

**MINUTES OF THE DANVILLE-BOYLE COUNTY BOARD OF ADJUSTMENTS MEETING
JULY 21, 2016**

The Danville-Boyle County Board of Adjustments met for a regular meeting in the Danville City Hall public meeting room on Thursday, July 21, 2016 at 10:00 a.m.

MEMBERS PRESENT WERE:

Virgie Johnson, Chairman
Tom Ross
Donna Fairchild
Jesse Purdy
David Anderson

OTHERS PRESENT WERE:

Paula Bary, Director
Jennie Hollon, Administrative Assistant

Chairman Johnson called the meeting to order and announced there was a quorum present.

APPROVAL OF MINUTES

1. MINUTES

Commissioner Ross made a motion to approve the minutes of the April 21, 2016 meeting as presented. Commissioner Anderson seconded the motion and it unanimously carried.

OLD BUSINESS

No old business.

NEW BUSINESS

2. NELLIE BURTON'S STEAKHOUSE CONDITIONAL USE PERMIT

Jerry Houck requested a conditional use permit to have outdoor seating consisting of 2 tables and 3 chairs in front of each address, outside of the Nellie Burton's Steakhouse. The business is located at 120 and 124 South 4th Street, Danville, and is zoned DT. The owner of the property is One Twenty Six, LLC, Patricia Hays, and the applicant is Jerry Houck/Nellie Burton's Steakhouse. Mr. Houck shared with the board members that the former tenant also had tables outside in those same locations. The size of the tables will be 18 x 18 inches per the diagram.

Paula Bary explained that a business with an alcohol license must have the tables and chairs taken up every night, per the Alcohol Beverage Control regulations. In addition, federal ADA guidelines require a minimum of 36 inches of unobstructed clearance be maintained on the sidewalk. These not Planning and Zoning requirements, but are federal requirements.

Chairman Johnson reviewed that the granting of the conditional use permit would not adversely affect public interest in the following ways:

1. The sidewalk is approximately 10 feet wide and a minimum of 36' clearance for pedestrian access on the walkway shall remain clear, per ADA regulations.
2. The Zoning Ordinance allows for a waiver of the parking requirements for properties in the DT district. Also, the property has operated as a restaurant for many years without dedicated parking and is considered grandfathered in terms of parking.
3. The refuse is picked up daily and is the responsibility of Nellie Burton's Steakhouse.
4. Utilities are available to the property and there are no proposed changes.
5. No screening or buffering is required.
6. There is proposed window signage that shall meet the requirements of the Zoning Ordinance, and requires approval from the DAHB.
7. There is no new construction proposed that would affect open space or yard space.
8. The applicant proposes that there will not be any changes that affect the general health, safety, and welfare of the public.

Chairman Johnson asked that the board include in the conditional use permit the requirement to take up the tables and chairs at night. Jerry added that in the Winter, the tables would be stored away. Commissioner Anderson asked about the hours of operation of the business. Jerry stated that the steakhouse would be open at 5:00 p.m. due to parking availability, and off-street parking spaces are available across the street and behind the bank after 5:00 p.m. Commissioner Fairchild asked when the business planned to open. Mr. Houck said August 8th, 2016.

Chairman Johnson asked for a motion. Commissioner Anderson stated said that outdoor seating is appreciated at many restaurants and based on the findings of fact, he found only benefits and moved to approve the Conditional Use Permit. Commissioner Fairchild seconded the motion and it unanimously carried.

Commissioner Ross called for the meeting to adjourn. Commissioner Purdy seconded the motion.

This concluded the business scheduled on the agenda. The meeting adjourned at 10:09 a.m.

Prepared by:

JENNIE HOLLON
ADMINISTRATIVE ASSISTANT