

**MINUTES
ZONING BOARD OF APPEALS
FEBRUARY 13, 2019**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, February 13, 2019 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Calvert to approve the January 9, 2019 minutes.

Motion carried.

UNFINISHED BUSINESS

Cal. No.19V-01, Lock-it & Leave-it – Request for Variance to allow decreased front yard setback to match adjacent property’s front yard setback at 11401 Dandar Street. Ratification of Findings.

MOTION: Bochniak moved, seconded by Cook to approve the Finding of Fact for Cal. No. 19V-01.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

Cal. No. 19S-01, Applicants & Owners: Dino & Sotiri Rigopoulos, 209 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-163-00, N 19' of Lot 35 & SW 8.5' of Lot 36, E Side of Main Street, Original City of Galena, Jo Daviess County, Illinois. Common Address: 209 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Cook moved, seconded by Bochniak to open the Public Hearing for Cal. No. 19S-01.

Motion carried on voice vote.

City Attorney Nack swore in all those who wished to testify at tonight's Public Hearings.

Adam Johnson, 211 Fourth Street Galena spoke for the applicant. He said the owner would like to convert the current monthly rental to a vacation rental. The unit has 1,300 square feet and could accommodate up to six persons. The rental is very near his other two Main Street businesses.

Rosenthal asked if there would be egress from the back of the building.

Oldenburg said he doesn't know the exact wording of the building code, but he believes it will need two forms of egress from the upper floor. This requirement would have to be met before a license was issued.

Johnson said there had been some talk about building a deck on the Commerce Street side of the unit, but he wasn't sure where that stood.

No other testimony was heard for this request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 19S-01.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Baranski to approve Cal. No. 19S-01 as presented.

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 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:

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

Motion carried.

Cal. No. 19A-01, Applicant: City of Galena, 101 Green Street, Galena, IL 61036. Request for Text Amendment to Zoning Code of Ordinances to define process and regulations for solar arrays and alternative energy applications in the Highway 20 Corridor Design Manual.

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing for Cal. No. 19A-01.

Motion carried on voice vote.

Zoning Administrator Matt Oldenburg presented for the City. The Zoning Board previously held worksessions on this matter and determined that limiting an array to 20 kilowatts could be administratively approved; larger than 20 kilowatts would need to come before the Zoning Board for approval. This would be for applications in the Highway 20 Corridor.

Baranski asked about the area of Highway 20 that is in the historic district.

Oldenburg said it would have to have approval from both zoning – either administratively or by the board - and the Historic Preservation Commission.

While working on the text amendment he spoke with others about limiting the kilowatts. As the technology continues to improve the panel size will become more efficient and capable of producing more kilowatts. Since this is an aesthetics issue he recommends limiting the number of panels rather than the kilowatts. The current equivalent of 20 kilowatts is about 70-80 panels so we could limit the array to 80 panels.

Baranski asked what that equates to in square footage. Could there be a maximum square footage limit? Aesthetically that seems to matter more than the kilowatts produced or number of panels.

Oldenburg said a 20-kilowatt system could be approved today with 70-80 panels but in the future, you may only need half that number. Do we want to limit their output? The square footage for 80 panels is 1,820 square feet.

Baranski said if we limit it to 1,820 square feet they can do whatever they want. Today the panels produce 20 kilowatts but in the future they could produce twice as much. That would be great.

Oldenburg said we would include in the recommendation that rather than 80 panels we use 1,820 square feet or maybe 2000 square feet would make sense.

The Board agreed with a maximum coverage of 2000 square feet.

Bochniak asked about approval for a ground array.

Oldenburg said this was explained in the descriptive sections of the guidelines - under site features and service areas, utility equipment. Preferred installations are when the alternative energy equipment is integrated with the building design. Discouraged installations are when alternative energy equipment is not integrated with the building design. Oldenburg said he would be looking at the proposed installation from the center line of Highway 20 and if it is integrated or not visible he could approve it. If not, it would be sent to the Zoning Board just as any proposal larger than 2,000 square feet would. Table X.1 shows the limits and decision makers.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 19A-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to send a positive recommendation to the City Council to approve amending the design guidelines as stated with the inclusion of using 2,000 square feet of solar panels for the cut off for administrative approval and Zoning Board approval.

Discussion: None

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary