



Michael L. Thurmond  
Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
178 Sams Street,  
Decatur, GA 30030

**Wednesday, January 10, 2024**

**Planning Department Staff Analysis**



Cedric Hudson  
Interim Director

**D4. Case No: A-23-1246621 Parcel ID(s): 18 267 06 001**

**Commission District 01 Super District 07**

**Applicant:** Logan Clark  
11720 Amber Park Drive  
Alpharetta, GA 30009

**Owner:** Claiborne Williams  
1001 19<sup>th</sup> Street N.  
Arlington, VA 22209

**Project Name:** 2920 Brandywine – Parking Garage Construction

**Location:** 2920 Brandywine Road Chamblee, GA 30341

**Request:** 1) Variance from Section 27-6.1.4 to increase max parking spaces from 144 to 359 spaces

**Staff Recommendation:** Denial

## **STAFF FINDINGS:**

### **Variance Analysis:**

The Drug Enforcement Administration (DEA), a federal agency, has applied for a variance concerning the property located at 2920 Brandywine Road zoned as Office-Institutional (OI) and with a land use designation of Regional Center (RC). Although the agency will occupy the building, they do not own the property. The request seeks to increase the maximum allowable parking spaces on the property from 144 to 359 spaces to accommodate the construction of a parking garage, which will serve as a storage facility for agency vehicles. The proposed parking garage would abut the southern portion of the existing building on the property.

**1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.**

There are no extraordinary or exceptional physical conditions associated with the property at 2920 Brandywine Road. Consequently, the strict application of the requirements of Section 27-6.1.4 of the DeKalb County ordinance would not deprive the property owner of rights and privileges that are enjoyed by other property owners in the same zoning district. The variance request is not based on seeking a special privilege or convenience but rather addresses the specific needs of the DEA's parking requirements.

**2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:**

The requested variance does not align with the principle of affording relief beyond the minimum necessary. The variance request seeks to increase the maximum parking spaces from 144 to 359 spaces, and it is evident that this request does not arise from a hardship or necessity but rather from a desire to have more parking facilities. As such, the variance appears to constitute a grant of special privilege inconsistent with the limitations placed upon other properties in the same zoning district.

**3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:**

The proposed parking garage would be contrary to the goals outlined in the DeKalb County 2050 Unified Plan. The plan encourages Regional Centers to decrease car dependency and promote walkability and accessibility. The proposed increase in parking spaces for mass vehicle storage in the area appears incongruent with the community objectives and could potentially be injurious to the property and the district's long-term development goals.

**4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:**

The literal interpretation and strict application of the relevant provisions in the zoning ordinance would not cause undue and unnecessary hardship. The applicant's request for an increase in parking spaces is not driven by a hardship, but rather appears to seek more than what is necessary for the intended use of the zoning and land use area.

**5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:**

The construction of a parking garage, as proposed, would run counter to the goals outlined in the DeKalb County 2050 Unified Plan. Specifically, the plan encourages Regional Centers to reduce car dependency and promote walkability and accessibility, objectives that would not be furthered by the mass storage of vehicles in the area. Therefore, the variance request does not align with the overarching goals and intent of both the zoning chapter and the comprehensive plan.

## **FINAL STAFF ANALYSIS:**

The requested variance does not exhibit extraordinary conditions justifying the variance (Criterion 1) and the request appears to seek privileges beyond the minimum necessary (Criterion 2). Moreover, constructing a large parking garage contradicts the DeKalb County Comprehensive Plan's aim to reduce car dependency and enhance walkability (Criterion 3 & 5), while no true hardship necessitating the variance is evident (Criterion 4). Therefore, staff recommends denial of the application.

#### **CRITERIA BREAKDOWN**

Criteria 1 (Physical Conditions) – Fails to meet the criteria  
Criteria 2 (Minimum Necessary) – Fails to meet the criteria  
Criteria 3 (Public Detriment) – Fails to meet the criteria  
Criteria 4 (Ordinance Hardship) – Fails to meet the criteria  
Criteria 5 (Land Use Alignment) – Fails to meet the criteria

**Staff Recommendation:** Denial

Chief Executive Officer  
Michael Thurmond

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director  
Cedric Hudson

### ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

Applicant and/or  
Authorized Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: \_\_\_\_\_

Address (Mailing): \_\_\_\_\_

Email: \_\_\_\_\_ Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Commission District & Super District: \_\_\_\_\_

#### CHECK TYPE OF HEARING REQUESTED:

\_\_\_\_\_ 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 REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.\***

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.

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DEPARTMENT OF PLANNING & SUSTAINABILITY

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**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: \_\_\_\_\_

Applicant  
Signature:

*Chris Williams*

DATE: \_\_\_\_\_

Applicant  
Signature:

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 Zoning Board of Appeals for the requests as shown in this application.

DATE: 08/08/2023 Applicant/Agent Logan Clark  
Signature: \_\_\_\_\_

TO WHOM IT MAY CONCERN:

(I)/ (WE): Claiborne Williams  
(Name of Owners) \_\_\_\_\_

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

\_\_\_\_\_  
Notary Public

Claiborne Williams

\_\_\_\_\_  
Owner Signature

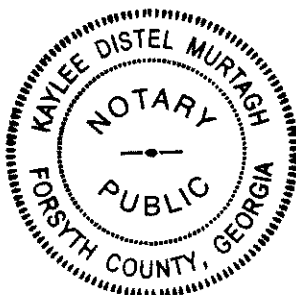
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

  
Notary Public

8/22/23

\_\_\_\_\_  
Owner Signature



## VARIANCE JUSTIFICATION

### 2920 Brandywine Road

1. **By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other owners in the same zoning district.**

The proposed project consists of the redevelopment of an existing office building to support a new office headquarters for a Federal tenant. The existing parking on the site does not meet the parking requirements of the federal program. Additional parking is required due to the program needing to have certain vehicles onsite, and the size of the lot is too small to surface park all the additional spaces. Therefore, a parking deck is proposed to house all the additional parking within a small footprint. To require strict compliance with the zoning ordinance would significantly and negatively impact the Federal tenant's program requirements for parking which would impact their ability to meet the General Services Administration (GSA) tenant lease requirements.

2. **The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege of inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**

The variance requested does not go beyond the minimum necessary to afford relief. The federal program requirements exceed the County parking maximum written in Sec. 6.1.4: "Office: One (1) space for each two hundred fifty (250) square feet of floor area." While the additional parking exceeds the County standards, it is being placed inside a parking deck that prevents an unnecessary expansion of the existing asphalt parking lot. No additional parking is being installed than is absolutely necessary for the tenant.

3. **The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located. There is no loss of view from any neighboring property because the property across the street lies in a valley inside the floodplain. Furthermore, the addition of parking stalls inside the parking deck prevents a sea of asphalt and any adverse runoff effects that would occur with large quantity of surface parking.

4. **The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship. If the property were required to strictly comply, the federal program would have to be terminated and relocated elsewhere.

5. **The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.**

The comprehensive plan has designated the property as Regional Center. Within this designation, the comprehensive plan denotes high intensity office and institutional buildings. Here, by granting the requested variance, the property will be able to develop so that the plan is met. The result will be an expanded office building with the potential for high density parking without the creation of a sea of asphalt.

