

**MINUTES  
ZONING BOARD OF APPEALS  
DECEMBER 12, 2012**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, December 12, 2012 at City Hall, 312 ½ N. Main Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Present (Arrived @ 7:00)
Bochniak	Present
Carlisle	Absent
Holman	Present
Nybo	Present
O'Keefe	Absent
Rosenthal	Present

A quorum was declared.

Nate Kieffer, Zoning Administrator, Joe Nack, City Attorney, and Deb Price, Secretary, were also present.

**APPROVAL OF MINUTES:** Rosenthal informed the Board the minutes from the November meeting were not available for approval.

**MOTION:** Bochniak moved, seconded by Holman to table approval of the November 14, 2012 minutes.

Motion carried.

**OLD BUSINESS**

Cal. No. 12V-02, Applicant: John Thies for McDonalds USA LLC – 1650 W. 82<sup>nd</sup> St. Suite 900, Bloomington, MN 55431. Owner: Franchise Realty Investment Trust – 957 Gear Street, Galena, IL 61036. Location: Part of Tract 1 and Tract 2 of Part of the West ½ of the SW ¼ Section 13, T28N, R1W, City of Galena, common address 957 Gear Street, Galena, IL. Request for a Variance to the required Irvine Street front yard setback of 25 feet to 2 feet to construct a new trash enclosure structure

**MOTION:** Bochniak moved, seconded by Nybo to go to New Business Cal. No. 12A-03.

Motion carried on voice vote.

12-12-2012 – ZBA

## **NEW BUSINESS**

Cal. No. 12A-03, Applicant: City of Galena - 312 ½ North Main Street Galena, IL 61036. Request for Text Amendment to Section 154.406 (D) (8) (a) to revise the detailed land use regulations for Small Inns to include language regarding buildings originally constructed as residential structures.

**MOTION:** Bochniak moved, seconded by Nybo to open the Public Hearing on Cal. No. 12A-03.

Motion carried on voice vote.

Nack swore all those in wishing to testify at the Public Hearing.

Kieffer explained the application. The amendment being sought is to modify the detailed land use regulations for small inns to include residential structures. The existing code does not include a provision for residential structures. The amendment regulations will allow the Zoning Board to consider buildings originally constructed as residences for small inns with a Special Use Permit. The current Zoning Board of Appeals said at its November 2012 meeting that in certain circumstances they believed residential structures could benefit from an adaptive use of a small inn. This amendment would not be in conflict with the current code which was adopted in 2006. Kieffer said his understanding was that in 2006 it was not the intent to exclude residences as small inns but it was not explicitly stated. Both Kieffer and Nack suggest residences be explicitly added so they can be considered for small inns.

Char Carlson, 605 South Prospect Street, Galena spoke in favor of the request. She stated that she was the owner of the Steamboat House Bed and Breakfast and that she and her husband, Glen, support the request. She wanted to make sure that the existing requirements for small inns, including lot size, number of bedrooms etc. would stay the same as they are now. She thought this would benefit the owners of properties with residential buildings that meet the existing, very strict requirements for small inns.

Rosenthal asked about compliance with the current code.

Kieffer said the requirements for any new small inn will remain as stringent as they are now. The only thing the text amendment changes is that now a residence would be able to apply for a SUP to operate as a Small Inn; currently they cannot. He added that an applicant would also need to apply for a zoning change as small inns are not allowed in residential districts. It is a two part process.

No one testified in opposition to the proposed text amendment.

**MOTION:** Nybo moved, seconded by Bochniak to close the Public Hearing on Cal. No. 12A-03.

Motion carried on voice vote.

**MOTION:** Nybo moved, seconded by Bochniak to recommend the City Council approve the request for a Text Amendment to Section 154.406 (D) (8) (a) to revise the detailed land use regulations for Small Inns to include language regarding buildings originally constructed as residential structures.

Discussion: Nybo thought that was the original intent of the Zoning Board when the code was amended in 2006.

As Roll Call was:

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

Motion carried.

**COUNTY ZONING**

None.

**WORKSESSION/OTHER**

Open Meetings Act Training.

Kieffer reminded the Board that this needed to be completed by December 31, 2012.

**PUBLIC COMMENTS**

None.

**OLD BUSINESS**

Cal. No. 12V-02, Applicant: John Thies for McDonalds USA LLC – 1650 W. 82<sup>nd</sup> St. Suite 900, Bloomington, MN 55431. Owner: Franchise Realty Investment Trust – 957 Gear Street, Galena, IL 61036. Location: Part of Tract 1 and Tract 2 of Part of the West ½ of the SW ¼ Section 13, T28N, R1W, City of Galena, common address 957 Gear Street, Galena, IL. Request for a Variance to the required Irvine Street front yard setback of 25 feet to 2 feet to construct a new trash enclosure structure

**MOTION:** Nybo moved, seconded by Baranski to approve the variance request for Cal. No. 12V-02 as written.

Discussion: Holman said it is already a hazard here with the blind corner.

Rosenthal said when looking at it over the last month he did not think the variance would be a problem.

Bochniak said the intersection of Irvine and Galena Square Drive is awkward, but the variance and enclosure are really not the problem.

Baranski said it does meet the AASHTO requirements which are federal guidelines.

Rosenthal said he understood there would not be landscaping along the north side of the new enclosure. Currently there are large shrubs here which do impact the sightline.

As Roll Call was:

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

Motion carried.

**MOTION:** Baranski moved, seconded by Bochniak to adjourn the meeting.

Motion carried on voice vote.

Rosenthal adjourned the meeting at 7:15 PM.

Respectfully submitted by

Deb Price  
Zoning Board Secretary