

**MINUTES  
ZONING BOARD OF APPEALS  
OCTOBER 8, 2014**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, October 8, 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, City Attorney Joe Nack and Zoning Secretary Deb Price were also present.

**APPROVAL OF MINUTES**

**MOTION:** Bochniak moved, seconded by Baranski to approve the minutes for the September 10, 2014 meeting.

Cook pointed out that the City Attorney in attendance was Tom Nack not Joe Nack.

Motion to approve the corrected minutes carried on voice vote.

**OLD BUSINESS**

None

**NEW BUSINESS**

Cal No. 14S-07, Applicant: Galena Center for the Arts (Carole Sullivan) – 219 Summit Street, Galena, IL 61036. Request for Special Use Permit to install off-premises signage near the intersection of US Highway 20 (Spring Street) and Summit Street to notify residents and visitors about the location of the Galena Center for the Arts, a 501(c)(3) organization. The signage will require a Special Sign Permit to the City of Galena by the Illinois Department of Transportation.

Baranski asked to be recused from this agenda item as he is involved with the project.

Rosenthal granted Baranski's request.

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

Motion carried on voice vote.

Nack swore all those in who wished to testify at tonight's public hearing.

Carole Sullivan, 7211 W Buckhill Road, Galena spoke on behalf of the Galena Center for the Arts. The Center, a non-profit 501(c)(3) organization, is progressing very well. They have three artists' studios rented with inquiries on the other spaces, the Winter Farmer's Market will operate at this location November thru April, a poetry event, as well as a wine study and the premier of an original documentary film are already scheduled. Also planned are an original music night and a radio play in December. The next special event - Galena Pottery: Old and New will open in November. The Center operates in the former Medical Associates building and recently received PUD approval from the City. The current and proposed land uses are harmonious with the neighborhood. However no one is going to just stumble upon the Center. Directional signs are needed so patrons can locate the Center. If approved these signs will help direct tourists and residents alike from Highway 20 onto Summit Street and to the new cultural arts center which is a part of the City's Comprehensive plan. The signs are about 7 ½ square feet in size which is similar to a stop signs square footage. They will be visible when traveling Highway 20 from both east and west in accordance with Illinois Department of Transportation guidelines. They will be brown in color and similar to other roadway signs allowed by IDOT for cultural attractions. Most tourists have found the Center with the help of local residents and even some locals have needed assistance in finding it. It is the hope that the signs will be approved so that many others can enjoy and appreciate this new, free attraction in Galena.

Rosenthal asked if the signs would be in the highway right of way.

Oldenburg said they would. The State has a tourist oriented directional sign program which allows the signs to be located here, but also requires State approval. This is not the typical Special Use Permit where the Zoning Board is the decision maker. In this case the City Council needs to approve it. After approval, and when the final locations are determined, the City will submit an application to IDOT, who designed the presented signs.

Nybo asked if there would be two signs.

Oldenburg said yes. IDOT recommends having one sign in each direction of travel with lettering on one side only.

Cook asked how these signs differ from businesses being denied signage along Highway 20.

Oldenburg said the code allows not for profit organizations, such as cultural centers, to have signs on the highway. For profit businesses do not fall under this provision. For profit businesses are not allowed off premise signs because Highway 20 is identified by the Federal Government as part of the National Scenic Byways. The federal government has a law that

states commercial businesses cannot have an off premise sign along National Scenic Byways. IDOT subsequently adopted this and does not allow the off premise signs for commercial businesses. The City then adopted the State's law.

No one spoke in favor of or in opposition to the request.

**MOTION:** O'Keefe moved, seconded by Holman to close the Public Hearing on Cal. No.14S-07.

Motion carried on voice vote.

**MOTION:** O'Keefe moved, seconded by Bochniak to send a positive Find of Fact to approve Cal. No. 14S-07, a Special Use Permit to install off-premises signage near the intersection of US Highway 20 (Spring Street) and Summit Street to notify residents and visitors about the location of the Galena Center for the Arts, a 501(c)(3) organization. The signage will require a Special Sign Permit to the City of Galena by the Illinois Department of Transportation.

Discussion: None

As Roll Call was:

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

Motion carried.

Oldenburg said the Board should review the approval criteria.

Nybo said there is some historical precedence as other signs are or have been used for not for profit organizations.

Oldenburg agreed.

O'Keefe said even many locals would have a problem finding the Center.  
Rosenthal read the criteria.

The application shall demonstrate that the proposed development will comply with the following:

- (1) *Site plan review standards*. All applicable site plan review criteria in § [154.914](#).

Not applicable.

- (2) *District standards.* The underlying zoning district standards established in §§ [154.201](#) through [154.209](#) including the defining characteristics of the district;

Not applicable.

- (3) *Specific standards.* The land use regulations established in § [154.405](#);

This would apply. There is a precedent as this type of sign has been located along Highway previously for the hospital and currently for historic sites. It makes good sense to have these signs.

- (4) *Availability of complementary uses.* Other uses complementary to, and to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

There are signs for these things in the area.

- (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;

Not applicable.

- (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.

This would apply. The signs would notify you how to get to the Galena Arts Center which provides enjoyment of the 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.

IDOT has designed the sign and will have the final say in design and location.

**MOTION:** O’Keefe moved, seconded by Bochniak to amend the motion to include review of the Approval Criteria.

As Roll Call was:

Cook	Yes
Holman	Yes
Nybo	Yes
O’Keefe	Yes
Baranski	Recused
Bochniak	Yes
Rosenthal	Yes

Motion carried.

Baranski returned to the table.

### **COUNTY ZONING**

None

### **WORKSESSION/OTHER**

Oldenburg asked the Board for input on the November 2015 meeting which will fall on Veteran’s Day.

The Board agreed that they would like to hold the meeting on November 11, 2015 rather than November 11, 2015.

### **PUBLIC COMMENTS**

None

**MOTION:** Bochniak moved, seconded by O’Keefe to adjourn the meeting at 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary