

Albion BZA Meeting – Minutes
August 20, 2008
6:00 PM Albion Municipal Building
211 E Park Drive

Members Present: Dave Dunn, Larry Ellet, Charles Elser, and Jack Robinson. Absent was member Terry Dazey. Also in attendance were Beth Shellman, Town Manager; Bob Braley, Kendallville News Sun; petitioners Jackie and Judy Terry; Ed Kimmell; Jim and Rose Slone; and Interested Party Mike Katz.

Meeting was called to order by Chairman Ellet at 6:00 PM, after recognizing a quorum was present.

Approval of Minutes: Minutes from the June 18, 2008 regular meeting were approved as submitted by a motion and second (Dave, Jack). Carried by a 4-0 voice vote.

New Business:

Special Use 2008-01, Judy Terry, Ruth Brenneke as Guardian of Florence Fitzkee (formerly Sam Spades) and Nikki Marker (formerly Albion Meat Locker), requesting a Special Use to open a Sports Bar and Restaurant on properties located at 104 and 108 S Orange Street, said properties zoned Central Business, parts of Lot 10 in Harvey's Addition to the Town of Albion. (Note: most recently 108 was operated as Sherri's Corral)

Proof of legal publication was noted as was verification of notification to surrounding property owners. Chairman Ellet opened the hearing at 6:05 p.m. Beth reported two letters of objection from Mike Katz and Bonnie Clevenger were received and one letter of support from Doc's Hardware was received. All three letters are on file in the petitioner's file. The Albion Plan Commission considered the proposed request 2 weeks ago and unanimously sends a recommendation to approve. The Albion Town Council approved an off-site parking agreement with the petitioners and have granted permission to use the town parking lot at 124 S Orange Street on a "first come, first serve" basis. Parking spaces will not be designated. Written agreement on file in the petitioners file.

Jim Slone started cleaning up the buildings and has reviewed the Façade Improvement Program and may apply for funding to assist them with cleaning up the exterior of the buildings. Jim stated they own and operate Paul's Pub and the Sportsman in Kendallville. They try to run a clean, decent operation. They like to be involved in the community and will support the local police department. They plan to operate a sports bar with large screen TV's and finger foods.

Chairman Ellet explained the Restaurant is a permitted use in Central Business. The Tavern requires a Special Use to operate. (note: former tavern use at this site was grandfathered as a Non-conforming Use).

Mike Katz voiced his opinion and felt that the community should patronize the local people. There used to be 5 bars in the town at one time, there is only one now. Several restaurants have failed to succeed in town. He feels the proposed business will fail. He does like the idea of them cleaning up the buildings.

In rebuttal, Jim said he visited the Friendly Inn last week and the Solee's are supportive of a second tavern coming to town. They have conducted a survey of what local residents want and will implement suggestions made by their patrons. They invite the local police department to stop by the tavern at any time for a soda or coffee. They offer a free Thanksgiving Dinner at their tavern/restaurants for those in need within the community. They hope to employ local people.

Beth noted the BZA does not have a lot of discretion when considering a Special Use. The letter from Bonnie Clevenger contained concerns about noise, littering, parking on the road, etc. that are enforcement issues not issues for the BZA. It was noted Bonnie purchased her property in 1990 when there was a tavern being operated from this property.

Chairman Ellet closed the hearing at 6:25 p.m. and board members then considered Findings of Fact. Based on the Findings of Fact, a motion was made and seconded (Charlie, Larry) to approve the Special Use as requested. Voice vote determined the motion carried by a 4-0 margin.

With no further business, a motion was made and seconded (Dave, Jack) to adjourn at 6:30 p.m. Voice vote determined the motion carried by a unanimous margin.

Larry Ellet, Chairman

Beth A. Shellman, Secretary