

**MINUTES
ZONING BOARD OF APPEALS
APRIL 11, 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, April 11, 2012 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES:

MOTION: Porter moved, seconded by O'Keefe to approve the March 14, 2012 minutes.

Nybo asked that under Call to Order the minutes be amended to read Chairperson Rosenthal rather than Chairperson Nybo.

Motion to approve the amended minutes carried on voice vote.

OLD BUSINESS

None.

NEW BUSINESS

City Attorney Nack swore those persons in who wished to testify at tonight's Public Hearing.

Cal. No. 01S-03A, Applicant & Owner – Kathleen Meyer, 105 South High Street, Galena, IL 61036. Request for a Special Use Permit Amendment to add a fifth guest room to an existing four guest room Bed & Breakfast on Lots 1-6 in Block 4 Original City West Side of the Galena River, commonly known as 105 South High Street, Galena.

Acting Chairperson Nybo asked to be recused from this agenda item due to the fact that he is a guest house owner himself.

O'Keefe became the acting chairperson. He granted Nybo's request.

MOTION: Bochniak moved, seconded by Porter to open the Public Hearing on Cal. No. 01S-03A.

As Roll Call was:

Baranski	Absent
Bochniak	Yes
Holman	Yes
Nybo	Recused
O'Keefe	Yes
Porter	Yes
Rosenthal	Absent

Motion carried.

Kathleen Meyer, 105 S High Street, Galena said the B and B they operate has room for an additional guest room. This would be a great win-win situation for the City. There would be more guest rooms for visitors and the City would have the benefit of collecting more Hotel Motel tax.

O'Keefe asked those in support of the application to come forward to testify.

No one did.

O'Keefe asked those in opposition of the application to come forward to testify.

Janet Checker, 115 S High Street, Galena is concerned with the parking. The addition of another guest room will further stress the current parking situation. The trolleys travel this street and if they are unable to pull over to the side they simply stop in the middle of the street to talk about the homes and history.

Rita Wadman, 318 Hill Street, Galena said her parking requirements are grandfathered in allowing her guests to park in the public area located at Hill and High Streets. This area is used by other visitors as well as residents of the area. This entire stretch of High Street is difficult to travel and park.

Holman said the provided photos showed little to no parked cars on High Street.

Richard Pariser, 113 S High Street, Galena said he lives two doors from the Meyer's Guest House. He too is concerned with the High Street congestion. There are three guest houses within 100 yards of his home. The old cemetery is also in this area which results in more traffic as well as the multiple daily trolley tours. He believes the original Special Use Permit said the guest house visitor's were to park on the guest house grounds. Pariser also questions the size of the guest house as it relates to allowing another guest room. He feels the residents of the neighborhood should be considered first when deciding to allow a Special Use Permit.

O'Keefe asked Meyer if she wanted to comment.

Meyer said they pay taxes on six lots. They have a two car garage for their personal use. They tell their guests that they can park at the rear of the property which can accommodate five cars. They do not tell their guests that they cannot park on the street – they have street parking in front of and alongside their property.

O'Keefe said areas to park could be emphasized to their guests. He used to live across from a guest house and the owners were very specific about where their guests could park.

Meyer said she could be more specific when directing her guests one where they should park.

Tom Meyer, 105 S High Street, Galena said he is part owner of the Guest House. He said they could tell their guests where they should park, but it is a public street where anyone can park. The property was measured when they first applied for the Special Use Permit.

MOTION: Porter moved, seconded by Bochniak to close the Public Hearing on Cal. No. 01S-03A.

Motion carried on voice vote.

MOTION: Porter moved, seconded by Holman to draft Findings of Fact to approve the Special Use request.

Discussion: Bochniak asked about the building size.

Kieffer said he and another staff member measured the perimeter of the building as prescribed in the City's Ordinance. The 4,600 measurement does not include the

porch, attic or basement. It does include the sunroom. This footprint does agree with the measurements done by David Clark and the platted survey.

O'Keefe feels parking is a very pertinent issue. He thinks the motion should be amended to include that parking for the applicant needs to be off street. It appears there is room for that, but enforcement could be an issue. The Board could review this in one year.

Bochniak said if you have five rooms rented - two guests per room - and each guest drives individually you have a problem. How do you enforce this requirement? The regulations state that they can use on street parking on their frontage - they have a corner lot.

O'Keefe said a change to the Special Use Permit means that restrictions could be part of the approval.

Holman asked how this would be policed. What constitutes a complaint?

Kieffer said if the Board includes a one year review, this will be done regardless of whether there are complaints or not.

The Board reviewed the Approval Criteria. It was agreed that #'s 1, 2, 3, 4, 5a and 5b applied. The review of the permit in one year will address #5b.

MOTION: Porter moved, seconded by Holman to amend the original motion to include the following condition: the Special Use Permit shall be reviewed in one year.

O'Keefe called for a vote on the amendment.

As Roll Call was:

Holman	Yes
Nybo	Recused
O'Keefe	Yes
Porter	Yes
Rosenthal	Absent
Baranski	Absent
Bochniak	Yes

Motion carried.

O'Keefe called for a vote on the original motion as amended.

As Roll Call was:

Nybo	Recused
O'Keefe	Yes
Porter	Yes
Rosenthal	Absent
Baranski	Absent
Bochniak	Yes
Holman	Yes

Motion carried.

Nybo returned to the table.

COUNTY ZONING

None.

WORKSESSION

None.

MOTION: Bochniak moved, seconded by Porter 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