

AGENDA
ZONING BOARD OF APPEALS
August 14, 2013
6:30 PM
CITY HALL, 312 ½ N. MAIN ST., GALENA, IL

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of July 10, 2013 Meeting Minutes

OLD BUSINESS

4. Cal. No. 13A-02, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Request for Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit. Returned by City Council for reconsideration.

Cal. No. 13S-04, Applicant: The Galena Farmers' Market Vendors (Ronald Ricke) – 123 North Commerce Street, Galena, IL 61036. Request for Special Use Permit to display a portable "sandwich board" sign at intersection of Main & Hill Streets to notify residents and visitors about the market location. The sign would be used from 6:00am to 10:00am on Saturdays while the market is open. Final consideration and ruling.

NEW BUSINESS

5. Cal. No. 13S-03, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Location: Lot Fifteen (15) and Sixteen (16) in Block Number Three (3) in the City of Galena on the West side of the Galena River in the County of Jo Daviess in the State of Illinois, common address 125 S. Prospect Street, Galena, IL. Request for Special Use Permit to change the use of the Felt Manor from a 5-room Bed & Breakfast to a 6-room Small Inn in the Low Density Residential District, pending Text Amendment to allow Small Inns use in LDR by Special Use Permit.

COUNTY ZONING

6. None

WORKSESSION & OTHER

7. None

PUBLIC COMMENTS

8. Public Comments
10. Adjourn

Persons who have difficulty using the front stairs are invited to use the lift located at the Bench Street entrance to City Hall. Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.

*Posted August 9, 2013
By Matt Oldenburg*

**MINUTES
ZONING BOARD OF APPEALS
JULY 10, 2013**

DRAFT

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 10, 2013 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Carlisle	Present
Holman	Absent
Nybo	Present
O'Keefe	Absent
Rosenthal	Present

A quorum was declared.

Matt Oldenburg, Zoning Administrator, Joe Nack, City Attorney, and Deb Price, Secretary, were also present.

APPROVAL OF MINUTES

MOTION: Carlisle moved, seconded by Nybo to approve the minutes from the May 8, 2013 meeting.

Rosenthal asked that roll be taken for those board members who were in attendance at the May 8, 2013 meeting.

As Roll Call was:

Bochniak	Yes
Carlisle	Yes
Nybo	Yes
Baranski	Yes

Motion carried.

MOTION: Baranski moved seconded by Nybo to approve the minutes of the June 19, 2013 meeting.

Rosenthal asked that roll be taken for those board members who were in attendance at the June 19, 2013 meeting.

As Roll Call was:

Nybo	Yes
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Cal. No. 13A-02, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Request for Text Amendment to Zoning Ordinance Table 154.403.1 Permitted Land Uses to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit.

Nybo asked that Chairperson Rosenthal allow him to recuse himself from the next two agenda items due to his ownership of a Bed and Breakfast/Small Inn.

Rosenthal granted the request.

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 13A-02.

Motion carried on voice vote.

Attorney Nack swore all those in who wished to testify at the text amendment public hearing.

Dan Balocca, 125 S Prospect Street, Galena IL is the applicant and owner of the Felt Manor. The request is for a modification of the land use table to allow for unique properties in Low Density Residential areas to be able to apply for a Special Use Permit to operate a small inn. The Felt Manor has been operating with a Special Use Permit for many years as a Bed and Breakfast. There are only a few properties within the low density residential district that would qualify for a small inn.

Rosenthal asked those wishing to testify to come forward.

James Wirth, 121 S High Street, Galena said he is concerned that a text amendment change would be city wide, not just for the High and Prospect Street area. This would be an intensive commercial use in a residential neighborhood. He is concerned that the small inn would be able to obtain a liquor license and problems related to that use could arise. He urges the Zoning Board to reject the application.

Baranski asked Wirth if he thought there was any area in Galena where the text amendment to allow a small inn in low density residential districts would be appropriate.

Wirth said he did not.

