



# City of Galena, Illinois

## **AGENDA**

### **ZONING BOARD OF APPEALS**

**WEDNESDAY, JULY 14, 2021  
6:30 P.M. – CITY HALL 101 GREEN STREET**

*Face Masks are Required in City Hall for Persons Not Vaccinated for Covid-19*

<b>ITEM</b>	<b>DESCRIPTION</b>
21Z-2001	Call to Order by Presiding Officer
21Z-2002	Roll Call
21Z-2003	Establishment of Quorum

### **APPROVAL OF MINUTES**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
21Z-2004	Approval of the Minutes of the Regular Meeting of June 9, 2021.	1-5

### **UNFINISHED BUSINESS**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
21S-07	Matthew Carroll-319 Meeker St. Request for Special Use Permit to allow Accommodations, Small Inn, 7 rooms, land use in the Low Density Residential District.	6-9
21V-01	Matthew Carroll-407 Meeker St. Request for a Variance from the required 25' front yard setback.	10-13
21S-09	Illinois Bank and Trust-716 S. Bench St. Request for Special Use Permit to allow Outdoor Entertainment as an accessory commercial land use in the Planned Commercial district.	14-17

### **NEW BUSINESS**

None

**OTHER BUSINESS**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
21Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
21Z-2006	Adjournment	

**CALENDAR INFORMATION**

<b>BOARD/COMMITTEE</b>	<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>
Zoning Board of Appeals	Wednesday, August 11, 2021	6:30 P.M.	City Hall, 101 Green St.

Posted: July 9, 2021 at 12:00 p.m.    Posted By: Sue Simmons

**MINUTES  
ZONING BOARD OF APPEALS  
June 9, 2021**

**ZOOM TELECONFERENCE MEETING (ID: 837 5231 6811)**  
<https://us02web.zoom.us/j/83752316811>

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, June 9, 2021 via Zoom Teleconference Meeting, hosted at City Hall, 101 Green Street, Galena, IL.61036

**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 Jonathan Miller, City Attorney Joe Nack, Secretary Sue Simmons, were also present.

**APPROVAL OF MINUTES**

**MOTION:** Calvert moved, seconded by Cook to approve the May12, 2021 minutes.

Motion carried on voice vote.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS,**

**Cal. No. 21S-07.** Matthew Carroll-319 Meeker St. Request for Special Use Permit to allow Accommodations, Small Inn, 7 rooms, land use in the Low Density Residential District.

**MOTION:** Jansen moved, seconded by Cook to open the public hearing on Cal. No. 21S-07.

Motion carried on voice vote.

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

**Matthew Carroll** spoke that he is looking to add a 7<sup>th</sup> room which was his living quarters. He will move to 407 Meeker when rehab there is finished. The 7<sup>th</sup> room will be ADA compliant. He said he was here for questions.

**Baranski** asked Matthew about his parking. He currently parks on driveway at Inn.

**Matthew** stated he will be parking at adjoining property and that there would be a space for an employee to park at adjoining property which will allow for more guest parking off street.

**Speaking in favor of request**

**Adam Johnson 211 Fourth St** spoke that he prepared Application and drawings and asked if there were questions as he felt it was a really good setup and helpful to Matt.

**Speaking in opposition**

None

**MOTION:** to close the public hearing Jansen moved, seconded by Bochniak.

**MOTION:** to approve 21S-07 Baranski moved, seconded by Bochniak.  
Baranski spoke of prior approval.

Baranski went through the meeting of criteria. Met all criteria

**As Roll Call was:**

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

Motion carried.

**Cal. No. 21V-01** Matthew Carroll-319 Meeker St. Request for a Variance from the required 25' front yard setback at 407 Meeker St.

**MOTION:** Jansen moved, seconded by Cook to open the public hearing on Cal. No. 21V-01

Motion carried on voice vote.

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

**Cal. No. 21V-01.** Adam Johnson spoke on behalf of Matt Carroll. Stated already in expanding the set back to get better view of city from porch. Just squaring off.

**Rosenthal** asked: How much farther going out?

**Johnson** stated just going to edge 6 ft , same line squares off the deck and cover rear deck to cover full deck.

**Rosenthal** asked if pilings need to be set?

**Johnson** stated under the new corner. No issues with stability of the hill.

More discussion by **Baranski** on decking.

**Speaking in favor of request**

No one

**Speaking in opposition**

No one

**MOTION:** Cook moved, seconded by Calvert to close the public hearing on Cal. No. 21V-01.

Motion carried on voice vote.

