

**MINUTES
ZONING BOARD OF APPEALS
FEBRUARY 8, 2012**

CALL TO ORDER:

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, February 8, 2011 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Rosenthal	Present (Arrived @ 6 :35)
Baranski	Present
Holman	Present
Moser	Present
Nybo	Present
O'Keefe	Absent
Porter	Absent

A quorum was declared.

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

APPROVAL OF MINUTES:

MOTION: Holman moved, seconded by Baranski to approve the December 14, 2011 minutes.

Motion carried on voice vote.

OLD BUSINESS

None.

NEW BUSINESS

Cal. No. 12A-01, Applicant & Owner – Rosean & John Wilson, 1570 Seippel Road, Dubuque, IA 52002. Request for a Zoning Map Amendment (Low Density Residential to Neighborhood Commercial) to approximately 0.91 acres being Lots 11 thru 19 in Turney’s Addition to the City of Galena, commonly known as 700 Spring Street, Galena.

MOTION: Baranski moved, seconded by Moser to open the Public Hearing for Cal. No. 12A-01.

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

John Wilson, 1570 Seippel Road, Dubuque Iowa said he understood this property had always been used for commercial use.

Kieffer said it’s always been Low Density Residential, but there had been a Special Use Permit until about 2006 when business ceased. Since then it has been vacant.

Rosenthal asked if Special Use Permit could be granted.

Kieffer said it could not. When the ordinance was modified in 2005 this option was eliminated.

Baranski asked if they were planning on opening a retail space.

Wilson said yes.

Nybo asked if someone was planning on residing there. Is this allowed?

Kieffer said this was permitted by right in Neighborhood Commercial on the second floor.

Jim Anderson, 611 S Bench Street, Galena, Illinois said he used to sell advertising to the former business owner’s at this location. It was a hidden gem and was always open. He is happy to hear that the use of this property will continue. The Wilson’s are successful business persons who do things right.

No one testified in opposition to the request.

MOTION: Baranski moved, seconded by Rosenthal to close the Public Hearing on Cal. No. 12A-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Rosenthal to recommend the City Council approve the request for a change of zoning from Low Density Residential to Neighborhood Commercial.

Baranski said when the ordinance was rewritten this type of property was what they had in mind when Neighborhood Commercial was created. The surrounding area is composed of small commercial businesses. Baranski said as long as he has lived here this has been used for commercial use. This area should have probably been included in those that the city identified as areas to be changed. This request is consistent with the ordinance and our Comprehensive Plan.

Nybo agreed with Baranski. When the ordinance was rewritten we targeted certain areas on Spring Street to be considered for Neighborhood Commercial designation. This is the right thing to do.

Baranski said when reviewing the approval criteria in Section 154.920(C) #3, #4, #5, #6 and #7 apply.

As Roll Call was:

Baranski	Yes
Holman	Yes
Moser	Yes
Nybo	Yes
O'Keefe	Absent
Porter	Absent
Rosenthal	Yes

Motion carried.

Chairperson Rosenthal took over the meeting.

Cal. No. 12S-01, Applicant – Todd & Candy Walburg, 11421 Rte. 20 West, Galena, IL 61036. Owner – Richard & Virginia Kapsch, 760 North Walden Drive, Palatine, IL 60067. Request for a Special Use Permit for a three bedroom Bed and Breakfast Accommodation use on part of Lot 9 in the Lots Between Bench and Prospect Street, commonly known as 614 South Prospect Street, Galena.

MOTION: Baranski moved, seconded by Moser to open the Public Hearing for Cal. No. 12S-01.

Nybo asked to be recused from the agenda item as he is the owner of a Bed and Breakfast.

Rosenthal recused Nybo.

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

Candy and Todd Walburg, 11421 Route 20 W, Galena, Illinois presented a photo board of the Prospect Street property. They have lived in Galena for about 2 years after relocating from El Paso, Texas. Owning a bed and breakfast has been a dream of theirs and they traveled the country looking for an ideal location for their family and business. Once they settled in Galena they began working with Zoning Administrator Nate Kieffer about the possibilities of purchasing a B and B. There are several guest houses on the market but they are just not what they are looking for. They did make an offer on one property but the sale did not go thru. They feel the Prospect Street property would be ideal for their family and for guest suites. They would begin by making this their permanent residence and then start working on the guest rooms.

Jeff Vetter, 115 S West Street, Galena, Illinois said he owns the property next door – 616/618 South Prospect Street. This is a brick duplex that he and his fiancé have recently renovated. He is always in favor of a person working to prosper and get ahead. He is concerned about the parking and how many cars can be accommodated. Will the parking impact the front of his building where his tenants park? In general he is okay with the request. He has discussed the possibility of putting an additional unit in the lower level of his building. This would require additional parking.

Rosenthal asked those who wished to testify against the request to come forward.

Leslie Dubois, 606 S Prospect Street owns the Avery Guest House along with her husband Craig. Their property is next door to 614 S Prospect Street. She questions why anyone would want to open a new B and B rather than purchase an established one that is on the market.

Baranski asked if someone was willing to do the work, spend the necessary time working with the city to make it code compliant and go out and market their property for a B and B would Dubois support this.

DuBois said Propsect Street is wider than most Galena streets, but it still can become very tight with parking and it does narrow as it gets closer to Gear Street. There is an apartment building across from the proposed B and B which makes parking more difficult. She just doesn't understand why someone would want to add another B and B to the mix when there are many established ones for sale.

Holman said the applicant has explained why they would like to purchase this property and their desires to open a Band B. It is a personal preference and not a zoning issue.

Rosenthal agreed. Does the City have a limit on how many guest houses can operate in Galena?

Kieffer said no. The Council has never placed a limit on the number of licenses.

Nack said the Council could place a cap on the number of licenses, but they have not. The Zoning Board needs to look at the approval criteria and determine if the request meets these.

Holman said people's opinions should not be reflected in the Zoning Board's decisions.

Glen Carlson, 605 S Prospect Street owns the Steamboat House along with his wife Charlene. He said he does not feel this house meets the criteria for conversion to a B and B. It is not overly large nor of a historic nature. He is also concerned with the parking implications and the space this property has to accommodate their guests. Other properties have been required to provide off street parking in order to obtain a license. Will the additional cars impact the area's residents and already established guest houses?

MOTION: Baranski moved, seconded by Holman to Close the Public Hearing on Cal. No.12S-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Holman to approve the Special Use Permit as requested for Cal. No. 12S-01.

Baranski said he understood the concerns of those opposed to the request. The criteria are subjective particularly as it relates to the character of the house. He does not feel comfortable denying a request based on an opinion as to whether something is historic or has architectural significance. As to the city limiting the number of guest houses there are three that are no longer in operation so we have less now than we have had in several years. Baranski travels Prospect Street quite often. It is quite wide and yes it does narrow to the South, but generally it appears there is plenty of parking. When looking at all things he cannot vote to deny as this meets the criteria.

Rosenthal asked about the criteria for meeting the request for three guest rooms.

Kieffer said the house is 3,253 square feet and the lot size is 4,733 square feet. The chart is a place to start when determining how many guest rooms to allow. The Board should use the data to best determine what to allow if the request is granted.

Rosenthal is concerned about parking for the entire block. There would be three or four guest houses along with several single family homes and an apartment building. Not everyone has off street parking in this block. He is not concerned whether the home has historical significance or not.

Baranski is comfortable with three bedrooms. As to whether there should be more bathrooms or if the property is appealing enough those are factors that will be determined by the market.

Baranski said in reviewing the criteria in determining the number of guest rooms the following specific standards for land use regulations established in Section 154.405 apply: #4, #5a and #5b. There was no site plan so it would appear that they are not planning any outside changes.

Kieffer said there were no plans submitted for outdoor changes.

In reviewing the Bed and Breakfast Detailed Land Use Regulations, Section 154.406(D)(7)(a) the following apply: #1, #2, #3 and #4. He realizes that #3 – Lot capacity - is a bit short. He feels that #4 - Availability and impact of parking - is adequate.

As Roll Call was:

Holman	Yes
Moser	Yes
Nybo	Recused
O'Keefe	Absent
Porter	Absent
Rosenthal	No
Baranski	Yes

Motion carried.

COUNTY ZONING

None.

WORKSESSION

None.

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

Motion carried on voice vote.

Rosenthal adjourned the meeting at 7:35 PM.

Respectfully submitted by

Deb Price
Zoning Board Secretary