Baranski asked even if there were conditions that would protect the neighborhood from concerns.

Wirth said he did not feel it should be allowed at all. It is an intensive commercial use in a residential neighborhood.

John Checker, 115 S High Street, Galena said his property is right next to 125 S Prospect Street. Balocca has been a great neighbor thru the years, but he is concerned with the condition of the coach house. He does not want the deteriorating condition to impact his coach house. When Checker purchased his property there were no B and B's in the neighborhood. He is 100% against the request. He did not want a hotel in the neighborhood. He is concerned with parking and the condition of the coach house. The exterior is very iffy and he is not sure the interior would be stable enough for a project.

Rick Pariser, 113 S High Street, Galena said his property is across High Street from the coach house. He said he has no issues with Balocca, but he does not want anything changed that would intensify the parking in this neighborhood. There is just not enough room to accommodate an increase in the number of guest rooms in this area.

MOTION: Baranski moved, seconded by Carlisle to close the Public Hearing on Cal. No. 13A-02.

As Roll Call was:

Bochnicak	Yes
Carlisle	Yes
Holman	Absent
Nybo	Recused
O'Keefe	Absent
Baranski	Yes
Rosenthal	Yes

Motion carried.

MOTION: Baranski made a motion for a positive recommendation for a Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit.

Motion died for lack of a second.

MOTION: Carlisle moved, seconded by Bochniak to deny the Request for a Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit.

Discussion: Carlisle said it seems approval of this would open the gates to all kinds of people asking for this. He doesn't like the idea of having a small inn that can serve alcohol.

Baranski said the board needed to stay focused on what's being asked for and that is a text amendment that would allow the possibility of a small inn being located in a low density residential district through the issuing of a sSocial Use Permit. A text amendment would allow the city to identify areas where it may be okay for a small inn to operate. An applicant would need to prove to the Zoning Board that a location in a particular situation should qualify for a Special Use Permit to operate a small inn. The Zoning Board has a great deal of control and discretion as to where a small inn could operate.

Rosenthal said when the Bed and Breakfast ordinance was created at some point it was decided that small inns should only be allowed in commercial districts and not in low density residential areas.

Baranski said they are currently operating with a Special Use Permit as a five guest room Bed and Breakfast. A Small Inn would allow them to operate with six rooms. Without a text amendment the door is slammed shut – there is no opportunity.

Carlisle said it appeared the door was shut when the ordinance was written.

Baranski said the Cloran Mansion got a Special Use Permit for a Small Inn – not a hotel. A small inn would be allowed at the Board's discretion with the approval of a Special Use Permit that could have restrictive conditions.

Rosenthal thought the original B and B ordinance should be upheld and no change should be made to the text. In looking at the considerations for approval he felt that none of the criteria were met.

Carlisle and Bochniak agreed.

Rosenthal called for the vote.

As Roll Call was:

Carlisle	Yes
Holman	Absent
Nybo	Recused
O'Keefe	Absent
Baranski	No
Bochniak	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 13S-03, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Location: Lot Fifteen (15) and Sixteen (16) in Block Number Three (3) in the City of Galena on the West side of the Galena River in the County of Jo Daviess in the State of Illinois, common address 125 S. Prospect Street, Galena, IL. Request for Special Use Permit to change the use of the Felt Manor from a 5-room Bed & Breakfast to a 6-room Small Inn in the Low Density Residential District, pending Text Amendment to allow Small Inns use in LDR by Special Use Permit.

Dan Balocca, applicant, asked the Zoning Board to postpone this agenda item until after the City Council vote on Cal. No. 13A-02.

MOTION: Carlisle moved, seconded by Bochniak to postpone Cal. No. 13S-03.

Motion carried on voice vote.

Attorney Nack noted for the record that Nybo returned to the table.

Cal. No. 13S-04, Applicant: The Galena Farmers' Market Vendors (Ronald Ricke) – 123 North Commerce Street, Galena, IL 61036. Request for Special Use Permit to display a portable "sandwich board" sign at intersection of Main & Hill Streets to notify residents and visitors about the market location. The sign would be used from 6:00am to 10:00am on Saturdays while the market is open.

MOTION: Carlisle moved, seconded by Bochniak to open the Public Hearing on Cal. No. 13S-04.

Motion carried on voice vote.

Attorney Nack swore those persons in who wished to testify at this Public Hearing.

Ronald Ricke, 6100 Ricke Drive, East Dubuque IL said he would like to see a small sandwich board sign allowed to increase the visibility for directing potential patrons to the Farmer's Market on Commerce Street. They are looking for something that is historically sensible – nothing garish or inappropriate. The sign would be about two feet wide and four feet tall. They would like to have the sign out from 6AM to 10AM from mid May until the end of October.

Those dates would generally cover the duration of the Farmers Market. They would have one sign and it would be located on the sidewalk.

Rosenthal asked about liability. It would seem the sign holder would be liable, but if the sign is located on city property would the city be liable. What about the building owner whose building the sign sits in front of.

Attorney Nack said there is always the potential for someone to look to the City if there is an incident involving the sign.

Oldenburg said portable signs are exempt from permitting. Each property is allowed two sandwich boards for the front of their property. As the Farmers Market wanted an off premise sign they had to come to the Zoning Board for approval.

Rosenthal asked those who wished to testify to come forward.

James Wirth, 121 S High Street said he wondered if a banner style sign could hang at Main and Hill directing you to the Market. Would the City be interested in this?

MOTION: Baranski moved, seconded by Carlisle to close the Public Hearing on Cal. No. 13S-04.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to approve the request for a Special Use Permit to display a portable "sandwich board" sign at the intersection of Main & Hill Streets to notify residents and visitors about the market location. The sign would be used from 6:00am to 10:00am on Saturdays while the market is open.

Discussion: Baranski said the sign is pretty low key and there is not much foot traffic at the time of day when the sign would be displayed. The market allows the city and the community to support the local economy.

Rosenthal said he is concerned about the sign and any safety issues that might arise. The proposed location of the sign might not be the right place to get people to the market.

Nybo asked if the Board felt inclined to approve this should there be a review.

Rosenthal said the request met most of the review criteria – 1, 2, 3, 5b and 5c. Criteria 4 and 5a were not applicable.

As Roll Call was:

Nybo	Yes
O'Keefe	Absent
Baranski	Yes
Bochniak	Yes
Carlisle	Yes
Holman	Absent
Rosenthal	Yes

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

Rick Pariser complimented the Zoning Board on the decision they made with regards to the text amendment allowing Small Inns in residential districts.

James Wirth agreed with Pariser and thanked the Zoning Board.

Dan Balocca said he wants to save and restore the coach house. Previously the Zoning Board indicated they did not want to see this property divided from the Felt Manor. Allowing a text amendment and a Special Use Permit to operate a small inn would have eased some of the financial concerns associated with the restoration.

MOTION: Carlisle moved, seconded by Nybo to adjourn the meeting.

Motion carried on voice vote.

Rosenthal adjourned the meeting at 7:45 PM.

Respectfully submitted by

Deb Price

Deb Price
Zoning Board Secretary



MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: July 29, 2013

RE: Cal. No. 13A-02, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Request for Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit.

Summary:

On July 22, 2013, the City Council heard and discussed Item No. 13C-0296, which was a resolution from the Zoning Board to deny the request from Daniel Balocca for a text amendment to allow Small Inns in Low Density Residential District by Special Use Permit Only.

Council Member Painter made a motion to return this issue to the Zoning Board for reconsideration of denial of the text amendment. In making her motion, she stated (paraphrased), "she would like reconsideration because the hospitality industry in Galena has been instrumental in restoring and maintaining many fine homes and buildings throughout the community." She continued that the Carriage House is an example of a wonderful structure that is deteriorating and would be a benefit to the community if it was restored. The request is compatible with the current, existing use of the property. Allowing Special Use Permit requests for Small Inns in this zoning district can have strict conditions on a case-by-case basis to minimize effects on the residential nature of the district. Additionally, regarding the concerns from the public hearing, an alcohol permit would have to come in front of the City Council for approval. Painter also commented that there were two members absent at the Zoning Board meeting and this is an item that needs consideration of all members. She asks that the Board reconsiders how this can be a positive for the community and the building.

Mayor Renner added reflection on the original purpose of Special Use Permits for guest houses. He remembers how Mayor Frank Einsweiler's intent for this concept was to help maintain our large historical buildings. Mayor Renner continued that there can be conditions placed as part of the permit and that there should be more dialogue on this amongst the Board. He asks that the Zoning Board keep in mind what we have now in the community – currently, 4 out of 11 Small Inns are in the residential district.

Council Member Lincoln stated that every description of Galena fits with this property. He thinks that when they changed the description in December for Small Inns, this is a property that fits the description and is a perfect example of the intent. (See attached Ordinance Amendment: #O-12-30)

Council Member Greene would be for the motion of reconsideration if the building was under construction and on its way to being fully restored. He wants the building fixed first and then a request could be considered for the Text Amendment and Special Use Permit.

Council Member Fach has concerns with liquor licenses and how they can affect the neighborhood. He also thinks that people had a chance to speak at Public Hearing and the Zoning Board made a decision so Council shouldn't send it back and go against them.

Council Member Painter thinks it is a collegial gesture to send back for reconsideration rather than overturn the ZBA decision. She acknowledges concern about alcohol, but thinks it can be conditional with the Special Use Permit.

Council Member Bernstein wanted to know the consequences for sending back the item to Zoning for reconsideration and who has the final say? The City Council has the final say on Text Amendments.

A vote was taken for the motion to return the item to the Zoning Board for reconsideration of a text amendment for Small Inns to be allowed by Special Use Permit Only in a Low Density Residential District.

Bernstein: Yes
Fach: No

Greene: No
Painter: Yes

Kieffer: Yes
Renner: Yes

Lincoln: Yes

Approval Criteria & Recommendation:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

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;
- (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.;
- (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;
- (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;
- (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;
- (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
- (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.

The City Council has Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and field with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

Ordinance #O-12-30

An Ordinance AMENDING ARTICLE 4, SECTION 154.406 – DETAILED LAND USE DESCRIPTIONS AND REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF GALENA.

Adopted by the City Council of the City of Galena this 26th Day of December 2012.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 26th Day of December 2012.

STATE OF ILLINOIS)
) City of Galena
COUNTY OF JO DAVIESS)

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, Jo Daviess County, Illinois.

I further certify that on the 26th Day of December 2012, the Corporate Authorities of said municipality passed and approved Ordinance No. O-12-30 entitled **AN ORDINANCE AMENDING ARTICLE 4, SECTION 154.406 – DETAILED LAND USE DESCRIPTIONS AND REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF GALENA** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O-12-30 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 26th Day of December 2012 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 27th Day of December 2012.



Mary Beth Hyde
City Clerk

(Seal)

**AN ORDINANCE AMENDING
ARTICLE 4, SECTION 154.406 – DETAILED LAND USE DESCRIPTIONS AND
REGULATIONS,
OF THE CODE OF ORDINANCES OF THE CITY OF GALENA**

BE IT ORDAINED by the City Council of the City of Galena, JoDaviess County, Illinois as follows:

SECTION I: Section 154.406 (D) (8) (a) of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined, deletions are shown as strike-through)*

Section 154.406 (D) (8) (a) (1)

~~1. Building size. It is the intention of the city that small inns be limited to larger existing structures that were originally constructed to provide public accommodations, or other nonresidential structures, whereby a special use would benefit the city and surrounding area by allowing an appropriate adaptive use for such structures. This is in recognition of the expense of owning and maintaining larger historic structures.~~

1. Building size. It is the intention of the city that small inns be limited to larger existing historic structures. Such structures shall include larger residential structures, structures that were originally constructed to provide public accommodations or other nonresidential structures, whereby a special use would benefit the city and surrounding area by allowing an appropriate adaptive use for such structures. This is in recognition of the expense of owning and maintaining larger historic structures.

Section 154.406 (D) (8) (a) (2)

~~2. Number of guestrooms. In the case of structures originally constructed to provide public accommodations, the number of original bedrooms indigenous to a particular structure will be considered. In the case of other nonresidential structures, the number of guest rooms will be determined by the size of the building and the regulations for such use found in the city's adopted Building Codes, Life Safety and Fire Codes, Electrical Code, the Americans with Disabilities Act and any other codes of the city.~~

2. Number of guestrooms. In the case of structures originally constructed as a residence or to provide public accommodations, the number of original bedrooms indigenous to a particular structure will be considered. In the case of other nonresidential structures, the number of guest rooms will be determined by the size of the building and the regulations for such use found in the city's adopted Building Codes, Life Safety and Fire Codes, Electrical Code, the Americans with Disabilities Act and any other codes of the city.

SECTION II: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III: This ordinance shall be in full force and effect within ten (10) days of its passage and legal publication in pamphlet form.

SECTION IV: Passed on the 26th day of December, A.D., 2012, in open Council.

AYES: Lincoln, Cording, Greene, Renner

NAYS: None

ABSTAIN: Fach

ABSENT: Murphy, Painter

ATTEST:



TERRY RENNER, MAYOR



MARY BETH HYDE, CITY CLERK

11



DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 13S-04

APPLICATION BY: The Galena Farmers' Market Vendors (Ronald Ricke), 123
North Commerce Street, Galena, IL 61036

FOR: A Special Use Permit to display a portable sign, off-
premises, at intersection of Main & Hill Streets.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 10, 2013. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to display a portable "sandwich board" sign at the intersection of Main & Hill Streets to notify residents and visitors about the market location. The sign would be used from 6:00am to 10:00am on Saturdays while the market is open. The Farmers' Market is located approximately 1.5 blocks away at the Old Market House lawn on Commerce Street. The proposed sign placement is located within the City's Historic District.

The applicant has stated that the proposed special use will give additional notification to traffic traveling North along Main Street about the location of the Farmers' Market, which operates on Saturday mornings at the Old Market House from May to October, annually.

Land uses in all directions include residential and Downtown Commercial.

Portable signs are exempt from permitting; however, an off-premises sign is permitted by special use only.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Section 154.923(A) and (B) of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicants and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Ronald Ricke, 6100 N Ricke Drive, East Dubuque, IL 61025**, applicant, spoke in favor of the request.
- **James Wirth, 121 S High Street, Galena, IL 61036**, spoke in favor of an off-premises sign for the Farmers' Market, but offered an alternative signage such as a banner across the street to alleviate the liability of having the sign on the sidewalk.
- **There was no further testimony either in support or in opposition to the request.**

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (C)(6) sets forth the underlying standards for Downtown Commercial District
- Section 154.805 defines and lists the requirements for portable signs.
- Section 154.810 sets forth the requirements for an Off-premises Sign.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Downtown Commercial (DC) District.
2. Portable signs, as proposed, are normally exempt from permitting if on-premises.

3. An off-premises sign is allowed in the Downtown Commercial District but only by Special Use Permit.
4. The detailed land use regulations associated with this sign request are as follows:

§ 154.805 SIGNS EXEMPT FROM PERMITTING.

(N) Portable signs located in commercial zoning districts within the Historic District and when located within the legal boundaries of the commercial property and not on a public right-of-way. Such signs are intended to identify only the name of the business and the activities conducted on the premises where said signs are located and shall in no way obstruct pedestrian traffic or access to the premises. Such signs shall be constructed and painted in a workmanlike manner, utilize historic colors and earth tones, and shall be compatible with their surroundings in the Historic District. Portable signs shall not exceed six square feet in area, six feet in height, nor shall there be more than two portable signs displayed at a business at any given time.

§ 154.810 SIGNS REQUIRING A SPECIAL USE PERMIT.

(A) *Off-premises signs (special use permit required).*

(1) Off-premises signs shall be a permitted special use; however, they can only be erected when the special need for the off-premise sign can be duly demonstrated to the Zoning Board of Appeals and are subject to the following guidelines.

(2) The size of all off-premises signs shall be subject to the discretion of the Zoning Board depending on the proposed location, design and the speed limit of adjacent roadways; however, not to exceed the following size limitations:

(a) Such sign shall not exceed 12 feet in any dimension.

(b) Such sign shall not exceed 100 square feet of gross surface area within the corporate limits of the city, excluding the Historic District.

(c) Any off-premises sign within the Historic District shall not exceed 12 square feet of gross surface area.

(3) No owner or user of an off-premises sign shall be permitted to increase the total gross surface area of the sign without approval from the Zoning Board of Appeals.

(4) Two or more such signs, if over 12 square feet of gross surface area and if located on a parcel, parcels or group of lots in one ownership, shall not be placed closer than 500 feet to each other.

(5) Off-premises signs shall be of an historic nature and may be required to have decorative lattice-work, mouldings and period lighting fixtures.

(6) A special use permit for off-premises signs shall be granted for a ten-year period.

(Ord. O-05-04, passed 4-11-05)

5. The Downtown Commercial District is intended to permit commercial development at an intensity which provides significant incentives for the continued economic viability of existing development.
6. The applicant is requesting a Special Use Permit for an Off-premises sign to be located at the NE corner of Main & Hill Street.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Rosean and John Wilson, for a Removable Outdoor Display use as an accessory use to the primary use of a retail shop at 700 Spring Street, Galena, IL should be approved for the following reasons:

1. The request meets the Downtown Commercial District standards and defining characteristics of the district.
2. The request meets the land use regulations established for Off-premises signs.
3. The request is compatible with adjoining properties through:
 - a. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
 - b. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by The Galena Farmers' Market, for an Off-premises sign located at the intersection of Main & Hill Street, Galena, IL should be approved with the following conditions:

1. The Special Use Permit is granted with a 1-year review to ensure that the proposed location of the sign is optimal for the applicant. A positive review will extend the Special Use Permit for the remainder of the 10-year period.

PASSED AND APPROVED this 10th day of July, A.D. 2013, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

Mr. John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: July 5, 2013

RE: Cal. No. 13S-03, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Location: Lot Fifteen (15) and Sixteen (16) in Block Number Three (3) in the City of Galena on the West side of the Galena River in the County of Jo Daviess in the State of Illinois, common address 125 S. Prospect Street, Galena, IL. Request for Special Use Permit to change the use of the Felt Manor from a 5-room Bed & Breakfast to a 6-room Small Inn in the Low Density Residential District, pending Text Amendment to allow Small Inns use in LDR by Special Use Permit.

Summary:

The applicant is requesting a Special Use Permit to operate as a 6-room Small Inn in a Low Density Residential District. The request is pending the approval of the concurrent text amendment request. This would allow the applicant to add an additional guest suite on the property within the Carriage House at the rear of the Felt Manor at 125 S. Prospect Street. The property is located within the City's Historic District.

The applicant has stated that the proposed special use will provide needed additional lodging and guest services in the historic district. The inn will contribute to the general fund via sales and hotel tax revenue.

Land uses to the north includes residential and Bed & Breakfast. Land use to the south includes residential and Bed & Breakfast. Land use to the east includes residential and Galena Fire House, Turner Hall & Grace Episcopal Church. Land uses to the west includes residential & St. Matthew's Church.

The Clorian Mansion has done this by Special Use Permit in a Neighborhood Commercial District; details are included in the packet.

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

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 § 154.405;
- (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.

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.