

**MINUTES
ZONING BOARD OF APPEALS
JULY 08, 2020**

ZOOM TELECONFERENCE MEETING (ID: 821 5841 8843; Password 089311)
<https://us02web.zoom.us/j/82158418843?pwd=RmtjUjNtSXkwSEQzNFZlMkd0RHl5UT09>

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 8, 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 Secretary Deb Price were present.

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Bochniak to approve the June 10, 2020 minutes.

Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

Cal. No. 20S-05, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Christine White, 9396 West Powder House Hill Road, Galena, IL 61036. Location: Parcel: 22-100-013-00, Lot 10 and Part of W 97' of Lot 11, Lots between Main & Bench Streets of the Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 523 South Main 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 open the public hearing for Cal. No. 20S-05.

Motion carried by voice vote.

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

Adam Johnson, 211 Fourth Street Galena spoke on behalf of the applicant. This is a single family home located just outside the floodgates at 523 South Main Street. It has two bedrooms and two off street parking spaces on Bench Street. The owner lives in Galena and their primary business is next door to the propped vacation rental.

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

MOTION: Cook moved, seconded by Calvert to close the public hearing for Cal. No. 20S-05.

MOTION: Baranski moved, seconded by Bochniak to draft a positive Finding of Fact for Cal. No. 20S-05 as written.

Discussion : Nybo asked if the Zoning Board should table this for future discussion due to the stress guest accomodations are feeling right now. The City Council placed a moratorium on the number of allowed vacation rentals – this would be part of that number. It just seems now is not the right time to approve another rental.

Baranski said that consideration really isn't part of our criteria, but rather something the City Council would need to address.

Nybo said it just didn't seem the time for approval of another vacation rental when everyone in the industry is really struggling.

Baranski said he doesn't deny that there are hardships right now but there isn't a provision in the ordinance that addresses this issue.

Nack said he understands Nybo's concerns, but the zoning board's job is to make a decision based on the standards.

Baranski 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 request met all the approval criteria.

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

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

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary