only be tied to data center development. For example, hundreds of thousands spent on developing the data center only site plan, plus hundreds of thousands spent on consultants to secure power for the project from Georgia Power, public relations professionals to assist in the promotion of the data center use, and the commissioning of an economic development study to document the economic impact of developing a data center on the Property.

Having received three written assurances from the County that a data center development was permitted by right on the Property, Shadowbox requested a pre-application meeting with County Planning Staff to discuss its plan to submit the Application to change the use of the existing LDP from a film studio to a data center. The pre-application meeting marked the final step before Shadowbox could submit the Application, which came after Shadowbox worked constructively with the County for months—and spent considerable money in the process—to finalize its plans for a data center development on the Property.

On July 3, 2025, County Planning Staff agreed to meet with Shadowbox on July 17, 2025 to discuss the Application. County Planning Staff agreed to this July 17th meeting date despite knowing that the County would vote to enact a moratorium on data centers before then on July 8th, and thus before Shadowbox could have its pre-application meetings. Shadowbox's attempt to work cooperatively with the County to properly plan the project and discuss the Application in good faith was clearly not reciprocated. To the contrary, the County deliberately selected a meeting date for after the moratorium's enactment, all to mislead Shadowbox into believing that the Application remained on track for approval. Now, nearly one year later, the County continues to rely on the moratorium to deny Shadowbox's Application.

B. Shadowbox Has Vested Rights to Develop a Data Center on the Property.

The above facts establish Shadowbox's vested right to develop a data center on the Property. "Where a landowner makes a substantial change in position by expenditures in reliance upon the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit." Barker v. Forsyth County, 248 Ga. 73, 76 (1981).

Property owners acquire vested rights to develop a use that complies with existing zoning after they receive assurances from zoning officials and incur reliance expenditures. That is what occurred here. Shadowbox sought an assurance that data centers are permitted under the Property's M zoning classification, the County provided that assurance (in writing) on three separate occasions, and substantial reliance expenditures followed the County's assurances. These facts check the three boxes for a vested rights claim: compliance with existing zoning, official assurances, and reliance expenditures.

The ZBA should look no further than Barker to confirm Shadowbox's vested rights. There, the property owner sought to develop an alpine slide on his property. Barker, 248 Ga. at 73. The property owner claimed he met with county zoning officials, who assured him that his alpine slide project would be permissible under the property's existing agricultural zoning with certain modifications. Id. Like Shadowbox, the property owner incurred expenditures in response to the assurances. Id. at 74. The Supreme Court of Georgia affirmed the trial court's denial of summary judgment on the property owner's vested rights claim, holding that factual disputes existed as to whether the county officials made assurances and whether the property owner incurred substantial expenditures. Id. at 76.

Shadowbox's vested rights claim is significantly stronger than the one in Barker. The property owner in Barker relied exclusively on *oral* assurances from county officials, some of which county officials denied making. Id. at 74. By contrast, the County cannot dispute the three *written* assurances it made in June 2023, April 2024, and February 2025. Nor can the County dispute that Shadowbox incurred substantial expenditures in reliance on its assurances, including the approximately $37 million Shadowbox spent towards indisputably data center driven expenses, following receipt of, not one, not two, but three separate written County confirmations that Shadowbox had the right to develop the Property as a data center. All told, Barker remains good law, and it dictates that Shadowbox has vested rights.

The Supreme Court of Georgia's later decision in Brown v. Carson does not alter this conclusion. The property owner in Brown met with the county planning director, who confirmed that the property's zoning permitted 9,000 square foot lots. Brown v. Carson, 313 Ga. 621 (2022). The Supreme Court of Georgia concluded that the planning director's confirmation failed to provide the assurance necessary to support the property owner's vested rights claim. Id. at 621, 623.

Though the ZBA may be tempted to rely on Brown, it is distinguishable in several critical respects. First, the Brown Court emphasized that the property owner "*knew* that the zoning ordinance allowed for 9,000-square-foot lots" before his conversation with the planning director, a fact he "could easily have obtained himself by consulting the proper records." Id. at 624 (internal brackets omitted). That was not the case here. To the contrary, the County's zoning ordinance did not list or define data centers as a use.

Considering that omission, Shadowbox could not possibly glean whether data centers were a permitted use simply by reviewing the County's zoning ordinance. Instead, the ordinance's silence necessitated that Shadowbox reach out to the County and seek clarification regarding the permissibility of data centers, which it did. This is a critical distinction that the Supreme Court focused on repeatedly in its opinion.

Second, and relatedly, when Shadowbox sought clarification from the County regarding the permissibility of data centers, the response Shadowbox received was not merely "a neutral statement of the present zoning." Id. By contrast, the County offered an affirmative interpretation to fill in a gap left by its zoning ordinance—namely, that data centers are analogous to a "Communication Utility" and thus permitted under the M zoning classification. That affirmative interpretation does not mirror the neutral statement of zoning in Brown, where the planner simply parroted lot size regulations that were enumerated in the code unambiguously.

Third, the form and number of assurances Shadowbox received provide another basis for distinction. Whereas the property owner in Brown pointed to one verbal, and very generic, conversation with the county planner, Shadowbox received three separate, written assurances that reiterated the permissibility of data centers. Id. at 621. The quality and nature of the assurances Shadowbox received unquestionably strengthens its reliance interests relative to the property owner's in Brown.

Fourth, and lastly, the difference in expenditures underscores the greater extent of Shadowbox's reliance on the assurances it received. Whereas the property owner in Brown only incurred $83,000 in expenditures following the alleged assurance, Shadowbox has spent nearly $37 million since pivoting to a 100 percent data center development, approximately $14,700,000 of which was spent after Shadowbox received the THIRD written assurance, the zoning certification letter. These amounts simply dwarf the meager $83,000 spent by the property owner in Brown.

Brown's distinctions aside, the point remains that Shadowbox has a vested right to develop a data center on the Property under Barker. And the Planning Department cannot rely on the moratorium to interfere with Shadowbox's vested rights. Cannon v. Clayton County, 255 Ga. 63 (1985). Shadowbox has "a vested property interest in the property as zoned even if the county changed the zoning which it has not done. This is because [Shadowbox] made expenditures . . . in reliance on the zoning and received assurances" regarding its right to develop a data center on the Property. Id. For this reason, the ZBA should formally recognize Shadowbox's vested rights, treat the proposed data center development on the Property as exempt from the moratorium, and reverse the Planning Department's denial of Shadowbox's Application to change the use under its LDP from a film studio to a data center.

C. The Moratorium Is Facially and Substantively Invalid.

That Shadowbox has vested rights alone suffices to preclude application of the moratorium. The moratorium cannot be applied to Shadowbox for multiple additional reasons, however. First, the moratorium's text renders it facially invalid. The moratorium merely states that it does not "prevent the continued operation of any existing data centers that is [sic] operating lawfully as of the date of enactment of this moratorium." Exhibit M, Draft Resolution to Extend Moratorium.[3] This language fails to account for property owners like Shadowbox that have not fully constructed a data center but nonetheless acquired vested rights to do so through assurances from the County and reliance expenditures. In failing to account for property owners like Shadowbox, the moratorium, by its plain text, disregards Georgia's vested rights doctrine that has been in place for four decades. WMM Props., Inc. v. Cobb County, 255 Ga. 436, 439 (1986) (first recognizing that property owners may acquire vested rights after receiving assurances from the county and incurring reliance expenditures). The moratorium's failure to provide any guidance to or an exemption process for property owners with vested rights ultimately renders it "too vague, indefinite and uncertain to be enforceable." Davidson Mineral Props., Inc. v. Monroe County, 257 Ga. 215, 216 (1987).

Second, the moratorium's excessive length has resulted in a taking of Shadowbox's Property without just compensation. The Supreme Court has acknowledged that "any moratorium that lasts for more than one year should be viewed with special skepticism." Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 341 (2002). The County first enacted the moratorium on July 8, 2025 and has extended it on multiple occasions since, including most recently through September 30, 2026. The County's most recent extension of the moratorium ensures that it will be in effect for more than one year, which results in a taking of Shadowbox's Property under the Penn Central factors, as discussed in more detail below.

Third, the moratorium's continuation violates Shadowbox's substantive due process rights. A county's actions violate substantive due process when they are not "rationally related to a legitimate government purpose." Fairfax MK, Inc. v. City of Clarkston, 274 Ga. 520, 522 (2001). The County has premised its repeated extensions of the moratorium on its supposed need to prepare a text amendment to its zoning ordinance for data centers. Yet the Board of Commissioners *denied* the proposed text amendment at its most recent meeting on June 23, 2026. The County cannot continue to extend the moratorium on grounds of needing time to prepare a text amendment while simultaneously voting down proposed text amendments and taking an inordinate amount of time to complete the process. Matter of Lakeview Apartments of Hunns Lake v. Town of Stanford, 108 A.D. 2d 914 (N.Y. 2d Div. 1985) (declaring town's moratorium

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[3] A signed copy of the most recent resolution extending the moratorium through September 30, 2026 is not publicly available, but the minutes for the Board of Commissioners' June 9, 2026 meeting reflect that the moratorium was extended through September 30, 2026.

unconstitutional and void given its length, notwithstanding the town's claim that it was making progress in drafting a zoning ordinance). Further underscoring its delay, the County's extension of the moratorium in December 2025 relied on a supposed need to research and study the effects of data centers, yet the County still has not approved the necessary funding for this research, nor has the research even begun. This delay evinces the County's intent to keep extending the moratorium, without any basis and with no end in sight. The County's baseless continuation of the moratorium does not advance any legitimate government interest and thus violates Shadowbox's substantive due process rights.

Ultimately, the moratorium's plain text and length of time in effect render it invalid such that it cannot be applied to Shadowbox. A property owner has a vested right to the issuance of a permit "in accordance with zoning regulations as such regulations exist at the time a proper application for a . . . permit is submitted to the proper authority." WMM Props., Inc., 255 Ga. at 438. When Shadowbox submitted its LDP change-of-use Application on March 6, 2026, no valid moratorium was in effect, and the County had yet to pass a text amendment relating to data centers. Accordingly, Shadowbox has a vested right to be issued a permit in accordance with the County's zoning regulations in effect on March 6, 2026, which permitted data centers under the Property's Light Industrial zoning and included no valid moratorium or text amendment prohibiting their use. The County's multiple written assurances in fact confirmed that data centers were permitted on the Property as of March 6, 2026, so Shadowbox is entitled to approval of the Application.

D. **Denial of the Application Results in an Unconstitutional Taking of Property.**

In addition to violating Shadowbox's vested rights, any attempt to prevent a data center from being developed on the Property—including through denial of the Application and refusal to consider the same—constitutes a regulatory taking under both the Georgia and United States Constitutions. Government action can result in a regulatory taking under the Penn Central factors, which examine the action's "economic impact on the landowner, the extent to which it interferes with reasonable investment-backed expectations, and the interests promoted by the government action." Mann v. Ga. Dep't of Corr., 282 Ga. 754, 756–57 (2007) (citations and internal quotation marks omitted).

Denial of the Application constitutes a taking because it satisfies all three Penn Central factors. First, denial of the Application has an enormous economic impact on Shadowbox. Before pivoting to the data center use, Shadowbox pursued a film studio development on the Property, but that use proved infeasible based on market conditions, which necessitated a pivot to the data center project. Shadowbox has spent millions in pursuit of a data center since pivoting to that use, and the fruits of those expenses cannot be realized if Shadowbox's data center development is not permitted to proceed.

Second, denial of the Application undercuts Shadowbox's reasonable investment-backed expectations. Shadowbox has incurred tens of millions of dollars in expenditures pursuing a data center, including the $36.7 million spent since pivoting fully to the data center project in July 2024. And Shadowbox incurred those expenditures because the County has confirmed the permissibility of a data center development in three written assurances. Having received three written confirmations that the Property's zoning permitted data centers, it was unquestionably reasonable for Shadowbox to invest considerable funds in pursuit of that use. The County Planning Department's denial of the Application—despite Shadowbox's prior receipt of three written assurances—vitiates Shadowbox's reasonable investment-backed expectations.

Third, and finally, denial of the Application serves no legitimate government interest. Rather than serve a legitimate government interest, denial of the Application evinces the County's reversal of its prior position without any defensible explanation. The County provided three written assurances that data centers are permitted under the Property's zoning, yet the Planning Department's denial of the Application takes the opposite position, all because of a moratorium that has been in place for nearly one year and repeatedly extended, including its recent extension for an additional 100 days through September 30, 2026. Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 341 (2002) (noting that "[i]t may well be true that any moratorium that lasts for more than one year should be viewed with special skepticism").

E. Denial of the Application Violates Shadowbox's Constitutional Rights.

The Planning Department's denial of the Application violates Shadowbox's constitutional rights, and any decision by the ZBA to affirm the Planning Director's decision would likewise violate Shadowbox's constitutional rights.

Affirming the denial of the Application would violate Shadowbox's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia, Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States.

Affirming the denial of the Application would be unconstitutional, illegal, null and void, constituting a taking of the Shadowbox's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Affirming the denial of the Application would unconstitutionally discriminate, in an arbitrary, capricious, and unreasonable manner, between Shadowbox and other similarly situated entities and property owners in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Affirming the denial of the Application would also constitute an unreasonable and extreme hardship upon Shadowbox without remotely advancing the public health, safety and welfare and would constitute an arbitrary and capricious act without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia, Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Affirming the denial of the Application would violate Article I, Section I, Paragraph X of the Constitution of the State of Georgia.

For the reasons explained above, the Planning Department's decision to deny Shadowbox's Application on account of the moratorium should be reversed because the moratorium itself is invalid, and the denial violates Shadowbox's vested rights, constitutes a taking, and otherwise violates Shadowbox's constitutional rights. Accordingly, the ZBA should reverse the Planning Department's erroneous decision and approve Shadowbox's Application.[4]

Sincerely,

BLOOM PARHAM, LLP

/s/ Simon H. Bloom

Simon H. Bloom

[4] Shadowbox reserves the right to supplement the record with additional documents, evidence, legal arguments, or other materials prior to the hearing before the Zoning Board of Appeals.

DeKalb County
GEORGIA

404.371.2155 (o)
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DeKalbCountyGa.gov

178 Sams Street
Decatur, GA 30030

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Juliana A. Njoku

REVISION SUBMITTAL APPLICATION

DATE: 03-05-2026

HAS PERMIT BEEN ISSUED? YES ■ NO □

REVISION # 4 AFTER PERMIT IS ISSUED

All revisions must be accompanied by 1 (one) copy of the REVISED SHEETS ONLY and attach to the plan set a written letter certified by the engineer (stamped and sealed) of all revisions.

Please indicate on plans: (1) "Cloud" all areas of revisions (2) Make clear/concise reference to modified document, i.e., △1 labeled.
(3) List all revisions with date and labels in the revision block

Revision Fee: $300.00 ***Permit Extension Fee: $300.0***
Shaded Area for Office Use Only

Development AP #	Land Development Permit #
Date Development Permit Issued	Project Use Data Center
Project Name 3600 International Park Drive	Phase/Unit

Site/Property

Address/Parcel ID 3600 International Park Drive	City Atlanta	State GA	ZIP 30316
Building No.	Floor No.	Apartment/Suite No.	

Contact Person

Property Owner Henrico 183, LLC, c/o Shadowbox Studios, Attn: Jeff Weber		
Address 1415 Constitution Road SE		
City Atlanta	State [redacted]	ZIP 30316
Tel # [redacted]	Mobile # [redacted]	Fax#
E- Mail [redacted]		

Revision Summary

In the space provided below, describe in detail the proposed changes to the plan.

****Attach certified letter to plan sets**** succinctly explaining the **Reasons for the Revision**. They may include statements relating to any or all of the following: (a) The need to correct an error; (b) The need to reflect changing circumstances in field conditions; (c) The need to improve the ability of the plan to fulfill the objectives in the plan. The summary must include the chronology of all revisions and a purpose statement.

This application is for an LDP Revision with Change of Use to LDP #1244688. The current plan set calls for the use of the site to be changed to data centers.

ACKNOWLEDGEMENT CERTIFICATION - I do hereby certify that, to the best of my knowledge and belief, all information supplied with this submittal is true and accurate.

Signature:______________________ Date: 03-05-2026

Department of Planning & Sustainability
Land Development Permit
PERMIT # 1244688

Project

Permit Name:	Blackhall Studios Phase 2	**Project Type:**	D-COM
Department of Commerce:	Warehouse	**AP/Project#:**	1244688

Property

Address: 3600 W International Park DR Atlanta GA 30316 — **Parcel ID:** 15 051 01 001

Zoning:	M	**Land Use:**	LIND	**Census:**	23.423	**District:**	SD06 CD03

Conditions:

Rezone:	N/A	**BOA:**	N/A		
Adm Variance:	N/A	**PLATS:**	N/A	**Disturbed Acreage:**	115.1
Overlay Name:	N/A	**SLUPS:**	N/A	**Impervious Area %:**	51.6
Stream:	N/A	**Stream/Tree:**	N/A	**Tree:**	N/A

Owner/Applicant/Contractor

Owner:	Henrico 183 LLC	1415 Constitution Road SE Atlanta Georgia 30316	[redacted]
Developer:	Henrico 183, LLC	1415 Constitution Road SE Atlanta Georgia 30316	[redacted]
Contractor:	Contractor name not on file	Contractor address not on file	N/A
Engineer:	Christopher Planning & Engineering	12460 Crabapple Road Suite 202-612 Alpharetta Georgia 30004	[redacted]
24 Hr.	24 hr name not on file	24 hr address not on file	N/A
Applicant:	Sotir Christopher	12460 Crabapple Rd Suite 202-612 Alpharetta GA 30004	[redacted]

Owner Signature ______________________________