



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

**WEDNESDAY, JANUARY 12, 2022
6:30 P.M. – CITY HALL 101 GREEN STREET**

Face Masks are Required in City Hall for Persons Not Vaccinated for Covid-19

ITEM	DESCRIPTION
21Z-2001	Call to Order by Presiding Officer
21Z-2002	Roll Call
21Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
21Z-2004	Approval of the Minutes of the Regular Meeting of December 8, 2021.	1-15

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
21V-03 & 21S-12	Galena Unit School District- Request for a Variance to the front yard setback on the NE side of the proposed Middle School addition and a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.	16-22
21S-13	Lead Mine Climbing Gym, Jeff West- Request for a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.	23-26
21V-03	Galena Chrysler- Request for a Variance to allow additional internally illuminated wall signs on the front façade of the building.	27-30

NEW BUSINESS

None.

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
21Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
21Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wednesday, February 9, 2022	6:30 P.M.	City Hall, 101 Green St.

Posted: January 7, 2022 at 12:00 p.m. Posted By: Sue Simmons

**MINUTES
ZONING BOARD OF APPEALS
December 8, 2021**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, December 8, 2021, at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Cook	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

Zoning Administrator Jonathan Miller & City Attorney Joe Nack were also present.

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Jansen to approve the minutes of the Regular Meeting of October 13, 2021.

Motion carried on voice vote.

UNFINISHED BUSINESS

None

NEW BUSINESS

City Attorney Joe Nack swore in everyone that wanted to speak at public hearings as a group.

Cal No.- 21PD-03 Galena Unit School District- Request for Final Approval for a Planned Unit Development with an Underlying District of Low Density Residential.

MOTION: Cook moved, seconded by Baranski to open public hearing.

Rosenthal asked if anyone wanted to speak in favor of request.

Marty Johnson of 28 Vista Ridge stated he took the criteria back to the school and amended the setbacks & height incorporated in application, Changed the set back on Franklin St to indicate behind the city water well house so it is at 42 ft at the angle.

He commented that the building materials were a precast concrete and that it would have a brick panel to match existing building. The wrap above windows was also going to match what is there to complement the existing structure.

Baranski stated he had no questions about these updates to the plan as his previous meeting concerns were all addressed.

Jansen asked why the well house was staying?

Johnson explained that it is still part of the city water infrastructure.

Rosenthal asked if anyone wanted to speak against request. No one replied.

MOTION: Baranski moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

Baranski moved to approve Low Density plan, seconded by Bochniak.

Baranski went through criteria-

- (a) The approved ODP, if applicable; *not applicable*. Yes
- (b) The approved preliminary development plan; *Final plan has no change from approved preliminary plan with conditions and adheres to the PUD district standards set forth by the City Council*. Yes
- (c) The approved preliminary plat; *not applicable* Yes
- (d) The approved PUD/TND rezoning ordinance; *Final plan is in conformance with the approved standards of the rezoned PUD ordinance*. Yes
- (e) All other applicable development and construction codes, ordinances, and policies; *Final plan meets other applicable codes and City Staff will ensure approval conditions set forth by the City Council are met*. Yes
- (f) The applicable site plan review criteria in § [154.914](#); and *Final plan meets the applicable site plan review criteria*. Yes
- (g) The applicable final plat criteria in [Chapter 153](#), Subdivision Regulations. *Not applicable*. Yes

ROLL CALL

As Roll Call was:

Bochniak Yes

Cook Yes

Jansen Yes

Nybo Yes

Baranski Yes

Rosenthal Yes

Motion carried to send to City Council to be in favor of request.

Cal No.- 21V-03 Galena Unit School District- Request for Final Approval for a Variance to the front yard setback on the NE side of the proposed Middle School addition.

MOTION: Cook moved, seconded by Bochniak to open public hearing.

Rosenthal asked if anyone else wanted to speak in favor of request. No one.

Rosenthal asked if anyone else wanted to speak in opposition of request. No one.

MOTION: Jansen moved , seconded by Baranski to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Jansen moved to approve a Variance to the front yard setback on the NE side of the proposed Middle School addition, seconded by Baranski.

Jansen went through approval criteria

- (1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property; Yes
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district; Yes
- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant; Yes
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance; Yes

(5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures; Yes

(6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code; True

(7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; Yes

(8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. Yes

ROLL CALL

As Roll Call was:

Cook Yes

Jansen Yes

Nybo Yes

Baranski Yes

Bochniak Yes

Rosenthal Yes

Motion carried to send to City Council to be in favor of request.

Cal No.- 21HCO-01 Galena Unit School District- Request for Final Approval for of a non-administrative Highway 20 Development Permit to allow the construction of an addition to the Middle School in the Highway 20 Corridor.

MOTION: Cook moved, seconded by Bochniak to open public hearing.

Rosenthal asked if anyone else wanted to speak in favor of request. No one.

Rosenthal asked if anyone else wanted to speak in opposition of request. No one.

MOTION: Jansen moved , seconded by Baranski to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Baranski moved to approve as presented a Variance to the front yard setback on the NE side of the proposed Middle School addition, seconded by Bochniak

Baranski went through approval criteria.

- (1) All applicable site plan review criteria in § [154.914](#); Yes -meets criteria
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; Yes consistant
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; Yes meets criteria
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; Yes meets criteria
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *n/a, site is under 10 acres in size. N/A*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; Yes
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. Yes

ROLL CALL

As Roll Call was:

Cook Yes
 Jansen Yes
 Nybo Yes
 Baranski Yes
 Bochniak Yes
 Rosenthal Yes

Motion carried.

Cal No.- 21S-12 Galena Unit School District- Request for Final Approval for a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.

MOTION: Baranski moved, seconded by Cook to open public hearing.

Rosenthal asked if anyone else wanted to speak in favor of request. No one

Rosenthal asked if anyone else wanted to speak in opposition of request. No one.

MOTION: Baranski moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Bochniak moved to approve the request for Final Approval for a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor, seconded by Cook

Bochniak went through approval criteria.

(1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. Meets criteria

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; Meets criteria

(3) *Specific standards.* The land use regulations established in § 154.406; Meets criteria

(4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities. Meets criteria

(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

(a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.

(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.

(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties. Meets all criteria

ROLL CALL

As Roll Call was:

Jansen Yes
Nybo Yes
Baranski Yes
Bochniak Yes
Cook Yes
Rosenthal Yes

Motion carried.

Cal No.- 21HCO-02

Lead Mine Climbing Gym, Jeff West- Request for approval of a non-administrative Highway 20 Development Permit to allow the construction of a climbing gym in the Highway 20 Corridor. and a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.

MOTION: Barnaski moved, seconded by Cook to open public hearing.

Jeff West of 229 Council Fire Circle commented he is looking to open an indoor climbing gym. Part would be free climbing without ropes that the climber would fall to large, cushioned mats. The other would be a tethered type that the participant would scale the walls. He is an avid climber and wants to offer a 3800 sq ft facility for all ages to enjoy. The outside would be a high-grade metal siding that resembles wood so they do not need a lot of maintenance. Looking to open another business to compliment the photography business they already have.

Barnaski spoke in favor of the discouraged metal siding to say the metal will make the design clean.

Marty Johnson said the metal siding meets the intent of the buildings look.

Rosenthal asked if anyone wanted to speak in favor of request.

Krista Ginger of 418 Harrison St. Said she is very impressed with this project and a great thing for all including the young people.

Rosean Schroman of 1570 Seippel Rd, Dubuque, IA, Gave Mr. West a kudos to opening another business.

Matt Carroll of 319 Meeker commented he is very supportive of this facility as it compliments other businesses, is a benefit to the community, and there is a need for year-round activity for the locals too. He said Jeff is very professional.

Robert Mahan of 900 Third St commented that he is very supportive of the request as it is benefit for all locals.

Brenda Holmes of 516 Dewey (not signed in) Had a question on hours of operation?

Rosenthal stated this was not time for questions. The board would ask questions later.

He asked if she is in favor or against?

She said she has not made up her mind. She seated herself.

Jeff West answered the question on hours which will be either 10-8 or 10-6 depending on traffic. Also stated there will always be supervision at business.

Rosenthal asked if anyone else wanted to speak in favor and there was no one.

Rosenthal asked if anyone wanted to speak in opposition of request. No one.

MOTION: Bochniak moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Baranski moved seconded by Jansen to approve the preliminary plan request with the following conditions:

Baranski went through approval criteria.

- (1) All applicable site plan review criteria in § [154.914](#); Yes
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; Yes
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; Yes
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; Yes
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *n/a, site is under 10 acres in size. N/A*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; Yes
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. Yes

ROLL CALL

As Roll Call was:

Nybo Yes
Baranski Yes
Bochniak Yes
Cook Yes
Jansen Yes
Rosenthal Yes

Motion carried.

Cal No.- 21S-13 Lead Mine Climbing Gym, Jeff West- Request for approval of a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.

Bochniak motioned to approve, Cook seconded the request for approval of a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.

Baranski stated that the metal siding materials that look like wood were very good materials that meet criteria of HCO.

Bochniak went through approval criteria.

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. Yes
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; Yes
- (3) *Specific standards.* The land use regulations established in § 154.406; Yes
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities. Yes
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as: Yes
 - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants. Yes

(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property. Yes

(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties. Yes

ROLL CALL

As Roll Call was:

Baranski Yes

Bochniak Yes

Cook Yes

Jansen Yes

Nybo Yes

Rosenthal Yes

Motion carried.

Cal No.- 21A-01

James Ryndak- Request for a Zoning Map amendment to rezone from Low Density Residential to Neighborhood Commercial.

MOTION: Cook moved, seconded by Jansen to open public hearing.

Rosenthal asked if anyone wanted to speak in favor of request.

James Ryndak 528 N Clark Lane, Galena, IL., Wants to do extensive renovations and repairs if feasible. He cannot occupy home as he is a cattle rancher and needs to be there. Went through a quick history of the home at 1004 Park and the layout of the cul-de-sac that makes up this block of Park Ave. There are only 3 houses on the block and block is primarily rezoned commercial already as the Belvidere Mansion is there at the end, and there is a vacation rental, there is much traffic with Trolley tours and the people touring mansion.

Neighborhood Commercial would allow him to bring this home back as a jewel of Galena and would allow him to run with a caretaker and site manager.

Baranski asked Does operating as a small Inn need an Inn keeper?

Jonathan Miller states it must have an innkeeper.

There were no more questions.

Rosenthal asked if anyone else wanted to speak in favor of request. No one.

Rosenthal asked if anyone wanted to speak in opposition of request. No one.

MOTION: Bochniak moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Baranski moved seconded by Bochniak to approve the request

Baranski went through approval criteria.

- (1) Whether the existing text or zoning designation was in error at the time of adoption; N/A
- (2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; Yes
- (3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; Yes
- (4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; Yes
- (5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; Yes
- (6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; Yes
- (7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. Yes

ROLL CALL

As Roll Call was:

Bochniak Yes

Cook Yes

Jansen Yes

Nybo Yes

Baranski Yes

Rosenthal Yes

Motion carried.

Cal No.- 21A-02

John Wilson and Rosean Schromen- Request for a Zoning Map amendment to rezone from Limited Agriculture to General Commercial.

MOTION: Cook moved, seconded by Bochniak to open public hearing.

Rosenthal asked if anyone wanted to speak in favor of request.

John Wilson of 1570 Seippel Rd Dubuque, IA explained their wanting rezoned and to get annexed into city limits as their land is like an island of county in the city.

Discussion was held on the difference in general commercial and commercial. General commercial allows outdoor events / seating/ dining, ect.

Rosenthal asked if anyone wanted to speak in opposition of request. No one.

MOTION: Bochniak moved, seconded by Jansen to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Baranski moved seconded by Jansen to approve on the condition of City council approving annexation to the city.

Baranski went through approval criteria.

(1) Whether the existing text or zoning designation was in error at the time of adoption; *Doesn't apply*

(2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *consistent*

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by

the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *It is*

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *It is*

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Yes*

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; *Yes*

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *Yes*

ROLL CALL

As Roll Call was:

Cook yes

Jansen yes

Nybo yes

Baranski yes

Bochniak yes

Rosenthal yes

Motion carried.

Cal No.- 21V-03

Galena Chrysler- Request for a Variance to allow additional internally illuminated wall signs on the front façade of the building.

MOTION: Baranski moved, seconded by Cook to open public hearing.

Rosenthal asked if anyone wanted to speak in favor of request.

John Wilson 1570 Seippel Rd., Dubuque, IA, said he has brand signs that are required by Chrysler that all dealerships must display. They thought all permits were approve and done through architect. Signs are illuminated.

Rosenthal said they are on now and look nice.

Rosenthal asked if anyone wanted to speak in opposition of request. No one.

MOTION: Jansen moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Jansen moved seconded by Cook to approve the request

Jansen went through approval criteria.

- (1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property; Yes
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district; Yes
- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant; Yes
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance; Yes
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures; Yes
- (6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code; Yes
- (7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; Yes
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. Yes

ROLL CALL

As Roll Call was:

Cook Yes

Jansen Yes

Nybo Yes
Baranski Yes
Bochniak Yes
Rosenthal Yes

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 7:10 pm.

Motion carried on voice vote.
Respectfully submitted by

Sue Simmons
Zoning Secretary

DECISION

**ZONING BOARD OF APPEALS
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBER: 21V-03

APPLICATION BY: Galena Unit School District, 1206 Franklin St. St., Galena, IL 61036.

FOR: Request for a variance to the front yard setback on the NE side of the proposed Middle School addition.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 8, 2021. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The Galena Unit School District is requesting a variance to the approved 20' front setback on Franklin St. at the location of the proposed Galena Middle School K-4 addition. Due to the location of the proposed Middle School addition and the City of Galena owned pump house, the distance from the addition to the property line that goes around the pump house is only 8.6499 feet. The proposed front setback to at the location of the Middle School addition was proposed and preliminarily approved by the City Council to be 20 feet. The distance from the middle school addition to the Franklin St. property line is 42.4 feet if the pump house wasn't there. Because of the property line jogging around the pump house, that distance is shorter, and the applicant is requesting a variance to the 20' front setback at this location only

Staff recommends approval of the Variance at this location.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Variance Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- Marty Johnson of 28 Vista Ridge stated he took the criteria back to the school and amended the setbacks & height incorporated in application, Changed the set back on Franklin St to indicate behind the city water well house so it is at 42 ft at the angle.

Testimony Presented in Opposition to the Proposal:

- No one spoke in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential District.
- Section 154.202 sets forth the Residential Principal and Major Accessory Structures and Bulk Standards.
- Ordinance #O.21.13 amended the zoning of the Galena Unit School District site to PUD with an underlying district of Low Density Residential.
- Section 154.919 sets forth the non-administrative development review common elements of procedures.
- Section 154.925 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures for Variances.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

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1. The subject property is located in the approved Planned Unit Development with an underlying district of Low Density Residential.
2. The school district will be constructing a K-4 addition to the Middle School at 1230 Franklin St.
3. A non self-inflicted hardship exists due to the current location of the City of Galena owned pump house next to the property.
4. The existing site is the current location of the Galena Middle School.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the Galena Unit School District for a Variance to the front yard setback on the NE side of the proposed Middle School addition should be approved for the following reasons:

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

- (1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions

deemed necessary to protect affected property owners and to protect the intent of this code;

- (7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

DECISION

Cal. No. 21V-03

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by the Galena Unit School District for a Variance to the front yard setback on the NE side of the proposed Middle School addition should be approved.

PASSED AND APPROVED this 8th day of December, A.D. 2021, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBERS: 21S-12

APPLICATION BY: Galena Unit School District, 1206 Franklin St., Galena, IL 61036.

FOR: A Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor at 1230 Franklin St.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 8, 2021. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The GUSD is also applying for a Special Use Permit for the use of precast concrete panels and metal siding on the proposed addition to the Middle School. Most of the precast panels are ‘sandwich’ panels with brick veneer. The precast panels will also be used at entrances and above the windows. The panels will be stained concrete and painted to mimic the existing fascia metal panels. The GUSD is also proposing metal siding as a secondary wall material that would be utilized as rooftop equipment screening and on the West side of the Gymnasium addition. This proposed metal siding would also match the color of the existing fascia. Both proposed discouraged wall materials will provide a cohesive look between the new construction and existing facilities.

Staff recommends approval of the Special Use Permit for discouraged materials in the Highway 20 Corridor.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Marty Johnson, 28 Vista Ridge, Galena, IL** commented that the building materials were a precast concrete and that it would have a brick panel to match existing building. The wrap above windows was also going to match what is there to complement the existing structure.

Testimony Presented in Opposition to the Proposal:

- No one spoke in opposition to either request

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154 Appendix C (B)(5) defines Encouraged and Discouraged wall materials in the Highway 20 Corridor.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential Zoning District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the approved Planned Unit Development with an underlying district of Low Density Residential.
2. The school district will be constructing a K-4 addition to the Middle School at 1230 Franklin St.

3. The applicant seeks a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor.
4. The existing site is the current location of the Galena Middle School.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the Galena Unit School District for a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for a Small Inn use, with the exception of the parking variance request.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISIONS

Cal. No. 21S-12

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by the Galena Unit School District for a Special Use to allow discouraged wall materials in the Highway 20 Corridor should be approved.

PASSED AND APPROVED this 8th day of December, A.D. 2021, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

**ZONING BOARD OF APPEALS
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBERS: 21S-13

APPLICATION BY: Lead Mine Climbing Gym, Jeff West, 229 Council Fire Circle., Galena, IL 61036.

FOR: A Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor Parcel ID 13-001-079-05, Common Address: TBD Oldenburg Ln.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 8, 2021. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting approval of a Highway 20 Development Permit to build a climbing wall gym at the subject property. A Special Use Permit is also requested for the use of discouraged wall materials. The property is currently zoned as Planned Commercial and Indoor Entertainment land use is allowed by right. The Highway 20 Design Manual requires non-administrative review or any new principal structures and requires a Special Use Permit for discouraged wall materials. The building is indicated on the attached site plan.

The proposed Lead Mind Climbing Gym would be located on the property next to Emmy Lou’s restaurant and across Oldenburg Ln. from The Country Inn and Suites and would be a complimentary land use in this area. The prominent building street-facing facades would include accent walls of native limestone and a combination of high quality vertical and horizontal metal siding. The combination of the different elements would provide for a visual interest and texture to the façade. The proposed colors would be earth tones to enhance the native limestone.

The subject property is bordered by Planned Commercial and General Commercial zoned properties. It is bordered by the Palace Campground to the South, Emmy Lou's Restaurant and Culvers Restaurant to the West, Country Inn and Suites to the North, and an empty Planned Commercial lot to the East.

The subject property is also located in an area that is not very visible from Hwy 20. Staff recommends approval of the proposed request for the climbing gym and use of high quality metal siding on the building to go along with the stone accents.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Jeff West, 229 Council Fire Circle** commented he is looking to open an indoor climbing gym. Part would be free climbing without ropes that the climber would fall to large, cushioned mats. The other would be a tethered type that the participant would scale the walls. He is an avid climber and wants to offer a 3800 sq ft facility for all ages to enjoy. The outside would be a high-grade metal siding that resembles wood so they do not need a lot of maintenance. Looking to open another business to compliment the photography business they already have.
- **Jim Barnaski** spoke in favor of the discouraged metal siding to say the metal will make the design clean.
- **Marty Johnson** said the metal siding meets the intent of the buildings look.
- **John Rosenthal** asked if anyone wanted to speak in favor of request.
- **Krista Ginger, 418 Harrison St.** Said she is very impressed with this project and a great thing for all including the young people.
- **Rosean Schroman, 1570 Seippel Rd, Dubuque, IA,** Gave Mr. West kudos to opening another business.

- **Matt Carroll, 319 Meeker St.** commented he is very supportive of this facility as it compliments other businesses, is a benefit to the community, and there is a need for year-round activity for the locals too. He said Jeff is very professional.
- **Robert Mahan, 900 Third St.** commented that he is very supportive of the request as it is benefit for all locals.
- **Brenda Holmes, 516 Dewey Ave.** (not signed in) Had a question on hours of operation?
 - **John Rosenthal** stated this was not time for questions. The board would ask questions later.
 - He asked if she is in favor or against?
 - She said she has not made up her mind. She seated herself.
 - **Jeff West** answered the question on hours which will be either 10-8 or 10-6 depending on traffic. Also stated there will always be supervision at business.

Testimony Presented in Opposition to the Proposal:

- **No one spoke in opposition to either request**

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154 Appendix C (B)(5) defines Encouraged and Discouraged wall materials in the Highway 20 Corridor.
- Section 154.201 (C) (4) provides a definition and description of the Planned Commercial Zoning District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Planned Commercial Zoning District.
2. The Commercial Indoor Entertainment use is permitted by right in this Zoning District.
3. The applicant seeks a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor.
4. The existing site is vacant and the Lead Mine Climbing Gym is being proposed at this site.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the Lead Mine Climbing Gym, Jeff West, for a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for a Small Inn use, with the exception of the parking variance request.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISIONS

Cal. No. 21S-13

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by The Lead Mine Climbing Gym, Jeff West, for a Special Use to allow discouraged wall materials in the Highway 20 Corridor should be approved.

PASSED AND APPROVED this 8th day of December, A.D. 2021, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

**ZONING BOARD OF APPEALS
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBER: 21V-04

APPLICATION BY: Galena Chrysler, 11300 US Hwy 20 W., Galena, IL 61036.

FOR: Request for a variance to allow additional internally illuminated wall signs on the front façade of the building at 11300 US Hwy 20 W.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 8, 2021. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Variance to allow 4 additional internally-illuminated wall signs on the Galena Chrysler primary façade to communicate the different vehicle sales of the business. Galena Chrysler would like a brand sign for each of the vehicle makes that they sell.

The ordinance currently only allows for one internally-illuminated wall sign per building. Attached are drawings of the signs and an image of the signs illuminated at night.

Similar variances have been granted to Galena Square, Hartigs, and Walmart.

Staff recommends approval.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Variance Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **John Wilson** spoke as the applicant and owner.

Testimony Presented in Opposition to the Proposal:

- No one spoke in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (C) (4) provides a definition and description of the Planned Commercial District.
- Section 154.806 sets forth the regulations for Permitted Sign Types.
- Section 154.807 sets forth the Sign Illumination Standards.
- Section 154.919 sets forth the non-administrative development review common elements of procedures.
- Section 154.925 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures for Variances.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Planned Commercial District.
2. The applicant is requesting 4 additional internally illuminated wall signs.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Galena Chrysler to allow a variance for 4 additional internally illuminated wall signs at 11300 US Hwy 20 W should be approved for the following reasons:

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

- (1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code;
- (7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

DECISION

Cal. No. 21V-04

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Galena Chrysler to allow a variance for 4 additional internally illuminated wall signs at 11300 US Hwy 20 W should be approved.

Cal. No. 20V-04

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PASSED AND APPROVED this 8th day of December, A.D. 2021, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson