

**MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 10, 2014**

CALL TO ORDER:

Acting Chairperson Baranski called the regular meeting of the Zoning Board of Appeals to order at 6:40 PM on Wednesday, September 10, 2014 at City Hall, 101 Green 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	Present
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

MOTION: Cook moved, seconded by Bochniak to approve the minutes for the August 13, 2014 meeting.

Motion carried on voice vote.

OLD BUSINESS

Cal No. 14S-06, Applicant & Owner: James Wirth – 121 South High Street, Galena, IL 61036. Location: Parcels: 06-500-170-00 & 06-500-174-03 both part of Lot One (1) in Block Number Twenty-nine (29), Original Town East of Galena River in the County of Jo Daviess in the State of Illinois, common address 901 Fourth 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. Continuation hearing scheduled for this meeting. Applicant has submitted written request for a one month extension for continuation of hearing to be held at the September ZBA Meeting.

MOTION: Holman moved, seconded by Cook to open the Public Hearing on Cal. No. 14S-06.

Motion carried on voice vote.

Nack swore all those in who wished to testify at either of tonight's public hearings.

James Wirth, 121 S High Street Galena, presented photos of the Fourth Street site. These were included in the May and September application materials. Wirth said that Architect Marty Johnson has volunteered his services to identify and design access points to the site. The property will need a regular survey as well as topographical survey. Wirth has also talked to Neil Spurr and Dylan Einsweiler to enlist the help of the Boy Scouts to prepare the grounds for tours. Wirth is hoping to get the High Street home tour up and running and use feedback from this operation as he makes final plans for the Fourth Street property. He would like the Board to grant him a six month extension so he can gather this information and make the best possible presentation. He wants to make sure the neighborhood and residents are not negatively impacted by his proposal. Wirth cited Section 154.919 I, 5, a, c as the authority for the Board to grant the extension. This would be in keeping with the importance of the property to Galena and its lead mining history. There are many Galena mansions that have been preserved, but the common working man house is often forgotten and destroyed.

Baranski asked how the Board would grant the continuance – would they need to close the Public Hearing and then make a decision.

Oldenburg said the Ordinance reads that a continuance can be granted any time before the final decision is made.

Nack said the merits of the project really are not in question. He asked Wirth if his intention tonight was to ask for a continuance.

Wirth said yes.

Nack said there are two concerns. Separating the public hearing is an issue. Too much time in between results in a loss of information. The other is that because this request requires a public hearing every time it is on the agenda a notice needs to be run in the gazette and letters sent to surrounding property owners. That cost is to be borne by the applicant. This has already run its course. If the Board grants a continuance the applicant will need to be charged for these expenses. Logically it would be best if Wirth withdrew his request. This would give him the freedom of bringing this back to the Board whenever he desires. A Public Hearing usually does not operate as this one has.

Wirth asked the Zoning Board to withdraw his request for a Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District.

MOTION: Cook moved, seconded by Holman to close the Public Hearing on Cal. No.14S-06.

Motion carried on voice vote.

Baranski and Nack asked that the record show that Wirth had withdrawn his request to the Zoning Board and that the Board was agreeable to said request.

NEW BUSINESS

Cal. No. 14PD-01, Applicant: Galena Center for the Arts – 7211 W Buckhill Rd., Galena, IL 61036 and Owner: Midwest Regional Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Parcel: 22-200-075-00, Located in Lots 1-28 in Block 2 of the Harris Addition in the East half of the Southwest quadrant of Section 13, Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois. Common address 219 Summit Street, Galena, IL 61036. Request for approval of the Final Plan and Plat of the PUD.

Baranski said that he would need to recuse himself from this Agenda item. Does this jeopardize the quorum?

Nack said Baranski was in attendance to establish a quorum for the meeting. If there is something that he needs to recuse himself from then he can do so.

Baranski said would that leave enough for a vote.

Oldenburg said there is nothing in the ordinance or rules of procedure indicating how many people need to vote on this just that a simple majority vote is needed.

Baranski said he would still need to be at the table to run the meeting for procedural reasons.

Nack said that is fine as long as Baranski does not inflect his opinion while conducting business.

MOTION: Cook moved, seconded by Holman to open the Public Hearing on Cal. No. 14PD-01.

Motion carried on voice vote.

Jan Lavecek, 7211 W Buckhill Road, Galena said he is representing the Center for Arts and is requesting approval for the final plan and plat for the PUD. There have been no changes and their goals remain the same. Upon final approval they will proceed with the project in the existing building and in the future move to phase two. They will continue to work with the City to obtain all necessary permits.

No one was in attendance to testify either in favor of or in opposition to the request.

MOTION: Cook moved, seconded by Holman to close the Public Hearing on Cal. No.14PD-01.

Motion carried on voice vote.

MOTION: Cook moved, seconded by Holman to approve the request for approval of the Final Plan and Plat of the PUD for Cal. No. 14PD-01.

Discussion: Oldenburg said the approval criteria should be reviewed by the Board.

Approval Criteria & Recommendation:

(D) Final development plan.

(1) *Applicability.* The final development plan and final subdivision plat where applicable, the blueprint for development of a PUD/TND project. The plan and the plat ensure consistency with the approved preliminary development plan and specific development and constructions requirements of various adopted codes. No building permit shall be issued until final plan approval is obtained.

(2) *Review criteria.* A final development plan application shall demonstrate conformance with all of the following:

- (a) The approved ODP, if applicable;
- (b) The approved preliminary development plan;
- (c) The approved preliminary plat;
- (d) The approved PUD/TND rezoning ordinance;
- (e) All other applicable development and construction codes, ordinances, and policies;
- (f) The applicable site plan review criteria in § [154.914](#); and
- (g) The applicable final plat criteria in [Chapter 153](#), Subdivision Regulations.

Oldenburg said a and b were not applicable.

Cook said the Board had reviewed these at a prior Public Hearing. Nothing had changed and these were acceptable previously.

As Roll Call was:

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

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 7:10 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary