

**MINUTES
ZONING BOARD OF APPEALS
JULY 10, 2013**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 10, 2013 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Carlisle	Present
Holman	Absent
Nybo	Present
O'Keefe	Absent
Rosenthal	Present

A quorum was declared.

Matt Oldenburg, Zoning Administrator, Joe Nack, City Attorney, and Deb Price, Secretary, were also present.

APPROVAL OF MINUTES

MOTION: Carlisle moved, seconded by Nybo to approve the minutes from the May 8, 2013 meeting.

Rosenthal asked that roll be taken for those board members who were in attendance at the May 8, 2013 meeting.

As Roll Call was:

Bochniak	Yes
Carlisle	Yes
Nybo	Yes
Baranski	Yes

Motion carried.

MOTION: Baranski moved seconded by Nybo to approve the minutes of the June 19, 2013 meeting.

Rosenthal asked that roll be taken for those board members who were in attendance at the June 19, 2013 meeting.

As Roll Call was:

Nybo	Yes
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Cal. No. 13A-02, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Request for Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit.

Nybo asked that Chairperson Rosenthal allow him to recuse himself from the next two agenda items due to his ownership of a Bed and Breakfast/Small Inn.

Rosenthal granted the request.

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 13A-02.

Motion carried on voice vote.

Attorney Nack swore all those in who wished to testify at the text amendment public hearing.

Dan Balocca, 125 S Prospect Street, Galena IL is the applicant and owner of the Felt Manor. The request is for a modification of the land use table to allow for unique properties in Low Density Residential areas to be able to apply for a Special Use Permit to operate a small inn. The Felt Manor has been operating with a Special Use Permit for many years as a Bed and Breakfast. There are only a few properties within the low density residential district that would qualify for a small inn.

Rosenthal asked those wishing to testify to come forward.

James Wirth, 121 S High Street, Galena said he is concerned that a text amendment change would be city wide, not just for the High and Prospect Street area. This would be an intensive commercial use in a residential neighborhood. He is concerned that the small inn would be able to obtain a liquor license and problems related to that use could arise. He urges the Zoning Board to reject the application.

Baranski asked Wirth if he thought there was any area in Galena where the text amendment to allow a small inn in low density residential districts would be appropriate.

Wirth said he did not.

Baranski asked even if there were conditions that would protect the neighborhood from concerns.

Wirth said he did not feel it should be allowed at all. It is an intensive commercial use in a residential neighborhood.

John Checker, 115 S High Street, Galena said his property is right next to 125 S Prospect Street. Balocca has been a great neighbor thru the years, but he is concerned with the condition of the coach house. He does not want the deteriorating condition to impact his coach house. When Checker purchased his property there were no B and B's in the neighborhood. He is 100% against the request. He did not want a hotel in the neighborhood. He is concerned with parking and the condition of the coach house. The exterior is very iffy and he is not sure the interior would be stable enough for a project.

Rick Pariser, 113 S High Street, Galena said his property is across High Street from the coach house. He said he has no issues with Balocca, but he does not want anything changed that would intensify the parking in this neighborhood. There is just not enough room to accommodate an increase in the number of guest rooms in this area.

MOTION: Baranski moved, seconded by Carlisle to close the Public Hearing on Cal. No. 13A-02.

As Roll Call was:

Bochnicak	Yes
Carlisle	Yes
Holman	Absent
Nybo	Recused
O'Keefe	Absent
Baranski	Yes
Rosenthal	Yes

Motion carried.

MOTION: Baranski made a motion for a positive recommendation for a Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit.

Motion died for lack of a second.

MOTION: Carlisle moved, seconded by Bochniak to deny the Request for a Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit.

Discussion: Carlisle said it seems approval of this would open the gates to all kinds of people asking for this. He doesn't like the idea of having a small inn that can serve alcohol.

Baranski said the board needed to stay focused on what's being asked for and that is a text amendment that would allow the possibility of a small inn being located in a low density residential district through the issuing of a sSocial Use Permit. A text amendment would allow the city to identify areas where it may be okay for a small inn to operate. An applicant would need to prove to the Zoning Board that a location in a particular situation should qualify for a Special Use Permit to operate a small inn. The Zoning Board has a great deal of control and discretion as to where a small inn could operate.

Rosenthal said when the Bed and Breakfast ordinance was created at some point it was decided that small inns should only be allowed in commercial districts and not in low density residential areas.

Baranski said they are currently operating with a Special Use Permit as a five guest room Bed and Breakfast. A Small Inn would allow them to operate with six rooms. Without a text amendment the door is slammed shut – there is no opportunity.

Carlisle said it appeared the door was shut when the ordinance was written.

Baranski said the Cloran Mansion got a Special Use Permit for a Small Inn – not a hotel. A small inn would be allowed at the Board's discretion with the approval of a Special Use Permit that could have restrictive conditions.

Rosenthal thought the original B and B ordinance should be upheld and no change should be made to the text. In looking at the considerations for approval he felt that none of the criteria were met.

Carlisle and Bochniak agreed.

Rosenthal called for the vote.

As Roll Call was:

Carlisle	Yes
Holman	Absent
Nybo	Recused
O'Keefe	Absent
Baranski	No
Bochniak	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 13S-03, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Location: Lot Fifteen (15) and Sixteen (16) in Block Number Three (3) in the City of Galena on the West side of the Galena River in the County of Jo Daviess in the State of Illinois, common address 125 S. Prospect Street, Galena, IL. Request for Special Use Permit to change the use of the Felt Manor from a 5-room Bed & Breakfast to a 6-room Small Inn in the Low Density Residential District, pending Text Amendment to allow Small Inns use in LDR by Special Use Permit.

Dan Balocca, applicant, asked the Zoning Board to postpone this agenda item until after the City Council vote on Cal. No. 13A-02.

MOTION: Carlisle moved, seconded by Bochniak to postpone Cal. No. 13S-03.

Motion carried on voice vote.

Attorney Nack noted for the record that Nybo returned to the table.

Cal. No. 13S-04, Applicant: The Galena Farmers' Market Vendors (Ronald Ricke) – 123 North Commerce Street, Galena, IL 61036. Request for Special Use Permit to display a portable "sandwich board" sign at intersection of Main & Hill Streets to notify residents and visitors about the market location. The sign would be used from 6:00am to 10:00am on Saturdays while the market is open.

MOTION: Carlisle moved, seconded by Bochniak to open the Public Hearing on Cal. No. 13S-04.

Motion carried on voice vote.

Attorney Nack swore those persons in who wished to testify at this Public Hearing.

Ronald Ricke, 6100 Ricke Drive, East Dubuque IL said he would like to see a small sandwich board sign allowed to increase the visibility for directing potential patrons to the Farmer's Market on Commerce Street. They are looking for something that is historically sensible – nothing garish or inappropriate. The sign would be about two feet wide and four feet tall. They would like to have the sign out from 6AM to 10AM from mid May until the end of October.

Those dates would generally cover the duration of the Farmers Market. They would have one sign and it would be located on the sidewalk.

Rosenthal asked about liability. It would seem the sign holder would be liable, but if the sign is located on city property would the city be liable. What about the building owner whose building the sign sits in front of.

Attorney Nack said there is always the potential for someone to look to the City if there is an incident involving the sign.

Oldenburg said portable signs are exempt from permitting. Each property is allowed two sandwich boards for the front of their property. As the Farmers Market wanted an off premise sign they had to come to the Zoning Board for approval.

Rosenthal asked those who wished to testify to come forward.

James Wirth, 121 S High Street said he wondered if a banner style sign could hang at Main and Hill directing you to the Market. Would the City be interested in this?

MOTION: Baranski moved, seconded by Carlisle to close the Public Hearing on Cal. No. 13S-04.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to approve the request for a Special Use Permit to display a portable “sandwich board” sign at the intersection of Main & Hill Streets to notify residents and visitors about the market location. The sign would be used from 6:00am to 10:00am on Saturdays while the market is open.

Discussion: Baranski said the sign is pretty low key and there is not much foot traffic at the time of day when the sign would be displayed. The market allows the city and the community to support the local economy.

Rosenthal said he is concerned about the sign and any safety issues that might arise. The proposed location of the sign might not be the right place to get people to the market.

Nybo asked if the Board felt inclined to approve this should there be a review.

Rosenthal said the request met most of the review criteria – 1, 2, 3, 5b and 5c. Criteria 4 and 5a were not applicable.

As Roll Call was:

Nybo	Yes
O'Keefe	Absent
Baranski	Yes
Bochniak	Yes
Carlisle	Yes
Holman	Absent
Rosenthal	Yes

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

Rick Pariser complimented the Zoning Board on the decision they made with regards to the text amendment allowing Small Inns in residential districts.

James Wirth agreed with Pariser and thanked the Zoning Board.

Dan Balocca said he wants to save and restore the coach house. Previously the Zoning Board indicated they did not want to see this property divided from the Felt Manor. Allowing a text amendment and a Special Use Permit to operate a small inn would have eased some of the financial concerns associated with the restoration.

MOTION: Carlisle moved, seconded by Nybo to adjourn the meeting.

Motion carried on voice vote.

Rosenthal adjourned the meeting at 7:45 PM.

Respectfully submitted by

Deb Price
Zoning Board Secretary