

**MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 12, 2018**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, September 12, 2018 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Absent
Bochniak	Present
Cook	Present
Holman	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

Zoning Administrator Matt Oldenburg, City Attorney Joe Nack and Secretary Deb Price were also present.

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Holman to approve the August 8, 2018 minutes.

Motion carried.

UNFINISHED BUSINESS

Cal. No. 18S-09 & 18V-01, Applicant and Owner: Dennis & Ruth Ann Dunton, 407 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-193-00, North ½ of the North 46 ¼ feet of the East ½ of Lot 16, West side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 407 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District and Variance request for off-street parking requirement.

MOTION: Jansen moved, seconded by Cook to approve the recommendation for Cal. No. 18S-09 and 18V-01.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Absent
Rosenthal	Yes

Motion carried.

NEW BUSINESS

Cal. No. 18HCO-01, Applicant: Straka Johnson Architects, 3555 Digital Drive, Dubuque, IA 52003 and Owner: Galena Unit School District #120, 1206 N Franklin Street, Galena, IL 61036. Location: Parcel: 22-200-194-00, James P. Soulard's 3rd Add. Lots 13 - 19 & Part of Lots 20, 21 & 22 & Part of Vacated Soulard Street D.O.R. Docket No. 87-43-64 Primary School, Galena, Jo Daviess County, Illinois. Common Address is 219 Kelly Lane, Galena, IL 61036. Request for Highway 20 Development Permit to construct a bus parking area, maintenance facility and associated site improvements.

City Attorney Nack swore in all those who wished to testify at this Public Hearing.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. HCO-01.

Motion carried by voice vote.

Marty Johnson, 28 Vista Ridge Galena said he represents the Galena School District in their request. The school district has about 25 acres on their campus. For several years the school had rented property for the school buses, but that property was sold and is no longer available. The district then started to search for an appropriate solution for the 12-13 school buses. In June they spoke with City Engineer Andy Lewis about obtaining fill from the Gear Street project for the requested site but at that point it seemed none would be available. In early summer Bobby Hahn spoke with the Gear Street contractor to see if he could solicit some of the fill. It was determined that Fisher would allow some fill to go to the school district at no cost, but there was a narrow window of time when the fill would be available. During a two to three-week period conversations took place on how to make this happen. From a control stand point the school has always thought they were exempt from the permitting process but recent case law changed that. They are proposing a landing pad for the bus garage and a small support structure. None of this has been approved by the school board. If approved tonight by the Zoning Board they will take this proposal to the school board. They have been working with Galena engineer Tom Golden. The area had a small non-engineered detention basin that occurred when Irvine Street was constructed in the 1980's. They have gone thru the stormwater control process and they now have an engineered detention pond for that area. For the last several years the water from the Irvine Street - Highway 20 intersection has drained thru this area. This water runoff has been included in the detention pond plans. Louie's Trenching has been doing grading work at the east end of the property for the detention pond. The runoff is controlled by an existing culvert pipe that is already established in the area, but the detention pond should

improve the conditions that occur in this area. They are aligning the entrance with a curb cut opposite the one that serves Piggly Wiggly. This will lead into a parking area that will allow for 10-11 buses on surface, an approximately 3000 square foot maintenance building that will have space for another two buses, a small break room and an office for the transportation department. They will have proper screening in the necessary areas and they are using the grade and terrain of the site to help tuck the buses into the hillside to help with the offsite visibility. They are working with City Staff to develop an appropriate landscaping plan. The design is for a simple maintenance style building that will have Galena style brick on the Highway 20 and Irvine Street sides. The back side is tucked into the hillside; the east side had quite a bit of vegetation that they were able to keep for screening.

Bochniak asked the dimensions of the building.

Johnson said 60 feet by 60 feet. The building will house a maintenance area, an office, a break room and restrooms.

Bochniak asked where the buses would park.

Johnson said they would be located on the west side of the property where they can be tucked back and have access to electricity.

Bochniak asked how much of the roof would be visible from Highway 20.

Johnson said the roof would be below the current grade and Highway 20 is about 20-30 feet higher than the current grade. He said the building would have a single slope shed roof - possibly utilizing solar panels in the future. The roof would be higher on the north and lower on the south.

Rosenthal said the plans show no mechanicals on the roof. Is that correct.

Johnson said that is correct.

Nybo asked if there were any plans for on-site fuel storage.

Johnson said currently there are no plans for fuel storage.

Nybo asked if this would be a detention or a retention pond. Will it be engineered?

Johnson said Tom Golden has done the engineering for the pond. Johnson believes the new detention pond will greatly help the water situation in this area. The capacity will be increased so that during high water events the additional on-site storage will improve the runoff.

Rosenthal asked how a request would be handled if in the future the school wanted to install fuel tanks.

Oldenburg said the EPA would be the permitting agency. The City would make sure it is properly screened.

Greg Herbst, District Administrator for the Galena School District said they previously had on site fuel tanks, but the intent is that there will be no fuel tanks located on the property. Transportation Director Dennis Wills negotiated a fuel contract with a local station for the same price they had when they were using the tanks. The district feels that on-site fuel tanks would be too close to the students.

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

Ron Mikosinsky, 1205 Franklin Street Galena asked if the retention pond would have protection around it to prevent someone from getting in.

Oldenburg said it is a detention pond which would drain any rainwater in a matter of hours, so it would not be required to have a fence.

Mikosinsky asked about the north elevation and how it will impact his view from Franklin Street. The drawings make it appear as though he will be looking at a 9 foot by 60 foot portion of the metal building that will not be screened. Could they build this out of something other than metal.

Rosenthal said the building material is an approved one.

Oldenburg said brick will be used on the sides visible for Irvine and Highway 20 but potentially he will be able to see some of the metal façade. A condition of approval could be that another approved material be used.

Rosenthal asked those in opposition of the request to come forward and testify.

Dan Hall, 5523 W East Road Scales Mound has 30 years in the construction business and he is very concerned about the run off. The building they own at 117 Irvine Street houses their insurance business and a lower level rental. The basin area has been excavated down to the limestone – the clay has been removed. If debris gets into the drain it clogs and then you have problems like what happened during the last several storms. He suggests they install a geotech style liner that would protect lateral water movement. He is also questioning the subgrade area – it seems too small for the number of buses and supporting vehicles that need to be parked here. The footprint doesn't seem to support what is needed. He questions the necessary amount of room for the bus drivers to perform their daily walk around inspections. He's also not sure if buses are allowed to back up on school property. During his time driving school buses they were not allowed to back up a bus on school property. Maybe this is determined by a school district. He wondered if there should be a fence between the parking area and the school. He wants to make sure the project is done right – maybe they should talk to the drivers and get their input.

Adam Mostert 115 Irvine Street said he really isn't in favor of or in opposition to the request. He is concerned about the water runoff. The water from the school, Kelly Lane and Irvine Street runs thru the culvert near his property. Until the recent heavy rain events they have not had any concern about run off. When the storm sewer clogged, the overflow ended up flooding his property. At one point during the recent rains cars were backed up on Irvine Street due to the knee-high water. Mostert waded out and cleared the debris. He asked if the water from the detention pond would go under Irvine street.

Rosenthal asked Johnson if he wished to rebut any of the testimony.

Johnson said the grades would be consistent with what is currently there – 3.1 to 4.1 percent so they have no plans to install retaining walls. The height at the back of the building will be screened by the hillside and trees but if additional screening is needed this could be added. He said the basin of the detention pond would have either a packed clay liner or a mechanical liner. The majority of the time the detention pond will be a green grass area that is mowed but during heavy rains it will detain the waters for a delayed release.

Nybo asked if they will be installing a fence around the bus area.

Johnson said the budget does not include fencing, but the aesthetics and security of the area could be addressed in the future.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. HCO-01.

Motion carried by voice vote.

MOTION: Jansen moved, seconded by Holman to draft a positive Finding of Fact for Cal. No. HCO-01 as presented.

Discussion: Bochniak agreed with the motion but wondered if we should include that additional landscape screening be added on the building's north side

Jansen and Holman agreed that was a good idea.

MOTION: Bochniak moved, seconded by Jansen to amend the motion to include that appropriate landscape screening be installed on the building's north side as a condition for approval.

Rosenthal called for a vote on the amendment.

As Roll Call was:

Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Yes
Baranski	Absent
Bochniak	Yes
Rosenthal	Yes

Motion carried.

Jansen reviewed the approval criteria:

Approval Criteria & Decision:

Highway 20 Development Permit - The application shall demonstrate that the proposed development will comply with the following:

09-12-2018

- (1) All applicable site plan review criteria in § [154.914](#); *Proposal meets all site plan review criteria.*
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; *The structure and site improvements support the goals of the Design Manual.*
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual;
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; *This request supports the character of the Hilltop Commercial District by: New, infill and redeveloped industrial and commercial; coordinated access and design; integration with topography; design unity through use of materials; preservation of views and historic structures; potential redevelopment of underutilized properties.*
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *n/a, site is under 10 acres in size.*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; and *Building siting is integrated into the topography and sits well below the viewshed from the Highway. Wall materials are high-quality.*
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. *Landscaping points are met and placement is adequate to create buffer between development and adjacent residential land uses. Storm water improvements and capacity will be verified at Building permit level and are expected to improve the existing condition of the entire Primary School site which will protect the watershed downstream.*

The Zoning Board of Appeals can approve, conditionally approve, or deny all applications for a Highway 20 development permit.

Rosenthal called for a vote on the original motion.

As Roll Call was:

Holman	Yes
Jansen	Yes
Nybo	Yes
Baranski	Absent
Bochniak	Yes
Cook	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 18S-10, Applicant and Owner: Ken Stoppa & Elizabeth Collazo, 429 Harrison Street, Galena, IL 61036. Location: Parcel: 22-100-439-03, W 1/2 of S 47' Lot 58, W 1/2 Lot 59 & W 1/2 Lot 60, W. Side of Broadway, Galena, Jo Daviess County, Illinois. Common Address is 429 Harrison Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. 18S-10.

Motion carried by voice vote.

Adam Johnson, 211 Fourth Street Galena spoke on behalf of the property owners. The property has a good location – it is secluded, well screened, has off street parking as well as a garage and the vacation rental use would be a good fit.

No one spoke either in favor of or in opposition to the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 18S-10.

Motion carried by voice vote.

MOTION: Bochniak moved, seconded by Cook to draft a positive Finding of Fact to approve a Special Use Permit for Cal. No. 18S-10.

Discussion: Bochniak reviewed the approval criteria:

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

The application shall demonstrate that the proposed development will comply with the following:

(1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. *The proposed plan meets the site plan review standards.*

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*

(3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*

(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. *Complimentary uses are available to the project.*

(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

(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. *The proposed use will protect the privacy of adjacent properties.*

(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. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*

(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. *The design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is consistent with a residential use at the site.*

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

As Roll Call was:

Jansen	Yes
Nybo	Abstain
Baranski	Absent
Bochniak	Yes
Cook	Yes
Holman	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 18S-11, Applicant and Owner: Deborah Penney, 334 Franklin Street, Galena, IL 61036. Location: Parcel: 22-100-305-00, SE 28' of Lot 20, Franklin Street, Galena, Jo Daviess County, Illinois. Common Address is 334 Franklin Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

MOTION: Jansen moved, seconded by Bochniak to open the Public Hearing for Cal. No. 18S-11.

John Morrow, 413 Ash Avenue Ames Iowa is the applicants husband. They primarily live in Ames, Iowa but have a second home at 334 Franklin Street and have had friends and relatives stay with them when they are in Galena, but they may want to allow some of these people to stay on their own in the house and want everything to be legal with their guests. They are in Galena at least once a month. They will have a local representative who will assist their guests and clean. They would have a wi-fi entry system and they do have two off street parking spots. They do have someone local who will handle maintenance issues.

No one spoke either in favor of or opposition to the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 18S-11.

Motion carried on voice vote.

MOTION: Cook moved, seconded by Bochniak to draft a positive Finding of Fact to approve a Special Use Permit for Cal. No. 18S-11 based on the criteria for Cal. No. 18S-10.

Discussion: None

As Roll Call was:

Nybo	Abstain
Baranski	Absent
Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 18S-12, Applicant and Owner: Bruce & Nanette Glasgow, 200 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-099-00, Part of Lot 54, West Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 200 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. 18S-12.

Bruce Glasgow, 238 Council Fire Circle Galena said they would like to have a Special Use Permit to operate a vacation rental above their restaurant – Victory Café. They want to start by renovating the top floor back unit and then move to the other back unit. At some point they may want to renovate the other two units but for now they are focusing on these two.

No one spoke either in favor of or opposition to the request.

MOTION: Bochniak moved, seconded by Jansen to close the Public Hearing for Cal. No. 18S-12.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Bochniak to draft a positive Finding of Fact to approve a Special Use Permit for Cal. No. 18S-12.

Discussion: Jansen reviewed the approval criteria:

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

The application shall demonstrate that the proposed development will comply with the following:

(1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. *The proposed plan meets the site plan review standards.*

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*

(3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the*

(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. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*

(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 *specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*

(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. *Complimentary uses are available to the project.*

(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

(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. *The proposed use will protect the privacy of adjacent properties.*

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. *The design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances.*

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

As Roll Call was:

Baranski	Absent
Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Abstain
Rosenthal	Yes

Motion carried.

Cal. No. 18S-13, Applicant and Owner: 125 N Main LLC, 125 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-158-00, Lot 32, East Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 125 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. 18S-13.

Joseph Morrissey, 208 Van Buren Street Galena said he is interested in converting the apartments above the Cornerstone into vacation rentals. One of the three apartments are occupied by long term renters; the other two are vacant.

No one spoke either in favor of or opposition to the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 18S-13.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Cook to draft a positive Finding of Fact to approve a Special Use Permit for Cal. No. 18S-13 based on the criteria for Cal. No. 18S-12.

Discussion: None

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Absent
Rosenthal	Yes

Motion carried.

Cal. No. 18S-14, Applicant and Owner: RAL Realty Management, 107 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-151-00, North 9' of Lot 26 & South 11' of Lot 27, East Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 107 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. 18S-14.

Raechelle Ahmed, 66 Stony Point Galena said she would like to have a vacation rental above their retail store Vignettes. The space they want to convert is on the second and third floors.

No one spoke either in favor of or opposition to the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 18S-14.

Motion carried on voice vote.

MOTION: Cook moved, seconded by Bochniak to draft a positive Finding of Fact to approve a Special Use Permit for Cal. No. 18S-14 based on the criteria for Cal. No. 18S-12.

Discussion: None

As Roll Call was:

Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Absent
Bochniak	Yes
Rosenthal	Yes

Motion carried.

WORK SESSION

None

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 7:37pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary