

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

**CALL TO ORDER:**

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 12, 2017 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Absent
Bochniak	Present
Cook	Present
Holman	Absent
Jansen	Present
Nybo	Present
Rosenthal	Absent

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 June 27, 2017 minutes.

Motion carried on voice vote.

**MOTION:** Bochniak moved, seconded by Cook to move **Unfinished Business** after **New Business**.

Motion carried on voice vote.

**NEW BUSINESS**

Cal. No. 17HCO-03, Applicant and Owner: Robert Foley, 11110 US Route 20 West, Galena, IL 61036. Location: Parcel: 13-001-084-18, Part of the SE Quarter of Section 11, Township 28 North, Range 1 West of the Fourth Principal Meridian, Galena, Jo Daviess County, Illinois. Common Addresses is 11110 US Route 20 West, Galena, IL 61036. Request for Highway 20 Development Permit to construct a new building and site improvements.

**PUBLIC HEARING**

Nack swore all those in who would be testifying at any of tonight's Public Hearings.

**MOTION:** Bochniak moved, seconded by Jansen to open the Public Hearing on Cal. No. 17HCO-03.

Motion carried on voice vote.

Adam Johnson 211 Fourth Street, Galena respectfully asked that the Zoning Board table this agenda item until the August meeting when more Board members were in attendance.

**MOTION:** Jansen moved, seconded by Cook to close the Public Hearing on Cal. No. 17HCO-03.

Motion carried on voice vote.

**MOTION:** Bochniak moved, seconded by Cook to table Cal. No. 17HCO-03 until the August meeting.

Motion carried on voice vote.

Cal. No. 17S-27, Applicant and Owner: Kathleen Cameron & Warren Bell, 22135 92<sup>nd</sup> Street, Maquoketa, IA 52060. Location: Parcel: 22-100-171-00, Lot 42 & North 22' of Lot 41, East Side of Main Street of the Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 227 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 Cook to open the Public Hearing on Cal. No. 17S-27.

Motion carried on voice vote.

Kathleen Cameron 22135 92<sup>nd</sup> Street Maquoketa, Iowa said she there is one rental above the brewery that has been vacant for about six months so they would like to convert it to a short-term vacation rental.

Oldenburg said the architectural drawings show occupancy of four persons.

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

**MOTION:** Cook moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17S-27.

Motion carried on voice vote.

**MOTION:** Bochniak moved, seconded by Jansen to approve the request for a Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District, Cal. No. 17S-27.

Discussion: Bochniak 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	Absent
Rosenthal	Absent

Motion carried.

Cal. No. 17S-28, Applicant and Owner: Terrance & Victoria Cole, 330 Spring Street, Galena, IL 61036. Location: Parcel: 22-100-663-10, Lot 7, Block 11 of the Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 330 Spring 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 open the Public Hearing on Cal. No. 17S-28.

Motion carried on voice vote.

Victoria Cole 330 Spring Street, Galena said they would like to convert this to short term vacation lodging. Previously this was rented as commercial space but it has been vacant for about six months.

Oldenburg said there will be space for five guests in one rental unit per architect Jim Baranski.

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

**MOTION:** Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-28.

**MOTION:** Jansen moved, seconded by Bochniak to approve the request for a Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District, Cal. No. 17S-28.

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:

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

Motion carried.

### **UNFINISHED BUSINESS**

17V-03, Applicant: Todd & Candy Walburg, 614 South Prospect Street, Galena, IL 61036 and Owners: Craig & Leslie Jean DuBois, 606 South Prospect Street, Galena, IL 61036. Location: Parcels: 22-100-262-00, S Part of Lot 6 & N Part of Lot 7, between Bench & Prospect Streets, Galena, Jo Daviess County, Illinois. Common Addresses is 606 South Prospect Street, Galena, IL 61036. Request for Variance for Off-Street Parking at 606 South Prospect Street.

Cal. No. 17S-26, Applicant and Owner: Debra Malone, 525 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-012-00, N 5' of Lot 7 in the Subdivision of Lot 8, Lot 9, Lots between Main & Bench Streets of the Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 525 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental with two dwelling units in the Downtown Commercial District.

**MOTION:** Jansen moved, seconded by Cook to continue all **Unfinished Business** to the August meeting.

As Roll Call was:

Holman	Absent
Jansen	Yes
Nybo	Yes
Baranski	Absent
Bochniak	Yes
Cook	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 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary