



# City of Galena, Illinois

## AGENDA

### ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 14, 2022  
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
22Z-2001	Call to Order by Presiding Officer
22Z-2002	Roll Call
22Z-2003	Establishment of Quorum

### APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
22Z-2004	Approval of the Minutes of the Regular Meeting of August 10, 2022.	1-9

### UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
22V-03 & 22S-06	Applicant: Richards Family Properties LLC, Guys Towing, 11380 Dandar St., Galena, IL 61036.- Ratification of the finding of fact for a request for a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor, and a Variance to the front setback on Dandar St at 11380 Dandar St.	10-14

**NEW BUSINESS**

None.

**OTHER BUSINESS**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
22Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
22Z-2006	Adjournment	

**CALENDAR INFORMATION**

<b>BOARD/COMMITTEE</b>	<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>
Zoning Board of Appeals	Wednesday, Oct. 12, 2022	6:30 P.M.	City Hall, 101 Green St.

Posted: September 9, 2022 at 1:00 p.m. Posted By: Sue Simmons

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF 10 AUGUST 2022

**22Z-2001 – CALL TO ORDER**

Chairperson Rosenthal called the regular meeting to order at 6:33 p.m. in the Board Chambers at 101 Green Street on 10 August 2022.

**22C-2002 – ROLL CALL**

Upon roll call, the following members were present: Jim Baranski, Bill Laity, Kim Cook, Bill Nybo, & John Rosenthal

Dave Jansen & Roger Gates were absent

**22C-02003 – ESTABLISHMENT OF QUORUM**

Chairperson Rosenthal announced a quorum of board members were present to conduct city business.

**APPROVAL OF MINUTES**

**22Z-0256 – APPROVAL OF THE MINUTES OF THE REGULAR ZONING BOARD OF APPEALS MEETING OF JULY 13, 2022**

**Motion:** Cook moved, seconded by Nybo, to approve the minutes of the regular Zoning Board of Appeals meeting of July 13, 2022.

**Discussion:** None.

**Roll Call:** AYES: Laity, Cook, Nybo, Baranski, Rosenthal  
NAYS: None  
ABSTAIN:  
ABSENT: Jansen & Gates

The motion carried.

**UNFINISHED BUSINESS**

**22S-05 – Applicant: Jeff West, 229 Council Fire Circle, Galena, IL 61036.- Ratification of the finding of fact for a request for a Special Use Permit to allow Indoor Commercial Entertainment at 11471 Industrial Dr.**

**Discussion:** Rosenthal read the conclusions and determination and verified the application met the criteria.

**Motion:** Baranski moved, seconded by Cook, to approve the Findings of Fact for a request to allow a Special Use Permit to allow Indoor Commercial Entertainment at 11471 Industrial Dr.

**Roll Call:** AYES: Cook, Nybo, Baranski, Laity, Rosenthal  
NAYS: None  
ABSTAIN:  
ABSENT: Jansen & Gates

The motion carried.

**NEW BUSINESS**

**22SUB-02, 22A-05, 22V-03, 22S-06, & 22HCO-02- (PUBLIC HEARING) Owner, Svec Family Trust, and Applicant, Guys Towing. Request for approval of a proposed Preliminary Subdivision Plan and Plat, a request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture, a Variance to the front setback on Dandar St., a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor, and a Highway 20 Design request to construct a new building in the Highway 20 Corridor.**

**Motion:** Cook moved, seconded by Baranski, to open the public hearing on item 22 SUB -02, a request for approval of a proposed Preliminary Subdivision Plan and Plat,

The motion carried by voice vote.

Nack swore those in that wished to speak.

**Testimony:**

In Favor-

Ben Richard, from Guy's Towing Service 11380 Dandar St. Richard's explained there were several requests to build and subdivide on the property they are purchasing from Svecs. As we discussed at last zoning meeting as to what they proposed to do. I believe you have everything we presented and talked about at the last zoning meeting. We are in the process of purchasing property from Svecs It should be in your agenda. We feel it's a good spot for improvement in Industrial Park, the business to grow / good spot for Galena to grow, attractive buildings in this area. Asked if anyone had questions for him?

Baranski asked Why Lot 1 being Heavy Industrial and lots 2-3 Planned commercial? Do you have any idea what you're going to do with these lots at this time?

Richards stated Lot 1 is for addition to the existing building. Lots 2-3 possible office space like other buildings in the area. Like near Hollands / Similar to what Jackson's have. They are not property managers so they will advertise land for sale. Not developing them. They are going to need to move several yards of dirt need to plateau dirt to similar road height and try in the future to bury retention pond. Other places are doing this, and it works well and then you don't have that sight which isn't nice to look at or keep up.

Baranski commented that they are allowing an easement for the current street to go through.

Richards said yes wants to extend AJ Harle Dr. They are hoping to get annexed at some point into the city.

Baranski - Your existing building has brick, and that addition is being removed. Did you put the addition on?

Richard's - No we bought the building as is.

Baranski - You're removing the brick because you are putting another truck bay on building. Is this being why you're asking for set back?

Richards - Yes asking for setback to duplicate the neighbor's buildings. Want to follow in same lines as cold storage and future business up the road that already has approval for 24 ft to curb.

Baranski - I see you are using Endicott brick on the face brick like two little bump outs.

Richard's - Siding / metal panels of new building to match the existing building. New might also have cut stone or dark brick. More industrial look/ rugged look. Similar to what Walmart has.

Richard's - Color study is in packet. Very consistent to what the new facility will look like.

Baranski - Very consistent with what we want to see.

Rosenthal - The new building and will have the same look as far as siding of the existing building.

Richard's - They will reface 2-3 sides of old building to match new. Roof line pitched to North to drain water toward retention pond on purpose to use rainwater underground storage. To have as much parking as possible.

Rosenthal asked if anyone else wanted to speak in favor of.

Richard's comment on that the City has been very receptive. Met a group of good people to work with.

Lorraine Svec, 11410 US HWY 20 W. stated she is in favor of project.

No one spoke against proposal.

**Motion:** Cook moved, seconded by Laity, to close the public hearing on a request for approval of a proposed Preliminary Subdivision Plan and Plat,

The motion carried by voice vote.

**Motion:** Cook moved, seconded by Baranski, to open the public hearing on item 22A-05, a request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture,

The motion carried by voice vote.

**Testimony:**

Rosenthal asked if there was anything additional to add on this?

Richardson said No.

Svec said yes, I am in favor.

Rosenthal said let the record show same testimony as item 22 SUB-02.

**Motion:** Baranski moved, seconded by Cook, to close the public hearing on a request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture,

The motion carried by voice vote.

**Motion:** Cook moved, seconded by Laity, to open the public hearing on item 22V-03 for a Variance to the front setback on Dandar St.,

The motion carried by voice vote.

**Testimony:**

Rosenthal said let the record show same testimony as item 22 SUB-02.

**Motion:** Cook moved, seconded by Laity, to close the public hearing on a request for approval of a Variance to the front setback on Dandar St.,

The motion carried by voice vote.

**Motion:** Cook moved, seconded by Laity, to open the public hearing on a request for approval of item 22S-06 for a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor

The motion carried by voice vote.

**Testimony:**

Rosenthal said let the record show same testimony as item 22 SUB-02.

**Motion:** Cook moved, seconded by Baranski, to close the public hearing on a request for approval a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor,

The motion carried by voice vote.

**Motion:** Cook moved, seconded by Baranski, to open the public hearing on a request for approval of item 22HCO-02 for a and a Highway 20 Design request to construct a new building in the Highway 20 Corridor.

The motion carried by voice vote.

**Testimony:**

Rosenthal said let the record show same testimony as item 22 SUB-02.

**Motion:** Baranski moved, seconded by Cook, to close the public hearing on a request for and a Highway 20 Design request to construct a new building in the Highway 20 Corridor.

The motion carried by voice vote.

**Motion:** Baranski moved, seconded by Cook, to approve 22SUB-02 and send a positive recommendation to the City Council for approval of a proposed Preliminary Subdivision Plan and Plat

**Discussion:** Per Matt Oldenburg there is no criteria for Subdivision Plan and Plat

**Roll Call:** AYES: Cook, Nybo, Baranski, Laity, Rosenthal  
NAYS: None  
ABSENT: Jansen & Gates

The motion carried.

**Motion:** Baranski moved, seconded by Laity, to approve 22A-05 a request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture

**Discussion:** Baranski read the approval criteria and recommendations.

- (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, in general growing in that direction*
- (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, Reduced environmental impacts*
- (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.it is.*
- (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. There are*
- (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. *There is*
- (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. *There is*

**Roll Call:**

AYES: Nybo, Baranski, Laity, Cook, Rosenthal

NAYS: None

ABSENT: Jansen &amp; Gates

The motion carried.

**Motion:** Baranski moved, seconded by Nybo, to approve 22V-03 –Request for a 17ft variance to the front yard setback on Dandar St.

**Discussion:** Baranski said in general its consistent with what they have approved across the street. He felt they could not deny as they already approved others in the area. He read the approval criteria and recommendations.

- (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. Not self-inflicted

- (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; Doesn't apply
- (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; yes, minimum required
- (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; yes, it is compatible
- (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; yes conforms
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. Is in conformance.

**Roll Call:**

AYES: Nybo, Baranski, Laity, Cook, Rosenthal

NAYS: None

ABSENT: Jansen & Gates

The motion carried.

**Motion:** Baranski moved, seconded by Cook, to approve 22S-06- Request for a special use permit to allow discouraged wall materials in the Highway 20 Corridor.

**Discussion:** Baranski said the materials have evolved in almost 20 years that the plan was written. read the special use permit approval criteria and recommendations.



- (1) *Site plan review standards.* All applicable site plan review criteria in §154.914. *meets criteria*
- (2) *District standards.* The underlying zoning district standards established in §154.201 through §154.209 including the defining characteristics of the district; *complies*
- (3) *Specific standards.* The land use regulations established in §154.406; *meets criteria*
- (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. *Doesn't apply*
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as: Yes, it does
  - (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; *not applicable*
  - (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. *Not applicable*
  - (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. Design and integration Yes it does.

**Roll Call:**

AYES: Baranski, Laity, Cook, Nybo, Rosenthal

NAYS: None

ABSENT: Jansen &amp; Gates

The motion carried.

**Motion:** Baranski moved, seconded by Cook, to approve 22HCO-02- A Highway 20 Design request to construct a new building in the Highway 20 Corridor.

**Discussion:** Baranski said in general building doing what they want them to do. Like the dark brick. Baranski read the approval criteria and recommendations.

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](#); complies
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; complies
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; complies
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; complies
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; Chapter 6 is not applicable
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; Does comply
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. Complies

**Roll Call:** AYES: Laity, Cook, Nybo, Baranski, Rosenthal  
NAYS: None  
ABSENT: Jansen & Gates

The motion carried.

#### **22Z-2005 – PUBLIC COMMENTS**

Lorraine Svec said Thank You.

#### **22Z-2006 – ADJOURNMENT**

**Motion:** Cook moved, seconded by Laity to adjourn.

**Discussion:** None.

**Roll Call:** AYES: Cook, Nybo, Baranski, Laity, Rosenthal  
NAYS: None  
ABSENT: Jansen & Gates

The motion carried.

Zoning Board of Appeals Meeting

10 August 2022

The meeting adjourned at 7:03 p.m.

Respectfully submitted,

Sue Simmons  
Zoning Secretary

# CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



## DECISION

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

#### REGARDING

**CALENDAR NUMBERS:** 22S-06 & 22V-03

**APPLICATION BY:** Richard Family Properties LLC, Guys Towing, 11380 Dandar St., Galena, IL 61036.

**FOR:** A Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor, and a Variance to the front yard setback on Dandar St. at 11380 Dandar St., Galena, IL 61036

## FINDINGS OF FACT

### PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 10, 2022. 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 is looking to purchase approximately 2.92 acres of land to the North of 11380 Dandar St., which is the current location of Guys Towing and annex the subject property into the corporate boundaries of the City of Galena. Guys Towing is looking to expand their operations onto a 1.274-acre parcel that is planned to be zoned Heavy Industrial. 2 additional parcels will be created are proposed to be zoned Planned Commercial for future development. They also plan to dedicate a 50' strip to the city down the center of the newly acquired property to extend AJ Harle Dr.

As part of their expansion, Guys Towing is also looking to remove the current brick portion of the existing building and construct additional garage space in its place that would encroach into the required 40' front yard setback. There is precedent for this on Dandar St. with a previously approved variance for a 10' setback at the location of Galena Climate Control Storage and the property owned by Lock It and Leave It Storage that fronts Dandar St. Guys Towing is looking for approval of a 17' front setback on Dandar St.

Guys Towing is also looking to construct a new building on the new 1.274 acre parcel that is proposed to be zoned Heavy Industrial. This new building will require Highway 20 Design review and a Special Use Permit for discouraged wall materials as they plan to use a type of metal siding on the exterior.

Staff reviewed the proposed plan/plat and recommends approval as the criteria are met.

### **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 and Variance. 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:**

**Ben Richard of Guys Towing Service, 11380 Dandar St., Galena,** explained there were several requests to build and subdivide on the property they are purchasing from the Svecs. As we discussed at last zoning meeting as to what we are proposing to do, I believe you have everything we presented and talked about. We are in the process of purchasing property from Svecs. We feel it's a good spot for improvements in Industrial Park, the business to grow, and a good spot for Galena to grow. It will also add attractive buildings in this area.

Baranski asked why Lot 1 is to be Heavy Industrial and lots 2-3 Planned commercial? Do you have any idea what you're going to do with these lots at this time?

Richards stated Lot 1 is for an addition to the existing building. Lots 2-3 possible office space like other buildings in the area, like what Jackson's have. They are not property managers so they will advertise land for sale, and not develop them. They are going to need to move several yards of dirt need to plateau dirt and try in the future to bury retention pond. Other places are doing this, and it works well. Then you don't have that sight of a detention pond, which isn't nice to look at or keep up.

Baranski commented that they are allowing an easement for the current street to go through.

Richard's said yes, he wants to extend AJ Harle Dr. They are hoping to get annexed at some point into the city.

Baranski asked if the existing building has brick and the addition is being removed. Did you put the brick on there?

Richard's stated that they bought the building as is.

Baranski asked if they were removing the brick because they are putting another truck bay on building. Is this why you're asking for set back?

Richards replied yes. We are asking for the setback to duplicate the neighbor's buildings. Guys would like to follow in same lines as cold storage and future business up the road already has approval for. The new siding/metal panels of new building would match the existing building when they reside it. New might also have some cut stone or dark brick.

Baranski stated that this was very consistent with what we want to see in the Highway 20 Corridor.

Rosenthal. The new building will have the same look.

Rosenthal asked if anyone else wanted to speak in favor of.

Lorraine Svec, 11410 US HWY 20 W. stated she is in favor of project.

**There was no additional testimony, and no one spoke against the proposal.**

#### **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.
- Section 154.201(C)(9) provides a definition and description of the Heavy Industrial District.
- Table 154.204.1 lists the Bulk Standards for Non-Residential Structures.
- Table 154.208.1 lists the Density Standards for Non-Residential 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.
- Section 154.925 sets forth the Purpose, Applicability, Review Criteria, Decision Maker, Application and Review Procedures, and Validity for Variances.
- Section 154, Appendix C sets forth the standards for the Highway 20 Corridor Overlay District.

#### **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 and Heavy Industrial Zoning Districts and within 0'-1,200' of the Highway 20 Corridor Overlay District.
2. The applicant seeks a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor Overlay District.
3. The applicant seeks a Variance to the front yard setback on Dandar St.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the Richard Family Properties LLC, Guys Towing, for a Special Use Permit to allow the use of discouraged wall materials in the Highway 20 Corridor Overlay District should be approved for the following reasons:

1. The site plan review met the criteria for this request.
2. The request is compatible with the district standards for the Planned Commercial District, Heavy Industrial District, and Highway Corridor Overlay District and is consistent with the defining characteristics of these districts.
3. The specific standards for the district are met.
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 of discouraged wall materials is allowed only by Special Use Permit in the Highway Corridor Overlay District.

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the Richard Family Properties LLC, Guys Towing, for a variance to reduce the front setback on Dandar St. 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; True.
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; True.
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; True.

4. *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance; Does not apply.
5. *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures; Yes.
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; Yes.
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, No.
8. *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. True.

## **DECISIONS**

### **Cal. No. 22S-06**

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by the Richard Family Properties LLC, Guys Towing, for a Special Use Permit to allow the use of discouraged wall materials in the Highway 20 Corridor Overlay District should be approved.

PASSED AND APPROVED this 10<sup>th</sup> day of August, A.D. 2022, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

---

John Rosenthal, Chairperson

### **Cal. No. 22V-03**

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by the Richard Family Properties LLC, Guys Towing, for a variance to reduce the front setback on Dandar St. should be approved.

PASSED AND APPROVED this 10<sup>th</sup> day of August, A.D. 2022, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

---

John Rosenthal, Chairperson