

**MINUTES
ZONING BOARD OF APPEALS
MARCH 8, 2017**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday March 8, 2017 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	Absent
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

Zoning Administrator Matt Oldenburg, City Attorney Joe Nack and Shirley Johnson were also present.

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Baranski to approve the December 14, 2016 minutes.

Motion carried on voice vote.

MOTION: Cook moved, seconded by Bochniak to approve the February 8, 2017 minutes.

Motion carried on voice vote.

UNFINISHED BUSINESS

Cal. No. 17S-06, Applicant and Owner: John & Robin Vaughn, 910 Park Avenue, Galena, IL 61036. Location: Parcel: 06-500-135-00, North 38 feet of Lot 8 in Block 22 of the Original Town East of the Galena River, Galena, Jo Daviess County, Illinois. Common Address is 910 Park Avenue, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District.

MOTION: Baranski moved, seconded by Jansen to ratify the Findings of Fact as presented.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Absent
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 17S-07, Applicant and Owner: James & Josephine Asta, 500 North High Street, Galena, IL 61036. Location: Parcel: 22-100-853-10, Part of Lots 1 & 2 in Block 22 of the Original Lots, Galena, Jo Daviess County, Illinois. Common Address is 500 North High Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District.

MOTION: Baranski moved, seconded by Cook to ratify the Findings of Fact as presented based on the criteria, conclusions and determination of those set forth in Cal. No.17S-06.

As Roll Call was:

Cook	Yes
Holman	Absent
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 17S-08, Applicant and Owner: Merle & Mary Neises, 507 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-187-00, E ½ of Lot 9 and the E ½ & S ½ of Lot 10 on the West Side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 507 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

MOTION: Jansen moved, seconded by Baranski to ratify the Findings of Fact as presented based on the criteria, conclusions and determination of those set forth in Cal. No.17S-06.

As Roll Call was:

Holman	Absent
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Cook	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 17S-10, Applicant and Owner: Michael & Samantha Blaum, 510 Park Avenue, Galena, IL 61036. Location: Parcel: 06-500-095-00, S ½ of Lots 4 & 17 and NE 20' of Lot 16 of the Original Town East of the Galena River, Galena, Jo Daviess County, Illinois. Common Address is 510 Park Avenue, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District.

MOTION: Bochniak moved, seconded by Cook to ratify the Findings of Fact as presented based on the criteria, conclusions and determination of those set forth in Cal. No.17S-06

As Roll Call was:

Jansen	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Absent
Rosenthal	Yes

Motion carried

Cal. No. 17S-09, Applicant and Owner: Earl & Kimberly Thompson, 204-206 North Main Street, Galena, IL 61036. Location: Parcels: 22-100-100-00 & 22-100-101-00, 9' x 37' of Lot 53 & NE 20' of Lot 54, Part of Lot 53, N 5' of Lot 54 and S 15' of Lot 55, West Side of Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 204-206 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Baranski moved, seconded by Bochniak to ratify the Findings of Fact as written.

As Roll Call was:

Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Absent
Jansen	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 17S-11, Applicant and Owner: Todd & Candy Walburg, 614 South Prospect Street, Galena, IL 61036 and Owners: Craig & Leslie Jean DuBois, 606 South Prospect Street, Galena, IL 61036; and Mary Proietti, 701 South Bench Street, Galena, IL 61036. Location: Parcels: 22-100-262-00, 22-100-263-00, 22-100-264-00, S Part of Lot 6 & N Part of Lot 7, W 35' of Lot 8, W 94.66' of Lot 9, between Bench & Prospect Streets, Galena, Jo Daviess County, Illinois. Common Addresses are 606 & 614 South Prospect Street and 701 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Small Inn in the Low Density Residential District.

MOTION: Jansen moved, seconded by Bochniak to ratify the Findings of Fact as written.

As Roll Call was:

Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Absent
Jansen	Yes
Nybo	Abstain
Rosenthal	Yes

Motion carried.

NEW BUSINESS

Cal. No. 17S-12, Applicant: Raymond Pace, LLC, 505 Aurora Avenue, Boulder, CO 80302 and Owner: Richard Hess & Elizabeth Boggess, 116 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-060-03, Part of Lots 38 & 39, Lots between Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 116 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

*****PUBLIC HEARING*****

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-12.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Joan Raymond 505 Aurora Avenue, Boulder Colorado said she is requesting a Special Use Permit for a vacation rental at 116 S Bench Street. She also has a second home on Park Avenue where she stays when she comes to Galena.

No one else presented testimony either in favor of or against the request.

MOTION: Jansen moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17S-12.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District for Cal. No. 17S-12.

Discussion: Baranski reviewed the approval criteria.

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

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. *The proposed plan meets the site plan review standards.*
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*
- (3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*
- (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. *Complimentary uses are available to the project.*
- (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. *The proposed use will protect the privacy of adjacent properties.*

(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. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*

(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. *The design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is congruent with a residential use at the site.*

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Absent
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 17S-13, Applicant: William Deiter, 314 Third Street, Galena, IL 61036 and Owner: WK Development LLC, 301 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-382-00, North 83' 7" of Lot 43, Northwest part of Lot 42, Center Addition, Galena, Jo Daviess County, Illinois. Common Address is 301-303 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

*****PUBLIC HEARING*****

MOTION: Bochniak moved, seconded by Baranski to open the Public Hearing on Cal. No. 17S-13.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

William (Jack) Deiter, 314 Third Street Galena said he has is asking for a Special Use Permit for vacation rental at 301 and 303 N Main Street.

Rosenthal asked Deiter how many rentals he was requesting.

Deiter said two units.

Oldenburg said the square footage would allow for two guests in each unit.

Baranski asked who would be managing this.

Deiter said he would.

Baranski asked about the other rentals in the building.

Deiter said these are occupied by traditional long term renters.

No one else presented testimony either in favor of or against the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-13.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Cook to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District for Cal. No. 17S-13 based on the guidelines and approval criteria similar to those of Cal. No. 17S-12.

As Roll Call was:

Cook	Yes
Holman	Absent
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 17S-14, Applicant and Owner: Aaron Johnson, 107 North West Street, Galena, IL 61036. Location: Parcel: 22-100-836-00, Part of Lots 1 & 3, Block 21, Original Lots, Galena, Jo Daviess County, Illinois. Common Address is 107 North West Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.
*****PUBLIC HEARING*****

Baranski said that due to a conflict of interest he would like to recuse himself from this agenda item.

Chairperson Rosenthal approved Baranski's request.

MOTION: Bochniak moved, seconded by Jansen to open the Public Hearing on Cal. No. 17S-14.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Aaron Johnson, 107 N West Street Galena is proposing to rent his single family three-bedroom home to families for a two-night minimum stay.

Bochniak asked if Johnson would be managing the property.

Johnson said he would.

Oldenburg said the square footage allows six guests and that Johnson would be installing a drive way to provide off street parking for up to two cars.

No one else presented testimony either in favor of or against the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-14.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Cook to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for Cal. No. 17S-14.

Discussion: Jansen reviewed the Approval Criteria:

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

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- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*
- (3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*
- (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. *Complimentary uses are available to the project.*
- (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. *The proposed use will protect the privacy of adjacent properties.*
 - (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. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*
 - (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. *The design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is congruent with a residential use at the site.*

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

As Roll Call was:

Holman	Absent
Jansen	Yes
Nybo	Abstain
Baranski	Recused
Bochniak	Yes
Cook	Yes
Rosenthal	Yes

Motion carried.

Baranski returned to the table.

Cal. No. 17S-15, Applicant and Owner: Mark Schlenker, 301 South High Street, Galena, IL 61036. Location: Parcel: 22-100-625-00, Lots 2, 4, East 50' of Lot 1 and East ¼ of Lot 3, Block 8, Original Lots, Galena, Jo Daviess County, Illinois. Common Address is 301 South High Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District. ****PUBLIC HEARING***

MOTION: Jansen moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-15.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Mark Schlenker, 301 S High Street Galena owns the property and is requesting a Special Use Permit to allow vacation rental of the coach house.

No one else presented testimony either in favor of or against the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-15.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Jansen to draft a positive Finding of Fact to for Cal. No. 17S-15 based on the guidelines and approval criteria similar to that of Cal. No. 17S-14.

As Roll Call was:

Jansen	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Absent
Rosenthal	Yes

Motion carried.

Cal. No. 17S-16, Applicant and Owner: Kouz Properties, LLC, 242-246 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-119-00, S ½ of Lot 5 and Lot 7, Block C, Lots in Wedge, Galena, Jo Daviess County, Illinois. Common Address is 242-246 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District. ***PUBLIC HEARING***

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-16.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Catherine Kouzmanoff, 219 South Prospect Street Galena said they are working to renovate the upper floors at 242, 244 and 246 North Main Street. The building is in disrepair and they have been working with the City to comply with all regulations. This is a great opportunity to do a full renovation and improve a downtown building.

Bochniak asked if the total number of allowed guests would be nine.

Oldenburg said there would be 4 units (A, B, C, D.) A, B and C would have two guests and D would have three possibly four guests. This is based on square footage and egress.

Rosenthal asked about access.

Kouzmanoff said they would have a ramp off Franklin Street to compliment the fully compliant ADA wheelchair accessible unit. They will also have stairs that run from the back of the building to Diagonal Street.

No one else presented testimony either in favor of or against the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-16.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Jansen to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District for Cal. No. 17S-16 based on the guidelines and approval criteria similar to that of Cal. No. 17S-12.

As Roll Call was:

Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Absent
Jansen	Yes
Rosenthal	Yes

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

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

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary