

**MINUTES
ZONING BOARD OF APPEALS
December 8, 2021**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, December 8, 2021, at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Cook	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

Zoning Administrator Jonathan Miller & City Attorney Joe Nack were also present.

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Jansen to approve the minutes of the Regular Meeting of October 13, 2021.

Motion carried on voice vote.

UNFINISHED BUSINESS

None

NEW BUSINESS

City Attorney Joe Nack swore in everyone that wanted to speak at public hearings as a group.

Cal No.- 21PD-03 Galena Unit School District- Request for Final Approval for a Planned Unit Development with an Underlying District of Low Density Residential.

MOTION: Cook moved, seconded by Baranski to open public hearing.

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

Marty Johnson of 28 Vista Ridge stated he took the criteria back to the school and amended the setbacks & height incorporated in application, Changed the set back on Franklin St to indicate behind the city water well house so it is at 42 ft at the angle.

He commented that the building materials were a precast concrete and that it would have a brick panel to match existing building. The wrap above windows was also going to match what is there to complement the existing structure.

Baranski stated he had no questions about these updates to the plan as his previous meeting concerns were all addressed.

Jansen asked why the well house was staying?

Johnson explained that it is still part of the city water infrastructure.

Rosenthal asked if anyone wanted to speak against request. No one replied.

MOTION: Baranski moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

Baranski moved to approve Low Density plan, seconded by Bochniak.

Baranski went through criteria-

- (a) The approved ODP, if applicable; *not applicable*. Yes
- (b) The approved preliminary development plan; *Final plan has no change from approved preliminary plan with conditions and adheres to the PUD district standards set forth by the City Council*. Yes
- (c) The approved preliminary plat; *not applicable* Yes
- (d) The approved PUD/TND rezoning ordinance; *Final plan is in conformance with the approved standards of the rezoned PUD ordinance*. Yes
- (e) All other applicable development and construction codes, ordinances, and policies; *Final plan meets other applicable codes and City Staff will ensure approval conditions set forth by the City Council are met*. Yes
- (f) The applicable site plan review criteria in § [154.914](#); and *Final plan meets the applicable site plan review criteria*. Yes
- (g) The applicable final plat criteria in [Chapter 153](#), Subdivision Regulations. *Not applicable*. Yes

ROLL CALL

As Roll Call was:

Bochniak Yes

Cook Yes

Jansen Yes

Nybo Yes

Baranski Yes

Rosenthal Yes

Motion carried to send to City Council to be in favor of request.

Cal No.- 21V-03 Galena Unit School District- Request for Final Approval for a Variance to the front yard setback on the NE side of the proposed Middle School addition.

MOTION: Cook moved, seconded by Bochniak to open public hearing.

Rosenthal asked if anyone else wanted to speak in favor of request. No one.

Rosenthal asked if anyone else wanted to speak in opposition of request. No one.

MOTION: Jansen moved , seconded by Baranski to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Jansen moved to approve a Variance to the front yard setback on the NE side of the proposed Middle School addition, seconded by Baranski.

Jansen went through approval criteria

- (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; Yes
- (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; Yes
- (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; Yes
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance; Yes

(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; True

(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

(8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. Yes

ROLL CALL

As Roll Call was:

Cook Yes

Jansen Yes

Nybo Yes

Baranski Yes

Bochniak Yes

Rosenthal Yes

Motion carried to send to City Council to be in favor of request.

Cal No.- 21HCO-01 Galena Unit School District- Request for Final Approval for of a non-administrative Highway 20 Development Permit to allow the construction of an addition to the Middle School in the Highway 20 Corridor.

MOTION: Cook moved, seconded by Bochniak to open public hearing.

Rosenthal asked if anyone else wanted to speak in favor of request. No one.

Rosenthal asked if anyone else wanted to speak in opposition of request. No one.

MOTION: Jansen moved , seconded by Baranski to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Baranski moved to approve as presented a Variance to the front yard setback on the NE side of the proposed Middle School addition, seconded by Bochniak

Baranski went through approval criteria.

- (1) All applicable site plan review criteria in § [154.914](#); Yes -meets criteria
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; Yes consistent
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; Yes meets criteria
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; Yes meets criteria
- (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. N/A*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; Yes
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. Yes

ROLL CALL

As Roll Call was:

Cook Yes
Jansen Yes
Nybo Yes
Baranski Yes
Bochniak Yes
Rosenthal Yes

Motion carried.

Cal No.- 21S-12 Galena Unit School District- Request for Final Approval for a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.

MOTION: Baranski moved, seconded by Cook to open public hearing.

Rosenthal asked if anyone else wanted to speak in favor of request. No one

Rosenthal asked if anyone else wanted to speak in opposition of request. No one.

MOTION: Baranski moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Bochniak moved to approve the request for Final Approval for a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor, seconded by Cook

Bochniak went through approval criteria.

(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; Meets criteria

(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. Meets criteria

(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.

(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.

(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. Meets all criteria

ROLL CALL

As Roll Call was:

Jansen Yes
Nybo Yes
Baranski Yes
Bochniak Yes
Cook Yes
Rosenthal Yes

Motion carried.

Cal No.- 21HCO-02

Lead Mine Climbing Gym, Jeff West- Request for approval of a non-administrative Highway 20 Development Permit to allow the construction of a climbing gym in the Highway 20 Corridor. and a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.

MOTION: Barnaski moved, seconded by Cook to open public hearing.

Jeff West of 229 Council Fire Circle commented he is looking to open an indoor climbing gym. Part would be free climbing without ropes that the climber would fall to large, cushioned mats. The other would be a tethered type that the participant would scale the walls. He is an avid climber and wants to offer a 3800 sq ft facility for all ages to enjoy. The outside would be a high-grade metal siding that resembles wood so they do not need a lot of maintenance. Looking to open another business to compliment the photography business they already have.

Barnaski spoke in favor of the discouraged metal siding to say the metal will make the design clean.

Marty Johnson said the metal siding meets the intent of the buildings look.

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

Krista Ginger of 418 Harrison St. Said she is very impressed with this project and a great thing for all including the young people.

Rosean Schroman of 1570 Seippel Rd, Dubuque, IA, Gave Mr. West a kudos to opening another business.

Matt Carroll of 319 Meeker commented he is very supportive of this facility as it compliments other businesses, is a benefit to the community, and there is a need for year-round activity for the locals too. He said Jeff is very professional.

Robert Mahan of 900 Third St commented that he is very supportive of the request as it is benefit for all locals.

Brenda Holmes of 516 Dewey (not signed in) Had a question on hours of operation?

Rosenthal stated this was not time for questions. The board would ask questions later.

He asked if she is in favor or against?

She said she has not made up her mind. She seated herself.

Jeff West answered the question on hours which will be either 10-8 or 10-6 depending on traffic. Also stated there will always be supervision at business.

Rosenthal asked if anyone else wanted to speak in favor and there was no one.

Rosenthal asked if anyone wanted to speak in opposition of request. No one.

MOTION: Bochniak moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Baranski moved seconded by Jansen to approve the preliminary plan request with the following conditions:

Baranski went through approval criteria.

- (1) All applicable site plan review criteria in § [154.914](#); Yes
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; Yes
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; Yes
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; Yes
- (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. N/A*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; Yes
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. Yes

ROLL CALL

As Roll Call was:

Nybo Yes
Baranski Yes
Bochniak Yes
Cook Yes
Jansen Yes
Rosenthal Yes

Motion carried.

Cal No.- 21S-13 Lead Mine Climbing Gym, Jeff West- Request for approval of a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.

Bochniak motioned to approve, Cook seconded the request for approval of a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor.

Baranski stated that the metal siding materials that look like wood were very good materials that meet criteria of HCO.

Bochniak went through approval criteria.

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. Yes
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; Yes
- (3) *Specific standards.* The land use regulations established in § 154.406; Yes
- (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. Yes
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as: Yes
 - (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. Yes

(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. Yes

(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. Yes

ROLL CALL

As Roll Call was:

Baranski Yes

Bochniak Yes

Cook Yes

Jansen Yes

Nybo Yes

Rosenthal Yes

Motion carried.

Cal No.- 21A-01

James Ryndak- Request for a Zoning Map amendment to rezone from Low Density Residential to Neighborhood Commercial.

MOTION: Cook moved, seconded by Jansen to open public hearing.

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

James Ryndak 528 N Clark Lane, Galena, IL., Wants to do extensive renovations and repairs if feasible. He cannot occupy home as he is a cattle rancher and needs to be there. Went through a quick history of the home at 1004 Park and the layout of the cul-de-sac that makes up this block of Park Ave. There are only 3 houses on the block and block is primarily rezoned commercial already as the Belvidere Mansion is there at the end, and there is a vacation rental, there is much traffic with Trolley tours and the people touring mansion.

Neighborhood Commercial would allow him to bring this home back as a jewel of Galena and would allow him to run with a caretaker and site manager.

Baranski asked Does operating as a small Inn need an Inn keeper?

Jonathan Miller states it must have an innkeeper.

There were no more questions.

Rosenthal asked if anyone else wanted to speak in favor of request. No one.

Rosenthal asked if anyone wanted to speak in opposition of request. No one.

MOTION: **Bochniak** moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Baranski moved seconded by Bochniak to approve the request

Baranski went through approval criteria.

- (1) Whether the existing text or zoning designation was in error at the time of adoption; N/A
- (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
- (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
- (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
- (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
- (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; Yes
- (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. Yes

ROLL CALL

As Roll Call was:

Bochniak Yes

Cook Yes

Jansen Yes

Nybo Yes

Baranski Yes

Rosenthal Yes

Motion carried.

Cal No.- 21A-02

John Wilson and Rosean Schromen- Request for a Zoning Map amendment to rezone from Limited Agriculture to General Commercial.

MOTION: Cook moved, seconded by Bochniak to open public hearing.

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

John Wilson of 1570 Seippel Rd Dubuque, IA explained their wanting rezoned and to get annexed into city limits as their land is like an island of county in the city.

Discussion was held on the difference in general commercial and commercial.
General commercial allows outdoor events / seating/ dining, ect.

Rosenthal asked if anyone wanted to speak in opposition of request. No one.

MOTION: Bochniak moved, seconded by Jansen to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Baranski moved seconded by Jansen to approve on the condition of City council approving annexation to the city.

Baranski went through approval criteria.

(1) Whether the existing text or zoning designation was in error at the time of adoption; *Doesn't apply*

(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.; *consistent*

(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; *It is*

(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; *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*

(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; *Yes*

(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. *Yes*

ROLL CALL

As Roll Call was:

Cook yes

Jansen yes

Nybo yes

Baranski yes

Bochniak yes

Rosenthal yes

Motion carried.

Cal No.- 21V-03

Galena Chrysler- Request for a Variance to allow additional internally illuminated wall signs on the front façade of the building.

MOTION: Baranski moved, seconded by Cook to open public hearing.

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

John Wilson 1570 Seippel Rd., Dubuque, IA, said he has brand signs that are required by Chrysler that all dealerships must display. They thought all permits were approve and done through architect. Signs are illuminated.

Rosenthal said they are on now and look nice.

Rosenthal asked if anyone wanted to speak in opposition of request. No one.

MOTION: Jansen moved, seconded by Cook to close public hearing.

Rosenthal wanted to entertain the motion to approve.

MOTION: Jansen moved seconded by Cook to approve the request

Jansen went through approval criteria.

- (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; Yes
- (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; Yes
- (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; Yes
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance; Yes
- (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; Yes
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. Yes

ROLL CALL

As Roll Call was:

Cook Yes

Jansen Yes

Nybo Yes
Baranski Yes
Bochniak Yes
Rosenthal Yes

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 7:10 pm.

Motion carried on voice vote.
Respectfully submitted by

Sue Simmons
Zoning Secretary