

**MINUTES
ZONING BOARD OF APPEALS
JUNE 12, 2019**

CALL TO ORDER:

Acting Chairperson Baranski called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, June 12, 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	Absent

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 Jansen to approve the May 8, 2019 minutes.

Motion carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Cal. No. 19S-06, Applicant and Owner: RAL Realty Management, 105 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-150-00, 19' 3" of Lot 26, East Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 105 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Nack swore all those in wishing to testify at any of tonight's public hearings.

MOTION: Bochniak moved, seconded by Jansen to open the Public Hearing for Cal. No. 19S-06.

Motion carried on voice vote.

Raechealle Ahmed 66 Stony Point Galena said they are looking for a zoning request to allow a vacation rental on the upper floors of 105 - 107 North Main Street. About five years ago they converted a portion of the upper floors for long term apartment rentals.

No one spoke in favor of or in opposition to the request.

MOTION: Bochniak moved, seconded by Calvert to close the Public Hearing for Cal. No. 19S-06.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Bochniak to approve the request for Cal. No. 19S-06.

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:

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

Motion carried.

Cal. No. 19S-07, Applicant and Owner: Raechelle & Ikhlas Ahmed, 219 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-043-00, 23' of Lot 31, Lots between Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 219 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 Bochniak to open the Public Hearing for Cal. No. 19S-07. Motion carried on voice vote.

Raechelle Ahmed 66 Stony Point Galena said she would like to have the opportunity for a special use permit to have a vacation rental at 219 South Main Street. They have two long term rental units but would like to have a vacation rental.

No one spoke in favor of or in opposition to the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 19S-07.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Calvert to approve the request for Cal. No. 19S-07 as written using the same approval criteria as Cal. No. 19S-06.

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

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

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary