

#34 Change of Licensed Conditions

Double S BBQ LLC

Removal of Condition 5 “There will be no outdoor smoker”

My name is Ron Trachtenberg and I represent

- Beth Bovis and David Feldman 902 Grant Street
- Anne Hansen and Mark Bradley 1808 Madison Street
- Diane Osswald and Tim Osswald 1809 Madison Street
- Sarah Lehner & David Gevers 1819 Madison Street

Condition 5, which is recommended for removal, is “There will be no outdoor smoker”, referring to the outdoor smoking of meat.

When Double S first contacted the neighborhood association, Double S was less than transparent as to whether it intended to use an outdoor smoker on site to bbq meat, although Double S did confirm that it wanted to use an outdoor smoker prior to the ALRC meeting. Because of neighborhood opposition, when Double S went to the ALRC for its license, it agreed that it could sue an off-site smoker to bbq its meat. Because of the neighborhood outcry, the ALRC and the Common Council restricted the Double S BBQ beer/alcohol license to prohibit the use of an outdoor smoker.

Subsequently, Double S applied for a conditional use permit to use an outdoor smoker on site. That was denied on a unanimous vote approximately 10 months ago on the basis that the outdoor smoker would interfere with the already existing residential uses and that the use of the outdoor smoker would also posed public health threats. We understand that there is a likelihood that Double S will again apply for the conditional use permit once the year waiting period is up.

Double S has requested a lifting of condition 5 on its beer/alcohol license, misrepresenting it could then use an outdoor smoker up to 14 days a year, even without a conditional use permit. The zoning administrator has clarified that the conditional use permit is needed for any use of an outdoor smoker.

The ALRC has recommended the lifting of condition 5, not on the merits of the CUP standards, but only the jurisdictional issue that use of an outdoor smoker is not related to beer/alcohol issues and properly lies within the CUP process.

We understand that the Common Council is likely for the same reason, the jurisdictional issue, to lift condition 5, but we want to make it clear that the action of the ALRC was not on the merits of the PUD standards and that we still oppose and will fight any granting of a conditional use permit for use of an outdoor smoker.