**MOTION:** to approve 21V-01 Baranski moved, seconded by Bochniak.

Baranski went through the meeting of criteria. Met all criteria.

**As Roll Call was:**

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

Motion carried.

**Cal. No. 21S-09** Illinois Bank and Trust-716 S. Bench St. Request for Special Use Permit to allow Outdoor Entertainment as an accessory commercial land use in the Planned Commercial district.

**MOTION:** Cook moved, seconded by Bochniak to open the public hearing on Cal. No. 21S-09

Motion carried on voice vote.

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

**Cal. No. 21S-09.**

**Marty Johnson with Stratka Johnson Architects** shared screen and showed proposed plans. Explained the plans in detail.

**Baranski** had Marty explain more on the client entertainment part. What does it mean?

**Marty** – Limited fashion no use of speakers.

**Tony Phelps** said more detail on open house type events in application.

**Rosenthal** asked capacity on roof top 49 max per Marty Johnson.

**Nybo** verified event time will end by 8 P.M.

**Joe Mattenly (971 Gear St)** spoke as strictly low key use and low lighting for safety only. Use only in summer months.

**Rosenthal** asked Jonathan of Fire code and safety of exits.

**Jonathan Miller** stated these are meeting code. Stairs inside building.

**Speaking in favor of request**

No one

**Speaking in opposition**

No one

**MOTION:** moved Calvert, seconded by Cook to close the public hearing on Cal. No. 21V-01.

Motion carried on voice vote.

**MOTION:** to approve Cal. No. 21S-09. Bochniak moved, seconded by Baranski

**Bochniak** went through the meeting of criteria. Met all criteria.

**As Roll Call was:**

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

Motion carried.

**Cal. No. 21V-02** Illinois Bank and Trust-716 S. Bench St. Request for a Variance from the required Type IV Buffer yard.

Buffer yard waived by ZBA and staff.

No additional comments.

**OTHER BUSINESS**

None

**PUBLIC COMMENTS**

None

**MOTION TO ADJOURN:** moved by Jansen, seconded by Cook to adjourn the meeting at 7:02 P.M

Motion carried on voice vote.

Respectfully submitted by

Sue Simmons

## **DECISION**

### **ZONING BOARD OF APPEALS OF THE CITY OF GALENA**

#### **REGARDING**

**CALENDAR NUMBERS:** 21S-07

**APPLICATION BY:** Matthew Carroll, 319 Meeker St., Galena, IL 61036.

**FOR:** A Special Use Permit to Allow Accommodations, Small Inn, 7 rooms, land use in the Low Density Residential District at 319 Meeker St.

#### **FINDINGS OF FACT**

#### **PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on June 9, 2021. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. 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, Matt Carroll, is requesting a Special Use Permit to operate as a 7-room Small Inn in a Low-Density Residential District. 319 Meeker Street, commonly known as the Jail Hill Inn. The Jail Hill Inn has been operating as a 6 Room Small Inn since its special use approval in 2015. Matthew has been occupying the 7<sup>th</sup> room as the inn keeper's suite, but has recently purchased the property at 407 Meeker St., which directly adjoins the Jail Hill Inn property at 319 Meeker St. Matthew is planning to occupy the home at 407 Meeker St. and would like to use his 7<sup>th</sup> room as additional guest suite. The Small Inn ordinance allows the owner to live on premises within 150' of the building in the Low-Density Residential District.

The addition of the 7<sup>th</sup> room and the owner occupying 407 Meeker should reduce the on-street parking demands due to the off-street parking at 407 Meeker.



There will be no significant alterations to the Jail Hill Inn at 319 to accommodate the 7<sup>th</sup> guest suite. The floor plan will not be changed, and the proposed change is still in compliance with all fire and life safety codes. The 7<sup>th</sup> room is located on the ground floor.

Staff recommends approval of the Special Use Permit at 319 Meeker St. Land Uses surrounding the property is Residential with the courthouse on the opposite side of Meeker St.

### **PUBLIC SUPPORT AND/OR OBJECTIONS**

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

#### **Testimony Presented on Behalf of the Applicant and in Support of the Proposal:**

- **Matthew Carroll** spoke that he is looking to add a 7<sup>th</sup> room which was his living quarters. He will move to 407 Meeker when rehab there is finished. The 7<sup>th</sup> room will be ADA compliant. He said he was here for questions.
- **Baranski** asked Matthew about his parking. He currently parks on driveway at Inn.
- **Matthew** stated he will be parking at adjoining property and that there would be a space for an employee to park at adjoining property which will allow for more guest parking off street.
- **Adam Johnson 211 Fourth St** spoke that he prepared Application and drawings and asked if there were questions as he felt it was a really good setup and helpful to Matt.

