

**MINUTES  
ZONING BOARD OF APPEALS  
APRIL 12, 2017**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday April 12, 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	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

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

**APPROVAL OF MINUTES**

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

Motion carried on voice vote.

**UNFINISHED 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.

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

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
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.

**MOTION:** Baranski moved, seconded by Bochniak to ratify the Findings of Fact as presented based on the criteria, conclusions and determination of those set forth in Cal. No.17S-12.

As Roll Call was:

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

**MOTION:** Cook moved, seconded by Bochniak to ratify the Findings of Fact as presented based on the criteria, conclusions and determination of those set forth in Cal. No.17S-12.

As Roll Call was:

Holman	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Cook	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.

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

As Roll Call was:

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

Motion carried

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.

**MOTION:** Bochniak moved, seconded by Cook to ratify the Findings of Fact as written based on the criteria, conclusions and determination of those set forth in Cal. No.17S-14.

As Roll Call was:

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

Motion carried.

### **NEW BUSINESS**

Cal. No. 17HCO-01, Applicant and Owner: Matthew & Michael Blaum (Bros.), 9380 U.S. Highway 20 West, Galena, IL 61036. Location: Parcel: 06-500-505-00, Lot 1 of the Jackson Family Subdivision, Section 21, Township 28 North, Range 1 East of the Fourth Principal Meridian, Galena, Jo Daviess County, Illinois. Common Address is 9380 U.S. Highway 20 West, Galena, IL 61036. Request for Highway 20 Development Permit to construct a new building and site improvements. PUBLIC HEARING

Baranski asked Chairperson Rosenthal to allow him to recuse himself from this agenda item as he is involved with the project.

Motion carried on voice vote.

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

Matt Blaum and Mike Blaum 9380 US Highway 20 West Galena said they would like to expand the building as shown on the submitted site plans. They need storage space and they want to improve the aging parking lot.

Nybo asked about heat for the new space.

Blaum said there would be no heat or insulation in the space - the aging process benefits from natural temperature fluctuations.

Nybo asked about evaporation – are they losing alcohol or water.

Blaum said in this climate you lose more water. In more humid climates you would lose more alcohol.

Nybo asked if there are odors associated with this.

Blaum said there should be no outdoor odors with evaporation – inside the building there is some smell associated with the evaporation.

Rosenthal asked about their current storage.

Blaum said they do have barrels on site.

Rosenthal asked if there had been any odor complaints.

Oldenburg said there had been no odor complaints.

Nybo asked about the ability of the trucks to move around the entire building – would there be large units making deliveries or idling at all hours of the day and night

Blaum said they do not have deliveries outside of business hours which are either 10-5 or 10-7. Trucks are on premise only during business hours and they have a semi come in once every ten days or so. The employees who operate the fork lifts only work Monday through Thursday until 4:30 – deliveries are during that time. The main reason they are asking to reroute traffic is for the safety of the trucks pulling out onto the highway. Often trucks have to pull onto the shoulder or are partially on the highway and in the parking lot entrance.

Rosenthal asked about cold shipping. Are there refrigeration trucks that sit on sight for long periods of time.

Blaum said there are not. The longest a truck would be on site would about 30 minutes, but usually 10-15 minutes is sufficient.

Jim Baranski, 1015 South Bench Street Galena said the distance between the two buildings was originally planned as 20 feet, 1 inch but it has been moved back another 3-4 inches. There is a breezeway link so in a way this is an addition. They would like to keep the distance about 20 feet so they can make use of the solar gain and natural light as they may not install much of a lighting system.

Bochniak asked about rainfall and drainage.

Baranski said something like a swale will be utilized – the plan is to find the best possible way to manage the runoff.

Jansen asked if IDOT had given permission for the entry.

Baranski said IDOT is reviewing for approval and there is an alternate plan. The two entrances would help with the truck traffic. The proposed large shoulder should help with vehicles turning into the lot.

Rosenthal asked if anyone else wanted to testify in favor of the request.

No one came forward.

Rosenthal asked those who wished to testify against the request to come forward.

Lisa Monterastelli 9472 Apollo Court Galena said she lives kitty corner from the distillery. She moved into the house five years ago – it was a peaceful neighborhood. A second-hand store occupied the distillery space. She was never notified that the distillery was moving to this site. The brewery sits higher than her home so it is extremely noisy especially with the two large industrial fans they utilize. Matt Oldenburg has measured the

noise level but it seems that it is within acceptable levels for Galena standards. She and her neighbors certainly do not want this. They put up with pungent odors during the warm summer months. She has spoken with the Blaum's about these issues and they seem very unaccommodating. The use is not appropriate for this area. She doesn't want to see, hear or smell the distillery.

Holman asked if she had any recommendations for parking.

Monterastelli said vehicles should face the building not her property. The installation of fence panels would be a great help with the noise and view. When her windows are open, she can hear the fans grinding away. The addition of some shrubbery would also help. The overall appearance of the area is poor – pallets and other debris lying around. What guarantee do the neighbors have that the Blaum Brothers will keep up the appearance of the building?

Holman said the two parties should be able to come to some resolution.

Monterastelli said nothing has happened with her complaints.

Nybo asked Oldenburg what the decibel level was.

Oldenburg said it was 24.

Nybo asked if the fans were on a variable speed.

Bochniak asked if there would be an increase in the number of fans with the new building.

Baranski said there would not be any new fans installed. He said the new building is 14 feet tall, the same height as the existing structure, and should block much of the noise coming from the fans. The new building will in affect act as a fence.

Nybo asked what type of fans were being used.

Baranski said they are glycol chiller fans. With respect to parking the diagonal parking would only be in the front of the building- facing Highway 20.

Rosenthal said regardless of where the parking is – how does that affect Monterastelli's property.

Monterastelli said currently parking is only in front facing Highway 20 - no one should be allowed to park behind the building.

Baranski said employees are the only one's parking behind the building – this won't change.

Monterastelli said this affects her when the employees are noisy when they mingle after work hours.

Baranski said a bufferyard will be installed per requirements.

Oldenburg said a six-foot dog eared wooden privacy fence would be installed.

Monterastelli asked what would happen if the noise issue was not resolved.

Baranski said the noise or sound levels are within the acceptable range and should be reduced with the new addition blocking the fans.

Rosenthal said the sound levels comply with Galena standards. They have been tested. The Blaum's are not going to add more fans so it will not get louder.

Monterastelli said when she moved in everything was fine. The noise level has increased, The Blaum's will not make accommodations and she was never notified about the change in use.

Rosenthal said if they are within the limits they can operate the business.

Baranski said they are not asking for any variance to change existing operating conditions.

Oldenburg said there will also be increased landscaping to help with the bufferyard.

Monterastelli said she doesn't want the installation of anything to interfere with her cable or internet interception – the site line should remain the same for this. The fence should to the end their property line.

Oldenburg said the individual property owners are protected by the bufferyard provisions in the code. The applicant will be held to the bufferyard standards as required by the code.

Tim Stephenson 9388 Route 20 West Galena said his original concerns about the expansion request had to do with privacy. His understanding is that the parking will not be around the entire building. Hearing that there is only one semi per week and that there will be a six-foot privacy fence helps although he would prefer an eight-foot fence. Water run-off is a concern; there has never been an issue and he hopes there never is. As to odors, on a rare occasion when the breeze is just right there is an odor. It's not the worst smell and it rarely happens. He's not objecting to the project.

Nybo asked Blaum about the odor.

Blaum said if the windows are open and the breeze is going through the building there may on occasion be an odor which is a byproduct of the aging process.

**MOTION:** Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17HCO-01.

Motion carried on voice vote.

**MOTION:** Bochniak moved, seconded by Jansen to draft a positive Finding of Fact to approve the request for a Highway 20 Development Permit to construct a new building and site improvements, Cal. No. 17HCO-01.  
**Discussion:** Bochniak reviewed the approval criteria.

### **Approval Criteria & Decision:**

**Highway 20 Development Permit** - The application shall demonstrate that the proposed development will comply with the following:

- (1) All applicable site plan review criteria in § [154.914](#); *Proposal meets all site plan review criteria.*
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; *The addition and site improvements support the goals of: Promote residential and business diversity and vitality; Create a quality image of development; Enhance the onsite experience of occupants and visitors of development; and Coordinate access and traffic between properties.*
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; *This improvement supports the encouragement of denser and more highway-oriented development adjacent to limited highway access points. Regarding the Galena “Edge Corridor” Design Character, “the design character outside of the historic district should be unique, unified and high-quality and create the image of a stable edge corridor for the historic community of Galena. This supports the encouraged design character that respects the historic character of Galena, yet does not confuse or detract from the authentic qualities of the original structures and urban fabric of the Galena National Register Historic District”.*
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; *This request supports the character of the Southeast Hilltop Commercial District by: Visually unifying through coordinated and shared access and parking, higher density development and controlled access points, high quality site design and amenities; and high quality materials.*
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *n/a, site is under 10 acres in size.*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; and *Building siting is established behind existing. Wall materials are high-quality.*
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. *Site signage has existing freestanding sign. Landscaping points are met and placement is adequate to create buffer between development and adjacent residential land uses. Storm water BMP improvements and capacity will be verified at Building permit level.*

**The Zoning Board of Appeals can approve, conditionally approve, or deny all applications for a Highway 20 development permit.**

Rosenthal said he hoped that things could be worked out with the neighbors. He hears good things about the business.

As Roll Call was:

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

Motion carried.

Baranski returned to the table.

Cal. No. 17A-01 & 17HCO-02, Applicant and Owner: Pam Ehrler, 11750 West Chetlain Lane, Galena, IL 61036. Location: Parcels: 13-001-084-07 and part of 13-001-085-00, Tracts of Land in SE ¼ of Section 11, Township 28 North, Range 1 West of the Fourth Principal Meridian, Galena, Jo Daviess County, Illinois. Common Address is 11422 West Chetlain Lane, Galena, IL 61036. Request for Map Amendment to rezone property from Limited Agricultural to General Commercial and a Highway 20 Development Permit to construct a new building and site improvements.

Oldenburg said this item had been pulled from the agenda.

Cal. No. 17S-18, Applicant and Owner: Karl & Angela Stodden, 102 Third Street, Galena, IL 61036. Location: Parcel: 06-500-219-00, Part of Lot 6, Block 37, Original Town, East of the Galena River, Galena, Jo Daviess County, Illinois. Common Address is 102 Third Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

**MOTION:** Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-18.

Motion carried on voice vote.

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

Angela Stodden 6899 North High Ridge Road Galena said they recently purchased the home at 102 Third Street. They are in process of renovating it but wanted to request a Special Use Permit to allow short term rentals. Adam Johnson has done a drawing for the request.

Rosenthal asked about parking.

Stodden said the initial plan is for parking along the North side of the house. They may also approach the city about purchasing frontage along Third Street as the neighbor has done.

Oldenburg said application has not been made to the City. Regardless of that outcome they do have room to park on site.

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-18.

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 Downtown Commercial District for Cal. No. 17S-18 based on the guidelines and approval criteria.

**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.

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	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 17S-19, Applicant and Owner: Cynthia Jacobson, 713 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-271-00, Lots 13, 14 and South ½ of Lot 12, Lots between Bench and Prospect Streets, Galena, Jo Daviess County, Illinois. Common Address is 713 South Bench 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 Jansen to open the Public Hearing on Cal. No. 17S-19.

Motion carried on voice vote.

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

Cynthia Jacobson 713 South Bench Street Galena said they would like a Special Use Permit to operate a single room rental in what was formerly known as the honeymoon cottage when the property was the Captain Harris Guest House. The room would be for two guests only.

Bochniak asked if there was parking on the site.

Jacobson said there is plenty of parking either on or off street.

Baranski asked if the main home was no longer operating as a Bed and Breakfast.

Oldenburg said it was not. The Special Use would be for an accessory use.

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

**MOTION:** Baranski moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-19.

Motion carried on voice vote.

**MOTION:** Baranski 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-19. based on the criteria, conclusions and determination of those set forth in Cal. No.17S-18.

As Roll Call was:

Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	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 7:30 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary