

**MINUTES
ZONING BOARD OF APPEALS
MAY 9, 2012**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, May 9, 2012 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES:

MOTION: O'Keefe moved, seconded by Porter to approve the April 11, 2012 minutes.

Motion carried.

OLD BUSINESS

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.

MOTION: O'Keefe moved, seconded by Porter to approve the Findings of Fact as written for Cal. No. 01S-03A.

As Roll Call was:

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

Motion carried.

Cal. No. 02S-02A, Applicant and Owner: John B Slimp & Daniel Wentz – 9590 W. Buckhill Rd. Galena, IL 61036. Located in parts of Lots 9, 10, 11, & 14 in Wight's Alteration of Block 6, east Side of Galena River, Galena IL, common address 100 Bouthillier St., Galena, IL. One year review of Special Use Permit for full-service restaurant in the existing building.

MOTION: Porter moved, seconded by Baranski to approve the Special Use Permit for Cal. No. 02S-027.

Discussion: O'Keefe pointed out that the SUP goes with the property. If the property was sold what recourse does the City have if a new owner did not comply with the conditions of the Special Use Permit?

Kieffer said the specifics of the Special Use Permit would apply to any new owners. If they, for example, removed the fence that was required to be installed they would be in violation of the conditions of the permit and staff would deal with the violation. Any desired change to the permit would require them to ask the Zoning Board to amend the conditions of the Special Use Permit.

Baranski said by approving this tonight there would be no need for yearly review. How would a violation be dealt with?

Kieffer said if this is approved tonight staff would investigate complaints and possible violations. If violations continued there may be reason to revoke the Special Use Permit.

O'Keefe said he is still concerned that this is a Commercial operation in a Residential neighborhood.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

None.

COUNTY ZONING

None.

WORKSESSION

Discussion of proposed amendments to Zoning Board Rules of Procedures to provide for Public Comments and Electronic Participation as required by the Illinois Open Meetings Act.

Kieffer discussed the Open Meetings Act changes being brought forth by Illinois Attorney General Lisa Madigan. The Board needs to adopt these as part of their Rules of Procedures.

Some of the Board's suggestions were:

- Define citizen. Is this any person or can it be limited to residents of Galena?
- Time limits for public comments.
- Determining at what point during the agenda the public comments would take place.
- Limit what can be discussed – possibly to new agenda items.
- Determining how to stop comments if they are irrelevant or repetitive.

The Board directed Kieffer to draft language that that Board will look at in June.

MOTION: O'Keefe moved, seconded by Bochniak to adjourn the meeting.

Motion carried on voice vote.

Rosenthal adjourned the meeting at 7:40 PM.

Respectfully submitted by

Deb Price
Zoning Board Secretary