#### **Testimony Presented in Opposition to the Proposal:**

- **No one spoke in opposition to either request**

### **APPLICABLE SECTIONS OF THE ZONING ORDINANCE**

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines a Guest Accommodation, Small Inn.

- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (8) defines and outlines the regulations for Small Inns.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

## **CONCLUSIONS**

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Low Density Residential District.
2. The Small Inn land use is allowed only by Special Use Permit in this Zoning District.
3. The Low Density Residential District is intended to permit development which has detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.
4. The applicant seeks a Special Use Permit to allow a Small Inn with 7 rooms as a principal commercial land use in a Low Density Residential District.
5. The existing Small Inn has 4 floors and currently accommodates 6 guest rooms with the owners quarters serving as the future 7<sup>th</sup> ADA guest room.
6. A 7-room Small Inn requires 8 off-street parking spaces; one for the owner and one space for each of the guest rooms. Parking availability will be increased due to owner living at 407 Meeker St.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Matthew Carroll for a Special Use Permit to allow a Small Inn with 7 rooms as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for a Small Inn use, with the exception of the parking variance request.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
  - a. The protection of privacy will be maintained;
  - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

- c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

**DECISIONS**

**Cal. No. 21S-07**

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by Matthew Carroll for a Special Use to Allow Accommodations, Small Inn, 7 rooms, land use in the Low Density Residential District should be approved.

PASSED AND APPROVED this 9<sup>th</sup> day of June, A.D. 2021, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

---

John Rosenthal, Chairperson

## **DECISION**

### **ZONING BOARD OF APPEALS OF THE CITY OF GALENA**

#### **REGARDING**

**CALENDAR NUMBER:** 21V-01

**APPLICATION BY:** Matthew Carroll, 319 Meeker St., Galena, IL 61036.

**FOR:** Request for a variance from the required 25' front yard setback at 407 Meeker St.

#### **FINDINGS OF FACT**

#### **PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on June 9, 2021. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. 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, Matthew Carroll, is applying for a Variance for the remodel of the property at 407 Meeker St. The existing structure and deck are encroaching into the Meeker St. right of way and the existing deck is very close to the property line. The applicant is proposing to build a new roof structure over the existing deck. Per Ordinance, elevated and covered decks are not allowed in the front setbacks or closer than 3 feet from the property line. The proposed roof will not increase the size and footprint of the existing deck structure. The applicant is also proposing a deck extension to the front of the house. This section of deck is also already located within the front setbacks.

Staff recommends approval of the Variance request at 407 Meeker St. Land Uses surrounding this property is Residential with the courthouse on the opposite side of Meeker St.

#### **PUBLIC SUPPORT AND/OR OBJECTIONS**

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Variance Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

**Testimony Presented on Behalf of the Applicant and in Support of the Proposal:**

- **Adam Johnson** spoke on behalf of Matt Carroll. Stated already in expanding the set back to get better view of city from porch. Just squaring off.
- **Rosenthal** asked: How much farther going out?
- **Johnson** stated just going to edge 6 ft , same line squares off the deck and cover rear deck to cover full deck.
- **Rosenthal** asked if pilings need to be set?
- **Johnson** stated under the new corner. No issues with stability of the hill.
- More discussion by **Baranski** on decking.

**Testimony Presented in Opposition to the Proposal:**

- No one spoke in opposition to the request.

**APPLICABLE SECTIONS OF THE ZONING ORDINANCE**

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential District.
- Section 154.202 sets forth the Residential Principal and Major Accessory Structures and Bulk Standards.
- Section 154.919 sets forth the non-administrative development review common elements of procedures.
- Section 154.925 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures for Variances.

## **CONCLUSIONS**

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Low Density Residential District.
2. A non self-inflicted hardship exists due to the current location of the home on the property.
3. The addition of the deck and roof are reasonable uses for the property and home.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Matthew Carroll to vary from the required 25' front yard setback at 407 Meeker St. should be approved for the following reasons:

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

- (1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions

deemed necessary to protect affected property owners and to protect the intent of this code;

- (7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

**DECISION**

Cal. No. 21V-01

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Matthew Carroll for a Variance from the required 25' front yard setback at 407 Meeker St. should be approved.

