

**MINUTES  
ZONING BOARD OF APPEALS  
JUNE 11, 2014**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, June 11, 2014 at City Hall, 312 ½ N. Main Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

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

A quorum was declared.

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

**APPROVAL OF MINUTES**

The May 14, 2014 were not available for approval. Minutes will be available for approval at the July 9, 2014 meeting.

**OLD BUSINESS**

Cal. No. 14S-03, Applicant: Kelly Johnson, Owner: Kelly Johnson & Steven Hickie, 9676 US Highway 20 W, Galena, IL 61036. Location: Parcel: 06-500-147-00, Unit 2 of "The Plantation Townhouses", located in a part of the North half of the Southwest quarter of Section 21, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, East Galena Township, Jo Daviess County, Illinois. Common address 9676 US Highway 20 W, Galena, IL 61036. Request for Special Use Permit to allow Major Home Occupation as an accessory residential land use in a Medium Density Residential District.

**MOTION:** Baranski moved, seconded by Cook to approve the Findings of Fact for the Special Use Permit for Cal. No. 14S-03 as presented.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Abstain
Nybo	Yes
O'Keefe	Absent
Baranski	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 14S-04, Applicant & Owner: Daniel Balocca – 125 South Prospect Street, Galena, IL 61036. Location: 6 Parcel: 22-100-565-00 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 allow a Small Inn Accommodations land use, with 7 rooms, in a Low Density Residential District.

**MOTION:** Bochniak moved, seconded by Baranski to approve the Findings of Fact for the Special Use Permit for Cal. No. 14S-04 as presented.

As Roll Call was:

Cook	Yes
Holman	Abstain
Nybo	Recused
O'Keefe	Absent
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 14S-05, Applicant & Owner: James Wirth – 121 South High Street, Galena, IL 61036. Location: Parcel: 22-100-573-00 Lot Sixteen (16) in Block Number Four (4) 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 121 South High Street, Galena, IL 61036. Request for Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District.

**MOTION:** Baranski moved, seconded by Cook to approve the Findings of Fact for the Special Use Permit for Cal. No. 14S-05 as presented.

Rosenthal asked if Wirth sold the property does the SUP go with the owner or the property.

Oldenburg said the SUP goes with the property so it would go with the new owner. If the use is abandoned for more than twelve months the SUP is void.

As Roll Call was:

Holman	Abstain
Nybo	Yes
O’Keefe	Absent
Baranski	Yes
Bochniak	No
Cook	Yes
Rosenthal	Yes

Motion carried.

**NEW BUSINESS**

Cal. No. 14S-07, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Dave Anderson, 513 Bouthillier Street, Galena, IL 61036. Location: Parcel: 06-500-276-00, Located in the North half of Section 20, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, East Galena Township, Jo Daviess County, Illinois. Common address 513 Bouthillier Street, Galena, IL 61036. Request for Special Use Permit to allow an eighth room for the Small Inn. The property currently operates with a Special Use Permit as a seven-room Small Inn.

Nybo, a small inn owner, asked to be allowed to recuse himself from the agenda item.

Rosenthal granted the request.

**MOTION:** Baranski moved, seconded by Cook to open the Public Hearing on Cal. No. 14S-07.

Motion carried on voice vote.

Acting City Attorney Nack swore in all those persons wishing to testify at tonight’s public hearing.

Adam Johnson, 211 Fourth Street, Galena is assisting Anderson with the application. He is dealing with the building plans and fire codes. He understands Anderson has dealt directly with City staff to meet all requirements for the additional room. Previously three guest rooms were on the third floor, but these rooms were closed due to deficiencies in fire code compliance. At that time nothing was done to rectify the problems, but the current owner is ready to address these issues. They are asking to add a suite on the third floor which would give them eight guest rooms.

Baranski asked if staff had looked to see if there was enough parking for an additional room.

Oldenburg said he has visited the site and there is sufficient parking for the additional guest room.

Dave Anderson, 513 Bouthillier Street, Galena said currently they have five guest rooms on the second floor and two on the first floor. They would like to add an additional guest room to the third floor for a total of eight guest rooms.

No one spoke against the request.

**MOTION:** Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No 14S-07.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Bochniak to approve the Special Use Permit request as written for Cal. No. 14S-07. The request complies with the following Approval Criteria:

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § 154.406;
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
  - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
  - (b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
  - (c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures,

building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

Discussion: Baranski said his motion pretty well covers it all.

Rosenthal said they already have a Special Use Permit for seven rooms. There is plenty of parking to accommodate guests for the eighth room. One more room really doesn't change anything.

As Roll Call was:

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

Motion carried.

### **COUNTY ZONING**

None

### **WORKSESSION/OTHER**

None

### **PUBLIC COMMENTS**

Dan Balocca, 125 S Prospect wanted to thank the Zoning Board for the process it has gone through with his applications for the Felt Manor over the last year eighteen months.

**MOTION:** Baranski moved, seconded by Bochniak to adjourn the meeting at 6:55 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary