

**MINUTES
ZONING BOARD OF APPEALS
APRIL 10, 2019**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, April 10, 2019 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Absent
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: Cook moved, seconded by Calvert to approve the March 13, 2019 minutes.

Motion carried.

UNFINISHED BUSINESS

Baranski asked to recuse himself from the first two agenda items.

Rosenthal agreed to the request.

Cal. No. 19S-02, Applicants: Michael & Kathleen Hart, 4532 N Flansburg, Lena, IL 61048 and Owner: Larry Wiedenheft, 116 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-142-00, S 13 ft. of Lot 20 & N 3 ½ ft. of Lot 19, East Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 116 South Main 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 Finding of Fact for Cal. No. 19S-02.

As Roll Call was:

Bochniak	Absent
Calvert	Yes
Cook	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Recused
Rosenthal	Yes

Motion carried.

Cal. No. 19S-03, Applicant and Owner: Magnum Recoil, 240 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-117-00, Part of Lot 5, Block C, Lots in Wedge, Galena, Jo Daviess County, Illinois. Common Address is 240 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Cook moved, seconded by Jansen to approve the Finding of Fact for Cal. No. 19S-03.

As Roll Call was:

Calvert	Yes
Cook	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Recused
Bochniak	Absent
Rosenthal	Yes

Motion carried.

Cal. No. 19S-04 & 19V-02, Applicants and Owners: Bruce & Joyce Hanson, 616 & 618 South Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-266-00, W ½ of Lot 10 and W 67.09' of N ½ of Lot 11, Between Bench & Prospect Streets, Galena, Jo Daviess County, Illinois. Common Address is 618 South Prospect Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District and Variance for off-street parking requirement.

MOTION: Cook moved, seconded by Jansen to approve the Finding of Fact for Cal. No. 19S-04.

As Roll Call was:

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

Motion carried

MOTION: Jansen moved, seconded by Cook to approve the Finding of Fact for Cal. No. 19V-02.

As Roll Call was:

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

Motion carried.

Cal. No. 19V-03, Applicant & Owner: T&C Wiene Enterprises, 2955 Red Gates Drive, Galena, IL 61036. Location: Parcel: 22-200-133-00, Part of the NW ½ of the NW Quarter of Section 24, Township 28 North, Range 1 West of the Fourth Principal Meridian, Galena, Jo Daviess County, Illinois. Common Address: 618 Gear Street. Request for Variance to allow a 30' front yard setback.

MOTION: Cook moved, seconded by Calvert to approve the Finding of Fact for Cal. No. 19V-03.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

Cal. No. 19S-05, Applicants: Michael & Kathleen Hart, 4532 N Flansburg, Lena, IL 61048 and Owner: Mary Jane Vincent Family Trust, 122 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-092-00, Lot 51 & N 5 ft. of Lot 50, West Side, Lots Between Main & Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 122 & 124 North Main 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 open the Public Hearing for Cal. No. 19S-05.

Motion carried on voice vote.

City Attorney Nack swore in all those who wished to testify at tonight's Public Hearing.

Michael Hart, 4532 N Flansburg Road Lena Illinois said he would like to have vacation rentals on the second and third floors at 122-124 North Main Street. Currently the main floor has retail and part of the second floor is rented. He believes the third floor is vacant. The proposal is for two vacation rentals on the second floor with a maximum capacity of eight guests and one on the third floor but there is enough square footage to actually have two on the third floor, again with a maximum number of 8 guests.

No other testimony was heard for this request.

MOTION: Baranski moved, seconded by Cook to close the Public Hearing for Cal. No. 19S-05.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Baranski to approve Cal. No. 19S-05 as presented.

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 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:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Cook moved, seconded by Jansen to adjourn the meeting at 7:00 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary