

**AGENDA**  
**ZONING BOARD OF APPEALS**

**August 10, 2016**

**6:30 PM**

**CITY HALL, 101 GREEN STREET, GALENA, IL**

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of July 13, 2016 ZBA Meeting Minutes

**OLD BUSINESS**

4. Cal. No. 16V-01, Applicant and Owner: Alicia Buss, 2564 N. Windy Lane, Galena, IL 61036. Location: Parcel: 22-101-185-10, Located on Tract 2, Lot 9 and parts of Lots 6, 7 & 8 in Block 5 of the North Galena Addition, City of Galena, Jo Daviess County, Illinois. Request for a variance to allow a front facing garage to be located in front of the furthest projecting portion of the front façade of the dwelling. Ratifications of Findings of Fact.

**NEW BUSINESS**

5. Cal. No. 16PD-02, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Grace Episcopal Church, 107 S Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-561-00, Lots 7, 9, 11 and South Half of Lot 5, Block 3 of the Original City of Galena, Jo Daviess County, Illinois. Common Address: 107 South Prospect Street, Galena, IL 61036. Request for approval of the Final Development Plan of the PUD.

**COUNTY ZONING**

6. None

**WORKSESSION & OTHER**

7. None

**PUBLIC COMMENTS**

8. Public Comments
9. 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 August 5, 2016  
By Matt Oldenburg*

**MINUTES  
ZONING BOARD OF APPEALS  
JULY 13, 2016**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday July 13, 2016 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Present
Bochniak	Present
Cook	Present
Holman	Absent
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

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

**APPROVAL OF MINUTES**

The June 8, 2016 minutes were not available for approval.

**OLD BUSINESS**

Cal. No. 16S-03, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Charles Fach, 418 Spring Street, Galena, IL 61036. Location: Parcels: 22-100-687-10 & 22-100-687-00, Lots 3,4 & 5 in Block 12 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 412 & 414 Spring Street, Galena, IL 61036. Request for Special Use Permit to allow a 6-room Small Inn. The property at 414 Spring Street currently has a permit for a 4-room Bed & Breakfast. Ratification of Findings of Fact for approval.

**MOTION:** Baranski moved, seconded by Bochniak to approve the Findings of Fact for Cal. No. 16S-03.

As Roll Call was:

Cook	Abstain
Holman	Absent
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

### **NEW BUSINESS**

Cal. No. 16A-02, Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to §154.202 Residential Principal and Major Accessory Structures Bulk Standards, footnote (5), to allow front facing garages in front of the principal façade of the dwelling.

**MOTION:** Jansen moved, seconded by Cook to open the Public Hearing on Cal. No. 16A-02.

Motion carried on voice vote.

Nack swore in those persons who wished to testify at tonight's public hearing.

Oldenburg said this is a City initiated request. The Ordinance was rewritten in 2005 and complied with the Comprehensive Plan's goal of facilitating a traditional neighborhood design with a dominant house façade and recessed or side/rear access garages for those principles. Current ordinance requires a front facing garage (attached or detached) be eight feet behind the front façade or if there is a front porch the garage needs to be two feet behind the front principal wall. This is what is required with development if the garage doors are front facing. Exceptions have been made for continued subdivision development where the character was front facing garages located in front of the house. New construction on an infill lot has required compliance with the setback. A couple years after the ordinance was adopted Zoning Administrator Suzanne Hollingworth began hearing from property owners and contractor's that this regulation may not work in all cases. Several work sessions were held with the Zoning Board. Nate Kieffer succeeded Hollingworth and he continue to work on this to the point that it was ready for the City to apply for a text

amendment, but for some reason it did not proceed and this was never revisited. For the reason that Galena is a unique situation where this type of standard may not be applicable or the most practical application for infill development in a new neighborhood where almost all of the houses have front facing garages that are either in front of the house or in line for ranch style homes it might be a situation where administratively the application could be approved as long as it is compatible with the neighborhood. In speaking with the Mayor and City staff the feeling is in cases of infill development or where it would be appropriate to have a front facing garage or when topography limits that a side or rear entry garage is not possible it would be good to amend the code and have a provision to allow this to be administratively approved if it is compatible with the adjoining surrounding properties. The existing language would remain requiring a new subdivision to comply with the traditional neighborhood design. If someone was proposing new construction on an infill lot in an older historic neighborhood where it would not be appropriate to have a front facing garage it would give administrative authority to have the request come before the Zoning Board.

Rosenthal asked how lot size would impact complying with a front facing garage.

Oldenburg said a text amendment would provide for some flexibility and it could possibly be approved. During review if it seems there is enough room to allow a side or rear entry garage the City may ask that the design be changed. If this would pass it reflects the spirit of the code but would be less onerous for those wishing to develop on an infill lot.

Rosenthal asked those in favor of the request to come forward and testify.

Alicia Buss 2564 N Windy Lane, Galena said she is the applicant for the next agenda item. She is hoping to build a house at 1010 Bridge Street. She started this process with Nate Kieffer and she is working with Spahn and Rose. The lot is narrow and it is bordered on each side by a house and one of those houses has a garage behind it. She chose the ranch style house plan so she would not see that garage. She would have chosen a different plan had she known that this was not allowed. She is hoping that the text amendment is approved so she can build the house as planned. She wants to access the garage as safely as possible and the narrow lot could make this difficult if she had to relocate the garage.

No one spoke in opposition to the request.

**MOTION:** Baranski moved, seconded by Bochniak to close the Public Hearing on Cal. No. 16A-02.

Motion carried on voice vote.

**MOTION:** Nybo moved that the request be denied. The motion died for a lack of a second.

**MOTION:** Jansen moved, seconded by Baranski to approve the request for a text amendment, Cal. No. 16A-02.

Discussion: Rosenthal said he understood the issue as he built a new house on a narrow lot. The only issue he has is if the infill lot is in the historic district. A lot of the new houses built since the ordinance change seem to not comply. He is in favor of the text amendment. These infill lots do have limitations. Just because the garage is not front load the fact is many times the garage is on the front of the house.

Nybo said after all the work that was done years ago he wants to make sure that everyone understands how this would work.

Baranski said it seems the proposed text amendment is a good place to land. Oldenburg, or any Zoning Administrator the City hired, would have to have a good grasp of traditional neighborhood design. These are entrenched in today's world of zoning. Allowing the zoning administrator to review and allow administratively on a case by case basis while still keeping the principles of the Ordinance seems a good fit. The principles matter and will determine how Galena looks in years to come.

Rosenthal asked how this would work in the historic district.

Oldenburg said the historic commission can approve the design but any zoning matters would be reviewed by him and would potentially come before the Board. The historic commission can deny an application based on design or even conditionally approve only if certain parameters are met. Standing code right now is that you can use historic setback averaging in that district which could allow a garage to be built right up to the street in some cases. This text amendment seems to be best suited for outside the historic district.

Jansen asked how many homes are in violation? How many homes built since the ordinance change have this type of front facing garage.

Oldenburg said he and the building official drove through town looking at the newer homes in each neighborhood. Almost all of the new homes had a garage that violated the code. When reviewing the building files, it seemed a lot of them were built about the time of the ordinance change and there seemed that there was a grace period to allow these garages for those who were already in the building process. He didn't find evidence that homes were built in direct defiance of the ordinance. Anything built after the 1950's, if there was an attached garage, it was on the same plane as the house.

Baranski said the new principles came about in the late 1980's and early 1990's because of the Chicago suburbs where massive housing developments were built.

Rosenthal and Nybo said they liked that the Zoning Administrator would approve on a case by case basis. If needed it would come before the Board.

The Board agreed that the request met all the approval criteria.

### **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 (*including comments from the Zoning Administrator*):

(1) Whether the existing text or zoning designation was in error at the time of adoption; *This regulation is very restrictive and does not give flexibility for existing developments where certain garage designs would be compatible with surrounding properties.*

(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.; *The City is experiencing more infill development requests recently and this request would give flexibility in design to accommodate topography, lot size and compatibility with existing neighborhoods.*

(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; *Negative impacts are not expected from this amendment; new residential subdivision requests will still need to adhere to the current requirement to meet the main intent of the standing ordinance.*

(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; *This amendment is in conformance with the goals of the*

*Comprehensive Plan as outlined in Chapter 10. Traditional Neighborhood Design will be protected while providing flexibility for infill.*

(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; *Not applicable*

(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 *There is adequate land available to accommodate this proposed practice, including new development or redevelopment.*

(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 community will benefit by flexibility in the code to accommodate the best fit for infill development.*

As Roll Call was:

Holman	Absent
Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Cook	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 16V-01, Applicant and Owner: Alicia Buss, 2564 N. Windy Lane, Galena, IL 61036. Location: Parcel: 22-101-185-10, Located on Tract 2, Lot 9 and parts of Lots 6, 7 & 8 in Block 5 of the North Galena Addition, City of Galena, Jo Daviess County, Illinois. Request for a variance to allow a front facing garage to be located in front of the furthest projecting portion of the front façade of the dwelling.

**MOTION:** Baranski moved, seconded by Cook to open the Public Hearing for Cal. No. 16V-01.

Motion carried on voice vote.

Nack swore in those persons who wished to testify at tonight's public hearing.

Alicia Buss, 2564 N. Windy Lane, Galena said her previous testimony applied to her variance request. She asked that the board consider the fact that the lot is quite narrow. If she had known about this she would have considered other options.

Nybo asked Buss if she knew what the distance was between the street and the garage doors.

Oldenburg said it was about 40 feet.

Nybo said he wanted to make sure it was at least 19 feet.

No one spoke in favor of or in opposition to the request.

**MOTION:** Baranski moved, seconded by Jansen to close the Public Hearing on Cal. No. 16V-01.

Motion carried on voice vote.

**MOTION:** Bararanski moved, seconded by Nybo to draft a positive Findings of Fact for Cal. No. 16V-01.

Discussion: The Board reviewed and agreed that the request met the approval criteria.

**Variance Approval Criteria & Recommendation:**

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

(1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

(2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

(3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

(4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

(5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;

(6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code;

(7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and

(8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

As Roll Call was:

Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Absent
Rosenthal	Yes

Motion carried

## **COUNTY ZONING**

Request by Janet Einsweiler, 1170 Ferry Landing Road, Galena, IL 61036 for approval of Plat of Subdivision for Lot 1 of “Leon and Janet Einsweiler’s Second Addition to Rawlins Township”, part of the NE ¼ of Section 14, Township 28 North, Range 1 West of the Fourth Principal Meridian, Rawlins Township. Request for subdivision to create a separate parcel for an existing house.

Oldenburg said the City needs to give their opinion on the request. The Zoning Board sends a recommendation to the City Council who will send their decision to the County Zoning Board.

**MOTION:** Baranski moved, seconded by Nybo to send a positive recommendation to the City Council for a request for a subdivision to create a separate parcel for an existing house.

As Roll Call was:

Nybo	Yes
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Absent
Jansen	Yes
Rosenthal	Yes

Motion carried

### **WORKSESSION/OTHER**

None

### **PUBLIC COMMENTS**

None.

**MOTION:** Cook moved, seconded by Bochniak to adjourn the meeting at 7:10 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary

**DECISION**

**ZONING BOARD OF APPEALS  
OF THE CITY OF GALENA**

**REGARDING**

**CALENDAR NUMBER:** 16V-01

**APPLICATION BY:** Alicia Buss, 2564 N. Windy Lane, Galena, IL 61036.

**FOR:** Request for a variance to allow a front facing garage to be located in front of the furthest projecting portion of the front façade of the dwelling.

**FINDINGS OF FACT**

**PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 13, 2016. 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 variance to allow construction of a single family dwelling on an infill lot near the intersection of Bridge and Hill Streets with an attached garage located in front of the façade of the dwelling.

The purpose for this request is to accommodate the dwelling's garage in a practical manner due to the down-sloping topography away from Bridge Street. The narrowness of the lot would make a difficult approach for a side facing garage and having the garage face the rear would be awkward and impractical. The conditions of the slope and narrowness are not self-inflicted and given the existing similar dwellings nearby, special privilege would not be given in this case and the dwelling would be in harmony with the neighborhood. Granting permission for this variance will provide reasonable use for the lot along with off-street parking for the residence.

The compatibility of this design with the surrounding properties is evident in the photos attached as most of the dwellings either have a garage in front or even with the front façade.

Staff believes the literal interpretation of the Code is intended for new development in proposed subdivisions to follow traditional neighborhood design; it is not intended for infill development in existing neighborhoods.

Land uses in all directions are residential.

### **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 Variance 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:**

**Alicia Buss, 2564 N. Windy Lane** – spoke as the applicant. She stated that she is hoping to build a house at 1010 Bridge Street. She started this process with Nate Kieffer, previous Zoning Administrator, and she is working with Spahn & Rose Lumber Co. on the design. The lot is narrow and it is bordered on each side by a house and one of those houses has a garage behind it. She chose the ranch style house plan so she would not see that garage (next door). She would have chosen a different plan had she known that this was not allowed. She wants to access the garage as safely as possible and the narrow lot could make this difficult if she had to relocate the garage.

#### **Testimony Presented in Opposition to the Proposal:**

- No one spoke 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 (B) (2) provides a definition and description of the Low Density Residential District.
- Section 154.601 sets forth the off-street parking and traffic circulation standards.
- Section 154.919 sets forth the non-administrative development review common elements of procedures.

- Section 154.925 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures for Variances.

## **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. Off-street parking is extremely limited due to the topography and the way the proposed structure fits on the site. It would be impractical to have a side access or rear access garage due to the narrowness of the site and the downslope from the road.
3. There are properties immediately surrounding the subject property that have garages in front of, or in line with, the front façade of the house.
4. In cases of infill development, it is appropriate to match the character of surrounding properties.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Alicia Buss for a Variance to allow a front-facing garage in front of the main façade of the building should be approved for the following reasons:

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

(1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

(2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

(3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

(4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

(5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;

(6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or

welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code;

(7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and

(8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

## **DECISION**

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Alicia Buss for a Variance to allow a front-facing garage in front of the main façade of the building should be approved.

PASSED AND APPROVED this 13<sup>th</sup> day of July, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

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John Rosenthal, Chairperson

# CITY OF GALENA, ILLINOIS

101 Green Street • P.O. Box 310 • Galena, Illinois 61036



## MEMORANDUM

TO: The Zoning Board of Appeals

FROM: Matt Oldenburg, Zoning Administrator

*MATT*

DATE: August 5, 2016

RE: Cal. No. 16PD-02, Applicant: Adam Johnson, 211 Fourth Street, on behalf of Owner: Grace Episcopal Church, 107 S Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-561-00, Lots 7, 9, 11 and South Half of Lot 5, Block 3 of the Original City of Galena, Jo Daviess County, Illinois. Common Address: 107 South Prospect Street, Galena, IL 61036. Request for approval of the Final Development Plan of the PUD.

### Summary:

The applicant received approval of the Rezoning and Preliminary PUD Plan from the City Council, which includes a three-story, attached addition to the South and associated site improvements. There is no change to the plan, the highlights are included below for your reference:

The subject property is located at 107 South Prospect Street and is commonly known as Grace Episcopal Church. The property consists of approximately 0.4 acres or 17,900 square feet and is situated near the intersection of Hill and Prospect Streets, nestled in a quarried alcove amongst surrounding mixed uses overlooking the Downtown Commercial area.

Final PUD Plan approval by the Zoning Board is required before building permits are issued, per §154.923. Additionally, as part of their approval, the City Council required the following before building permits are issued:

1. An appropriate geotechnical study of the site including a slope survey to be provided to the city;
2. A Geotechnical Engineer be on site on an as-needed basis during all construction work;
3. A periodic certified elevation survey be performed;
4. Adequate insurance for the project be provided;
5. Geotechnical report be available to Mr. Eric Lieberman and to the public within 72 hours of receipt by the City. Notice to be posted at City Hall.

The applicant has agreed to the conditions set forth by the City Council. Upon approval, the applicant will begin fundraising efforts and required engineering / land survey studies before application for building permits. The applicant intends to apply for permits as soon as conditions are met, but requests a development schedule be set for up to 5 years to complete the project. Staff finds this development schedule acceptable and recommends approval to the Zoning Board.

### Staff Comments (No change):

**Engineering:** Storm water facilities shall be demonstrated in further detail with construction drawings and may tie into existing storm drains on the site that connect to the City system. Geotechnical study is not required at this point of the process but is recommended that a Geotechnical Engineer be at hand during

excavation / quarrying operation. Construction drawings by qualified, licensed professionals shall be submitted for review before building permit is issued. Construction / quarrying methods shall be demonstrated before building permit is issued; any blasting is prohibited.

**Fire Prevention:** Proposed concept appears to meet fire & life safety requirements. Further detail review will be held with construction documents and approval needed before building permit is issued.

**Building:** Stamped, professional construction drawings must be submitted for final review with Staff before building permit is issued. ADA compliance is required. Egress walkway is called-out on drawing for the 3<sup>rd</sup> story fire escape; more detail is needed and can be submitted at time of construction document submittal.

**Zoning:** Site plan review indicates compliance with adopted plans and policies, such as the Comprehensive Plan and does not conflict with any official map, trail or park plans of the City.

Meets the land use regulations as provided in §154.405 as existing, non-conforming land use.

Natural resource protection standard for steep slopes is met by protecting approximately 84% of the slopes over 30%, by which a minimum of 80% protection is required. No significant tree removal is expected and does not qualify for natural resource protection.

Building, Engineering and Zoning Departments are aware of, and do consider the concerns of the surrounding property owners regarding the stability of the hillside above the property if quarrying takes place. The staff believes that geotechnical studies / explorations are appropriate for determining suitable bearing capacity for foundational elements as well as determining lateral forces that act upon the proposed retaining / foundation walls adjacent to the quarried hillside. Licensed, qualified design professionals shall demonstrate that the construction methods and suitability of the subsurface conditions are safe and adequate to construct the proposed project before any building permit will be issued. In order to address the concerns of the surrounding property owners, Staff recommends that the City Council considers requiring an appropriate geotechnical study be conducted and provided to the City, as a condition for approval, before a building permit is issued. The purpose of this recommendation is so that the applicant can confidently proceed with the extensive design process after having approval of the conceptual level of zoning and to alleviate concerns of the public.

Meets lighting and landscaping standards provided in §154.603-605. Parking standards identified in §154.601 will be discussed later in the review.

Performance standards provided in §154.701 through §154.713 are met; the permanent state of the development is not expected to violate performance standards listed in this Chapter.

Any signage adjustments can be administratively approved by the Zoning Administrator.

The project appears to be organized harmoniously and efficiently in relation to the topography, the character of the adjoining property (similar to adjacent properties like Turner Hall and the Fire Station), and the size and type of buildings. It is not expected to impede the normal and orderly development of the surrounding property for uses permitted in this Code.

The landscape and natural conditions of the site, outside of the proposed utilized portions of the property, shall be preserved in its natural state and the plan does reflect this. Sufficient screening and buffering are proposed and landscaping meets the required landscaping points. The scale, character and orientation of the proposed structure is compatible with the existing structure on the property and with nearby properties.

The memorial garden to be relocated, is considered an existing non-conforming land use as Outdoor Institutional (private cemetery). It is advised to request that the Church ensure compliance with any State / Federal regulations with cremains (25 known cremains are present at the site) as well as seek approval from the surviving families of the deceased before relocating. Cremains are proposed to be relocated to the other side of the Church in a columbarium.

One purpose of Planned Unit Development for a site is to provide design flexibility in cases of unique single-use projects where the provisions are not available under regular zoning district standards. Per our ordinance, this type of mechanism should only be used when long-term community benefits, which may be achieved through high-quality planned development will be derived. In this case, an innovative design is needed to provide a solution for a property, with a well-established land use that is operationally distributed on two separate parcels, to consolidate its operations / activities onto one parcel in the interest of efficiency, safety and harmony. In essence, the PUD mechanism allows the City Council to establish a specific district for this property with its own district standards. The underlying district standards are utilized as a basis of comparison to have a place to begin. Deviations from the default district (LDR) standards were approved by the City Council as part of this PUD Rezoning and include:

- Floor Area Ratio: LDR requires 0.25, proposed FAR is 0.438
- Minimum Lot Area: LDR requires 40,000 sq. ft., proposed is 17,900 sq. ft.
- Building setbacks: Per §154.107(D)(4), vertical and horizontal expansion is allowed on a wall for a non-conforming site / structure as long as the existing setback is at least 75% of the default district's standard, which in this case is 30 feet. The existing setback of the rear of the building is approximately 21 feet, or 70% of the required setback.
- Maximum Building Height: Per 154.206(B), churches are allowed up to 6 stories or 75 feet, provided for every foot over the allowed maximum height for the district, one additional foot must be added to the rear and side setbacks. This would make the rear setback requirement 36 feet; however, if the existing setback is approved as a deviation, then perhaps the proposed height can be deviated as the gable will be less obtrusive if it is set further back into the hill, thus providing more of a view for the properties uphill. It is noteworthy that the existing ridge of the church is the same height of the proposed addition's gable height. Proposed addition height was approved by Council per drawings.
- Expansion of non-conforming use: Non-residential uses in a residential district are allowed expansion up to 10% of the existing, which would be exceeded in the proposed. §154.106(C)(2).
- Parking requirements: Default district standards in §154.601 require 25 ft. throat length and much more off-street parking than the site can allow. Furthermore, expansion regulations in §154.107(D) require site be brought up to compliance. Existing parking is stacked in the small drive area, the proposed parking will create 5 proper stalls that meet regulations in our Code. Additionally, 2 of those stalls will be ADA spaces. Deviation is required, even though there is no practical room on the property for more parking, the parking situation is improved compared to the existing conditions with this proposal.

This was approved by the City Council as a deviation from the default district standards with mitigation of items (c) & (e) as noted in approval criteria under §154.301(A)(5).

#### Approval Criteria & Recommendation:

Applicability: The final development plan and final subdivision plat where applicable, are the blueprint for development of a PUD/TND project. The plan and the plat ensure consistency with the approved preliminary development plan and specific development and constructions requirements of various adopted codes. No building permit shall be issued until final plan approval is obtained.

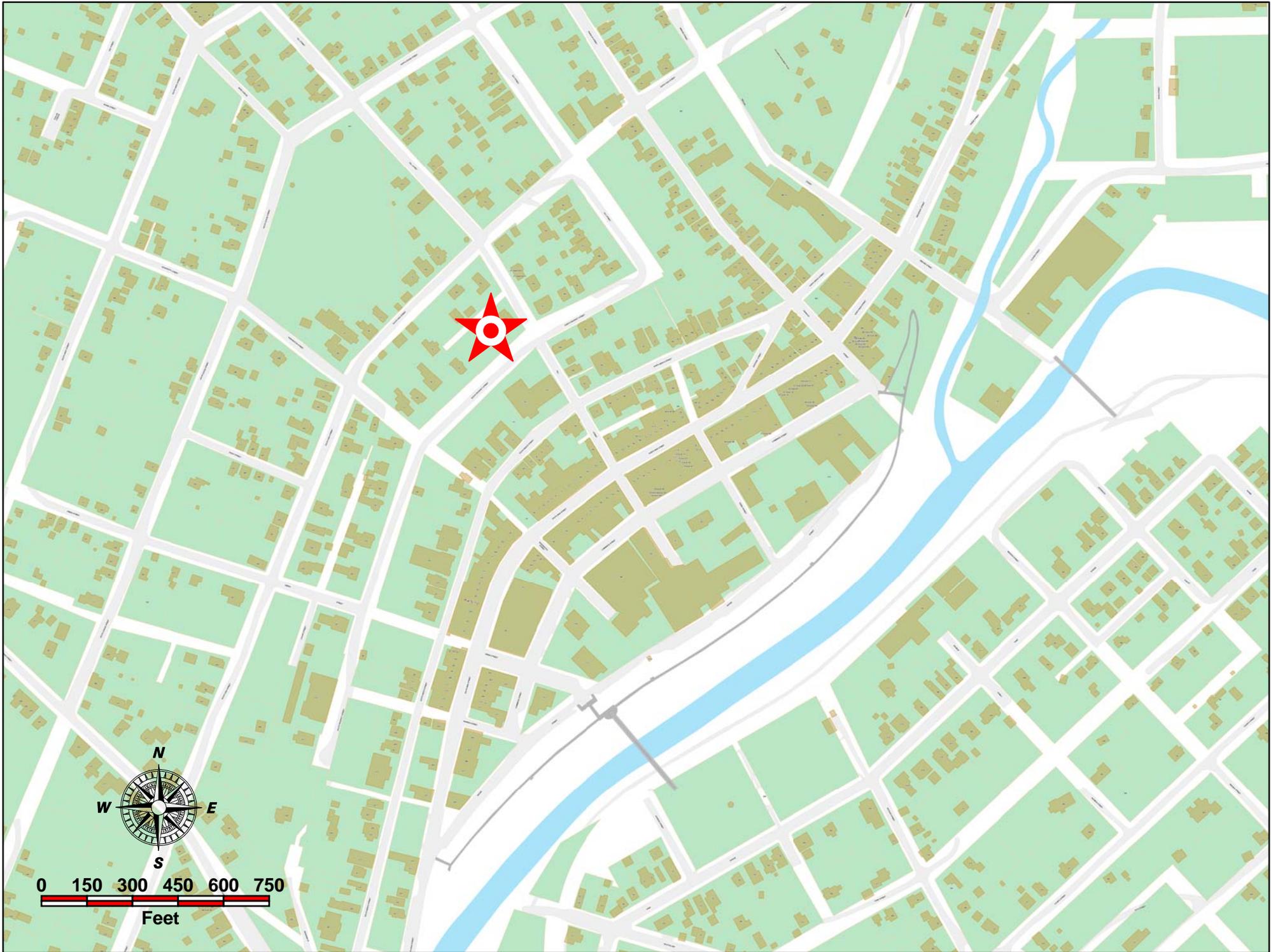
**Final PUD Plan** – A final development plan application shall demonstrate conformance with all of the following:

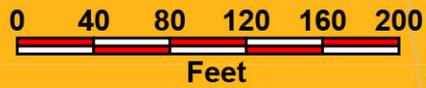
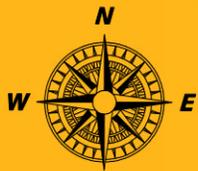
- (a) The approved ODP, if applicable; *not applicable, less than 5 acres*
- (b) The approved preliminary development plan; *Final plan has no change from approved preliminary plan and adheres to the PUD district standards set forth by the City Council.*
- (c) The approved preliminary plat; *not applicable*
- (d) The approved PUD/TND rezoning ordinance; *Final plan is in conformance with the approved standards of the rezoned PUD ordinance.*
- (e) All other applicable development and construction codes, ordinances, and policies; *Final plan meets other applicable codes and City Staff will ensure approval conditions set forth by the City Council are met before building permit is issued.*
- (f) The applicable site plan review criteria in § [154.914](#); and *Final plan meets the applicable site plan review criteria.*
- (g) The applicable final plat criteria in [Chapter 153](#), Subdivision Regulations. *Not applicable.*

**Cal. No. 16PD-02**

**The Zoning Administrator shall make a recommendation and the Zoning Board of Appeals shall approve, conditionally approve, or deny all applications for a final development plan, unless the City Council in its discretion required the final plan be returned to it for final action. In such cases, the Zoning Administrator and Zoning Board of Appeals shall provide recommendations concerning the final plan.**

In this case, the ZBA is the approval authority for the Final Plan. There are no changes to the plan from the preliminary and I recommend approval.





Grace Episcopal Church, 107 South Prospect Street, Galena, Illinois

Grace Episcopal Church is applying for a planned development to allow the construction of an addition and expand parking facilities. The addition would replace the current rectory on the opposite corner and allow the creation of expanded accessibility to the church, its facilities, and functions. The church and rectory have accessibility issues which presently are keeping some of its congregation from engaging in the full fellowship of the community and may be preventing others from joining. The congregation feels strongly that accessibility is becoming an existential issue for the continued use of the church and that an addition is the best course to provide a viable facility. The design presented proposes a minimal footprint on the site, set back from the street to provide a level parking area for several vehicles to ease accessibility.

The proposed design is for a three story addition to the existing church to the rear and left, adjacent to the Sacristy. The rear of the addition's foundation would extend just above present grade. The addition would be of appropriate architectural design, as already approved by the city historic preservation commission. The first floor of the addition would include a large community room. The second floor would contain restrooms, offices, and conference room. The third floor would be a large open classroom. An accessible lift will be installed to allow access to all three floor.

It is in the interest of the City of Galena to approve this application for Planned Development zoning because Grace Episcopal Church is an important community resource and the historic church is an iconic building in Galena. Its continued viability needs to be supported by allowing an addition which will rehabilitate the property into a modern, accessible facility. Also, by returning the current rectory to the residential housing market, that property returns to the tax rolls and will be available as housing. The intensity of use will not be increased, but combined on one site.

The comprehensive plan provides support for this application. The community profile points out that Galena's population is getting older, which increases the concern about accessibility at historic structures. This is the situation that the congregation is trying to address by building the addition. To realize the church's mission of inclusion and service to community, they must reach out to the community by providing a facility which addresses the needs of an older population and provides space where all are accommodated. Complying with the Americans with Disabilities Act is an important goal for all buildings in Galena and should be supported by the community.

The Planned Development application supports the comprehensive plan goals for the city in many ways. It supports the first goal of economic development by protecting a historic structure, maintaining a business, or current use, in an existing building (for which a new use would be difficult to find considering any new commercial use would face the same accessibility and parking issues). It supports the goal of providing additional housing and parking. It supports the goal of historic preservation by maintaining and improving a historic property and returning a house to original use.

The Planned Development application is for a unique single-use project for which increased zoning flexibility is needed to achieve many of the specific benefits for which a PUD is created, as stated in the zoning ordinance. Those benefits include creating more efficient infrastructure by concentrating a non-conforming use from the existing two sites separated by a city street onto a single site, providing additional off-street parking, and allowing innovative design.

The Planned Development application is required for this proposal because the addition cannot be built under conventional zoning because there are five deviations required from the current standard zoning district, low density residential, LDR. The project complies with the nine other standards of the LDR. These deviations are reduce lot size, reduced rear yard setback, increased floor area ratio, increased maximum expansion of non-conforming use, and reduced parking requirements. These deviations are allowed to be offset by the community amenities provided by the church beyond what would be required by the typical LDR property. These amenities include providing space for community groups such as AA, providing community outreach and support, work through the united churches association of Galena, and other charitable and service programs.

This development would be adequately buffered and adverse impacts on adjacent properties have been mitigated by providing additional landscaping points above the amount required. This application meets all the criteria for zoning review, provides adequate amenities to offset the deviations required, and furthers the goals of the comprehensive plan, and so should be approved.

Grace Episcopal Church, 107 Prospect Street, Galena, Illinois

Section 154.920 (C) *Approval criteria*. 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;

There does not appear to be a definable error in the original zoning, although some arguments could be made for zoning the Church, Turner Hall and the Fire Station as Downtown Commercial. The original zoning placed the Church in LDR.

- (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.;

There has not been a change in the character of the area. The developmental transition is the change in accessibility codes at the State and Federal level which indicate the need for improvements for accessibility to a historic structure so that it can continue in a lawful and accessible manner.

- (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;

The current use is compatible with the neighborhood. The buildings and uses immediately adjacent to the east are public facilities. The residential neighbors are mostly situated above the church on the hill and separated by grade. The re-zoning will not create any new or additional intensity of use; it will concentrate the existing use, and provide additional off-street parking to lessen the existing on-street parking use.

- (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;

The proposal is supported by the goals of the comprehensive plan economic goals of protecting historic structures, maintaining current businesses in their existing historic structures, providing additional parking and returning a historic house to its intended use to increase the housing available. The proposal has been approved by the Historic District Commission.

- (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;

Adequate public facilities are on site.

- (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

There is adequate site for the proposed addition.

(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.

Grace Episcopal Church is one of the most important historic buildings in Galena. It is in the best interest on the city to assist the congregation in maintaining its use and viability as a church. To do this, the church must be made accessible.

Since the church was founded in the 1850s, the city has derived benefits of its congregation and charity, to do good works for the City and worldwide. The congregation will continue to do those good works for Galena. The main benefit to the community that the church provides is the maintenance of the historic structure, which would be difficult to rehabilitate into another use if the present use is not supported.

Additional benefits include community outreach listed on their website such as:

Grace Episcopal Church donates through an organized committee to local, national & international charities and causes through the earnings of its endowment and funding drives to such organizations as the Galena Arts & Recreation Center (ARC), Galena Food Pantry, Habitat for Humanity, United Churches Hunger Fund, Heifer International, Shelter Care Ministry of Rockford, relief efforts such as Haitian Relief & Katrina Relief. It provides outreach to its partner Diocese in Sudan.

The Church hosts many community events, many organized by its Arts Council, such as quarterly art exhibits featuring local artists and music events such as hosting and organizing the Festival for the Arts.

The Church provides religious ministries such as Christian Education and Bible study groups. It provides discussion groups and activities such as Aging Gracefully, its series on growing older, and a knitting group that donates its products. Its group Servants Through Prayer meets to offer prayer for world needs.

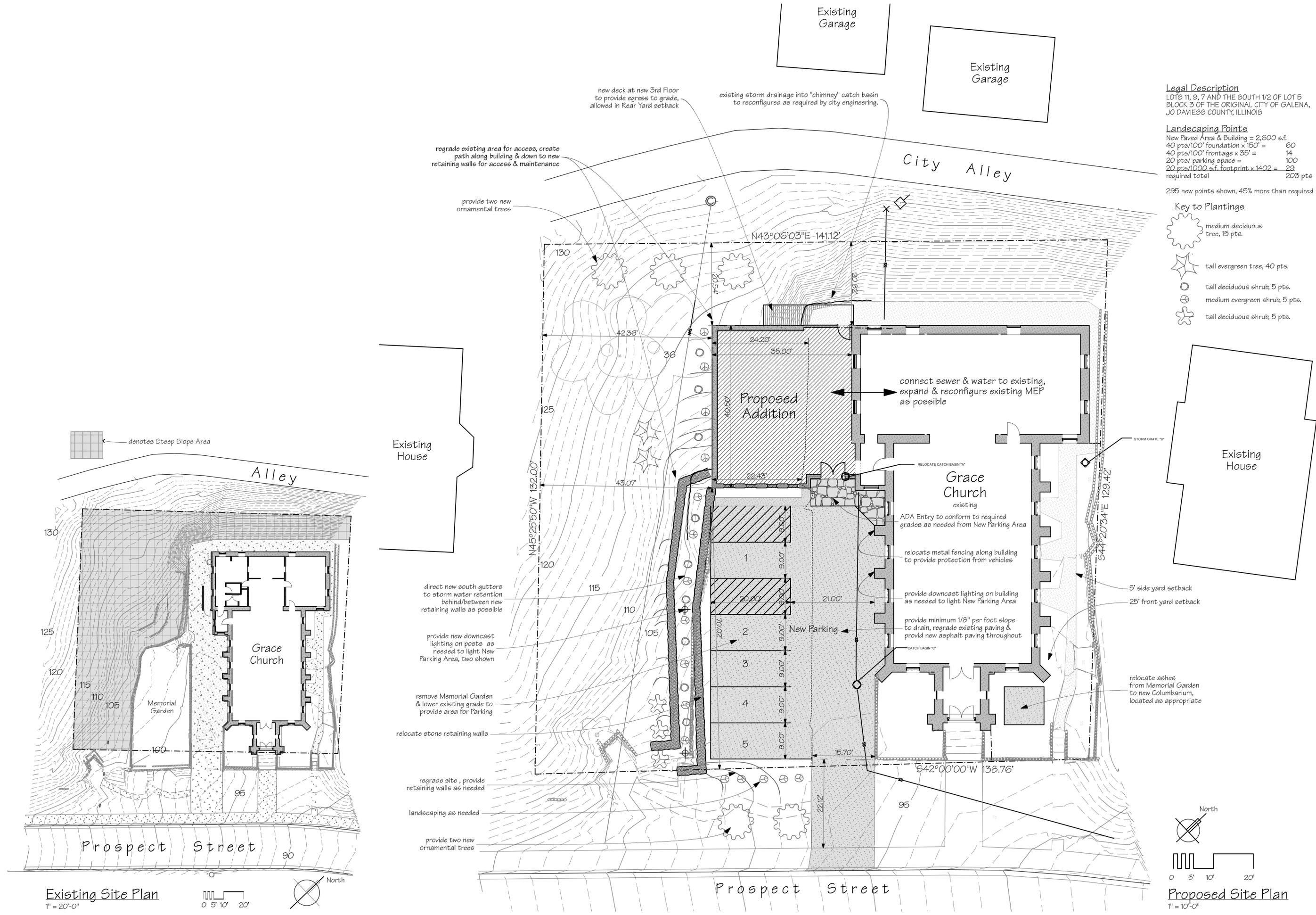
The Church has an ongoing Education of Ministry program which provides a four year course of religious education.

The Church is active in the community English as a Second Language (ESL) program assisting local Spanish speakers to learn English.

The Church provides space for AA, NA, and Al-Anon meeting on a weekly basis.

Grace Church members support or are active volunteers and members of Rotary, the Elks, the Kiwanis, the JDCE, the Cemetery Walk, the Galena Historical Society, the Galena Public Library, the Women of Commitment and Courage and docents at the Washburne House, to name a few. During the year, there are few if any community charity activities members of Grace do not support or help.

2/13/16 adam@adamjohson.com

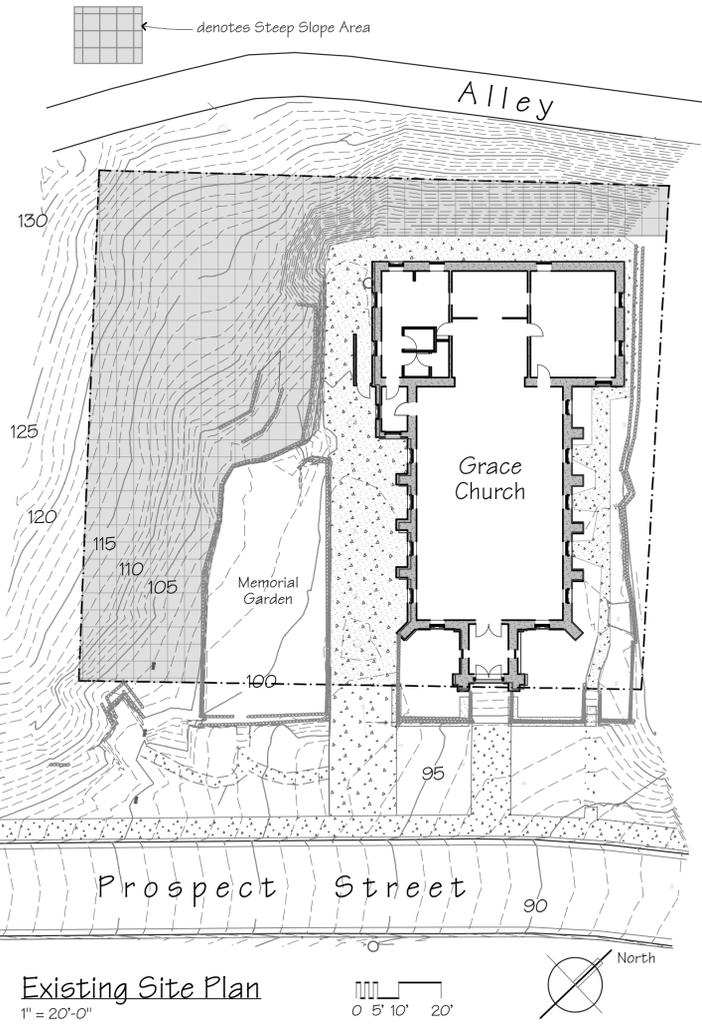
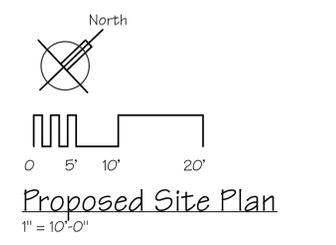


**Legal Description**  
 LOTS 11, 9, 7 AND THE SOUTH 1/2 OF LOT 5  
 BLOCK 3 OF THE ORIGINAL CITY OF GALENA,  
 JO DAVIES COUNTY, ILLINOIS

**Landscaping Points**  
 New Paved Area & Building = 2,600 s.f.  
 40 pts/100' foundation x 150' = 60  
 40 pts/100' frontage x 35' = 14  
 20 pts/ parking space = 100  
 20 pts/1000 s.f. footprint x 1402 = 28  
 required total = 203 pts

295 new points shown, 45% more than required

- Key to Plantings**
- medium deciduous tree, 15 pts.
  - tall evergreen tree, 40 pts.
  - tall deciduous shrub, 5 pts.
  - medium evergreen shrub, 5 pts.
  - tall deciduous shrub, 5 pts.



**Adam Johnson Architecture**  
 211 Fourth Street, Galena, Illinois 61036-2400  
 ©adamjohson333@gmail.com 815/281-1577  
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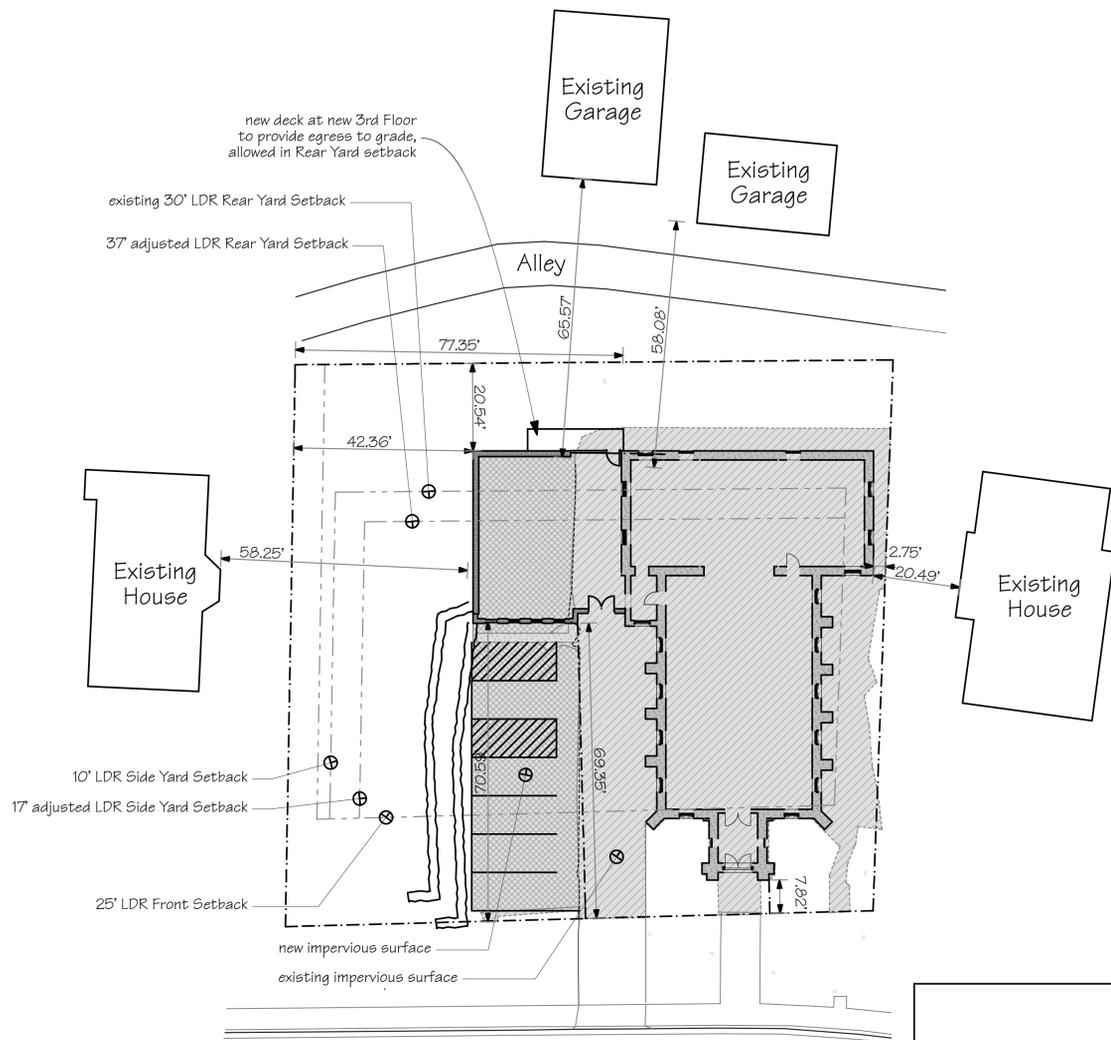
**Certification Statement:**  
 I certify that these plans were prepared in accordance with the Illinois Professional Land Surveying Act, and that I am a duly Licensed Architect under the Illinois Professional Architect Act, and that the plans were prepared by me or under my direct supervision and control.

Adam C. Johnson  
 Licensed Architect  
 No. 112/020216  
 expiration date:

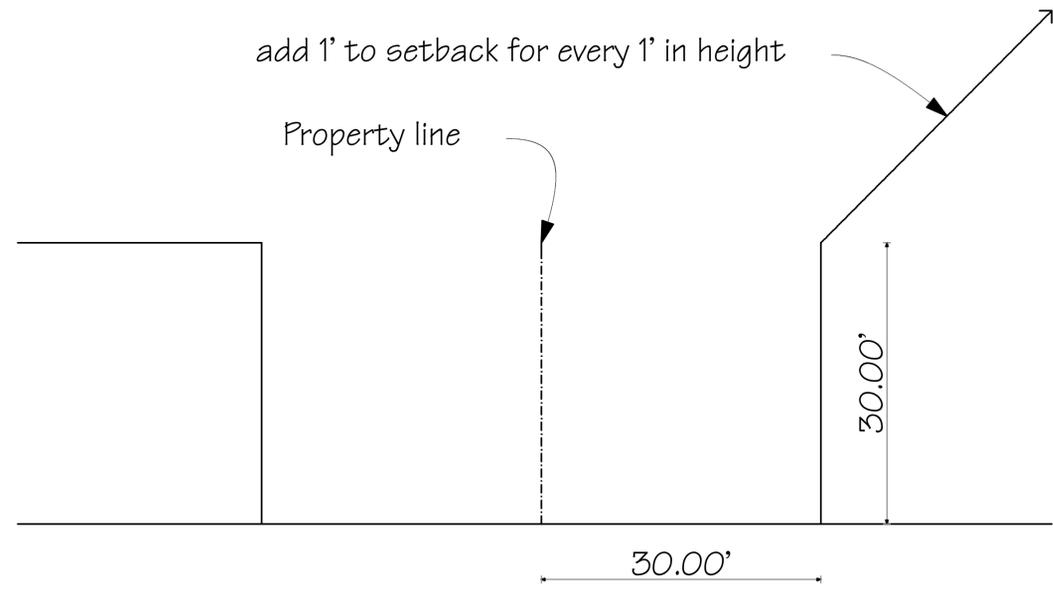
Site Plan For Zoning Review for New Planned Unit Development  
**Grace Episcopal Church**  
 107 Prospect Street, Galena, Illinois 61036

3/18/16  
 revisions:  
 4/16/16

sheet  
**1**  
 of 2

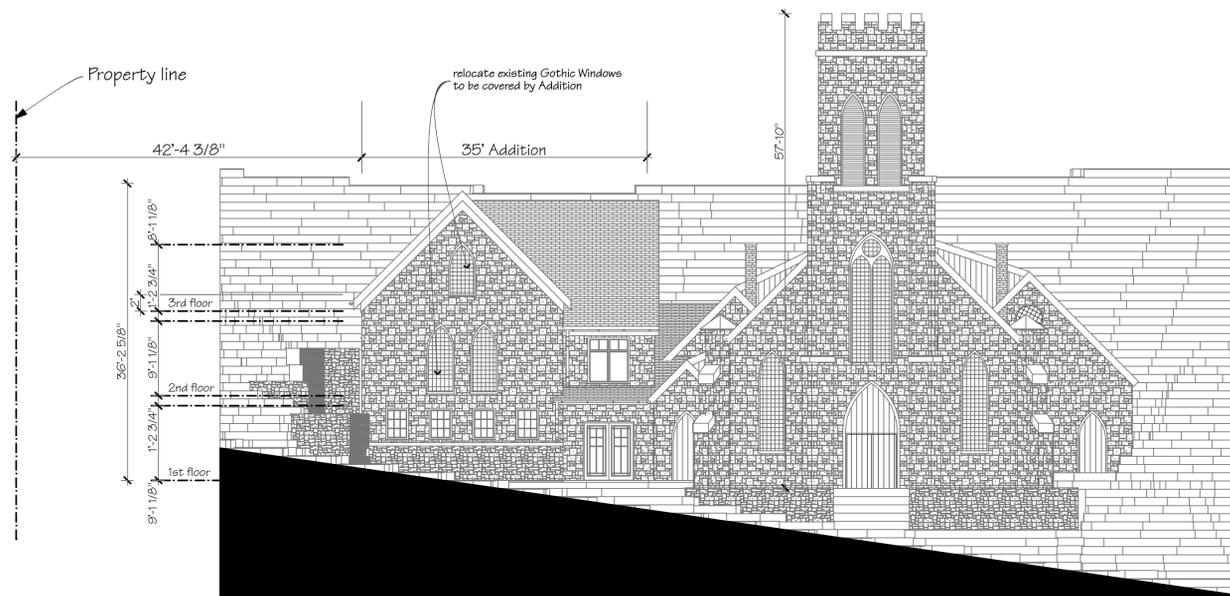


Proposed Site Zoning Standards Plan  
1" = 20'-0"

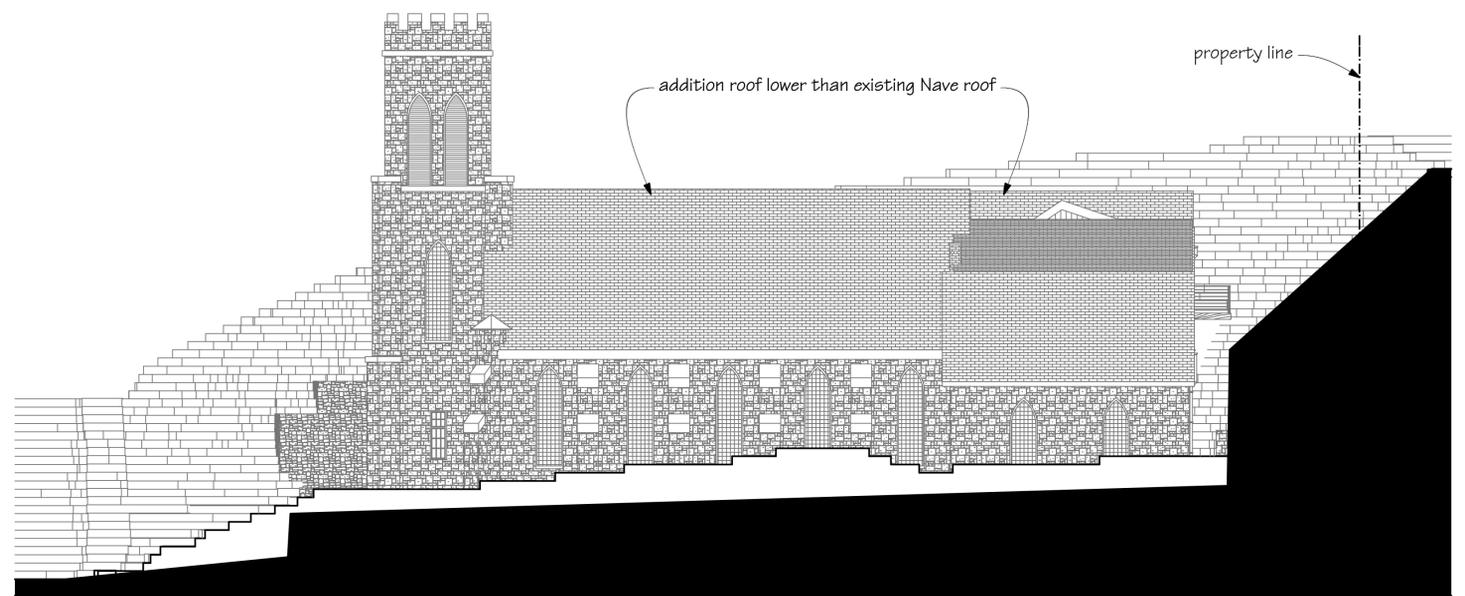


### Zoning Districts Standards Comparison

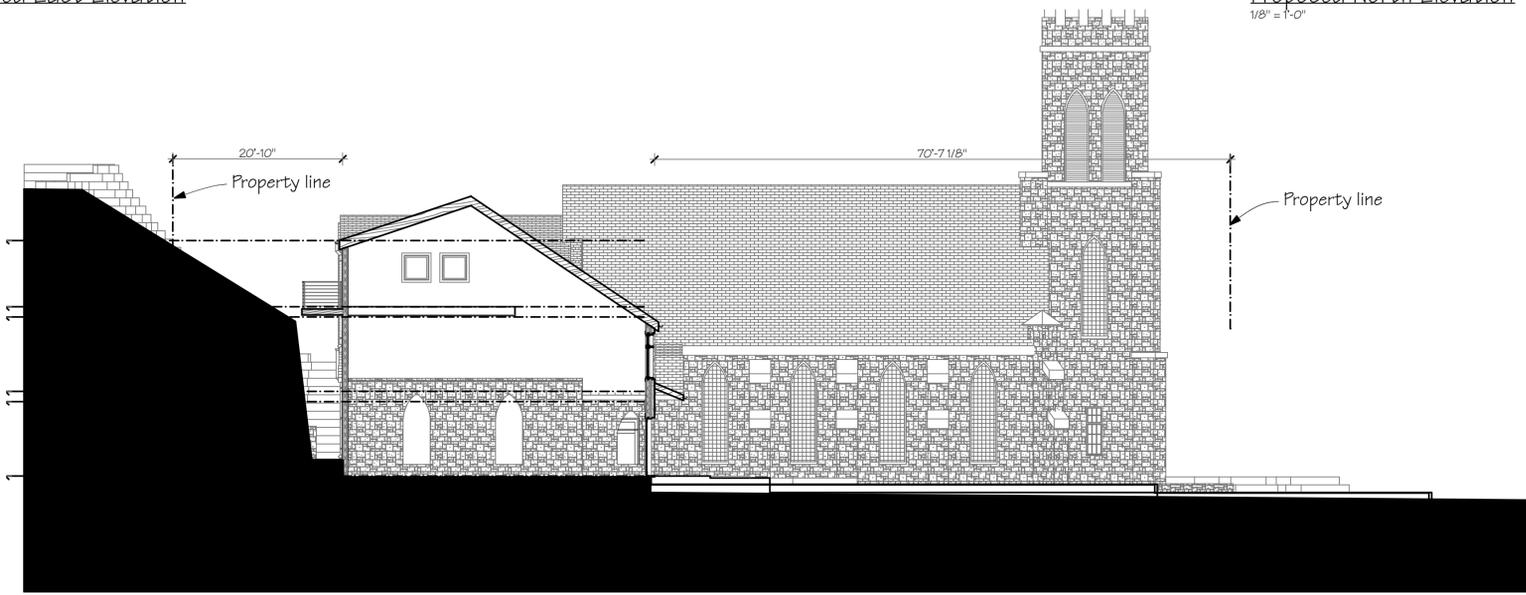
Nonresidential Bulk Standards					requires deviation
Standard	Low Density Residential LDR Nonresidential Standard	Existing Nonconforming Use Grandfathered	Proposed PUD New Standard	Deviation from LDR	
Lot Size	40,000 s.f.	18,268 s.f.	no change from existing	-21,732 s.f. / -44%	deviation
Lot Width / Street Frontage	100' / 25'	138.76'	no change from existing	+38.76' / +138%	
Minimum Setbacks					
Front Yard	25'	7.82'	69.35' to Addition	+44.35' / +277%	
Side Yard	10' / 10'	2.75' on north / 77.35' on south	grandfathered	grandfathered	
Side Yard adjusted for Height Increase	17' / 17'		no change on north / 44.35' at Addition	+ 25.36' / +249%	
Rear Yard	30'	20.54'	grandfathered	grandfathered	
Rear Yard adjusted for Height Increase	37'		align with existing / 20.54' at Addition	- 16.46' / -49%	deviation
Minimum Building Separation	20'	20.49'	58.05' to nearest Garage	+ 38.05' / +290%	
Maximum Building Height	6 stories / 75'	58'	37' to ridge of Addition, below existing Nave ridge	38' below allowed, add 1' to side & rear setbacks for each 1' over 30' standard LDR	
Nonresidential Intensity Standards					
Standard	Low Density Residential LDR Nonresidential Standard	Existing Nonconforming Use Grandfathered	Proposed PUD New Standard	Deviation from LDR	
Floor Area Ratio / FAR	0.25	0.23	0.44	0.19 over / +76%	deviation
Maximum Building Size without SUP	10,000 s.f.	4,225 s.f.	4,225 s.f. + 3,763 s.f. = 7,988 s.f.	2,022 s.f. below allowed / -20%	
Maximum Building Size with SUP	20,000 s.f.	4,225 s.f.	4,225 s.f. + 3,763 s.f. = 7,988 s.f.	12,022 s.f. below allowed / -20%	
Maximum expansion of Non-conforming Use	10% / 422 s.f.	NA	3,763 s.f.	89% / 3,341 s.f. more than allowed	deviation
Natural Resource Protection	80% / 5,047 s.f.	NA	84% / 5,300 s.f.	84% / +253 s.f. above required	
Landscaping Surface Ratio	40% / 7,308 s.f.	10,818 s.f. / 59%	8,213 s.f. / 44%	905 s.f. above required / +4%	
Parking Requirements as they apply only to area of the Addition					
Standard	Low Density Residential LDR Nonresidential Standard	Existing Nonconforming Use Grandfathered	Proposed PUD New Standard	Deviation from LDR	
Minimum Parking Spaces	community center 1 per 250 s.f. = 15	1 parking space	5 parking spaces / 2 ADA	10 parking spaces below required / -66%	deviation
alternative calculation	community center 1 per 4 people	church capacity = 112	114 / 4 = 29	24 parking spaces below required / -84%	



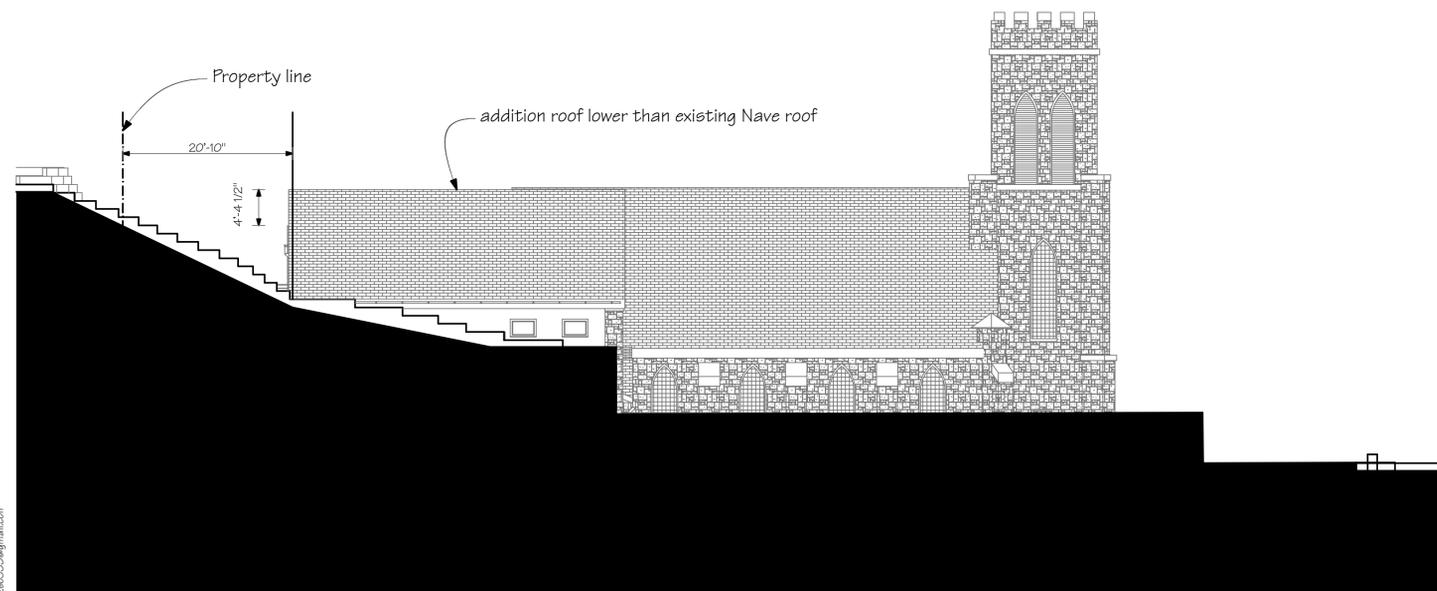
Proposed East Elevation  
1/8" = 1'-0"



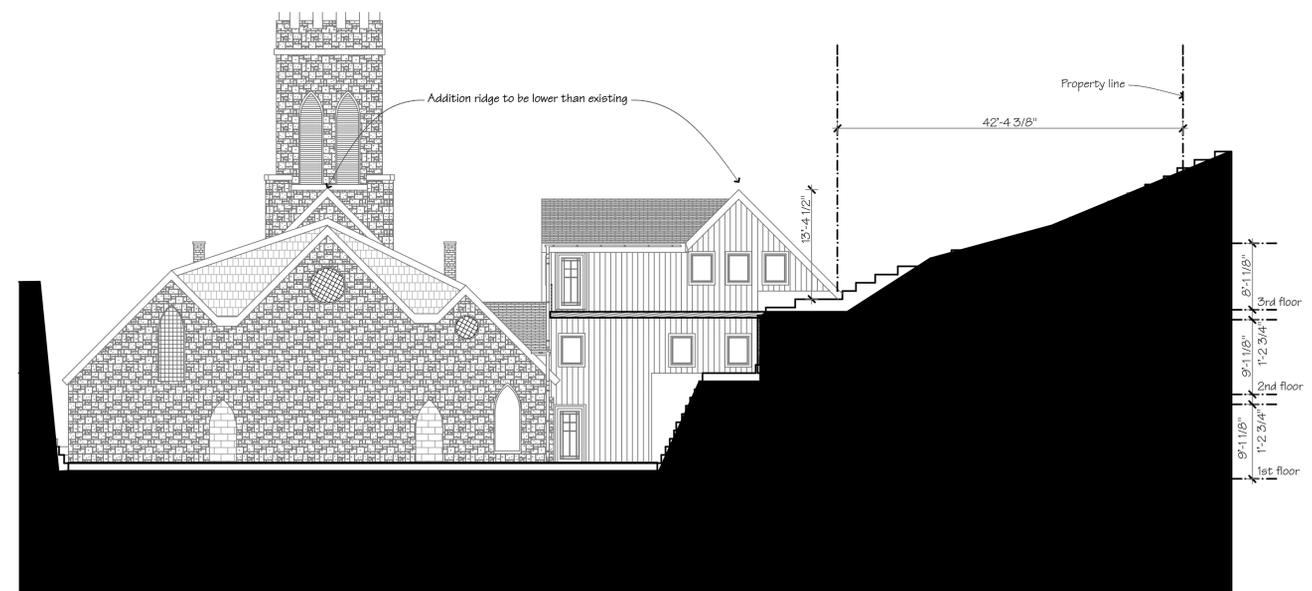
Proposed North Elevation  
1/8" = 1'-0"



Proposed Section  
1/8" = 1'-0"



Proposed South Elevation  
1/8" = 1'-0"



Proposed West Elevation  
1/8" = 1'-0"

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Site Plan For Zoning Review for New Planned Unit Development  
**Grace Episcopal Church**  
107 Prospect Street, Galena, Illinois 61036

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revisions:  
1/28/16  
2/22/16

sheet

V4

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Addition & Alterations to  
**Grace Episcopal Church**  
107 South Prospect Street, Galena, Illinois 61036

Stone Veneer Scheme



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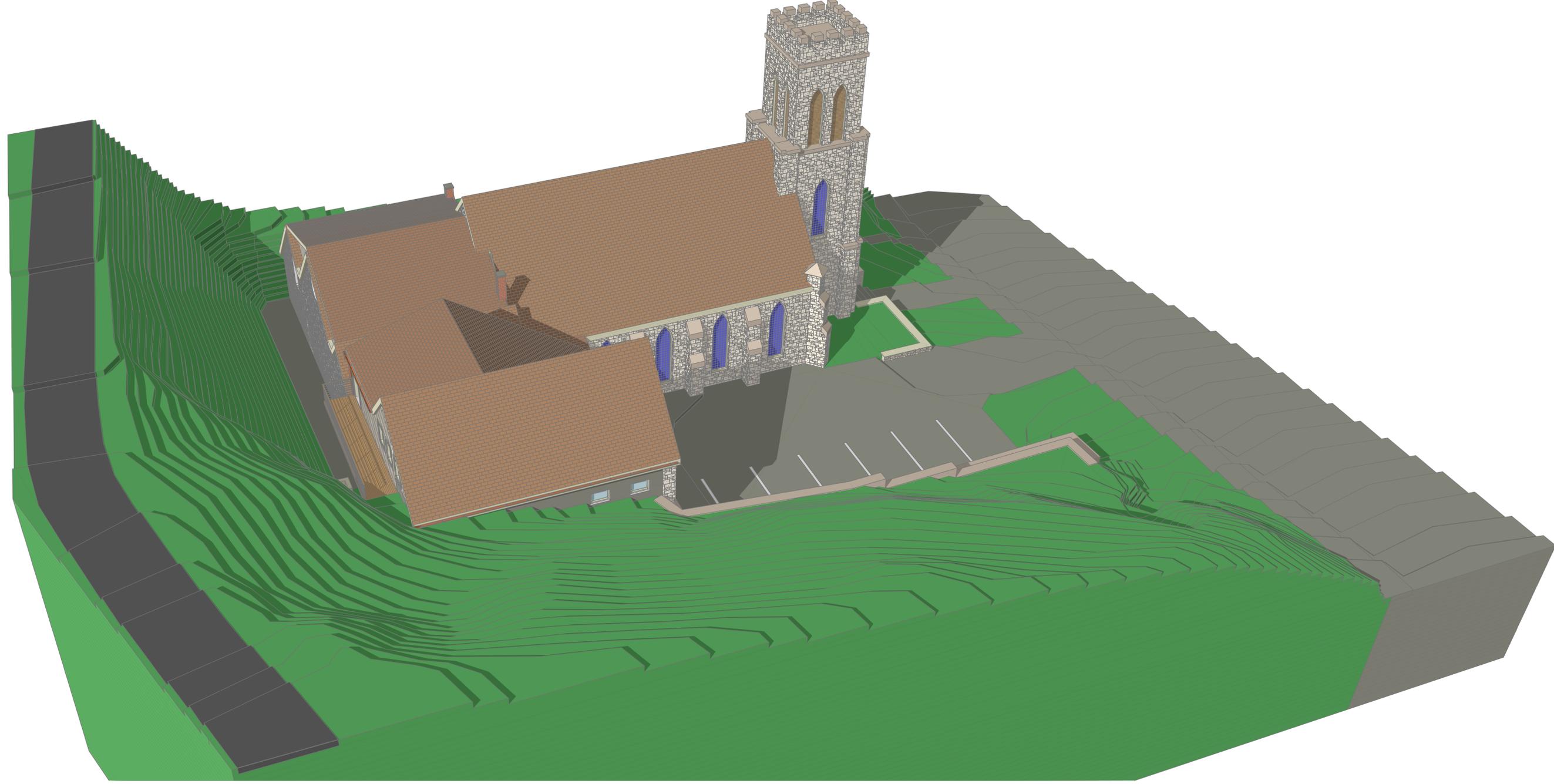
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of 16

Addition & Alterations to  
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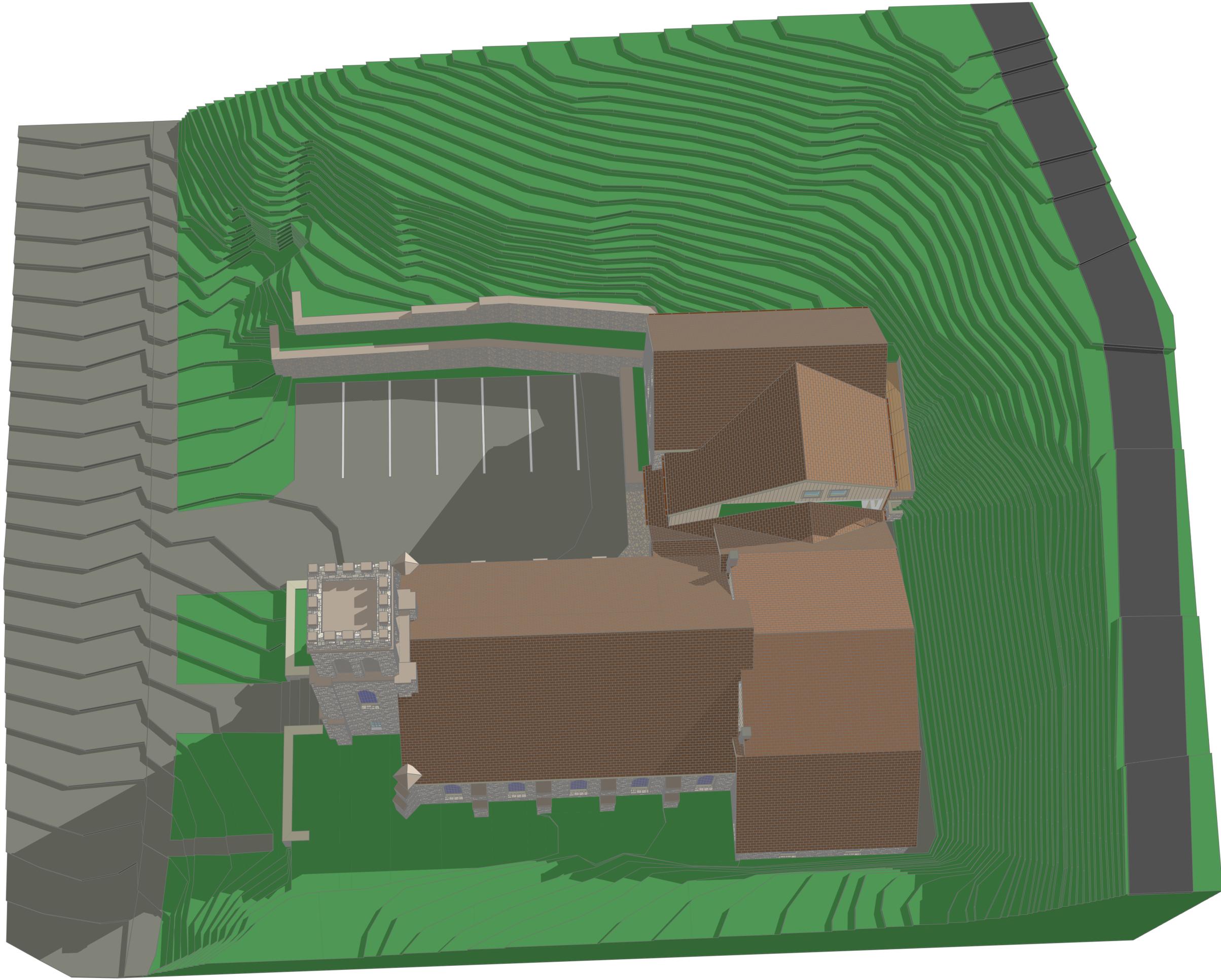
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Addition & Alterations to  
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Stone Veneer Scheme





## Welcome to Everest Columbarium

We look forward to working with you on your columbarium project and will assist you from concept design to completion.



### WHY CEMETERIES AND CHURCHES CHOOSE EVEREST COLUMBARIUM

Everest Columbarium is beautiful, low cost, and maintenance free. These features will save your facility money now and in the future. Everest sells a complete system. Every niche purchased includes; niche module and cap, liner urn with lid, decorative granite faceplate, and tamper-resistant assembly hardware. There are no hidden fees or additional items required.

When space matters, 2-4 times more Everest niches can be installed in the same amount of space as our competition. Everest has the highest niche density on the market. See space chart below.

Use chart to calculate how many Everest niches can be accommodated in a given height and width.

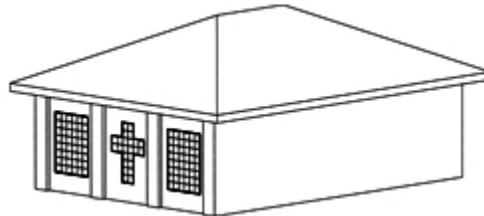
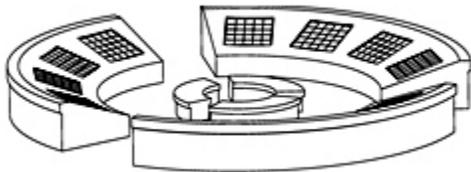
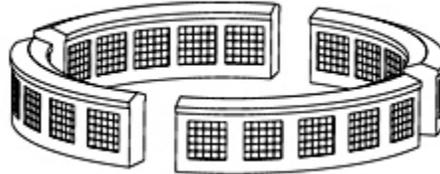
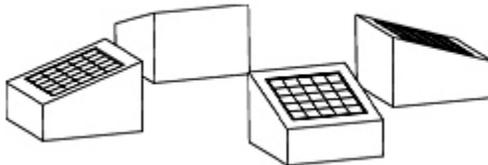
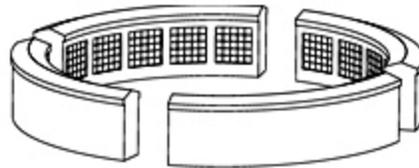
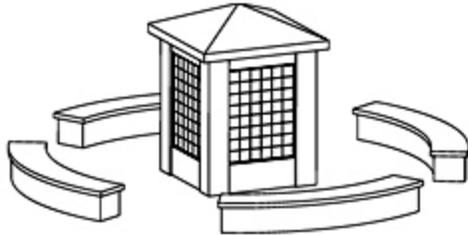
		COLUMBARIUM WIDTH							
		1'3"	2'6"	3'9"	5'0"	6'3"	7'6"	8'9"	10'0"
COLUMBARIUM HEIGHT	1'3"	4	8	12	16	20	24	28	32
	2'6"	8	16	24	32	40	48	56	64
	3'9"	12	24	36	48	60	72	84	96
	5'0"	16	32	48	64	80	96	112	128
	6'3"	20	40	60	80	100	120	140	160
	7'6"	24	48	72	96	120	144	168	192
	8'9"	28	56	84	112	140	168	196	224

A single Everest niche weighs approximately 16 pounds with cremains interred, requiring a smaller foundation than a concrete or stainless steel columbarium. Everest Columbarium was designed to be installed using facility personnel or a local contractor. No heavy equipment is required for off-loading, assembly, or installation.





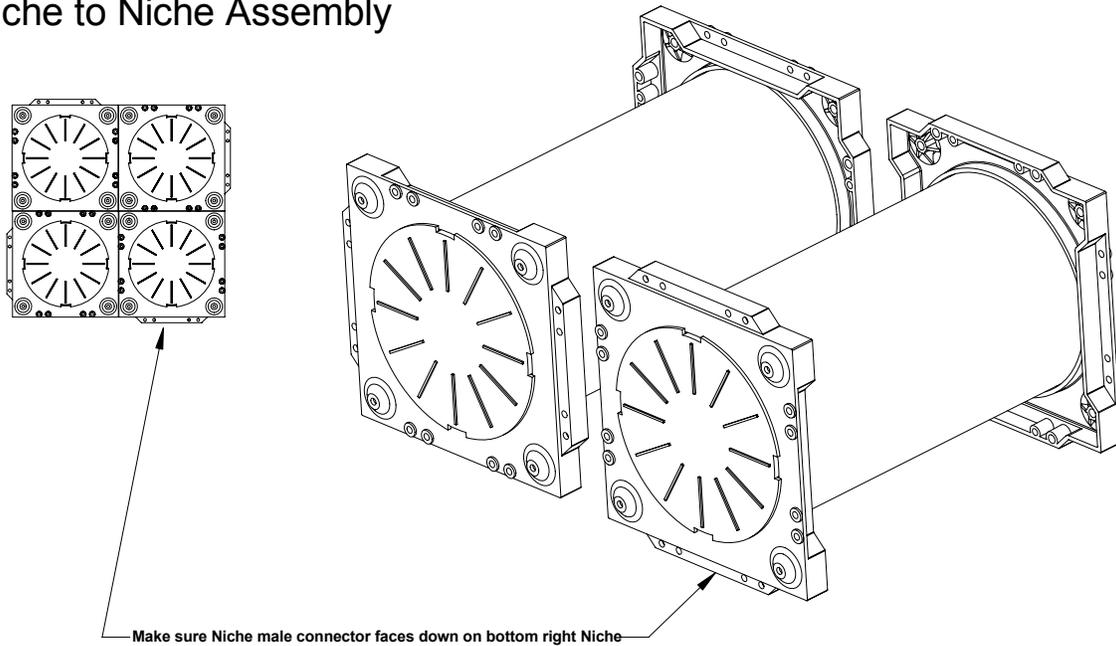
Our modular interlocking niche can be designed to fit into ANY space or configuration. Pre-existing interior or exterior wall applications, free standing consoles, and memorial garden designs are all possibilities with the Everest Columbarium. Create your own or we have adaptable site plans available. See examples below.



Everest niches are manufactured from an engineered resin of the highest structural integrity with no corrosion. Once installed, the columbarium is virtually maintenance-free. We are happy to provide a list of clients upon request. Many of our customers have expanded their columbarium because their initial project has been so successful.



## Niche to Niche Assembly



### Niche to Niche Assembly Instructions

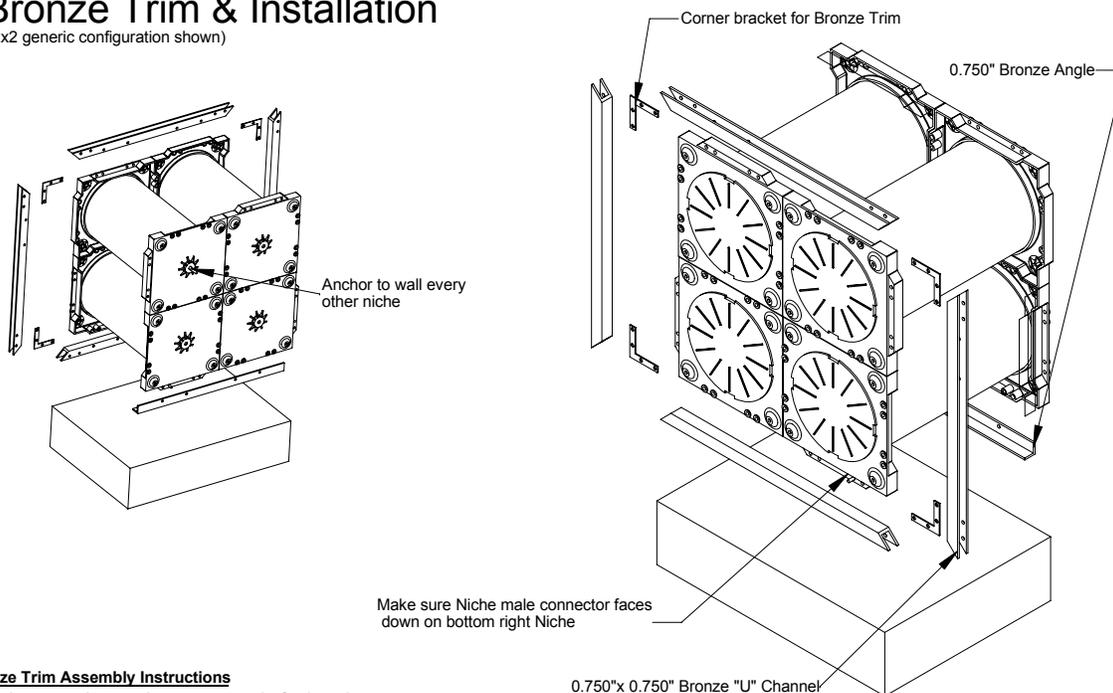
1. Make sure that male connector is facing down on first bottom right piece.
2. Attach Niches into rows via the S.S. 10x24x .750 screws- front & rear.
3. Stack rows and attach via screws- front & rear (KEEP SCREWS LOOSE)
4. When desired configuration is completely assembled, attach bronze trim
5. Tighten all niche to niche screws after bronze channel is attached

**Everest Columbarium**

P.O. BOX 778 Lewisville, North Carolina 27023 Tel. 336-945-0221

## Bronze Trim & Installation

(2x2 generic configuration shown)



### Bronze Trim Assembly Instructions

1. Make sure that male connector is facing down on first bottom right piece.
2. Attach Niches into rows via screws- front & rear. (KEEP SCREWS LOOSE!!)
3. Stack rows and attach via screws- front & rear. (KEEP SCREWS LOOSE!!)
4. When desired configuration is completely assembled, attach bronze channels and angle using the S.S. 10x24x 1" screws
5. After bronze trim is attached, use corner brackets to support each corner.
6. Tighten all niche to niche screws after bronze channel is attached.
7. Configuration can now be installed
8. Attach face plates after installation

**Everest Columbarium**

P.O. BOX 778 Lewisville, North Carolina 27023 Tel. 336-945-0221