

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF

March 13, 2024

24Z-2001 – CALL TO ORDER

Chairperson Rosenthal called the regular meeting to order at 6:30 p.m. in the Board Chambers at 101 Green Street on the 13th of March 2024.

24Z-2002 – ROLL CALL

Upon roll call, the following members were present: Jim Baranski, Desiree Einsweiler, Roger Gates, Dave Jansen, Bill Spivey & John Rosenthal.

Absent: Steve Monahan

Also, present were Jonathan Miller and Hailey Wills, Acting City Attorney.

24Z-2003 – ESTABLISHMENT OF QUORUM

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

24Z-2004 – PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

24Z-2005 – APPROVAL OF THE MINUTES OF THE REGULAR ZONING BOARD OF APPEALS MEETING OF JANUARY 10, 2024

Discussion: None

Motion: Gates moved, seconded by Spivey to approve the minutes of the regular Zoning Board of Appeals meeting of January 10, 2024.

The motion carried by voice vote.

UNFINISHED BUSINESS

24S-01 - Owner and Applicant: Kathryn Baxa. Reading of the Finding of Fact for a request for a Special Use Permit to operate an Artisan Studio at 301 Dodge Street.

Rosenthal read the conclusions, determination, and decision to approve from the finding of fact in the agenda.

Motion: Jansen moved, seconded by Einsweiler, to approve the request for a Special Use Permit to operate an Artisan Studio at 301 Dodge Street.

Discussion: None

Roll Call: AYES: Gates, Jansen, Einsweiler, Baranski, Spivey & Rosenthal
NAYS: None
ABSENT: Monahan

NEW BUSINESS

Wills swore in all those wishing to testify.

Rosenthal reminded all to sign in if they wished to speak at any of the public hearings.

24A-01, Owner and Applicant: Christine Ehlinger. Request for a Map Amendment to Rezone two parcels from Limited Agriculture to Low Density Residential. **This item was a Public Hearing.**

Motion: Einsweiler made a motion, seconded by Spivey, to open the public hearing for item 24A-01

Motion carried by voice vote.

Speaking in favor of the application

Christine Ehlinger, 405 S. Bench Street, Galena, IL 61036.

Ehlinger stated she has recently purchased the small house at 707 Gear Street. The house has not been occupied for a couple of decades. Ehlinger stated she is in the process of restoring the home and the home is not zoned properly. It is currently zoned limited ag, and it should be zoned as residential. The property consists of two parcels with four lots. The garage will be built on the same parcel as the house.

Discussion:

Rosenthal asked how much property is here?

Ehlinger said just under ½ acre and that it is 2 parcels / 4 city lots.

Baranski asked if the garage would go on the lots with the house?

Ehlinger said yes, same parcel.

Baranski said it is a cool house.

Ehlinger said yes, it has not been lived in since 1973, but was closed up really well to preserve it..

Speaking in opposition of the application

No one.

Motion: Jansen moved, seconded by Spivey to close the Public Hearing.

Motion carried by voice vote.

Motion: Baranski moved, seconded by Einsweiler, to forward a positive finding of fact to the city council to approve the request for a map amendment to rezone two parcels from Limited Agriculture to Low Density Residential.

Discussion: Baranski said this is a no brainer. It could have been in error at time of adoption.

Baranski read the approved criteria and recommendation for map amendment:

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

- (1) Whether the existing text or zoning designation was in error at the time of adoption. The board felt there could have been an error at the time of adoption. Yes. A case can be made that it was.
- (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. Not really, it is a borderline area, so compatible.
- (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, there is a need.

Roll Call: AYES: Jansen, Einsweiler, Baranski, Spivey, Gates, & Rosenthal
NAYS: None
ABSENT: Monahan

The motion carried.

24PDA-01 – Owner and Applicant: Chains and Links, Inc. Request for a PUD Amendment to change the zoning on two parcels of Galena Square from PUD with an underlying zoning district of Planned Commercial to PUD with an underlying zoning district of High Density Residential.

No motion was made to open the public hearing.

Connie Wiene, 2955 Red Gates Drive, Galena, IL 61036

Wiene advised these lots are the two lots located behind Piggly Wiggly. The lots have been for sale for a number of years. Wiene stated she feels the lots might be better suited as High Density Residential. They currently have no development plans. If they were to develop the lots, it would be in the residential field. The lots will remain for sale at this time.

Baranski noted the little lot is a separate lot and is landlocked. He questioned if that would be consolidated with the other lot and questioned if the lot would be buildable. Wiene felt it would be if you came in from the top. Wiene advised they asked for the rezoning on both parcels; however, part of lot six is more suitable.

Motion: Spivey made a motion, seconded by Gates, to close the public hearing for item 24PD-01

Motion carried by voice vote.

Motion: Baranski moved, seconded by Jansen to forward a positive finding of fact to the city council to approve the request for a PUD Amendment to change the zoning on two parcels of Galena Square from PUD with an underlying zoning district of Planned Commercial to PUD with an underlying zoning district of High Density Residential.

Discussion: Baranski pointed out this is going to leave a chunk at the south end of the subdivision that is still auto oriented which currently has part of a building on it. The lot is not suitable for auto oriented. He said the map is weird, but a final PUD would need to be done, so the board would still have control.

Baranski read the approved criteria and recommendation for PUD amendment:

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

- (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, there has been more residential in the cul-de-sac.
- (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, 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. 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, beneficial.

Roll Call: AYES: Jansen, Einsweiler, Baranski, Spivey, Gates, & Rosenthal
NAYS: None
ABSENT: Monahan

The motion carried.

OTHER BUSINESS

None

22Z-2006 – ADJOURNMENT

Motion: Spivey moved, seconded by Einsweiler to adjourn.

The motion carried on a voice vote.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Sue Simmons
Zoning secretary