



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Doug White
Big Dog's Smokehouse

BZA MEETING MINUTES

08/16/12

7:00 p.m.

Chairman Art Hall called the Cicero/Jackson Township BZA meeting to order at 7:00pm and the members were present or absent as follows:

ROLL CALL

Present: Chairman Art Hall
Stephen Zell-Secretary
Bruce Freeman
Corey Sylvester
Kelly Gunn-Recording Secretary
John Culp-Legal Counsel

Absent: Vice Chairman Dan Strong
Paul Munoz-Planning Director

1. DECLARATION OF QUORUM:

Chairman Art Hall declared a quorum with 4 of 5 members being present.

2. APPROVAL OF MINUTES:

Stephen Zell made a motion to approve the meeting minutes from July 19th 2012. Corey Sylvester seconded the motion. All members present were in favor.

3. OLD BUSINESS:

NONE

4. NEW BUSINESS:

- Docket #: BZA-0712-030-C1
Petitioner: Doug White
Proposed Location: 7770 E. 236th St.
Cicero, IN 46034



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Development Standards Variance: To allow for a Parking/Storage Lot to be gravel whereas the ordinance states that the parking lots for commercial use must be paved with asphalt, concrete, or other durable material.

Mr. White came before the board and discussed his proposal for a fenced in, gravel storage/parking lot for his business. Mr. White stated that he purchased the lot so that he can store boats and watercraft as they are being repaired on site. Stephen Zell informed the members of the board of what occurred at the Plan Commission meeting that took place last week as Mr. White was on the agenda at that meeting as well. Stephen Zell discussed the fact that Mr. White's docket was approved contingent upon the approval of the BZA tonight. The board members discussed the fact that Mr. White will be using both a vinyl style fence as well as a chain link style fence, and discussion of the placement of the fencing took place. There were no other comments from the board members.

Bruce Freeman made a motion to open the Public Hearing. Stephen Zell seconded the motion. All members present were in favor and the Public Hearing was opened. There were no comments from the public. Bruce Freeman made a motion to close the Public Hearing and Stephen Zell seconded the motion. All members present were in favor.

Bruce Freeman brought up the fact that Mr. White placed the gravel in the lot prior to obtaining a permit or going through this variance process. Mr. White stated that he was unaware that he needed a permit and that when it was brought to his attention by Planning Director Paul Munoz; he fully cooperated and did all that was required of him. There were no further questions or comments from the board members.

Stephen Zell made a motion to approve the parking lot proposal as submitted, and Corey Sylvester seconded the motion. All members present were in favor.

- **Docket #: BZA-0712-031-NC**

Petitioner: Big Dog's Smokehouse (Decker/Knapp, LLC-Property Owners/Chris and Cheryl Faulkner-Tenants)

**Proposed Location: 29 E. Jackson St.
Cicero, IN 46034**

Land Use Variance: To allow for a restaurant with alcohol in a "NC" neighborhood commercial district whereas the ordinances state that this is not a permitted use within the district.

Mrs. Faulkner came before the board to discuss her desire to obtain a 2 way Beer and Wine alcohol permit for her restaurant, Big Dog's Smokehouse. Mrs. Faulkner gave some background information as to why they came to their decision to pursue the alcohol permit and she discussed the public interest in beer and wine service with the food that they serve. Chairman Art Hall asked Mrs. Faulkner if she had permission to speak on behalf of the owner of the building as she is just the tenant. Mrs. Faulkner stated that she provided the Plan



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

Commission Secretary, Kelly Gunn with a letter from the owner's of the Building, Deckard/Knapp LLC stating that they could indeed speak on their behalf. Kelly Gunn verified this information and Mrs. Faulkner proceeded with her presentation. Mrs. Faulkner discussed the fact that she believes that serving Beer and Wine would help their business in the slower winter months. Mrs. Faulkner stated that they are not open on Sundays and they close at 9pm and they would not offer carryout alcohol sales or a bar atmosphere. Chairman Hall asked the petitioner whether they would serve alcohol to patrons who do not order food at their establishment. Mrs. Faulkner stated that the patron would have to order food to be served alcohol. Discussion of written commitments that can be attached with the approval of this variance took place.

Bruce Freeman made a motion to open the Public Hearing and Stephen Zell seconded the motion. All members present were in favor and the Public Hearing was opened. There was no public comment. Bruce Freeman made a motion to close the Public Hearing and Steve Zell seconded the motion. All members present were in favor and the Public Hearing was closed.

Chairman Hall asked for clarification of whether the petitioner was asking for a 2 or a 3 way alcohol permit. Mrs. Faulkner stated that she is looking to obtain the 2 way Beer and Wine alcohol permit. Chairman Hall asked if they would be having Kegs of Beer on site or if they would be serving bottles and cans of Beer. Mrs. Faulkner stated that for storage and inventory purposes, they will be doing bottles and cans. Legal Counsel John Culp asked the board members if the variance would be attached to the petitioner or to the real estate. The board agreed that they would like the variance to be attached to the petitioner. Discussion of this topic continued. Chairman Art Hall asked if the petitioner's would allow carryout alcohol sales and Mrs. Faulkner stated no. There were no further questions or comments from the board members.

Stephen Zell made a motion to approve the variance with the following written commitments: that beer and wine can only be sold with the purchase of food, that no carryout alcohol sales are permitted and that the approval of this variance follows the tenant, Big Dog's Smokehouse (Chris and Cheryl Faulkner) at this location only. Corey Sylvester seconded the motion. All members present were in favor.

5. PLAN DIRECTOR'S REPORT

NONE

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

NONE



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

9. BOARD MEMBERS COMMENTS:

Bruce Freeman questioned whether the board is setting a precedent for gravel parking and storage lots by approval of the lot on the agenda tonight. Legal Counsel John Culp discussed Indiana Supreme Court findings that all variances are unique and considered on a case by case basis. Discussion of this continued. Chairman Hall stated for the record, 2 of the unique facts found for this variance for the gravel lot: that this particular lot is fenced from public view and is not for public use. Discussion continued on this topic.

11. NEXT MEETING:

September 20th, 2012 at 7:00 p.m.

12. ADJOURNMENT:

Stephen Zell made the motion to adjourn and Bruce Freeman seconded the motion. All members present were in favor and the meeting was adjourned at 7:22pm.

Signatures:

Art Hall-2012 Chairman

Dan Strong 2012 Vice-Chairman

Stephen Zell-2012 Secretary

Kelly E. Gunn- Recording Secretary

Date