

**MINUTES
ZONING BOARD OF APPEALS
JANUARY 9, 2019**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, January 9, 2019 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Calvert	Present
Cook	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Cook to approve the December 12, 2018 minutes.

Motion carried.

UNFINISHED BUSINESS

Cal. No. 18PD-02, Adam Johnson – Request for approval of Preliminary Plan and Rezoning for a site, with an underlying default district of Low Density Residential at 413 South Bench Street. Reconsideration and clarification of recommendation directed by City Council.

Rosenthal said it appears the City Council has an issue with proposed use #5.

Oldenburg said the City Council wanted the Zoning Board to reconsider their recommendation and remove use #5.

MOTION: Baranski moved, seconded by Bochniak to remove – “5. Proposed pool in Patio will be allowed by Special Use Permit and will be subject to the Special Use review process and may be revoked in the future should use of the pool become a disruption in the neighborhood. Use of the Patio would be limited to use by lodging guests from sunrise to 10 pm weekends, 9 pm weekdays from the recommendation for the City Council approval.

Discussion: Jansen asked if the reasoning was because it was in the front yard.

Oldenburg said they did not like the pool and asked that the Zoning Board reconsider.

Jansen asked if the applicant was still interested in going forward.

Oldenburg said he has indicated that he would like to continue the process.

Baranski asked if the Council discussed the bufferyards and landscaping.

Oldenburg said the minutes do not reflect any discussion concerning those issues.

Baranski said it appears the pool itself was the problem.

Cook said the Council was concerned about liability.

Bochniak said some wanted parking installed in the pool area.

Rosenthal said they are adding four parking stalls that aren't there now.

As Roll Call was:

Bochniak	Yes
Calvert	Yes
Cook	Yes
Jansen	No
Nybo	Yes
Baranski	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 18A-04, 18S-16 & 18V-02, Applicant & Owner: Paul Pendola, 306 South Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-201-00, S 25' x 100' Lot 21, NW 25' x 40' Lot 21, SW 5' x 40' Lot 22, W 50' x 50' Lot 20, West Side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 306 South Prospect Street, Galena, IL 61036. Request for Text Amendment to allow Artisan Studio as a land use only by Special Use Permit in Low Density and Medium Density Residential Districts; Special Use Permit to allow Artisan Studio in the Low Density Residential District; and Variance for off-street parking requirement.

MOTION: Bochniak moved, seconded by Cook to approve the Finding as written for Cal. No. Cal. No. 18S-16 & 18V-02.

As Roll Call was:

Calvert	Yes
Cook	Yes

Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

NEW BUSINESS

Cal. No.19HCO-01 & 19V-01, Lock-it & Leave-it – Request for Non-administrative Highway 20 Development Permit to allow construction of storage buildings and associated site improvements; and Variance to allow decreased front yard setback to match adjacent property’s front yard setback at 11401 Dandar Street.

MOTION: Cook moved, seconded by Baranski to open the Public Hearing for Cal. No. 19HCO.

Motion carried on voice vote.

City Attorney Nack swore in all those who wished to testify at this Public Hearing.

Ben Wiene, 144 Stone Quarry Lane Galena is representing Lock It and Leave It Storage Company. They would like to build additional storage structures with the minimum setback to allow for maximum building size as well as parking. The new buildings will match the existing structures in style and color.

Rosenthal asked if the new structures would be in front of the current sheds.

Wiene said they would - one large building and a smaller unit.

No other testimony was heard for this request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 19HCO-01.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Cook to approve Cal. No. 19HCO-01 as presented.

Discussion: Cook asked about the landscaping points – is this something that will need to be fulfilled.

Oldenburg said it is.

As Roll Call was:

Cook	Yes
Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes

Calvert Yes
Rosenthal Yes

Motion carried.

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing for Cal. No. 19V-01.

Motion carried on voice vote.

Ben Wiene said his previous testimony for Cal. No. HCO-01 was applicable to this request.

No other testimony was heard for this request.

MOTION: Bochniak moved, seconded by Baranski to close the Public Hearing for Cal. No.19V-01.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Calvert to approve the request for Cal. No. 19V-01 as presented.

Discussion: Jansen reviewed the approval criteria:

Approval Criteria & Recommendation for Variance:

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

- (1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code;
- (7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and

(8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

Jansen and the Board agreed that the applications met all the approval criteria.

As Roll Call was:

Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Calvert	Yes
Cook	Yes
Rosenthal	Yes

Motion carried

Cal. No. 19-HCO-02, Eagle-Point Solar – Request for Non-administrative Highway 20 Development Permit to allow installation of an unscreened, roof-mounted solar array at Miller Storage, 11401 A Street.

Oldenburg said this needs a simple approval by the zoning board

MOTION: Baranski moved, seconded by Calvert to approve Cal. No. 19-HCO-02 as presented.

Discussion: Baranski said we have talked about this at a couple previous meetings. He believes we should be promoting this type of development. If you have to screen this, it becomes not very effective. In general, we should be looking at ways to promote alternative energy use.

Bochniak agrees. He wondered about the 23-degree angle. Is this the slope of the roof?

Baranski asked if the panels were lying flat on the roof.

The applicant indicated the angle was the slope of the roof and the racking system would be about three inches off the roof.

Baranski 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](#);
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual;
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual;
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual;

- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual;
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; and
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual.

Baranski and the Board agreed that the application met all the approval criteria.

As Roll Call was:

Nybo	Yes
Baranski	Yes
Bochniak	Yes
Calvert	Yes
Cook	Yes
Jansen	Yes
Rosenthal	Yes

Motion carried.

WORK SESSION

Cal. No 19WS-01PV Solar Arrays Discussion – Highway 20 Corridor, continued.

Oldenburg said we have had two worksessions over the past few months and he wanted to have another with the full board present. Solar applications are going to be coming in from all areas of town. The Highway 20 Manual has language that is prohibitive in nature as it requires screening mechanical and utility equipment in certain applications especially within the highway corridor. To relieve that and promote green infrastructure it seems it would benefit the city to change the ordinance to allow this more administratively. What he is proposing is adjusting the highway corridor manual on the last page as a table of approval authorities and he is recommending that we allow things that are integral with a building’s forms such as a solar roof array that follows the roof pitch to be something that the zoning administrator could administratively approve. If it was something like a large ground array or something that doesn’t match the form of the building or the aesthetics of the site it would be sent to the zoning board for approval. This could be a discouraged element – no public hearing would be held but it would need zoning board approval.

Rosenthal asked if we should be concerned about these facing the highway.

Baranski said he isn’t worried about that.

Rosenthal said doesn’t bother him if they do.

Baranski said there are a few historic structures in the Highway 20 corridor. The zoning board would want to be sensitive to how these are impacted with installations.

Oldenburg said The Ryan Mansion is a landmarked historical structure on Highway 20 that would have to have approval from the historic preservation commission.

Nybo asked about vacant land installations.

Oldenburg said since the last work session the county approved a request from Blue Stem Energy Solutions for a south facing multi acre 2-megawatt solar array on Norris Lane. This was a special use request within the 1.5

mile, but the City only has control over things such as subdivisions or amendments. As the City continues to grow we could develop right into this area.

Baranski said we could have a kilowatt limit to determine what would be administratively approved or what would go to the zoning board for approval.

Oldenburg said his proposal is for page 42 of our Highway 20 Design Manual: Service Areas, Utility Equipment:

1. In the “Preferred” section, I recommend something like, “Alternative energy equipment integrated with building design.”
2. In the “Discouraged” section, I recommend, “Alternative energy equipment that is not harmonious or integral to the site and / or building form.”

If the request falls in the discouraged section it would be sent to the Zoning Board.

Baranski said many of the systems are being integrated into the building’s design element and become integral to the architecture.

Bochniak thought anything related to wind was not harmonious to the structure and should come before the Board.

Baranski suggested 20 kilowatts or less could be approved administratively and anything over that would need to come before the Board.

Oldenburg said the proposed ordinance change would require a text amendment public hearing and City Council approval.

Baranski said technology will continue to evolve and the architecture should incorporate this – many of these issues may not be a concern in the future. Wind energy is evolving as well and we shouldn’t rule it out.

Oldenburg will initiate a text amendment.

OTHER BUSINESS

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
01-09-2019

Deb Price
Zoning Board Secretary