

**MINUTES
ZONING BOARD OF APPEALS
June 8, 2022**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, June 8, 2022, at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

Matt Oldenburg and City Attorney Joe Nack were also present.

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Cook to approve the May 11, 2022 minutes.

Motion carried on voice vote.

UNFINISHED BUSINESS

Cal No.-22S-03 & 22V-02 Galena Prime Hotels LLC, 11383 US Hwy 20 W.- Ratification of the finding of fact for a request for approval of a Special Use Permit fo the use of discouraged wall materials in the Highway 20 Corridor, and a Variance to allow a roof sign.

Rosenthal read through the conclusions, determinations, & decisions.

MOTION: Baranski moved, seconded by Gates to approve Cal No.-22S-03 as read.

ROLL CALL:

As Roll Call was:

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

MOTION: Baranski moved, seconded by Bochniak to approve Cal No.-22V-02 as read.

ROLL CALL:

As Roll Call was:

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

NEW BUSINESS

Cal No.- 22A-02 & 22S-04 (PUBLIC HEARING) 222 Properties, LLC (Ottos Restaurant), 100 Bouthillier St.- Request for a Zoning Map amendment to rezone from Low Density Residential to Neighborhood Commercial, and a request for a Special Use Permit to allow Outdoor Dining as an Accessory Commercial Land use in a Neighborhood Commercial Zoning District.

Barnaski recused himself. It is noted there is still a quorum.

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

Nack swore in Megn Carter applicant and neighbor Franz D'sa

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

Megan Carter 605 Franklin St., Galena, IL. Owner of 222 Properties / Otto's Place.

Megan explained that the past 2 years and covid proved a need for outdoor dining. She is not adding anything that she didn't have before. Still 4-5 tables she used the last 2 years. No additional structures/ same removable frame as last 2 years.

Gates commented that there is a fence and that only about 17 ft of the fence would be used and activity would be behind the fence.

Rosenthal pointed out there is also a tree at the end of driveway that would block the used area too.

Megan said yes the fence is pre-existing and would shield the neighboring property

Cook asked how many tables? 4 with a 10 person max?

Megan said 4-5 with a 12 person max. It is a small area.

Rosenthal asked if anyone else wanted to speak in favor of request. No one spoke up then he asked if anyone wanted to speak in opposition?

Franz D'sa said he want to ask questions then he could tell if he was for or against.

Franz D'sa 719 Park Ave. He is infavor of business having the opportunity. He wants to understand what outdoor dining is. Is Music on speakers outside they can hear in neighbors houses? If so will this amendment carry over to other owners if she sells business? He said he would object if he can hear it at his house. Concern noise or air pollution?

Matt was asked to clarify by Rosenthal. Matt said amplified music is different. Amplified music is then outdoor entertainment. This doesn't fall under this request.

D'sa said he has no objections.

Matt explained the general noise ordinance.

Meagan stated she had a small Bluetooth speaker out there last year and the sound was barely audible within the area. There will be no live music and if she wanted an event she would apply for permit to do so and follow the rules.

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

Rosenthal wanted to entertain the motion for Cal No.-22A-02. - 222 Properties, LLC (Ottos Restaurant), 100 Bouthillier St.- Request for a Zoning Map amendment to rezone from Low Density Residential to Neighborhood Commercial,

MOTION: Gates moved to approve the map amendment. Bochniak seconded the motion.

Gates went through criteria:

Approval Criteria & Recommendation for Map Amendment:

In determining whether the proposed amendment shall be approved, the following factors shall be considered:

- (1) Whether the existing text or zoning designation was in error at the time of adoption; *no*
- (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.; *Gates no changes / Rosenthal stated that it does comply.*

- (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; *None apply*
- (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, it is in conformance.*
- (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; *not applicable*
- (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, as they are not changing anything.*
- (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. *Will provide a benefit.*

ROLL CALL:

As Roll Call was:

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

Motion carried.

Rosenthal wanted to entertain the motion for Cal No.- 22S-04 - 222 Properties, LLC (Ottos Restaurant), 100 Bouthillier St. a request for a Special Use Permit to allow Outdoor Dining as an Accessory Commercial Land use in a Neighborhood Commercial Zoning District.

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

Gates went through criteria:

Special Use Permit Approval Criteria & Recommendation:

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. *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. *Does not apply*
- (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; *yes, the fence is there*
 - (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. *Has low impact as there are few seats.*
 - (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 concrete is already there and pretty sure not going to be any smellier.*

ROLL CALL:

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 6:57 p.m.

Motion carried on voice vote.

Respectfully submitted by

Sue Simmons

Zoning secretary