PASSED AND APPROVED this 9<sup>th</sup> day of June, A.D. 2021, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

---

John Rosenthal, Chairperson

**DECISION**

**ZONING BOARD OF APPEALS  
OF THE CITY OF GALENA**

**REGARDING**

**CALENDAR NUMBERS:** 21S-09

**APPLICATION BY:** Illinois Bank and Trust, PO Box 317, Galena, IL 61036.

**FOR:** A Special Use Permit to allow Outdoor Entertainment as accessory commercial use in the Planned Commercial District at 716 S. Bench St., Galena, IL

**FINDINGS OF FACT**

**PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on June 9, 2021. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. 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, Illinois Bank and Trust, and owner, Carter and Sarah Newton, are requesting to allow Outdoor Entertainment as an Accessory Commercial Land Use in the Planned Commercial District. The property at 716 S. Bench St. is currently operating as the Galena Gazette. Illinois Bank and Trust is purchasing the property to operate the bank at this location. The bank is proposing an outdoor deck to be constructed atop the drive-thru awning. The deck is 676 square feet and will be used for employee breaks, client entertainment, special events, etc. Outdoor Entertainment as an Accessory Commercial Land Use is only allowed by Special Use Permit in the Planned Commercial District.

Staff recommends approval of the special use permit at 716 S. Bench St. Land uses surrounding this property are residential to the West and South, the Galena River to the East, and the Hwy to the North.



## **PUBLIC SUPPORT AND/OR OBJECTIONS**

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

### **Testimony Presented on Behalf of the Applicant and in Support of the Proposal:**

- **Marty Johnson with Stratka Johnson Architects** shared screen and showed proposed plans. Explained the plans in detail.
- **Baranski** had Marty explain more on the client entertainment part. What does it mean?
- **Marty** – Limited fashion no use of speakers.
- **Tony Phelps** said more detail on open house type events in application.
- **Rosenthal** asked capacity on roof top 49 max per Marty Johnson.
- **Nybo** verified event time will end by 8 P.M.
- **Joe Mattenly (971 Gear St)** spoke as strictly low key use and low lighting for safety only. Use only in summer months.
- **Rosenthal** asked Jonathan of Fire code and safety of exits.
- **Jonathan Miller** stated these are meeting code. Stairs inside building.

### **Testimony Presented in Opposition to the Proposal:**

- **No one spoke in opposition to either request.**

## **APPLICABLE SECTIONS OF THE ZONING ORDINANCE**

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (C) (4) provides a definition and description of the Planned Commercial District.

- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (K)(10) define and outline the regulations for Outdoor Entertainment, respectively, as accessory commercial uses.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

## **CONCLUSIONS**

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Planned Commercial.
2. The Zoning Ordinance provides for Outdoor Entertainment as follows:
  - a. Outdoor Entertainment are permitted only by Special Use Permit as accessory commercial uses in the Planned Commercial District.
3. The Planned Commercial District is intended to permit large- and small-scale commercial development which is compatible with an overall high quality community character, particularly along the Highway 20 corridor. Accordingly, the district standards are crafted to work in conjunction with the requirements of the Highway 20 Corridor Overlay District, 154.303. A wide range of office, retail, and service land uses are permitted within this district, but with extremely limited outdoor activities and operations. In order to ensure a minimum of disruption to adjacent residential development, no development within this district shall take direct access to a local residential street or a residential collector street.
4. The applicant seeks a Special Use Permit to allow Outdoor Entertainment as accessory commercial land uses in the Planned Commercial District.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Illinois Bank and Trust for a Special Use Permit to allow Outdoor Entertainment as accessory commercial land use in the Planned Commercial District should be approved for the following reasons:

1. The site plan review met the criteria for these requests.
2. The request meets the district standards for the Planned Commercial District and is consistent with the defining characteristics of the district.
3. The requests meet the detailed land use regulations established for Outdoor Entertainment use.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
  - a. The protection of privacy will be maintained;

- b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
  - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.
6. This use is allowed only by Special Use Permit in the Planned Commercial District.

## **DECISIONS**

### **Cal. No. 21S-09**

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by Illinois Bank and Trust for a Special Use Permit to allow Outdoor Entertainment as accessory commercial land uses in the Planned Commercial District should be approved.

PASSED AND APPROVED this 9<sup>th</sup> day of June, A.D. 2021, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

---

John Rosenthal, Chairperson