

**MINUTES
ZONING BOARD OF APPEALS
APRIL 11, 2018**

CALL TO ORDER:

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, April 11, 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	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.

MOTION: Cook moved, seconded by Baranski to allow Zoning Board members John Rosentha and Ed Bochniakl to attend the meeting electronically.

Motion carried by voice mail.

Rosenthal and Bochniak were now in attendance via cell phone.

APPROVAL OF MINUTES

Nybo asked that approval of the March 14, 2018 meeting minutes be postponed until the May 9, 2018 meeting.

MOTION: Jansen motioned, seconded by Cook to postpone approval of the March 14, 2018 meeting minutes until the May 9, 2018 meeting.

Motion carried on voice vote.

UNFINISHED BUSINESS

None.

NEW BUSINESS

City Attorney Joe Nack swore in all those persons who wished to testify at any of the public hearings being held tonight.

Cal. No. 18A-03 & 18S-04, Applicant and Owner: Mary Prioetti, 701 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-263-00, Lot 8, Lots between Bench and Prospect Streets, Galena, Jo Daviess County, Illinois. Common Address is 701 South Bench Street, Galena, IL 61036. Request for Rezoning from Low Density Residential to Neighborhood Commercial and Special Use Permit to allow small scale dining and Accommodations, Vacation Rental.

Oldenburg said the applicant has asked to postpone the agenda item until the May 9 meeting.

Cal. No. 18S-05, Applicant and Owner: Silas Pepple, 336 Spring Street, Galena, IL 61036. Location: Parcel: 22-100-662-30, Part of Lot 4 and Part of Lot 5, Block 11, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 336 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 Rosenthal to open the Public Hearing on Cal. No. 18S-05.

Motion carried by voice vote.

Silas Pepple, 336 Spring Street Galena said the property is commercially zoned and he would like to convert the 2nd floor unit into a vacation rental.

Baranski asked who would be checking in the guests or dealing with issues.

Pepple said they are currently living in the building but are looking for another home in Galena. The unit will have electronic entry and they will manage the property.

Nybo asked those in favor of the request to come forward and testify.

Jess Farlow, 411 Meeker Street Galena said he was the previous owner and said this property lends itself perfectly to this type of use.

Susan Steffan, 334 Spring Street Galena lives next door and she and her husband operate the Farmer's Guest House. She too thought the best use for the property would be as a vacation rental. The building is in the commercial district and is surrounded by other buildings with similar uses.

Nybo asked if those opposed to the request to come forward and testify.
No one came forward.

MOTION: Baranski moved, seconded by Rosenthal to close the Public Hearing on Cal. No.18S-05.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Jansen to recommend a positive Finding of Fact for Cal. No. 18S-05.

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 compatible 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.

The Board agreed that the request met the approval criteria.

As Roll Call was:

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

Motion carried.

Cal. No. 18PD-01, Applicant and Owner: Megan & Bryan Knatz, 5415 Winslow Rd, Marion, IA 52302. Location: Lot 5 of the Gateway Park Subdivision, part of Section 21, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, Jo Daviess County, Illinois. Common Address: 500 Wild Indigo Lane, Galena, IL 61036. Request for approval of the Final Development Plan of the PUD for Lot 5.

MOTION: Rosenthal moved, seconded by Cook to open the Public Hearing on Cal. No. 18PD-01.

Motion carried on voice vote.

Baranski asked acting chairperson Nybo to approve his request for recusal for this agenda item as he is involved in the project.

Nybo approved his request.

MOTION: Rosenthal moved, seconded by Cook to open the Public Hearing on Cal. No. 18PD-01.

Motion carried on voice vote.

Megan Knatz, 5415 Winslow Road Marion Iowa said she and her husband Bryan own and operate a wedding and event venue in Cedar Rapids, Iowa called Ashton Hill Farm. They opened in 2016 and have four full and twenty two part time staff and weddings are the bulk of their business. They have 96 bookings this year – up from 66 their first year. She also runs a dessert business in Marion. They have very successful businesses and the plan has always been to expand in the Midwest and create a brand of wedding venues servicing higher end client who are looking for a unique, all inclusive space where you can get ready, have a ceremony, photography as well as the reception. When researching markets near their home Galena captivated them with it’s downtown vibrancy, the hotel and restaurant offerings and beautiful area aesthetics. They found a place to build - Lot 5 in the Gateway Park Subdivision – and have been working with Jim Sullivan to make this a great fit for their

clients. The event venue will bring a lot of people to town who will utilize the hotels, restaurants and event vendors – photographers, floral businesses, salons, caterers, music etc. The majority of their events host around 250-325 people although smaller groups of about 75 are not uncommon. They provide the venue and the staff to assist with the location logistics, but as she mentioned there will be many local businesses that will be called upon for service for these events. Galena has a lot to offer and may of the guests will spend multiple days in the community. They have been working with Jim Baranski to create a venue similar to the Cedar Rapids facility that has a modern barn design. There is a small area for outdoor ceremonies but all receptions are held inside. There will also be an area for bridal parties to prepare for the day. The location of the salon and spa, that is just up the hill, is an added bonus. They are looking for approval for their business and are looking forward to being part of the Galena community.

Jim Baranski, 1015 South Bench Street Galena said he would be glad to answer any questions about the building.

Bochniak said it looks as though the proposed wedding venue will sit behind and below the salon.

Baranski said it would. The floor of the proposed building would be about 35 ½ feet below the floor of the spa. The roofline of the wedding venue will be about even with the floor of the salon.

MOTION: Rosenthal moved, seconded by Cook to close the Public Hearing on Cal. No. 18PD-01.

Motion carried on voice vote.

MOTION: Nybo moved, seconded by Jansen to approve the Final Development Plan of the PUD for Lot 5, Cal. No. 18PD-01.

Discussion: Nybo reviewed the approval criteria:

Final PUD Plan Approval Criteria – A final development plan application shall demonstrate conformance with all of the following:

- (a) The approved ODP, if applicable; *not applicable*
- (b) The approved preliminary development plan; *Final plan has no change from approved preliminary plan and adheres to the PUD district standards set forth by the City Council.*
- (c) The approved preliminary plat; *not applicable*
- (d) The approved PUD/TND rezoning ordinance; *Final plan is in conformance with the approved standards of the rezoned PUD ordinance.*
- (e) All other applicable development and construction codes, ordinances, and policies; *Final plan meets other applicable codes and City Staff will ensure approval conditions set forth by the City Council are met before building permit is issued.*
- (f) The applicable site plan review criteria in § [154.914](#); and *Final plan meets the applicable site plan review criteria.*

(g) The applicable final plat criteria in [Chapter 153](#), Subdivision Regulations. *Not applicable.*

The Zoning Administrator shall make a recommendation and the Zoning Board of Appeals shall approve, conditionally approve, or deny all applications for a final development plan, unless the City Council in its discretion required the final plan be returned to it for final action. In such cases, the Zoning Administrator and Zoning Board of Appeals shall provide recommendations concerning the final plan.

In this case, the ZBA is the approval authority for the Final Plan. There are no changes to the plan from the preliminary and I recommend approval.

As Roll Call was:

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

Motion carried.

Baranski returned ot the table.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Jansen to adjourn the meeting at 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary