

**MINUTES  
ZONING BOARD OF APPEALS  
MAY 13, 2020**

**ZOOM TELECONFERENCE MEETING (ID: 819 6724 4391)**

<https://us02web.zoom.us/j/81967244391?pwd=YisvZUMyczJQMkYvZVRyZVRCU2lkZGVWdz09>

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:35 PM on Wednesday, May 13, 2020 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 March 11, 2020 minutes.

Motion carried.

**UNFINISHED BUSINESS**

None

## **NEW BUSINESS**

**MOTION:** Jansen moved, seconded by Cook to open the Public Hearing for Cal. No. 20A-02.

Motion carried on voice vote.

Nack swore in all those who wished to testify at any of tonight's public hearing.

Adam Johnson 211 Fourth Street, Galena said the zoning map amendment request is for a change in zoning from Limited Agriculture to General Commercial. The zoning change would allow a mixed-use space. Limited Ag is really not in this area anymore – the area is bound by General Commercial on two sides and Highway 20. The Special Use Permit request would allow for a five-unit multi-family residential dwelling space along with a main level restaurant. This intensity is quite low and makes sense for the location. The Highway 20 Corridor request meets the design guidelines.

Bochniak asked which of the requests would go before the City Council.

Oldenburg said the map amendment would go to the council for final approval.

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

**MOTION:** Baranski moved, seconded by Calvert to close the Public Hearing for Cal. No. 20A-02.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Bochniak to send a positive recommendation to the City Council for Cal. No. 20A-02.

Baranski said this is a really good project in a good location that makes sense. The commercial use has been established here and the mixed use is a good transition from residential to commercial.

Rosenthal agreed that it makes good sense in this location.

Discussion : Baranski reviewed the approval criteria:

### **Approval Criteria & Recommendation for Map Amendment:**

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered:

- (1) Whether the existing text or zoning designation was in error at the time of adoption;
- (2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances;

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines;

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.

**The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.**

**(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § 154.919(F).**

**(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council**

All criteria was applicable.

As Roll Call was:

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

Motion carried.

**MOTION:** Cook moved, seconded by Bochniak to open the Public Hearing for Cal. No. 20S-04.

Motion carried on voice vote.

Adam Johnson spoke for the applicant. He said his previous testimony applied to this request and added that five units is a good density for the location.

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

**MOTION:** Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 20S-04.

Motion carried on voice vote.

**MOTION:** Jansen moved, seconded by Calvert to draft a positive Finding of Fact for Cal. No. 20S-04.

**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.
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § 154.406;
- (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.
- (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.
  - (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.
  - (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 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.**

All criteria was applicable.

As Roll Call was:

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

Motion carried.

**MOTION:** Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. 20HCO-01.

Motion carried on voice vote.

Adam Johnson again said his previous testimony applied to this request. All standards will be met and high-end materials will be used.

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

**MOTION:** Calvert moved, seconded by Cook to close the Public Hearing for Cal. No. 20HCO-01.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Bochniak to approve the request for Cal. No. 20HCO-01.

Baranski said it is a nice building that fits the character of the area. The massing, fenestration and materials are all perfectly consistent with the kinds of things we want to do including site planning.

Discussion : 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.

**The Zoning Board of Appeals can approve, conditionally approve, or deny all applications for a Highway 20 development permit.**

As Roll Call was:

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

Motion carried.

**OTHER BUSINESS**

None

**PUBLIC COMMENTS**

None

**MOTION:** Cook 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