

**Atlanta BeltLine Design Review Committee**  
**January 19th DRC Recap for Applicants**

**(This document does NOT serve as the DRC'S formal recommendation to the Office of Planning. It is merely designed to assist applicant(s) in revising plans that require electronic review by the DRC)**

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**New Business: 904 Memorial Drive, SE – GOLDEN EAGLE, LLC**

The property is zoned MRC-3-C. The scope of work includes expanding outdoor dining, replacing the existing fence with a 42" brick wall along the patio with built-in seating, an outdoor fireplace, and the addition of a 1972 refurbished tour bus that will be used as small event space located within their parking lot.

Applicant(s): Jeff Haymore - [jhaymore@dillardsellers.com](mailto:jhaymore@dillardsellers.com)

**Requested Variation(s):**

- 1. Section 16-36.011(3a) – Properties adjacent to the BeltLine Corridor shall have a minimum 20' buffer along any part of the property adjacent to the BeltLine Corridor.**

Applicant would like to expand the outdoor dining patio by shifting 7 feet onto Beltline Property with its written consent provided in this application. The part of the existing building is currently with the 20' buffer, which would in effect reduce the 20' buffer to 0'. Applicant requests approval of an administrative variation from the terms of City Code Sec. 16-36.011(3)(a) for the purpose of allowing the proposed wood deck, bus, dining furniture and any other feature shown on the site plan within the first 20' of the 904 Memorial Drive property immediately adjacent to the Beltline Corridor and any other. Approval of the requested variation is warranted because the proposed SAP plan, while not strictly in accordance with City Code Sec. 16-36.011(3)(a), satisfies the purpose and intent of the Beltline Overlay District regulations. Specifically, the proposed SAP plan furthers the purposes and intent to create a diversified urban environment where people can live, work, shop, meet and play; and also promotes public health and safety by providing a pedestrian-oriented environment and access between the Beltline Corridor and the proposed use. See, City Code Sec. 16-36.002(9-10). First, the existing outdoor dining is already located within the buffer, as approved by BL-16-072, and has not resulted in any harm to the public purposes. On the contrary, it has furthered them, as discussed above. Second, further justification for the administrative variation is grounded in the need for additional outdoor dining to promote air quality and public safety during the global pandemic. Without approval of the administrative variation, patrons will not be able to enjoy the fresh air offered through the proposed scope of work but will rather need to locate inside the Muchacho restaurant. Third, approvable items in the 20' buffer include walkways, benches and "other such recreational features" landscaping, each of which exist currently or are proposed by the site plan. Lastly, Atlanta Beltline, Inc. supports the project as evidenced by making its property available to the Applicant for this purpose. For these reasons, Applicant respectfully requests approval of this administrative variation.

- 2. Section 16-36.013(4a)(ii) – Walls shall not exceed 24" in height unless existing topography requires a retaining wall of greater height.**

Applicant requests approval of an administrative variation from the terms of City Code Sec. 16-36.013(4)(a)(ii) for the purpose of allowing the construction of the proposed 42-inch brick wall where otherwise limited to 24 inches in height. The requested variance, while not strictly in accord with City Code Sec. 16-36.013(4)(a)(ii), satisfies the public purposes and intent of the Beltline Overlay District. The proposed wall furthers the purpose and intent to improve the aesthetics of streets and built environments by ensuring uniform wall

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material on the southwestern corner of the property and uniform height across all barriers. Replacing the existing 42-inch fence with the proposed wall does not increase the height of the barrier. It only changes the material and visibility. Additionally, the proposed wall matches the existing wall parallel to Memorial Drive and creates a continuous barrier as the wall turns the corner. Lastly, the requested variation provides public protection to a greater degree. By increasing the height of the wall, members of the public are better protected from accidents and injuries. A higher wall ensures restaurant patrons will have more privacy when enjoying the outdoor dining area and prevents entry from unwelcomed people and animals.

**Recap:**

1. The DRC supports the variation to **Section 16-36.011(3a)** to reduce the 20' buffer to zero, given that the part of the existing building encroaches into the buffer, with the understanding the encroachment of the proposed fencing is deemed temporary. The DRC also understands that the Atlanta BeltLine Inc has established an easement agreement with the applicant that outlines the terms by which the applicant can operate on its property.
2. The DRC does not support the CMU wall as currently presented along the trail. The DRC noted that when it reviewed the site plan in November of 2016 the CMU wall on Memorial Drive was not a part of the site plan. Since the DRC did not approve it then, it would not be inclined to support the expansion of the CMU planter wall along the BeltLine. The DRC asked the applicant to remove the CMU wall along the BeltLine Corridor and identify another type of fencing solution that provides at least 50% opacity (e.g utilize the current wood frame and wire fence, explore a Corten option with a planter top, etc.), and submit updated plans to the DRC for consideration. The DRC did not vote on the variation to **Section 16-36.013(4a ii)** as presented, as the applicant was directed to explore other fencing options.
3. Use another type of material and/or design for the shade structure instead of the clay roof to better complement the character of the building.
4. Update the site plan to include the shade structure.
5. The applicant was directed to send updated plans electronically for review and feedback. The DRC reserves the right to ask the applicant to return to the next schedule DRC meeting for further discussion.