

**MINUTES  
ZONING BOARD OF APPEALS  
MAY 9, 2018**

**CALL TO ORDER:**

Acting Chairperson Baranski called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, May 9, 2018 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	Absent
Nybo	Absent
Rosenthal	Absent

A quorum was declared.

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

**MOTION:** Bochniak moved, seconded by Cook to allow Zoning Board member John Rosenthal to attend the meeting electronically.

Motion carried by voice mail.

Rosenthal was now in attendance via cell phone.

**APPROVAL OF MINUTES**

**MOTION:** Bochniak moved, seconded by Cook to approve the April 11, 2018 minutes.

Motion carried on voice vote.

The Board agreed to postpone approval of the March 14, 2018 minutes to the June meeting.

**UNFINISHED BUSINESS**

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:** Bochniak moved, seconded by Cook to approve the recommendation for Cal. No. 18S-05.

As Roll Call was:

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

Motion carried.

**NEW BUSINESS**

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 asked to postpone the agenda item until the June meeting.

Cal. No. 18S-06, Applicant: Robin & John Vaughn, 17 Rapids Drive, Galena, IL 61036 and Owner: Richard Burlingame, 128-130 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-138-00, Lot 16, East side of Main Street, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 230 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

City Attorney Joe Nack swore in all those persons who wished to testify at the public hearing being held for Cal. No. 18S-06.

**MOTION:** Rosenthal moved, seconded by Bochniak to open the Public Hearing on Cal. No. 18S-06.

Motion carried by voice vote.

John Vaughn, 17 Rapids Drive Galena said their business, Simply Elegant, is located at 130 South Main Street. They decided to pursue a vacation rental for the second floor when they relocated their offices to the Simply Elegant Bouthillier Street location. The one bedroom rental is the back apartment that enters off Commerce Street.

No one else spoke in favor of the request.

Baranski asked those opposed to the request to come forward and testify.

No one did.

**MOTION:** Rosenthal moved, seconded by Cook to close the Public Hearing on Cal. No.18S-06.

Motion carried on voice vote.

**MOTION:** Bochniak moved, seconded by Cook to recommend a positive Finding of Fact for Cal. No. 18S-06.

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 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:

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

Motion carried.

Cal. No. 18S-07, Applicant and Owner: Virginia Smirnoff & Jackson Andres Acevedo Valencia, 800 Park Avenue, Galena, IL 61036. Location: Parcel: 22-100-421-00, Part of Lot 20 and North 8 feet of Lot 21, West side of Broadway, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 510 Dewey Avenue, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

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

**MOTION:** Rosenthal moved, seconded by Bochniak to open the Public Hearing on Cal. No. 18S-07.

Motion carried by voice vote.

Virginia Smirnoff, 800 Park Avenue Galena said the house at 510 Dewey is in the low density residential district. They are looking for approval to have a pet friendly vacation rental. They will manage the property since they are right here in Galena.

No one else spoke in favor of the request.

Baranski asked those opposed to the request to come forward and testify.

No one did.

**MOTION:** Bochniak moved, seconded by Rosenthal to close the Public Hearing on Cal. No. 18S-07.

Motion carried on voice vote.

**MOTION:** Cook moved, seconded by Holman to recommend a positive Finding of Fact for Cal. No. 18S-07.

**Discussion:** Cook 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:

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

Motion carried.

#### **OTHER BUSINESS**

None

#### **PUBLIC COMMENTS**

None

**MOTION:** Rosenthal moved, seconded by Bochniak to adjourn the meeting at 6:55 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary