

**MINUTES  
ZONING BOARD OF APPEALS  
JANUARY 10, 2018**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, January 10, 2018 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Present
Bochniak	Absent
Cook	Present
Holman	Present
Jansen	Present
Nybo	Absent
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 Baranski to approve the December 13, 2017 minutes.

Motion carried on voice vote.

**UNFINISHED BUSINESS**

Cal. No. 17S-37, Applicant and Owner: Lauren Knapp, 233 Diagonal Street, Galena, IL 61036. Location: Parcel: 22-100-118-00, Part of Lot 6, Lots in Wedge of Block C, Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 233 Diagonal Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

**MOTION:** Jansen moved, seconded by Cook to approve the Findings of Fact for Cal. No. 17S-37.

As Roll Call was:

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

Motion carried.

### **NEW BUSINESS**

Cal. No. 18S-01, Applicant and Owner: Gregory & Dawn Fleege, 509 North Dodge Street, Galena, IL 61036. Location: Parcel: 22-100-910-00, Part of Lots 1,4,5 & 6, Connelly's Subdivision of Lots 7 & 8 of Block 27 of the Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 509 North Dodge Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

**MOTION:** Baranski moved, seconded by Cook to open the Public Hearing on Cal. No. 18S-01.

Motion carried by voice vote.

Nack swore all those in who wished to testify at the public hearing.

Dawn Fleege 253 North Rocky Hill Road, Galena said they would like to renovate the small home and use it as a guest house. There are two off street parking spots and their daughter lives next door. Their guests will have an access code to gain entry to the home. The one bedroom home will accommodate a max of four persons. The home needs a lot of work but once renovations are complete it will be a nice little place for guests.

**MOTION:** Jansen moved, seconded by Cook to close the Public Hearing on Cal. No. 18S-01.

Motion carried by voice vote.

**MOTION:** Baranski moved, seconded by Jansen to draft a positive Finding of Fact for Cal. No. 18S-01.

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:

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

Motion carried.

### **OTHER BUSINESS**

#### **Public Comments**

None

**MOTION:** Cook moved, seconded by Holman to adjourn the meeting at 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary