Passed and Approved this 25th Day of July 2022 by the City Council.

AYES:	NAYS:	ABSENT:
Wienen, Bernstein, Hahn, Kieffer, McCoy, Westemeier, Renner	None	None

Terry Renner
Mayor

ATTEST:

Mary Beth Hyde
City Clerk

CITY OF GALENA, ILLINOIS

101 Green Street · P.O. Box 310 · Galena, Illinois 61036

Resolution No. R.22.06

ZONING BOARD OF APPEALS

DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER:	Cal. No. 22A-03
APPLICATION BY:	Andrew Stangl, 1818 Donegan St., Galena, IL 61036
FOR:	Request for a Zoning Map Amendment to Rezone 0.692 acres from Limited Agriculture to Low Density Residential at 1721 Donegan St.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 13, 2022. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad, that was available to the general public between 15 and 30 days prior to the hearing. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a map amendment to separate and rezone 0.692 acres of a larger 35.5 acre parcel from limited Agriculture to Low Density Residential.

The applicant is proposing the rezone of a section of land he purchased in order to make the smaller parcel compliant with the City of Galena Zoning Ordinance. The applicant purchased the 35.5 acre parcel on Donegan St. and would like to separate the .692 acres of the larger parcel that contains the home and outbuildings. The applicant currently has a perspective buyer for this property. In order to make the smaller parcel compliant with our ordinances, a map amendment to rezone from LA to LDR was suggested.

In order for a parcel zoned Limited Agriculture to be used for a residential purpose, it is to be at least 35 acres per our ordinances. Without the map amendment, removing the .692 acres from the

larger parcel to be used for residential purposes created a non-conforming site. The simple way to make the site conforming with our ordinance is to rezone the parcel to Low Density Residential.

The parcel will continue to have some non-conforming structures as long as they remain on the site. The area of accessory structure currently exceeds the allowed 90% of the footprint of the principle structure. If the map amendment is approved, the nonconforming structures will follow the provisions of section 154.100 of the code of ordinances for nonconforming sites and structures.

The subject property is bordered on the West (across Donegan St.) by other residential properties. Most zoned Limited Agriculture and one zoned Low Density Residential. The subject property is bordered on all other sides by Limited Agriculture zoned property.

Staff recommends approval of this request.

Testimony Presented on Behalf of the Applicant:

- **Andrew Stangl, 1818 Donegan** – Stangl advised he is requesting to rezone the property at 1721 Donegan Street from Limited Agriculture to Low Density Residential. The property is .692 acres and has a house and two outbuildings. There are surrounding properties that are also zoned Low Density Residential.
- **Jonathan Miller, Zoning Administrator** advised the potential buyer for the house is aware that they would not be allowed to build any additional accessory buildings or replace any of the existing accessory buildings if one comes down. The potential buyer would have to follow the regulations for non-conforming sites and structures.

No further testimony was presented in support of, or objection to, the proposal.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section 154.005 through 154.008 sets forth the Purpose, Separability and Non-Liability, Abrogation and Rules of Interpretation of the Zoning Ordinance.
- Article 1, Section 154.107 describes the regulations for Nonconforming Sites and Structures.
- Article 2, Section 154.201(B) describes the standard Residential Zoning Districts.
- Article 2, Section 154.201(B)(2) describes the definition and description of the Low-Density Residential District.
- Article 2, Table 154.207 lists the Intensity Standards for Residential uses.
- Article 4, Table 154.403.1 lists the land uses permitted by right or by special use for each zoning district.
- Article 9, Section 154.914 lists and describes the elements for Site Plan Review
- Article 9, Section 154.920 sets forth the purpose, applicability, approval criteria, decision-maker, and application and review procedures for Rezoning.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Andrew Stangl to rezone 0.692 acres from Limited Agriculture to Low Density Residential should be approved for the following reasons:

Zoning Map Amendment - In determining whether the proposed zoning map 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; *Not Applicable.*

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.; *Yes as it provides the addition of single family in the area.*

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; *Yes.*

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; *Yes.*

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; *Yes.*

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 *Yes.*

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. *Yes.*

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by Andrew Stangl to rezone 0.692 acres from Limited Agriculture to Low Density Residential should be approved.

PASSED AND APPROVED this 13th day of July, A.D. 2022, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson