

# MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF

January 10, 2024

## 23Z-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 10<sup>th</sup> of January 2024.

## 23Z-2002 – ROLL CALL

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

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

Absent: Jim Baranski

Also, present were Jonathan Miller and Joe Nack

## 23Z-2003 – ESTABLISHMENT OF QUORUM

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

## 22Z-2004 – PUBLIC COMMENTS

NONE

## APPROVAL OF MINUTES

## 23Z-2005 – APPROVAL OF THE MINUTES OF THE REGULAR ZONING BOARD OF APPEALS MEETING OF December 13, 2023

**Discussion:** None

**Motion:** Spivey moved, seconded by Gates to approve the minutes of the regular Zoning Board of Appeals meeting of December 13, 2023.

The motion was carried by a voice vote.

## UNFINISHED BUSINESS

**Cal. No. 23V-09** Owner and Applicant: William Nybo, 345 Spring St., Galena, IL 61036. Location: Parcel: 22-100-638-00, Original Lots Block 9 Lot 27 & E 9' Lot 25, Galena, Jo Daviess County, Illinois. Common Address is 341 Spring St., Galena, IL 61036. Request for a Variance to install a freestanding sign closer than 10' from the Spring St. right of way.

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

**Motion:** Gates moved, seconded by Jansen to approve 23V-09 a request for a Variance to install a freestanding sign closer than 10' from the Spring St. right of way.

**Discussion:** None

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

**Cal. No. 23S-02** Applicant Galena Lion's Den, 109 S. Main St., to allow Outdoor Dining as accessory commercial land uses in the Downtown Commercial Zoning District.

Gates recused himself and left the room.

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

**Discussion:** none

**Motion:** Monahan moved, seconded by Einsweiler, to approve item # 23S-02 to allow Outdoor Dining as accessory commercial land uses in the Downtown Commercial Zoning District.

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

**Cal. No. 23S-03** Applicant Galena Lion's Den, 109 S. Main St., to allow Outdoor Entertainment as accessory commercial land uses in the Downtown Commercial Zoning District.

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

**Motion:** Jansen moved, seconded by Monahan to allow Outdoor Entertainment as accessory commercial land uses in the Downtown Commercial Zoning District item #23S-03.

**Discussion:** None

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

Gates rejoined the meeting.

**NEW BUSINESS**

Nack swore in all those wishing to testify.

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

**CA. No 24S-01**, Owner and Applicant: Kathryn Baxa, 301 S. Dodge, Galena, IL 61036.

Location: Parcel: 22-100-783-00, Original Lots Block 18 Pt Lot 2, Galena, Jo Daviess County, Illinois. Common Address is 301 S. Dodge St., Galena, IL 61036. Request for a Special Use Permit to operate an Artisan Studio in the Low-Density Residential Zoning District. **This item was a Public Hearing.**

**Motion:** Monahan made a motion, seconded by Einsweiler, to open the public hearing for item 24S-01

Motion carried by voice vote.

### **Speaking in favor of the application**

Kathryn Baxa 301 S Dodge, Galena, IL 61036.

Explained her plan to use a small portion of her house as a pottery studio. Main intent is to use mostly for lessons. She is part of a scenic art group. Small display area. Only has ever had a small Plans to hold open studio once a month. Explained her group.

Gates asked how often she will have open houses.

Baxa said once a month.

Rosenthal asked if this is in her garage?

Baxa said no in her home.

Monahan asked if she has parking?

Baxa said 3 spots in front of house and her driveway.

Rosenthal said so for pottery classes.

Baxa said Yes only room for 2 people.

Jane Hess 414 Green St., Galena, IL 61036. Stated she lives a ½ block away and sees no reason to object to it from a professional standpoint. Kathryn is a considerate neighbor and talented artist. She saw no issue with traffic or parking. She wants them to approve.

### **Speaking in opposition of the application**

No one

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

Motion carried by voice vote.

**Motion:** Spivey made a motion to approve the request for Cal. No. 24S-01 a Special Use Permit to operate an Artisan Studio in the Low-Density Residential Zoning District, seconded by Gates.

**Discussion:** none

Spivey read the Special use criteria.

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.
- (2) *District standards.* The underlying zoning district standards established in §154.201 through §154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in §154.406;
- (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.
- (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.

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

Motion carried.

## **OTHER BUSINESS**

None

## **22Z-2006 – ADJOURNMENT**

**Motion:** Gates moved, seconded by Einsweiler to adjourn.

The motion carried on a voice vote.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Sue Simmons  
Zoning secretary