

**MINUTES
ZONING BOARD OF APPEALS
OCTOBER 10, 2012**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, October 10, 2012 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Carlisle	Present
Holman	Present
Nybo	Present
O'Keefe	Present
Rosenthal	Present

A quorum was declared.

Nate Kieffer, Zoning Administrator, Joe Nack, City Attorney, and Deb Price, Secretary, were also present.

APPROVAL OF MINUTES:

MOTION: O'Keefe moved, seconded by Bochniak to approve the September 12, 2012 minutes.

Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Cal. No. 12V-01, Applicant: Adam Johnson – 211 Fourth Street Galena, IL 61036. Owner: John & Lucy Mattinen – 437 N. High Street Galena, IL 61036. Location: Part of Lots 3 & 5 in Block 25 Original City of Galena, common address 437 N. High Street Galena, IL. Request for a Variance to the required front yard setback of 25 feet to 10 feet to construct a detached garage.

Board members Baranski and Holman asked that they be recused due to a personal conflict.

Chairperson Rosenthal granted the request and asked both board members to leave the table.

MOTION: O'Keefe moved, seconded by Carlisle to open the Public Hearing on Cal. No. 12V-01.

Motion carried on voice vote.

City Attorney Nack swore in all those wishing to testify at the Public Hearing.

Adam Johnson, 211 Fourth Street, Galena spoke for the applicants. They are asking for a variance to the required front yard setback. There are three hardships involved in this request. First, the City's street is not centered in the right of way. The additional driveway length would result in higher installation costs and an increase in future maintenance. Secondly, the property slopes away from the street. As you continue onto the property the slope rapidly declines. Allowing the variance would mean the garage could be built on a fairly level surface which is closer to street elevation. Thirdly, the owner has had several strokes, now walks with a cane and is partially disabled. Building the garage within the setback would mean additional walking for him which is difficult.

Nybo asked what the distance was from the street to the garage door.

Johnson said it was just less than 27 feet from one corner and less than 29 feet from another corner.

Nybo said the variance would allow the vehicles to be completely off the street.

Johnson said it would.

Bochniak asked where they currently park their vehicles.

Johnson said there is a gravel area on/near the street. He said nothing is really gained by locating the garage within the setback. If the variance is granted there would be plenty of room for the garage so the cars will be completely off the street.

Carlisle asked what would happen if the garage was located closer to the house?

Johnson said due to the slope there is a retaining wall and landscaping here which would cause difficulties in constructing the garage.

Rosenthal asked those in favor of the application to come forward.

No one did.

Rosenthal asked all those opposed to come forward.

Ed Wand, 438 N High Street, Galena said he lives across the street from the applicant's property. His concerns are that the garage would sit too close to the street and be a deterrent to the architecture of the house. He also is concerned that if the garage is moved closer to the

street it would cover the area where a sidewalk should be if it were ever determined that sidewalk should be installed again.

Johnson rebutted by saying that currently they are in the right of way when parking on the gravel area. If the garage is built as requested the cars will be out of the right of way. As to the architectural features of the home being impacted, Johnson feels there would be enough separation between the garage and the house to still appreciate the character of the home.

MOTION: O'Keefe moved, seconded by Carlisle to close the Public Hearing on Cal. No. 12V-01.

Motion carried on voice vote.

MOTION: O'Keefe moved, seconded by Bochniak to draft a positive Finding of Fact for Cal. No. 12V-01.

Discussion: O'Keefe said the variance request should be approved due to the hardship of the property. No special privilege will be granted as the Board has granted this type of variance in the past. The Galena Historic Preservation Commission will have the final say in the design of the garage.

Nybo asked about the setbacks of the neighboring properties. It appears there are other homes that sit closer than 10 feet. If the variance is approved it seems it would not be out of line with what is already in the area. It seems it might improve the parking situation if they were able to pull the cars into a garage.

Carlisle asked about potential sidewalk.

Kieffer said he knew of no immediate plans to improve the street or install sidewalk.

Rosenthal said the variance request meets the hardship requirements.

Rosenthal asked the Board to review the criteria for granting a variance. He said the hardship was unique to the property and that it was not self inflicted. The conditions were present when they purchased the property.

O'Keefe said it was a reasonable use of the property; the variance would allow the applicant the same privileges as the literal interpretation and the Board would not be granting any special privileges when approving the variance. The request is also compatible to adjacent properties and it conforms with the purpose of the code and the Comprehensive Plan.

Nybo said the requested variance is the minimum necessary for the desired use.

As Roll Call was:

Bochniak	Yes
Carlisle	Yes
Holman	Recused
Nybo	Yes
O'Keefe	Yes
Baranski	Recused
Rosenthal	Yes

Motion carried.

Baranski and Holman returned to the table.

Concept Plan Review – Glen and Char Carlson, review of a proposed rezoning and special use permit request on the property at 605 South Prospect Street to allow for the conversion of the building from a five room Bed and Breakfast to a six room Small Inn.

Char Carlson, 605 S Prospect Street, Galena said she and her husband own The Steamboat House at this address. Currently the Special Use Permit allows a five bedroom Bed and Breakfast. At this time they are looking for the Board's opinion on a proposed zoning change to Neighborhood Office to allow their property to operate as a Small Inn. The home meets all the requirements of a Small Inn except the zoning. Spring Street – Highway 20 and Downtown Commercial Zoning are adjacent to their property.

O'Keefe said if the zoning was changed and this became a Small Inn the code would not require the owners to live on premise.

Nybo said the cost of doing business as a Small Inn keeper or Bed and Breakfast owner has increased dramatically since the ordinance was written. The idea of increasing the number of rooms may become a popular request. It might be that the ordinance needs to be revisited to reflect the current situations. Couldn't a Special Use Permit be issued for a sixth room – making this a Small Inn rather than changing the overall zoning?

Baranski said there is a State Ordinance that has to be complied with.

Kieffer said there was a cap of five rooms for a Bed and Breakfast.

Baranski asked if a Special Use Permit was granted for a Small Inn could the Board require that it be owner occupied.

Nack said he thought the Board could do this.

O'Keefe wondered if the Board would be seeing a number of other Bed and Breakfast owners requesting the same thing. Does the Board need to revisit the Bed and Breakfast Ordinance? Baranski and O'Keefe both thought there were factors that would allow the change to a Small Inn.

Kieffer said the ordinance reads, "It is the intention of the city that small inns be limited to larger existing structures that were originally constructed to provide public accommodations, or other nonresidential structures whereby a special use would benefit the city and surrounding area by allowing an appropriate adaptive use for such structures. This is in recognition of the owning and maintaining larger historic homes." The definition of a Small Inn does not include this statement.

Kieffer said it would make the most sense to rezone the property which would allow them to apply for a Special Use Permit to allow a Small Inn.

The applicant was agreeable to this.

COUNTY ZONING

None.

WORKSESSION/OTHER

Open Meetings Act Training.

Kieffer reminded the Board that this needs to be completed by December 31, 2012.

PUBLIC COMMENTS

None.

MOTION: Bochniak moved, seconded by Carlisle to adjourn the meeting.

Motion carried on voice vote.

Rosenthal adjourned the meeting at 7:20 PM.

Respectfully submitted by

Deb Price
Zoning Board Secretary