

**MINUTES
ZONING BOARD OF APPEALS
JANUARY 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, January 8, 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	Present
Rosenthal	Present

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Holman moved, seconded by Cook to approve the minutes from the December 11, 2013 meeting.

Roll Call for those members that had attended the December meeting was:

Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Yes

Motion carried.

OLD BUSINESS

Cal. No. 13S-05, Applicant: Eric Dregne, Prairie Ridge of Galena, LLC – PO Box 6425, Galena, IL 61036. Owner: Midwest Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Lot Three (3) of Midwest Regional Medical Center Subdivision, being a part of the South Half of the SW Quarter of Section 2, T28N, R1W of the 4th P.M., Rawlins Township, County of Jo Daviess in the State of Illinois. Request for Special Use Permit to allow a new 60-unit, Senior Living Community, Large Group Residential Use in a General Commercial District.

MOTION: Baranski moved, seconded by Bochniak to approve Cal. No. 13S-05 as requested.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

Concept Plan Review – Wendy Heiken, review of a proposed rezoning and special use permit request on the property at 1004 Park Avenue to allow for Indoor Commercial Entertainment use. Applicant would like to offer an educational and entertaining program about Annie Wiggins At Home: A Woman's Life during the Civil War – this would be an accessory use to the Small Inn use currently at this property.

Wendy Heiken, 1004 Park Avenue, Galena said she has operated a guest house at this location for fifteen years with a Special Use Permit. She is interested in conducting a program that would detail the lives of women during the Civil War. This would be held at the home and she would charge admission. During the week, almost all year round, the house is vacant. This would be a new source of income for these down times. As the ordinance is written they would need another Special Use Permit for this business. Her property is Low Density Residential and that use is not allowed. Heiken said there are seven parking spots in front of her guest home. She would not conduct the program on the weekend as that would compete with the overnight guests.

Oldenburg said because the property is in LDR and what she is proposing, Indoor Commercial Entertainment as an Accessory Use, is not allowed at all in LDR. Part of the concept would be to rezone from LDR to Neighborhood Commercial and then apply for a SUP to allow an Indoor Commercial Entertainment Use. There is limited parking potential due to the lot restrictions so

on street parking is the only option. With the SUP the parking requirements will not be able to be met so a Variance may need to be considered also.

Rosenthal asked what would be rezoned.

Oldenburg said only her property.

Baranski asked how many rooms she had.

Heiken said she has seven rooms and there are seven parking spaces in front of the inn.

O'Keefe asked why this would need to be Indoor Commercial Entertainment. What about a tour home license.

Oldenburg said the ordinance has no provision for a tour home license. One of these operates next door to 1004 Park Avenue, but is non-conforming.

Baranski asked if it would be more logical to create a use for something like this in Low Density Residential rather than spot zone this property.

Rosenthal said it appears as though a lot is being made out of this request. It doesn't seem like it would be much of a problem.

Nybo said it doesn't seem as though there would be any negative impact on the neighbors if she had this use.

Baranski said if you were going to spot zone her house wouldn't you change the zoning on the house next door which has the non-conforming use. Can we write a text amendment which would allow this use in Low Density Residential? She could then apply for a SUP to operate.

Nybo asked about tours at the Ryan Mansion.

Heiken said tours were allowed there as it was commercially zoned.

Oldenburg said the Zoning Board can initiate an application for a text amendment.

Baranski said you want to make sure there are conditions on the permit. You don't want everyone to be able to just open up their homes.

O'Keefe suggested looking at the old ordinance which had a tour home permit which was similar to the trolley permits.

Oldenburg said he would investigate to see what was previously allowed. He will also have to refer to the State's list of allowable licenses and permits. The State may not have a provision for this.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary