

AGENDA
ZONING BOARD OF APPEALS

June 11, 2014

6:30 PM

CITY HALL, 101 GREEN STREET, GALENA, IL

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of May 14, 2014 ZBA Meeting Minutes.

OLD BUSINESS

4. Cal. No. 14S-03, Applicant: Kelly Johnson, Owner: Kelly Johnson & Steven Hickie, 9676 US Highway 20 W, Galena, IL 61036. Location: Parcel: 06-500-147-00, Unit 2 of “The Plantation Townhouses”, located in a part of the North half of the Southwest quarter of Section 21, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, East Galena Township, Jo Daviess County, Illinois. Common address 9676 US Highway 20 W, Galena, IL 61036. Request for Special Use Permit to allow Major Home Occupation as an accessory residential land use in a Medium Density Residential District. Ratification of Findings of Fact.
5. Cal. No. 14S-04, Applicant & Owner: Daniel Balocca – 125 South Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-565-00 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 allow a Small Inn Accommodations land use, with 7 rooms, in a Low Density Residential District. Ratification of Findings of Fact.
6. Cal. No. 14S-05, Applicant & Owner: James Wirth – 121 South High Street, Galena, IL 61036. Location: Parcel: 22-100-573-00 Lot Sixteen (16) in Block Number Four (4) 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 121 South High Street, Galena, IL 61036. Request for Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District. Ratification of Findings of Fact.

NEW BUSINESS

7. Cal. No. 14S-07, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Dave Anderson, 513 Bouthillier Street, Galena, IL 61036. Location: Parcel: 06-500-276-00, Located in the North half of Section 20, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, East Galena Township, Jo Daviess County, Illinois. Common address 513 Bouthillier Street, Galena, IL 61036. Request for Special Use Permit to allow an eighth room for the Small Inn. The property currently operates with a Special Use Permit as a seven-room Small Inn.

COUNTY ZONING

8. None

WORKSESSION & OTHER

9. None

PUBLIC COMMENTS

10. Public Comments

11. Adjourn

Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.

Posted June 6, 2014

By Matt Oldenburg

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 14S-03

APPLICATION BY: Kelly Johnson, 9676 US Highway 20 W, Galena, IL 61036.

FOR: A Special Use Permit to allow Major Home Occupation as an accessory residential land use in a Medium Density Residential District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on May 14, 2014. 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 asking for a Special Use Permit to operate a Single Chair Beauty Parlor, Major Home Occupation, as an accessory residential land use in Medium Density Residential District.

The applicant proposes to operate the business in the front room of her residence in a 125 square feet space, well under the required 200 square feet maximum. The applicant has sufficient space in her driveway to accommodate the additional parking needed for her clients.

The staff has reviewed her application and certain plumbing adaptations will be required before the business can commence operations. This will be handled by the Building Department after the Special Use Permit is approved. The appearance of the structure will not be altered in any way as to preserve its residential character. This proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan and requirements of the Zoning Ordinance.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 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 applicant 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:

- **Kelly Johnson, 9676 US Highway 20 W** - spoke as the applicant. She stated that the reason for request of a Special Use Permit is to allow her to move her Salon that she has operated for more than 23 years into her home as a single chair operation. The location provides adequate parking for her clients and she will only be having 1-2 clients present at any given time. Her privately owned vehicles will be parked in the garage. The property is surrounded by multiple commercial properties and she feels that the use will blend-in. The parlor will be for hair only, not for other personal care purposes like nails, tanning, etc.
- **Anne Holmes, 9672 US Highway 20 W** – spoke in favor of the request. She stated that she has no problem with the request and is perfectly happy after discussing it with the applicant. She wanted to offer her support of it.
- **Steven Hickie, 9676 US Highway 20 W** – spoke in favor of the request. He supports the applicant’s endeavors and the request.

Testimony Presented in Opposition to the Proposal:

- **None**

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (B) (3) provides a definition and description of the Medium Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (H) (3) defines and outlines the regulations for Major Home Occupation.
- Section 154.914 lists the criteria for applicable Site Plan Review.
- 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 Medium Density Residential District.
2. The Zoning Ordinance provides for Major Home Occupation as follows:
 - a. Major Home Occupation is permitted only by Special Use Permit as an accessory residential use in a Medium Density Residential District.
3. The Medium Density Residential District is intended to permit development which has a medium density community character, including single-family detached homes, twin-houses and duplexes by right and related institutional land uses. Standards serve to preserve and protect the community character of the area.
4. The applicant seeks a Special Use Permit to allow Major Home Occupation as an accessory residential land use in a Medium Density Residential District.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Kelly Johnson for a Special Use Permit to allow Major Home Occupation as an accessory residential land use in a Medium Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Medium Density Residential District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Major Home Occupation use. As required, all regulations were considered and the request is consistent with these regulations.
4. Complimentary uses are not applicable.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.
6. The proposed use is in keeping with the charm and character of the community and the neighborhood ambiance of small business operations at that end of town.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Kelly Johnson for a Special Use Permit to allow Major Home Occupation as an accessory residential land use in a Medium Density Residential District should be approved.

PASSED AND APPROVED this 14th day of May, A.D. 2014, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 14S-04

APPLICATION BY: Daniel Balocca, 125 S. Prospect St., Galena, IL 61036.

FOR: A Special Use Permit to allow a Small Inn Accommodations land use, with 7 rooms, in a Low Density Residential District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on May 14, 2014. 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 operate as a 7-room Small Inn in a Low Density Residential District. This would allow the applicant to add additional guest rooms 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.

Staff has reviewed the plans and application and determined that the request meets the bulk density, intensity and performance requirements of the Zoning Ordinance. If approved, major renovation will be conducted on the Carriage House and will be built to suit two new guest sleeping rooms. The Building Department and Staff will ensure that the renovation meets current building, electrical, plumbing and life safety codes. The Fire Inspector will work with the applicant, by written variance request (between Fire Prevention Bureau and applicant), to

maintain B&B Codes for the main house and then apply the new Lodging and Rooming Code to the Carriage House. Significant landscaping will be added to the site to improve privacy and consideration with adjacent properties. The proposed plan includes parking stalls that meet current zoning regulations for number of spaces and dimensional requirements.

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.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 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 applicant 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:

- **Daniel Balocca, 125 S. Prospect St.** - spoke as the applicant. He stated that the reason for request of a Special Use Permit is to add 2 guest rooms to the Felt Manor guest house. This is his second time here with the request and he has improved his site plan per the board's request. He is looking for an appropriate adaptive use to help restore the existing carriage house in order to help maintain the property and function as guest accommodations to our visitors. He has planned adequate parking facilities to accommodate 7 guest rooms, including an ADA accessible space, plus one additional room for the inn keeper. The plan is meant to minimize the impact on on-street parking. Landscaping has been planned to provide additional privacy and protection to the neighbors. He provided some history as to the previous uses and alterations of the structure. The plan will be to restore the building to its pre-1939 look and to provide additional guest accommodations in the community.
- **Adam Johnson, 211 Fourth Street** – spoke in favor of the request. He stated that he designed the site plan and worked with Matt Oldenburg to ensure compliance. He offered to answer any questions, of which there was a verification on the parking geometry, which he believes will be compliant with regulations and will allow for proper circulation.
- **Christine Baxter, 215 S. Prospect Street** – spoke in favor of the request. She stated that she is passionate about historic preservation and wants to lend her support. She feels that this structure is unique to the nation and that the B&B has a low impact on the intensity of use in

the neighborhood. She wants the board to keep in mind the importance of the building and allowing the special use will help to preserve it and save it from imminent structural failure. Let's not lose the opportunity to save the structure over a few guests. When asked about the increase in rooms, she does not predict significant impact on intensity because the issues of parking will be resolved per the proposed plan. She doesn't think that you will be able to see the cars parked on the property.

- **Anna Hemm, 226 S. High St.**- spoke in favor of the request. She stated that she lives near the Victorian Mansion and does not have a problem with the parking and thinks people that stay at B&B's are generally respectful and not a bother to her. She supports Dan and wants to be able to enjoy the restored carriage house.

Testimony Presented in Opposition to the Proposal:

- **Janet Checker, 115 S. High St.** – spoke in opposition to the request. She stated that Mr. Balocca is a great neighbor and they have not had any problems. She is concerned about the parking and that guest vehicles might drive off of the wall onto her property. When asked if there was some sort of fence or buffer, and if it would relieve her concerns about parking, she thought that it might. When asked about the increase of rooms and its effect, if parking was taken care of, she would not be opposed to the request.
- **Rick Pariser, 113 S. High St.** – spoke in opposition to the request. He stated that the request only affects 5-6 immediate neighbors near the Felt Manor. They live in a very historic street that has a lot of visitor traffic and 4 B&B's on the block as well as a church, but it is a residential street. The neighbors would like to see the property rehabilitated. It has been in disrepair for a long time and is a safety issue. He feels that the requested use should not be the mechanism to rehabilitate the building, the responsibility should be on the owner. He is concerned about adding to traffic and noise if the request is approved. He also has concerns about how the B&B is being operated and that there are past issues with the City and this property that should be resolved before this request is considered. He has witnessed parking overflow coming from the property and increasing impact with on-street parking. If two additional rooms are approved, how will it be enforced with regard to how many are staying in them and how much parking is involved. He does not see it as a benefit to his neighborhood, but conversely sees it lowering his property value.
- **Burt Mall, 306 Washington St.** – spoke in opposition of the request. He stated that he has lived here part-time for 28 years, about 4-5 homes away. He is aware of parking issues along High Street. He thinks there is a difference between a B&B and an Inn. Inns are larger in area and activity and bring all sorts of noise to the area. He cautions about approving requests that involve a lot of details as these types are difficult to police, bringing increased burden to the City. He wants the property preserved, but doesn't think this is the way to go about it. When asked about his concerns, parking is foremost, but he is not sure it will be a big impact.
- **James Wirth, 121 S. High Street** – spoke in opposition of the request. He stated that he lives across the street from the carriage house. He does want to see it preserved. He called to attention a discrepancy in the Zoning Administrator's memo regarding detailed land use descriptions and the reference number. He stated that a detailed floor plan is also required

and is not shown tonight. (Floor plan was then provided by Zoning Administrator as it was provided by the applicant with the application; it was omitted from the packet but was also reviewed by the ZBA at a prior hearing) If this were approved and rooms are added, it would have a negative impact on parking in the neighborhood. He asked that if parking habitually exceeds the allowable use, then the Special Use should be revoked or suspended. He added that the Historic District Advisory Board has not heard this request and approval should be conditioned on their approval as well as verification by licensed Engineer that the restoration can be assuredly completed without compromising the structural integrity. He has concerns about parking in front of the carriage house and historical appropriateness. Wirth also stated that the new ordinance for Small Inns in a LDR District requires the Inn to be owner-occupied and wants this to be assured if approved. He wants the applicant to know if the ordinance is not complied-with, then there are consequences.

Applicant's Response to Opposition

- Daniel Balocca spoke in response to the opposition. He explained that the parking overflow from the previous weekend was from a personal family event. There were no paying B&B guests present that weekend, the Felt Manor was not open. He added that he does not plan to have events on the property, such as weddings. He also talked about the history that it was a residence and that he built the retaining wall in question and that it doesn't support the building. He has been acquiring supplies and equipment necessary to begin construction as soon as possible. The project is going to cost about \$200,000 and he is committed.
- Adam Johnson clarified the off-street parking, that the City Staff had determined the spaces in front of the carriage house previously when they poured the curb & gutter to improve the street. This space is grandfathered and approved by the Zoning Administrator and City Staff.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines a Guest Accommodation, Small Inn.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (8) defines and outlines the regulations for Small Inns.
- Section 154.914 lists the criteria for Site Plan Review.
- 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 Low Density Residential District.
2. The Zoning Ordinance provides for Small Inns as follows:
 - a. Guest Accommodations, Small Inn is permitted only by Special Use Permit as a principal commercial land use in a Low Density Residential District.
3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Standards serve to preserve and protect the residential community character of the area.
4. The applicant seeks a Special Use Permit to allow a Small Inn with 7 rooms as a principal commercial land use in a Low Density Residential District.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Daniel Balocca for a Special Use Permit to allow a Small Inn with 7 rooms as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for a Small Inn use.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. 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 Daniel Balocca for a Special Use Permit to allow a Small Inn with 7 rooms as a principal commercial land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 14th day of May, A.D. 2014, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 2 absent, 0 abstain, 1 recused.

John Rosenthal, Chairperson

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 14S-05

APPLICATION BY: James Wirth, 121 S. High St., Galena, IL 61036.

FOR: A Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on May 14, 2014. 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 operate House Tours as an accessory residential land use in a Low Density Residential District.

The applicant proposes to operate tours during the allotted timeframes in the Ordinance. Per the regulations, this time frame would allow for up to 17 tours per week during the busy season and 9 tours per week during the off-season.

The staff has reviewed his application and conducted a site visit. Although the applicant requests a tour occupancy of 18, Staff recommends that a maximum of 10 persons shall be on the tour at one time, excluding the tour guides. This is derived from the NFPA regulations for low-concentration assembly, which allows 15 square feet per person. The smaller rooms of approximately 150 square feet, on the tour, were used for this calculation. Please see attached floor plan for route used on the tour. The building is generally in good condition and is nearly ready for operations as a Tour House. Staff inspection indicates some addition of smoke

detectors in various rooms, one fire extinguisher on each floor and covering some electrical boxes in the basement. This proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan and requirements of the Zoning Ordinance.

No physical alterations are planned on the site or structure to accommodate this use.

Land uses include Residential to the North, Residential/Commercial/Tourism to the East, South and West.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 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 applicant 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:

- **James Wirth, 121 S. High St.** - spoke as the applicant. He stated that the reason for request of a Special Use Permit is to be able to give tours to the public at U.S. Grant's historic pre-war home. His plan is to sell the tickets at an off-site location for up to 10 people per tour (based on Staff recommendation of 10 person capacity for tour house) and then have them shuttled and dropped-off at the Tour House for the tour as to not impact on-street parking. The home is of great national, local and visitor interest and now that tour houses are allowed, he can finally have an opportunity to give tours there. This is the house where General Grant lived when he made the decision to join the Civil War. It is of great historical significance and the National Park Service would like to elevate it to National Landmark status. He answered various scenario questions from the board regarding how he would handle walk-in requests for tours. He plans to work with visitor centers and perhaps have an incidental sign that directs walk-ins toward his planned tour times.

Testimony Presented in Opposition to the Proposal:

- **Burt Mall, 306 Washington St.** – spoke in opposition to the request. He asked if the ordinance limits the number of tours per day and the number of people allowed on a tour. His concern is that the numbers allowed cannot be enforced or controlled. He believes that as

time goes-on, the street will lose it's quiet residential character with an increase in visitors due to tour homes and guest homes. All of these requests have a combined impact on the neighborhood.

- **Janet Checker, 115 S. High St.** – spoke in opposition of the request. She stated that parking is a problem on High Street and adding this use would impact the parking situation. When asked if a shuttle is worked-out as part of the plan, she thinks it will help, but shuttles do also impact the traffic and clutter on the street.
- **Daniel Balocca, 125 S. Prospect St.** – spoke in opposition of the request. He stated that he is actually in favor of tours of the house, but is not in favor of the impact of shuttles bringing tour-takers. If you look at the ordinance and calculate the number of trips per group, it would increase shuttle traffic by 34 shuttle trips per week. He would like to see alternate plans brought forth by the applicant.

Applicant's Response to Opposition

- James Wirth spoke in response to the opposition. In consideration of his neighbors, he wants to work out something that is good for them. If approved and it becomes a problem, he gladly withdraws his permit. He believes that whether the use is there or not, visitors will come anyway to look at the home from the outside. When asked, he would not be opposed to a one year review to evaluate its impact on the neighborhood.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines a Tour House.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (H) (8) defines and outlines the regulations for House Tour.
- Section 154.914 lists the criteria for Site Plan Review.
- 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 Low Density Residential District.
2. The Zoning Ordinance provides for House Tours as follows:
 - a. House Tour is permitted only by Special Use Permit as an accessory residential use in a Low Density Residential District.

3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Standards serve to preserve and protect the residential community character of the area.
4. The applicant seeks a Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by James Wirth for a Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for House Tour use. As required by the regulations, hours of operation, registry maintenance and owner oversight were all considered.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. 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 James Wirth for a Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District should be approved with the following conditions:

1. The maximum number of occupants on a tour shall be 10 persons, excluding tour guides.

PASSED AND APPROVED this 14th day of May, A.D. 2014, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 1 nays, 2 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: June 6, 2014

RE: Cal. No. 14S-07, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Dave Anderson, 513 Bouthillier Street, Galena, IL 61036. Location: Parcel: 06-500-276-00, Located in the North half of Section 20, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, East Galena Township, Jo Daviess County, Illinois. Common address 513 Bouthillier Street, Galena, IL 61036. Request for Special Use Permit to allow an eighth room for the Small Inn. The property currently operates with a Special Use Permit as a seven-room Small Inn.

Summary:

The applicant, on behalf of the owner, is requesting a Special Use Permit to operate as an 8-room Small Inn in a Medium Density Residential District. This would allow the owner to make use of the third floor available space at the Stillman Inn, which was previously utilized as a guest room as recent as the late 1980's. The eighth room will add to the available room inventory as well as assist the owner with upkeep and maintenance of the property and contribute to the hotel/motel tax for the community.

Staff has reviewed the plans and application and determined that the request meets the bulk density, intensity and performance requirements of the Zoning Ordinance. The property is currently an existing, non-conforming use that can be expanded by 10% with SUP approval by the ZBA. Approximately 6500 sq. ft. is currently being used in the Small Inn, the expansion request is 605 sq. ft. The Staff has visited the site twice and it is my opinion that the impact on the adjoining properties will be miniscule as the property is large and has plenty of parking to accommodate the addition of one room. If approved, renovation will be conducted on the third floor to combine two existing rooms into one guest suite that sleeps two people. The Building Department and Staff will ensure that the renovation meets current building, electrical, plumbing and life safety codes. The Fire Inspector has worked with the applicant to ensure that life safety and fire codes are met. A new balcony, recently approved by Historic Preservation Commission, will be installed outside of the room and occupants can exit the proposed modified window onto it for safety in the event of a fire. No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping, parking and lighting already.

Staff recommends approval of this request.

Land use to the north includes residences and tourist attractions. Land use to the south includes highway and woodlands. Land use to the east includes residential and cemetery. Land use to the west includes parks and tourist attractions.

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 § 154.406;
- (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.

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.

CITY OF GALENA, ILLINOIS



Adam Johnson Request for Special Use Permit

Name: DAVE ANDERSON 211 FOURTH STREET

Address of Applicant: 513 BOUTHILLIER ST. GALENA, IL 61030

Phone #: 815-777-0557 City State Zip
Email: STILLMAN@STILLMANINN.CO

Name of Property Owner (if different from applicant): _____

Address of Interest: 513 BOUTHILLIER

Present Use of Property: Bed and Breakfast ^{SMALL INN} Proposed Use: SAME + 1 ROOM

Zoning District: MEDIUM DENSITY RESIDENTIAL Within Historic District?: Yes No

Reason for Special Use

Please Note: The following questions must be answered completely. If additional space is needed, place attach extra pages to the application.

Please provide a written statement explaining the nature of the proposed special use: _____

originally the Stillman Inn had eight guest rooms
we currently have seven and simply return
to eight is our request. we would
make two rooms on the third floor into one

Explain how the propose use or expansion is necessary or desirable to provide a service or facility which is in the interest of the public convenience: _____

it has been difficult to not
break even on our investment at the Stillman Inn
we are not alone working with diminished funds since
the recession started - funds really needed for the
Maintenance & upkeep of such a large property.
the added funds from the additional room would help.

Explain how the proposed use or expansion will contribute to the general welfare of the neighborhood or

community: The Sullivan Inn is a Beautiful Show Case
as TOURISTS and Town people alike Drive past.
The Extra Income would help with
Maintenance and upkeep of our PROPERTY
And you

Will the proposed use or expansion create noise, glare, vibration, odor, or in any other way be detrimental to the health, safety, morals, or general welfare of persons working or residing in the vicinity?

Yes No If yes, please explain: _____

Supplemental Data

1. Provide photographs showing various pertinent views of the existing site and buildings.
2. Provide a map that shows the location of the property in the broad context of the City or neighborhood.
3. Provide building, structure, and sign plans to such a scale that all pertinent features are legible, if applicable.
4. Identify the general land use, zoning, and any special characteristics of the adjacent properties to the north, south, east, and west.

North: LDR - TOURIST ATTRACTIONS, SINGLE FAMILY RESIDENCES
 South: LIMITED AG - HIGHWAY 20 & WOODLANDS
 East: MDR & LDR - CEMETERY & SINGLE FAMILY RESIDENCES
 West: LDR - PARKS & TOURIST ATTRACTIONS

Names of Surrounding Property Owners

Following are the names and addresses of surrounding property owners from the property in question for a distance of two-hundred-fifty (250) feet in all directions, and the number of feet occupied by all public roads, streets, alleys, and public ways have been excluded in computing the 250 feet requirement. Said names are as recorded in the office of the County Recorder (or the Registrar of Titles of the County) and as appear from the authentic tax records of this County. If additional space is needed, please attach extra pages.

| Name | Address |
|---------------------|---------|
| <i>See Attached</i> | |
| | |
| | |
| | |
| | |
| | |
| | |

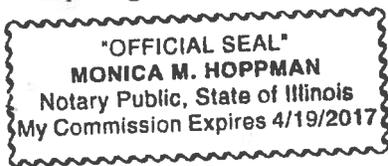
I (we) certify that all of the above statements and the statements contained in any papers or plans submitted here with are true to the best of my (our) knowledge and belief.

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the County of Jo Daviess for the purpose of posting, maintaining, and removing notices as may be required by law.

[Signature] 5/19/14
 Applicant's Signature Date

[Signature] 5/19/14
 Property Owner's Signature Date

[Signature] 5-19-14 4-19-17
 Notary's Signature Date Commission Expiration



City of Galena Use Only

Date Filed: 5/16/14 Site Visit?: Yes No If yes, date: 3/20/14 & April 2014

Fee Paid: 5/16/14 Receipt #: _____ Amount: \$ 400.00

Original Special use Permit Calendar #: 14S-07 Change-of-Ownership Cal. #: _____

Date of published notice: 5/21/14 Newspaper: GALENA GAZETTE

Name of municipality where published: GALENA, IL

Action by Zoning Board on special use request: _____

Comments: _____

MAY 21, 2014
GAZETTE

PUBLIC NOTICE

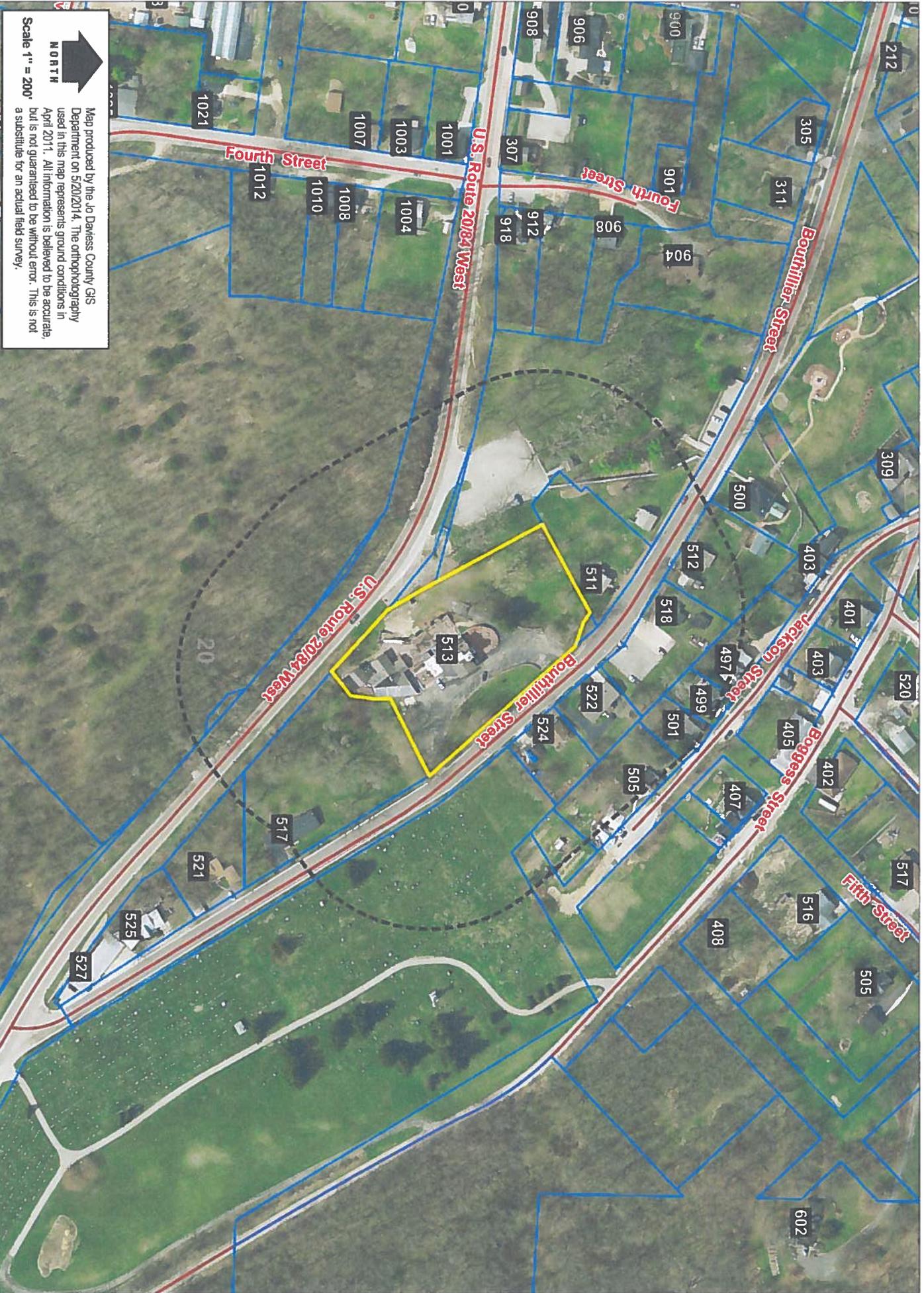
The City of Galena Zoning Board of Appeals will hold a public hearing on the following item(s) at **6:30 PM** on Wednesday, **June 11, 2014** at City Hall, 101 Green Street, Galena, Illinois:

1. Cal. No. 14S-07, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Dave Anderson, 513 Bouthillier Street, Galena, IL 61036. Location: Parcel: 06-500-276-00, Located in the North half of Section 20, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, East Galena Township, Jo Daviess County, Illinois. Common address 513 Bouthillier Street, Galena, IL 61036. Request for Special Use Permit to allow an eighth room for the Small Inn. The property currently operates with a Special Use Permit as a seven-room Small Inn.

The applications and supporting materials are on file and available for review at City Hall. Persons wishing to express opinions on the above request should attend the public hearing relative to that item.

Matt Oldenburg
Zoning Administrator

250' from 513 Bouthillier Street, Galena

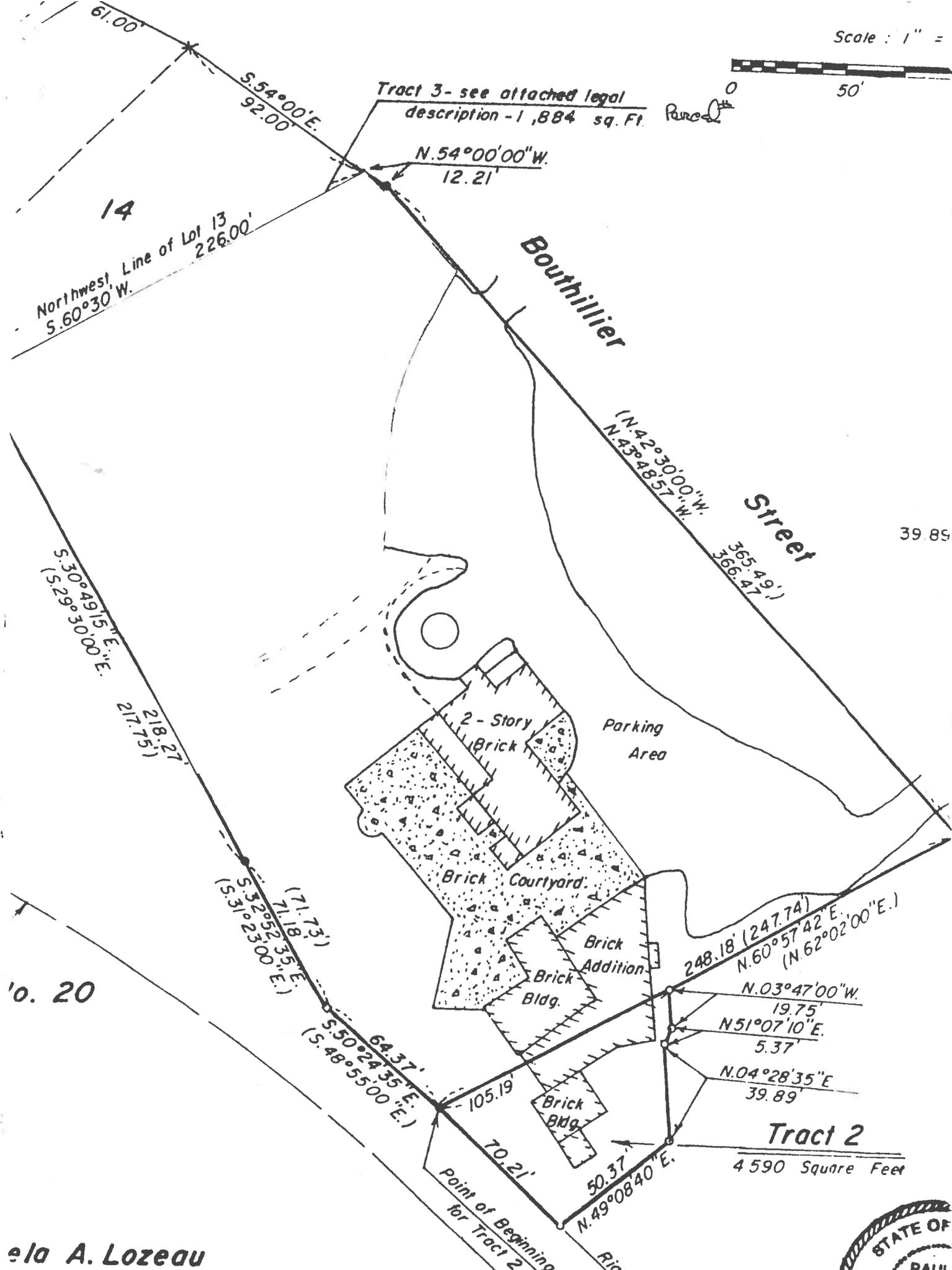


Map produced by the Jo Darless County GIS Department on 5/20/2014. The orthophotography used in this map represents ground conditions in April 2011. All information is believed to be accurate, but is not guaranteed to be without error. This is not a substitute for an actual field survey.

Scale 1" = 200'

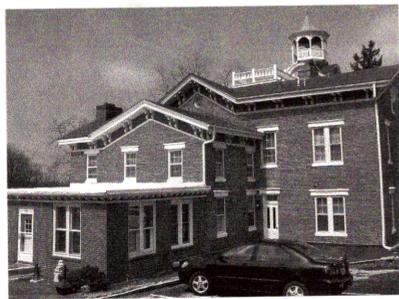
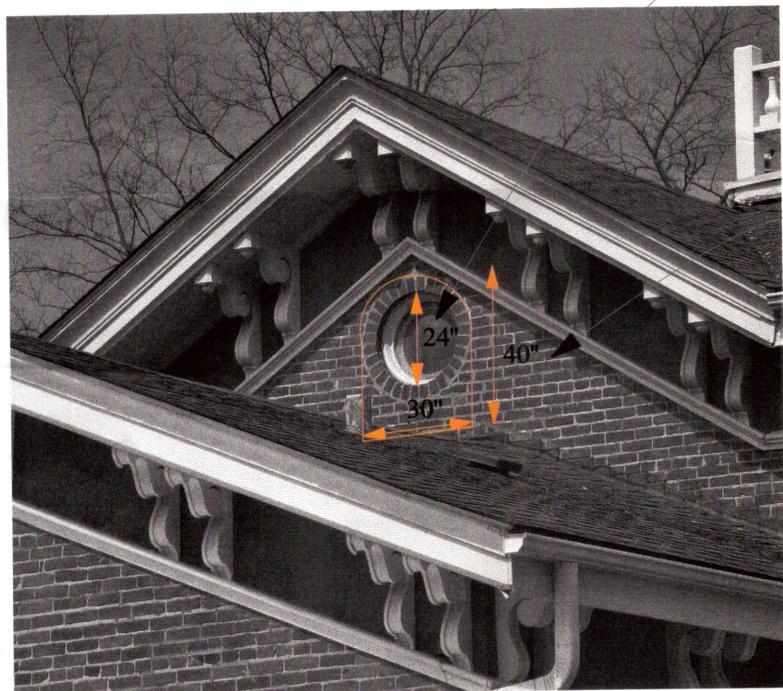
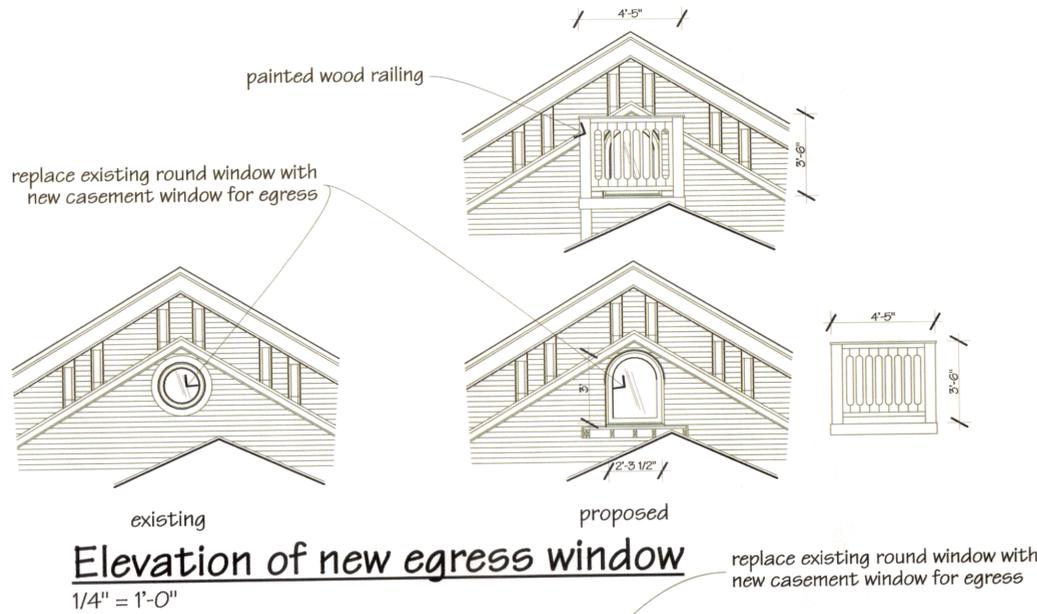
NORTH

Scale : 1" = 50'



ela A. Lozeau





Building Classification

Historic Home converted to Guest House
 Proposed new Guest Suite in 3rd Floor
 ADA/Illinois Accessibility Code requirements:
 construction in building less than
 \$100,000 & less than 15% of building
 reproduction cost; existing space being
 remodelled needs to be accessible.

General Notes

1. Dimensions are to the face of finish unless noted otherwise.
2. All work to conform to governing National, State and Local Codes. Verify existing conditions and notify Architect of any discrepancies.
3. Interior walls to 2x4 studs at 16" o.c., interior finish to be 5/8" type X firecode drywall, painted. Walls to withstand horizontal force of 5 pcf.
4. Interior millwork to match existing.
5. Finishes in Toilets must be easily cleanable, impervious, & non-toxic. Patch existing flooring as needed.
6. Doors to be solid core wood & have lever handles. Indicated rated doors to be labeled one hour fire rated, self-closing & latching.
7. New egress window to have a clear opening with a width of 20" minimum, height of 24" minimum & a clear opening of 5.7 sq. ft. The sill will be less than 44" above the floor.
8. New balcony provided on roof to have a metal grate floor over treated wood framing with a painted wood railing system similar to the 1x flat board cut-out railing on the widow's walk above, including a gate with latch to allow fire department to evacuate occupants.

Mechanical

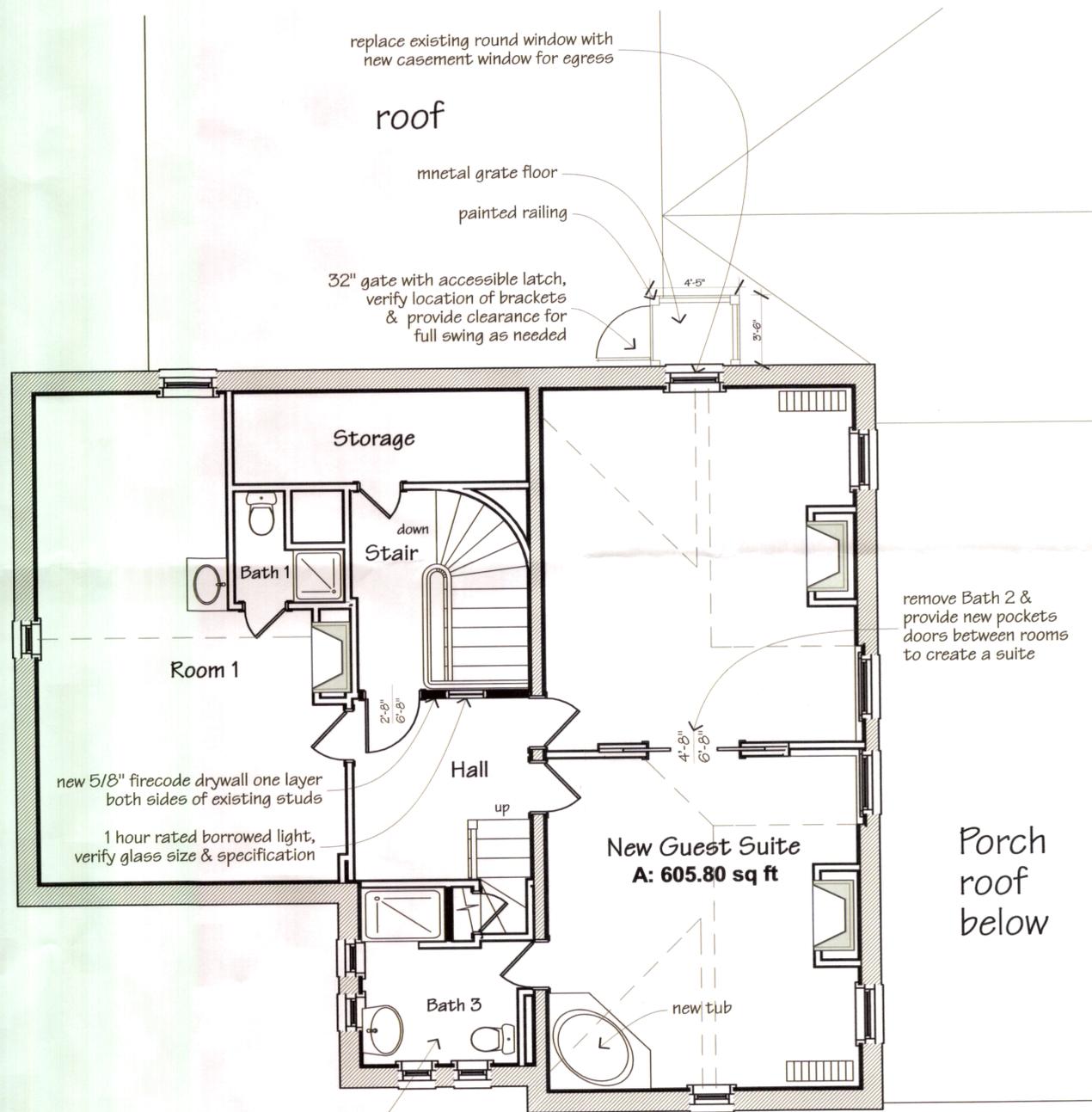
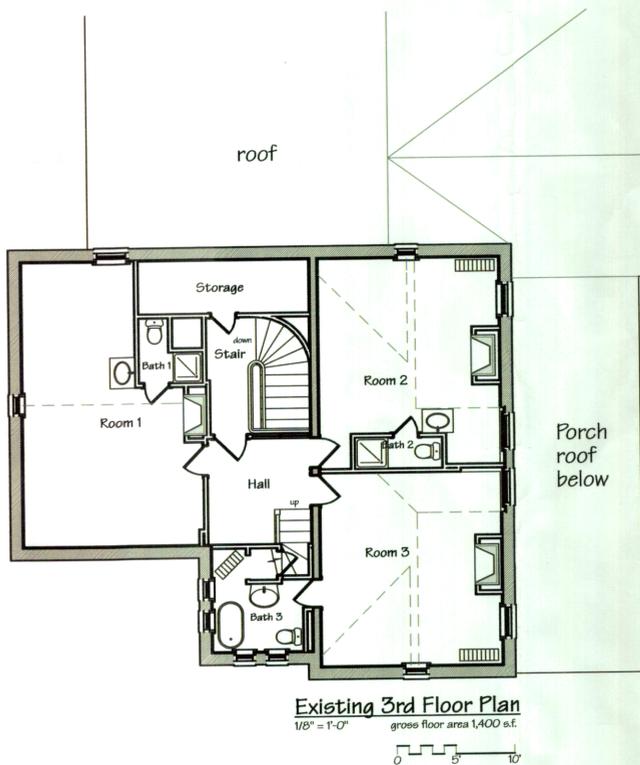
1. Verify existing HVAC system and modify as required. All supply ducts to be continuous from furnaces to supply air grilles.
2. Mechanical contractor to coordinate with electrical contractor to avoid wiring in return air spaces.

Electrical

1. All electrical wiring to conform to the National Electrical Code.
2. Provide all hook-ups to new equipment as required, verify electrical requirements.
3. All outlets to be ground fault interrupter protected.
4. Verify existing automatic alarm system with emergency lighting with battery back-up and modify as required to satisfy Fire Chief. Existing hard wired to be re-activated as needed with new manual firebox on every floor.

Plumbing

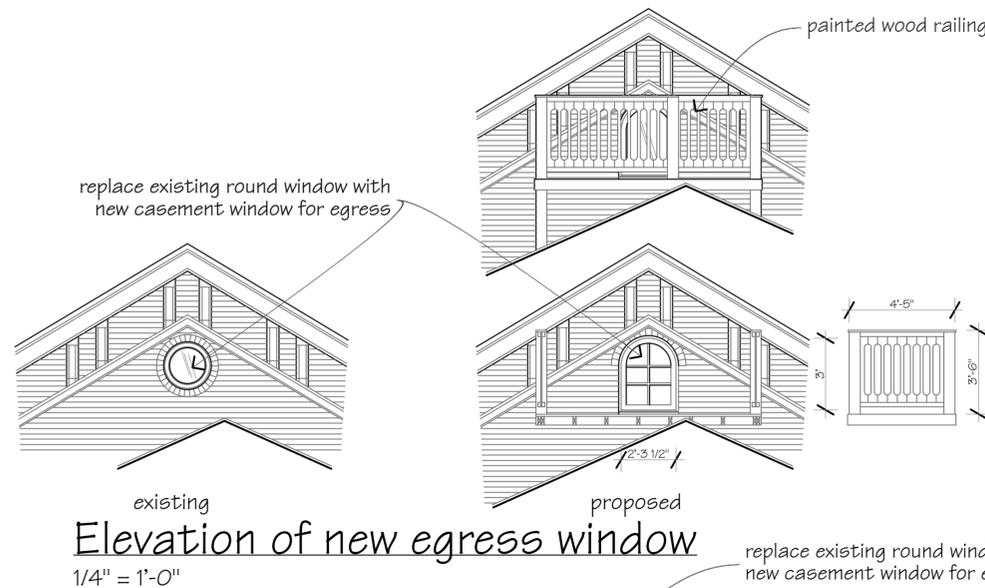
1. All plumbing to be installed as per code, verify requirements with City Plumbing Inspector.
2. Plumbing fixtures to be ADA compliant. Faucets to be ADA compliant. Verify selection with owner before ordering.



Alterations to the Third floor of
Bernadine's Stillman Inn
 513 Bouthillier Street, Galena, Illinois 61036
 Revisions: 5/27/14

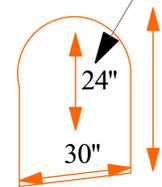
Adam Johnson Architecture
 211 Fourth Street, Galena, Illinois 61036-2400
 815/281-1577
 adam@tjso.net

Certification Statement:
 I hereby certify that these plans were prepared under my direct supervision, knowledge, and control, and that they conform to Local, State, and National Codes.
 Licensed Architect: Adam C. Johnson
 Illinois license number: 001070496
 expiration date: 11/30/2014



Elevation of new egress window

1/4" = 1'-0"



replace existing round window with new casement window for egress

enlarge existing masonry opening

Building Classification

Historic Home converted to Guest House
 Proposed new Guest Suite in 3rd Floor
 ADA/illinois Accessibility Code requirements:
 construction in building less than \$100,000 & less than 15% of building reproduction cost; existing space being remodelled needs to be accessible.

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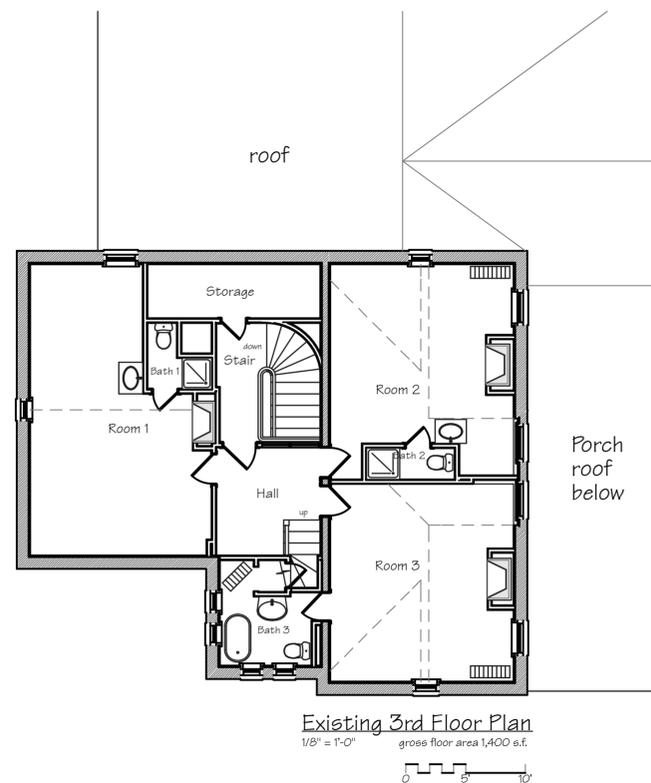
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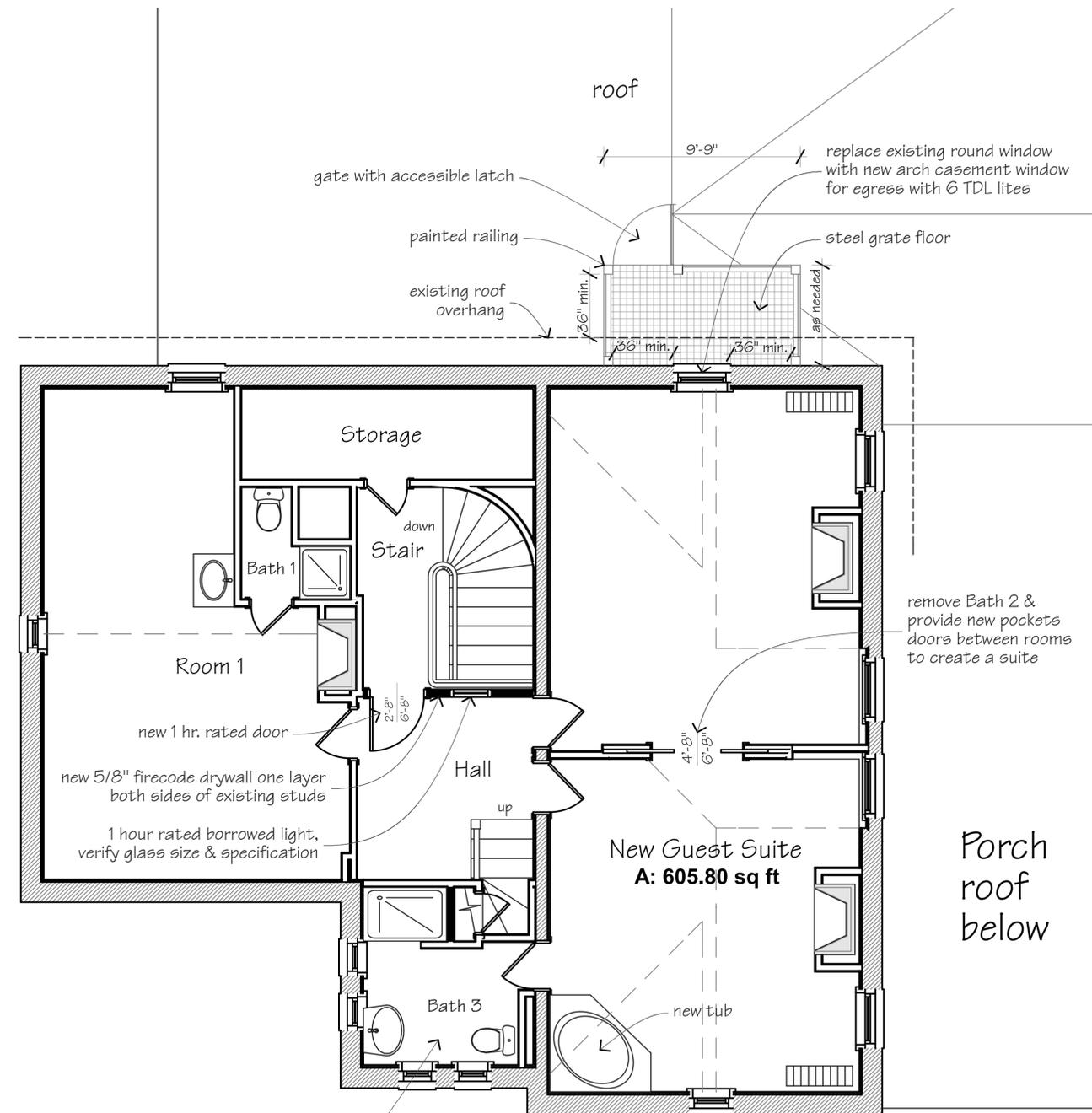
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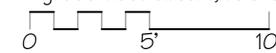


Existing 3rd Floor Plan
 1/8" = 1'-0" gross floor area 1,400 s.f.



Proposed 3rd Floor Plan

1/4" = 1'-0" gross floor area 1,400 s.f.



Alterations to the Third floor of

Bernadine's Stillman Inn

513 Bouthillier Street, Galena, Illinois 61036

Revisions: 5/27/14

Sheet

1

of 1

4/28/14

Certification Statement:
 I hereby certify that these plans were prepared under my personal supervision, knowledge, and control, and that they conform to Local, State, and National Codes.
 Licensed Architect: Adam C. Johnson
 Illinois license number: 001-019396
 expiration date: 11/30/2014

Adam Johnson Architecture
 211 Fourth Street, Galena, Illinois 61036-2400
 815/281-1577
 © adam@tzo.net

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