

**MINUTES
ZONING BOARD OF APPEALS
JUNE 13, 2012**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, June 13, 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
Holman	Absent
Nybo	Present
O'Keefe	Present
Porter	Absent
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 Nybo to approve the May 9, 2012 minutes.

Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Cal. No. 12S-02, Applicant – Mary Wilson & Bruce Hoover, 1992 W. Miller Ridge Road, Scales Mound, IL 61075. Owner - Bruce Hoover, 1992 W. Miller Ridge Road, Scales Mound, IL 61075. Request for a Special Use Permit for an Outdoor Dining use accessory to the principal use of Indoor Commercial Entertainment (Restaurant) on Part of Lot 41 in Center Addition to the City of Galena, commonly known as 309 N. Main St. Galena.

MOTION: Baranski moved, seconded by O’Keefe to open the Public Hearing on Cal. No. 12S-02.

Motion carried on voice vote.

Nack swore those persons in who wished to testify at this Public Hearing.

Mary Wilson and Bruce Hoover, 1992 W Miller Road Scales Mound IL own the property at 309 N Main Street. Hoover said they operate Sweetheart Bakery and would like to utilize the existing deck for outdoor dining.

Wilson said they have numerous requests daily by those who would like to have their coffee or lunch on the deck.

Nybo asked about accessing the deck.

Hoover said you can access the deck from Main Street or from the back of the building.

Wilson said they are planning to have patrons access the outdoor seating area from inside the store. There would be no exterior entrance for bakery customers who wish to sit on the deck.

Rosenthal asked those in favor of the application to come forward to testify. No one did.

Rosenthal asked those opposed to the application to come forward to testify. No one did.

MOTION: O’Keefe moved, seconded by Baranski to close the Public Hearing on Cal. No. 12S-02.

Motion carried on voice vote.

MOTION: O’Keefe moved, seconded by Baranski to draft a positive Finding of Fact for Cal. No. 12S-02.

Discussion: The Board agreed that the request met all of the Approval Criteria.

As Roll Call was:

Bochniak	Yes
Holman	Absent
Nybo	Yes
O'Keefe	Yes
Porter	Absent
Baranski	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 12A-02, Applicant – Karen & Nathan Greiner, 6635 West Beatty Hollow Road, Hanover, IL 61041. Owner – Catherine K. and William J. Peterson, 809 Spring Street, Galena, IL 61036. Request for a Zoning Map Amendment (Low Density Residential & Medium Density Residential to Neighborhood Commercial) to approximately 0.57 acres being Lots 19 thru 21, Block 5, in Upper Galena Addition to the City of Galena and also Lots 8 thru 10 and adjacent wedge, Block 1 of Turney's Addition to the City of Galena, commonly known as 809 Spring Street, Galena.

MOTION: O'Keefe moved, seconded by Baranski to open the Public Hearing on Cal. No. 12A-02.

Motion carried on voice vote.

Nack swore those persons in who wished to testify at this Public Hearing.

Karen Griener and Nathan Greiner, 6635 W Beatty Hollow Road, Hanover IL said they would like to purchase the property and change the zoning so they could use it as a professional office for an interior design business that Karen would operate.

Baranski asked if they had any plans for mixed use – using the space as a residence or for another office.

Karen Greiner said there were no plans to use any of the space for a residence, but they may want to rent space for another professional office in the future.

Bochniak asked about parking requirements.

Kieffer said if there were improvements made to the parking area they would need to comply with the City's parking code for this square footage.

Karen said she has spoken with Kieffer about possible changes and improvements to the parking especially concerning deliveries.

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

Ken Robb, 525 S Hickory Street, Galena said he simply wanted to comment. His property is adjacent and above 809 Spring Street. He is concerned about the 50 x 100 foot lot owned by the Peterson's son that is directly behind the home and is surrounded by Robb's property. He does think this is an appropriate use for the property and realizes that with the change to Neighborhood Commercial there are very few options as to what could be done here. Future owners may have different ideas about what would be appropriate and may want to seek a Special Use Permit for something that may adversely affect Robb's property.

Rosenthal asked those opposed to the application to come forward to testify. No one did.

MOTION: O'Keefe moved, seconded by Bochniak to close the Public Hearing on Cal. No. 12A-02.

Motion carried on voice vote.

MOTION: O'Keefe moved, seconded by Bochniak to recommend the City Council approve the request for Cal. No 12A-02.

Discussion: O'Keefe said he understood the neighbor's concern, but Spring Street is not residential. This use makes very good sense at this location.

Nybo said Spring Street had been targeted for this type of zoning change.

Baranski said this fits with what has been happening on Spring Street.

The Board agreed that the request met all of the Approval Criteria.

As Roll Call was:

Holman	Absent
Nybo	Yes
O'Keefe	Yes
Porter	Absent
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

COUNTY ZONING

None.

WORKSESSION

Discussion of proposed amendments to Zoning Board Rules of Procedures to provide for Public Comments and Electronic Participation as required by the Illinois Open Meetings Act (continued from May 2012).

After discussion the Board directed Kieffer to draft changes to the rules of procedure with the following suggestions:

- A limit of three minutes per person.
- A limit of 15 minutes per meeting.
- Only current agenda items can be commented on.
- Electronic participation can be allowed as long as there is a physical quorum at all times. Only an approved excuse will allow a member to attend electronically such as illness, job requirements or an emergency.

Kieffer asked if the Board wanted these rules to mimic those of the City Council.

Nack said a person should probably not be able to comment on an item where final action is still pending.

The Board agreed.

Kieffer will work on this for the July meeting.

MOTION: O'Keefe moved, seconded by Nybo to adjourn the meeting.

Motion carried on voice vote.

Rosenthal adjourned the meeting at 7:15 PM.

Respectfully submitted by

Deb Price
Zoning Board Secretary