

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF 10 AUGUST 2022

**22Z-2001 – CALL TO ORDER**

Chairperson Rosenthal called the regular meeting to order at 6:33 p.m. in the Board Chambers at 101 Green Street on 10 August 2022.

**22C-2002 – ROLL CALL**

Upon roll call, the following members were present: Jim Baranski, Bill Laity, Kim Cook, Bill Nybo, & John Rosenthal

Dave Jansen & Roger Gates were absent

**22C-02003 – ESTABLISHMENT OF QUORUM**

Chairperson Rosenthal announced a quorum of board members were present to conduct city business.

**APPROVAL OF MINUTES**

**22Z-0256 – APPROVAL OF THE MINUTES OF THE REGULAR ZONING BOARD OF APPEALS MEETING OF JULY 13, 2022**

**Motion:** Cook moved, seconded by Nybo, to approve the minutes of the regular Zoning Board of Appeals meeting of July 13, 2022.

**Discussion:** None.

**Roll Call:** AYES: Laity, Cook, Nybo, Baranski, Rosenthal  
NAYS: None  
ABSTAIN:  
ABSENT: Jansen & Gates

The motion carried.

**UNFINISHED BUSINESS**

**22S-05 – Applicant: Jeff West, 229 Council Fire Circle, Galena, IL 61036.- Ratification of the finding of fact for a request for a Special Use Permit to allow Indoor Commercial Entertainment at 11471 Industrial Dr.**

**Discussion:** Rosenthal read the conclusions and determination and verified the application met the criteria.

**Motion:** Baranski moved, seconded by Cook, to approve the Findings of Fact for a request to allow a Special Use Permit to allow Indoor Commercial Entertainment at 11471 Industrial Dr.

**Roll Call:** AYES: Cook, Nybo, Baranski, Laity, Rosenthal  
NAYS: None  
ABSTAIN:  
ABSENT: Jansen & Gates

The motion carried.

**NEW BUSINESS**

**22SUB-02, 22A-05, 22V-03, 22S-06, & 22HCO-02- (PUBLIC HEARING) Owner, Svec Family Trust, and Applicant, Guys Towing. Request for approval of a proposed Preliminary Subdivision Plan and Plat, a request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture, a Variance to the front setback on Dandar St., a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor, and a Highway 20 Design request to construct a new building in the Highway 20 Corridor.**

**Motion:** Cook moved, seconded by Baranski, to open the public hearing on item 22 SUB -02, a request for approval of a proposed Preliminary Subdivision Plan and Plat,

The motion carried by voice vote.

Nack swore those in that wished to speak.

**Testimony:**

In Favor-

Ben Richard, from Guy's Towing Service 11380 Dandar St. Richard's explained there were several requests to build and subdivide on the property they are purchasing from Svecs. As we discussed at last zoning meeting as to what they proposed to do. I believe you have everything we presented and talked about at the last zoning meeting. We are in the process of purchasing property from Svecs It should be in your agenda. We feel it's a good spot for improvement in Industrial Park, the business to grow / good spot for Galena to grow, attractive buildings in this area. Asked if anyone had questions for him?

Baranski asked Why Lot 1 being Heavy Industrial and lots 2-3 Planned commercial? Do you have any idea what you're going to do with these lots at this time?

Richards stated Lot 1 is for addition to the existing building. Lots 2-3 possible office space like other buildings in the area. Like near Hollands / Similar to what Jackson's have. They are not property managers so they will advertise land for sale. Not developing them. They are going to need to move several yards of dirt need to plateau dirt to similar road height and try in the future to bury retention pond. Other places are doing this, and it works well and then you don't have that sight which isn't nice to look at or keep up.

Baranski commented that they are allowing an easement for the current street to go through.

Richards said yes wants to extend AJ Harle Dr. They are hoping to get annexed at some point into the city.

Baranski - Your existing building has brick, and that addition is being removed. Did you put the addition on?

Richard's - No we bought the building as is.

Baranski - You're removing the brick because you are putting another truck bay on building. Is this being why you're asking for set back?

Richards - Yes asking for setback to duplicate the neighbor's buildings. Want to follow in same lines as cold storage and future business up the road that already has approval for 24 ft to curb.

Baranski - I see you are using Endicott brick on the face brick like two little bump outs.

Richard's - Siding / metal panels of new building to match the existing building. New might also have cut stone or dark brick. More industrial look/ rugged look. Similar to what Walmart has.

Richard's - Color study is in packet. Very consistent to what the new facility will look like.

Baranski - Very consistent with what we want to see.

Rosenthal - The new building and will have the same look as far as siding of the existing building.

Richard's - They will reface 2-3 sides of old building to match new. Roof line pitched to North to drain water toward retention pond on purpose to use rainwater underground storage. To have as much parking as possible.

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

Richard's comment on that the City has been very receptive. Met a group of good people to work with.

Lorraine Svec, 11410 US HWY 20 W. stated she is in favor of project.

No one spoke against proposal.

**Motion:** Cook moved, seconded by Laity, to close the public hearing on a request for approval of a proposed Preliminary Subdivision Plan and Plat,

The motion carried by voice vote.

**Motion:** Cook moved, seconded by Baranski, to open the public hearing on item 22A-05, a request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture,

The motion carried by voice vote.

**Testimony:**

Rosenthal asked if there was anything additional to add on this?

Richardson said No.

Svec said yes, I am in favor.

Rosenthal said let the record show same testimony as item 22 SUB-02.

**Motion:** Baranski moved, seconded by Cook, to close the public hearing on a request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture,

The motion carried by voice vote.

**Motion:** Cook moved, seconded by Laity, to open the public hearing on item 22V-03 for a Variance to the front setback on Dandar St.,

The motion carried by voice vote.

**Testimony:**

Rosenthal said let the record show same testimony as item 22 SUB-02.

**Motion:** Cook moved, seconded by Laity, to close the public hearing on a request for approval of a Variance to the front setback on Dandar St.,

The motion carried by voice vote.

**Motion:** Cook moved, seconded by Laity, to open the public hearing on a request for approval of item 22S-06 for a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor

The motion carried by voice vote.

**Testimony:**

Rosenthal said let the record show same testimony as item 22 SUB-02.

**Motion:** Cook moved, seconded by Baranski, to close the public hearing on a request for approval a Special Use Permit to allow discouraged wall materials in the Highway 20 Corridor,

The motion carried by voice vote.

**Motion:** Cook moved, seconded by Baranski, to open the public hearing on a request for approval of item 22HCO-02 for a and a Highway 20 Design request to construct a new building in the Highway 20 Corridor.

The motion carried by voice vote.

**Testimony:**

Rosenthal said let the record show same testimony as item 22 SUB-02.

**Motion:** Baranski moved, seconded by Cook, to close the public hearing on a request for and a Highway 20 Design request to construct a new building in the Highway 20 Corridor.

The motion carried by voice vote.

**Motion:** Baranski moved, seconded by Cook, to approve 22SUB-02 and send a positive recommendation to the City Council for approval of a proposed Preliminary Subdivision Plan and Plat

**Discussion:** Per Matt Oldenburg there is no criteria for Subdivision Plan and Plat

**Roll Call:** AYES: Cook, Nybo, Baranski, Laity, Rosenthal  
NAYS: None  
ABSENT: Jansen & Gates

The motion carried.

**Motion:** Baranski moved, seconded by Laity, to approve 22A-05 a request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture

**Discussion:** Baranski read the approval criteria and recommendations.

- (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.; *Yes, in general growing in that direction*
- (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, Reduced environmental impacts*
- (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.*
- (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. There are*
- (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; or yes. *There is*
- (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. *There is*

**Roll Call:**

AYES: Nybo, Baranski, Laity, Cook, Rosenthal

NAYS: None

ABSENT: Jansen &amp; Gates

The motion carried.

**Motion:** Baranski moved, seconded by Nybo, to approve 22V-03 –Request for a 17ft variance to the front yard setback on Dandar St.

**Discussion:** Baranski said in general its consistent with what they have approved across the street. He felt they could not deny as they already approved others in the area. He read the approval criteria and recommendations.

- (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. Not self-inflicted

- (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.
- (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; Doesn't apply
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance.
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures; yes, minimum required
- (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, it is compatible
- (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 conforms
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. Is in conformance.

**Roll Call:**

AYES: Nybo, Baranski, Laity, Cook, Rosenthal

NAYS: None

ABSENT: Jansen & Gates

The motion carried.

**Motion:** Baranski moved, seconded by Cook, to approve 22S-06- Request for a special use permit to allow discouraged wall materials in the Highway 20 Corridor.

**Discussion:** Baranski said the materials have evolved in almost 20 years that the plan was written. read the special use permit approval criteria and recommendations.

- (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; *complies*
- (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. *Doesn't apply*
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as: Yes, it does
  - (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; *not applicable*
  - (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. *Not applicable*
  - (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. Design and integration Yes it does.

**Roll Call:**

AYES: Baranski, Laity, Cook, Nybo, Rosenthal

NAYS: None

ABSENT: Jansen &amp; Gates

The motion carried.

**Motion:** Baranski moved, seconded by Cook, to approve 22HCO-02- A Highway 20 Design request to construct a new building in the Highway 20 Corridor.

**Discussion:** Baranski said in general building doing what they want them to do. Like the dark brick. Baranski read the approval criteria and recommendations.

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

- (1) All applicable site plan review criteria in § [154.914](#); complies
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; complies
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; complies
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; complies
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; Chapter 6 is not applicable
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; Does comply
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. Complies

**Roll Call:** AYES: Laity, Cook, Nybo, Baranski, Rosenthal  
NAYS: None  
ABSENT: Jansen & Gates

The motion carried.

#### **22Z-2005 – PUBLIC COMMENTS**

Lorraine Svec said Thank You.

#### **22Z-2006 – ADJOURNMENT**

**Motion:** Cook moved, seconded by Laity to adjourn.

**Discussion:** None.

**Roll Call:** AYES: Cook, Nybo, Baranski, Laity, Rosenthal  
NAYS: None  
ABSENT: Jansen & Gates

The motion carried.

Zoning Board of Appeals Meeting

10 August 2022

The meeting adjourned at 7:03 p.m.

Respectfully submitted,

Sue Simmons  
Zoning Secretary