

MINUTES
ZONING BOARD OF APPEALS
April 13, 2022

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, April 13, 2022, at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Gates to approve the March 9, 2022 minutes.

It was noted there was a spelling error in the word “recused” in the March 9, 2022 minutes.

Motion carried on voice vote.

UNFINISHED BUSINESS

None

NEW BUSINESS

Cal No.-22S-02 & 22V-01 (PUBLIC HEARING) Trolley Depot Coffee, 315 S. Commerce St.- Request for a Special Use Permit to allow Outdoor Dining as an accessory commercial land use in the Downtown Commercial Zoning district and a Variance from the required 10’ separation requirement from vehicular circulation for Outdoor Dining as an Accessory Commercial land use.

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

Nack swore in Corey Heller applicant.

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

Corey Heller, 315 S Commerce St. said this worked very nice last year and there was still walking space on the sidewalk. The customers enjoyed having a place to sit outside.

Rosenthal asked if there would be a barrier between seating and street.

Miller stated "Curb and large flower pots. Minimum sidewalk area would be 6-8 feet."

Baranski said "They did a nice job hiding garbage cans."

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 for Cal No.-22S-02. Trolley Depot Coffee, 315 S. Commerce St.- Request for a Special Use Permit to allow Outdoor Dining as an accessory commercial land use in the Downtown Commercial Zoning district.

MOTION: Baranski moved to approve. Gates seconded the motion.

Baranski went through criteria:

- (1) *Site plan review standards.* All applicable site plan review criteria in §154.914.
- (2) *District standards.* The underlying zoning district standards established in §154.201 through §154.209 including the defining characteristics of the district; compatible.
- (3) *Specific standards.* The land use regulations established in §154.406; compatible.
- (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.it does.
- (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; It is.

- (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. It does.
- (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. It is.

ROLL CALL:

As Roll Call was:

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

Motion carried.

Rosenthal wanted to entertain the motion for Cal No.- 22V-01 Trolley Depot Coffee, 315 S. Commerce St.- Request to allow a Variance from the required 10’ separation requirement from vehicular circulation for Outdoor Dining as an Accessory Commercial land use.

MOTION: Baranski moved to approve. Gates seconded the motion.

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

- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures; it does
- (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; correct
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. true

ROLL CALL:

As Roll Call was:

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

Motion carried.

Cal No.-22A-01 (PUBLIC HEARING) City of Galena, Applicant. Request for a Text Amendment to the Zoning Code of Ordinances to allow Mobile Food Trucks as an Accessory Commercial Land Use in select zoning districts.

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

Nack swore in Jonathan Miller speaking on behalf of the City of Galena.

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

Jonathan Miller spoke on behalf of the City of Galena. Miller stated the zoning keeps the trucks out of the downtown restaurant areas.

Baranski said the zoning map has pretty sparce areas slated for these trucks.

Miller explained the areas of the map.

Rosenthal had an issue with allowing them in Galena Square when McDonalds, Adobos, Los Aztecos and the Piggly Wiggly all served food. He said food trucks should not compete with “brick and mortar” buildings.

It was noted that although this was a public hearing, no public was in attendance.

Rosenthal withdrew his concerns.

Cook asked if the owner of properties were still limited to a 1 day a week truck.

Miller said “Yes, that is correct.”

Jansen asked “How a truck obtains a permit?”

Miller responded “Permits are issued through City Hall. They can go to other locations on other days.”

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

There was no one.

Cook asked about City tax for food and beverage.

Miller stated ” Food trucks pay a \$500 permit fee and do not have to pay food and beverage tax.”

Baranski said \$500 covers the sales tax on \$50,000 in food sales. He said this could be revisited if they saw large sales.

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

Rosenthal wanted to entertain the motion.

MOTION: Baranski moved to forward a positive Determination & Recommendation to the City Council. Gates seconded the motion.

Baranski went through criteria:

- (1) Whether the existing text or zoning designation was in error at the time of adoption; *not applicable*
- (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.; *should not*
- (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; *consistent*

(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; *consistent*

(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; *consistent*

(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; *adequate*

(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. *Change benefits community*

Nybo asked “Can trucks can be on State property?”

Miller said “ Only if they are zoned and no areas on Highway 20 project are zoned.”

Nack said “There would be a liability issue if on state property.”

ROLL CALL

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Cook moved, seconded by Gates to adjourn the meeting at 6:53 pm.

Motion carried on voice vote.

Respectfully submitted by

Sue Simmons
Zoning secretary