



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, AUGUST 9, 2017
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
17Z-2001	Call to Order by Presiding Officer
17Z-2002	Roll Call
17Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
17Z-2004	Approval of the Minutes of the Regular Meeting of July 12, 2017	3-9

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
17S-25 & 17V-03	Todd & Candy Walburg – Request for Special Use Permit to allow Accommodations, Small Inn as a principal commercial land use in the Neighborhood Commercial District at 606 South Prospect Street and for Variance for Off-Street Parking. Ratification of Findings of Fact.	10-14
17S-26	Debra Malone – Request for Special Use Permit to allow Accommodations, Vacation Rental with two dwelling units in the Downtown Commercial District. Ratification of Findings of Fact.	15-18
17HCO-03	Robert Foley – Request for Highway 20 Development Permit at 11110 US Route 20 West to construct a building and site improvements. ***PUBLIC HEARING***	19-24
17S-27	Kathleen Cameron & Warren Bell – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 227 N Main Street. Ratification of Findings of Fact.	25-28
17S-28	Terrance & Victoria Cole – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 330 Spring Street. Ratification of Findings of Fact.	29-32

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
17S-29	Roger Gates – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 112 S. Bench Street. ***PUBLIC HEARING***	33-38
17S-30	Kouz Properties, LLC – Request for Special Use Permit to allow Outdoor Commercial Entertainment as an accessory commercial use in the Downtown Commercial District at 242 N. Main Street. ***PUBLIC HEARING***	39-42
17S-31	Fritz & Jennifer Schoenbein – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Medium Density Residential District at 314 Gear Street. *****WITHDRAWN*****	
17S-32	William Deiter – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 301-303 N. Main Street. ***PUBLIC HEARING***	43-47
17CPR-01	Don Gereau – Request for Concept Plan Review for an attached garage at 219 South High Street.	48-51

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
17Z-2005	Public Comments <ul style="list-style-type: none"> • Not to exceed 15 minutes as an agenda item • Not more than 3 minutes per speaker 	
17Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wed. September 13, 2017	6:30 P.M.	City Hall, 101 Green Street

Posted: August 3, 2017 at 4:30 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
JULY 12, 2017**

CALL TO ORDER:

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 12, 2017 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Bochniak to approve the June 27, 2017 minutes.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Cook to move **Unfinished Business** after **New Business**.

Motion carried on voice vote.

NEW BUSINESS

Cal. No. 17HCO-03, Applicant and Owner: Robert Foley, 11110 US Route 20 West, Galena, IL 61036. Location: Parcel: 13-001-084-18, Part of the SE Quarter of Section 11, Township 28 North, Range 1 West of the Fourth Principal Meridian, Galena, Jo Daviess County, Illinois. Common Addresses is 11110 US Route 20 West, Galena, IL 61036. Request for Highway 20 Development Permit to construct a new building and site improvements.

PUBLIC HEARING

Nack swore all those in who would be testifying at any of tonight's Public Hearings.

MOTION: Bochniak moved, seconded by Jansen to open the Public Hearing on Cal. No. 17HCO-03.

Motion carried on voice vote.

Adam Johnson 211 Fourth Street, Galena respectfully asked that the Zoning Board table this agenda item until the August meeting when more Board members were in attendance.

MOTION: Jansen moved, seconded by Cook to close the Public Hearing on Cal. No. 17HCO-03.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Cook to table Cal. No. 17HCO-03 until the August meeting.

Motion carried on voice vote.

Cal. No. 17S-27, Applicant and Owner: Kathleen Cameron & Warren Bell, 22135 92nd Street, Maquoketa, IA 52060. Location: Parcel: 22-100-171-00, Lot 42 & North 22' of Lot 41, East Side of Main Street of the Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 227 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District. **PUBLIC HEARING**

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-27.

Motion carried on voice vote.

Kathleen Cameron 22135 92nd Street Maquoketa, Iowa said she there is one rental above the brewery that has been vacant for about six months so they would like to convert it to a short-term vacation rental.

Oldenburg said the architectural drawings show occupancy of four persons.

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

MOTION: Cook moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17S-27.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Jansen to approve the request for a Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District, Cal. No. 17S-27.

Discussion: Bochniak reviewed the Approval Criteria:

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. **The proposed plan meets the site plan review standards.**

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; **This proposed use meets the district standards.**

(3) *Specific standards.* The land use regulations established in § 154.406; **The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).**

(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. **Complimentary uses are available to the project.**

(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. **The proposed use will protect the privacy of adjacent properties.**

(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. **There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.**

(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 design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is congruent with a residential use at the site.**

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.

As Roll Call was:

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

Motion carried.

Cal. No. 17S-28, Applicant and Owner: Terrance & Victoria Cole, 330 Spring Street, Galena, IL 61036. Location: Parcel: 22-100-663-10, Lot 7, Block 11 of the Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 330 Spring Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Jansen moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-28.

Motion carried on voice vote.

Victoria Cole 330 Spring Street, Galena said they would like to convert this to short term vacation lodging. Previously this was rented as commercial space but it has been vacant for about six months.

Oldenburg said there will be space for five guests in one rental unit per architect Jim Baranski.

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

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-28.

MOTION: Jansen moved, seconded by Bochniak to approve the request for a Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District, Cal. No. 17S-28.

Discussion: Jansen reviewed the Approval Criteria:

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. **The proposed plan meets the site plan review standards.**

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; **This proposed use meets the district standards.**

(3) *Specific standards.* The land use regulations established in § 154.406; **The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).**

(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. ***Complimentary uses are available to the project.***

(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. **The proposed use will protect the privacy of adjacent properties.**

(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. **There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.**

(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 design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is congruent with a residential use at the site.**

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.

As Roll Call was:

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

Motion carried.

UNFINISHED BUSINESS

17V-03, Applicant: Todd & Candy Walburg, 614 South Prospect Street, Galena, IL 61036 and Owners: Craig & Leslie Jean DuBois, 606 South Prospect Street, Galena, IL 61036. Location: Parcels: 22-100-262-00, S Part of Lot 6 & N Part of Lot 7, between Bench & Prospect Streets, Galena, Jo Daviess County, Illinois. Common Addresses is 606 South Prospect Street, Galena, IL 61036. Request for Variance for Off-Street Parking at 606 South Prospect Street.

Cal. No. 17S-26, Applicant and Owner: Debra Malone, 525 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-012-00, N 5' of Lot 7 in the Subdivision of Lot 8, Lot 9, Lots between Main & Bench Streets of the Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 525 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental with two dwelling units in the Downtown Commercial District.

MOTION: Jansen moved, seconded by Cook to continue all **Unfinished Business** to the August meeting.

As Roll Call was:

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

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 6:50 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: 17S-25 & 17V-03

APPLICATION BY: Todd & Candy Walburg, 614 South Prospect Street, Galena, IL 61036.

FOR: A Special Use Permit to allow a Small Inn Accommodations land use, with 6 rooms at 606 South Prospect Street and Variance request for off-street parking requirement.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on June 27, 2017. 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

Earlier this year, the ZBA approved a Special Use Permit to the applicant to operate a 7-room Small Inn in the LDR District at 614 and 606 South Prospect Street on the condition that they acquire property between the two in order to make it contiguous. Subsequently, the purchase of that property fell-through, leaving the applicant with one final option: rezone the Avery Guesthouse and request a Small Inn for 6 rooms with a variance for parking.

The applicant is contracted to purchase 606 S. Prospect Street, which currently operates as a 4-room B&B with on-street and off-street parking. The applicant also owns 614 S. Prospect Street as their principal residence. Both properties are within the Low Density Residential District.

The applicant proposes to remain in 614 as their primary residence and to operate the Avery as a Small Inn with 6 rooms. They will manage the Inn and will be located in a manager's space within the building when guests are present. In order to comply with the Zoning Code, 606 S Prospect

will need to rezone to an appropriate district in order to alleviate the owner-occupied requirement for Small Inns in the LDR District. In this case, the most appropriate district to rezone to is Neighborhood Commercial (NC). The NC District is designed for transitional areas from residential areas to commercial areas; the location of 606 S Prospect is adjacent to Downtown Commercial in the North along Spring Street and a transition area to the downtown historic district.

A 6-room Small Inn requires seven (7) off-street parking spaces in the NC District. The site plan indicates four (4) off-street parking spaces are available towards that requirement. There is no physical place to put further off-street parking at 606 S Prospect, therefore a physical hardship exists and a variance is warranted. Additionally, since the applicant is managing the Inn, their vehicle will be parked at their property at 614 S Prospect. This would practically reduce the on-street parking demand in front of the property by one, leaving two spaces needed for guests on-street instead. Overall, the parking difference would be a wash from what it is today on-street.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914.

Staff recommends approval of this request.

Land uses in all directions include residences. Additionally, land uses to the North & South include vacation rentals, guest houses and commercial.

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:

- **Todd Walburg, 614 South Prospect Street, Galena** said last time they were before the zoning board they had anticipated purchasing a portion of adjacent land, but that agreement had fallen through. They would like approval for a zoning change to Neighborhood Commercial to allow a small inn. Parking would be on the street – there are three on street spots in front of the existing B & B at 606 South Prospect. They will continue to park their personal vehicles at their 614 South Prospect residence. The area is essentially neighborhood commercial with the variety of vacation rentals, B & B's, small inns, art gallery, and mixed use at Renaissance on Spring Street.

Baranski asked if there would be an office in the Small Inn.

Walburg said there would be an office.

Rosenthal asked if 606 South Prospect would be the only property changed to Neighborhood Commercial.

Oldenburg said yes. Neighborhood Commercial is a transitional zoning district between residential and commercial. Essentially this is the exact same request as they previously sought.

No one else spoke in favor or against the request.

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 (C) (3) provides a definition and description of the Neighborhood Commercial 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.
- Section 154.925 sets forth the Purpose, Applicability, Approval Criteria, Decision-Maker and 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 and this request is concurrent with a rezoning request to Neighborhood Commercial.
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 Neighborhood Commercial District.
3. The Neighborhood Commercial District is intended to permit small-scale commercial development which is compatible with the desired overall neighborhood community character of the area in general, and with adjacent residential development in particular.
4. The applicant seeks a Special Use Permit to allow a Small Inn with 6 rooms as a principal commercial land use in a Neighborhood Commercial District.
5. There is no physical room on the property for more than 4 off-street parking spaces. Therefore, there is a physical hardship that was not created by the owner. There is room for 3 on-street spaces in front of the property.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Todd & Candy Walburg for a Special Use Permit to allow a Small Inn with 6 rooms as a principal commercial land use in a Neighborhood Commercial 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 Neighborhood Commercial District and meets 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.

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Todd & Candy Walburg for a Variance to the off-street parking requirement, to allow 3 on-street parking spaces, 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 Todd & Candy Walburg for a Special Use Permit to allow a Small Inn with 6 rooms as a principal commercial land use in a Neighborhood Commercial District and Variance request for the off-street parking requirement should be approved with the following condition:

1. This request is approved with the condition that the City Council approves the request for rezoning of 606 South Prospect Street from Low Density Residential to Neighborhood Commercial.

PASSED AND APPROVED this 27th day of June, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 17S-26

APPLICATION BY: Debra Malone, 525 South Main Street,
Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation
Rental in a Downtown Commercial District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on June 27, 2017. 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 two-dwelling vacation rental at 525 South Main Street in the Downtown Commercial District.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: Maximum occupancy load for the total request is ten (10) guests, as determined by the Architect; six (6) on the second floor and four (4) on the first floor. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 3,380 square feet, or 0.08 acres. The structure is situated between Main & Bench Streets and currently houses retail and rentals. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: There is no off-street parking requirement in the Downtown Commercial District.

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued.

Staff recommends approval of this request. Land uses surrounding the property include residences, commercial and tourist attractions.

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:

- **Deb Malone, 525 South Main Street, Galena** said she would like to have a two-unit vacation rental in a home at 525 South Main Street. The property has been operating as a retail business. The upstairs unit would have accommodations for six persons; downstairs on the main level there would be space for four persons. There is a door between the two levels.

Testimony Presented in Opposition to the Proposal:

- There was no testimony 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 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (6) provides a definition and description of the Downtown Commercial 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) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- 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 Downtown Commercial District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:
 - a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Downtown Commercial District.
3. The Downtown Commercial District is intended to permit both large-and small-scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment and the continued economic viability of existing development. Accordingly, the district standards are crafted to work in conjunction with the requirements of the Historic District. A wide range of office, retail and lodging land uses are permitted within the district. Consistent with existing development patterns, no requirements for on-site landscaping or parking or required in this district for Permitted Uses. This district is strictly limited to central city.
4. The applicant seeks a Special Use Permit to allow Vacation Rental as a principal commercial land use in a Downtown Commercial District.
5. The property meets the detailed regulations for a vacation rental.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Debra Malone for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Downtown Commercial 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 Downtown Commercial District and is consistent with the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental land 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 Debra Malone for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Downtown Commercial District should be approved.

PASSED AND APPROVED this 27th day of June, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: July 6, 2017

RE: Cal. No. 17HCO-03, Applicant and Owner: Robert Foley, 11110 US Route 20 West, Galena, IL 61036. Location: Parcel: 13-001-084-18, Part of the SE Quarter of Section 11, Township 28 North, Range 1 West of the Fourth Principal Meridian, Galena, Jo Daviess County, Illinois. Common Addresses is 11110 US Route 20 West, Galena, IL 61036. Request for Highway 20 Development Permit to construct a new building and site improvements.

Project Summary:

The applicant is requesting approval of a Highway 20 Development Permit to construct a proposed building and associated site improvements. The property is currently zoned as General Commercial and the proposed land use is allowed by right. The new structure will be situated with 2 ½ sides visible from the highway.

The proposed parking allows for 14 off-street spaces with 1 ADA space. Access will be taken off of the highway with the existing access and allows for flow-through traffic to the adjacent church property.

A site plan review was conducted and it was determined that the request meets all criteria listed in §154.914(C). This request satisfies all adopted policies and plans, and supports the goals of the Comprehensive Plan. It also meets the bulk standards, the standards for the Zoning District, land use regulations; natural resource protection standards; parking, lighting and landscaping standards; performance standards and quality site design standards. The request also meets the Highway 20 Design Manual criteria listed in the section below with my comments.

Staff recommends approval of this request.

Approval Criteria & Decision:

Highway 20 Development Permit - The application shall demonstrate that the proposed development will comply with the following:

- (1) All applicable site plan review criteria in § [154.914](#); *Proposal meets all site plan review criteria.*
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; *The addition and site improvements support the goals of: Promote residential and business diversity and vitality; Create a quality image of development; Enhance the onsite experience of occupants and visitors of development; and Coordinate access and traffic between properties.*
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; *This improvement supports the encouragement of denser and more highway-oriented*

development adjacent to limited highway access points. Regarding the Galena “Edge Corridor” Design Character, “the design character outside of the historic district should be unique, unified and high-quality and create the image of a stable edge corridor for the historic community of Galena. This supports the encouraged design character that respects the historic character of Galena, yet does not confuse or detract from the authentic qualities of the original structures and urban fabric of the Galena National Register Historic District”.

- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; *This request supports the character of the Hilltop Commercial/Industrial District by: Visually unifying through coordinated and shared access and parking, higher density development and controlled access points, high quality site design and amenities; and high quality materials.*
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *n/a, site is under 10 acres in size.*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; and *Building siting meets setback criteria. Wall materials are high-quality with secondary material materials compatible with adjacent structures.*
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. *Site signage has proposed wall and freestanding sign. Landscaping points are met and placement is adequate. Storm water BMP improvements and capacity will be verified at Building permit level.*

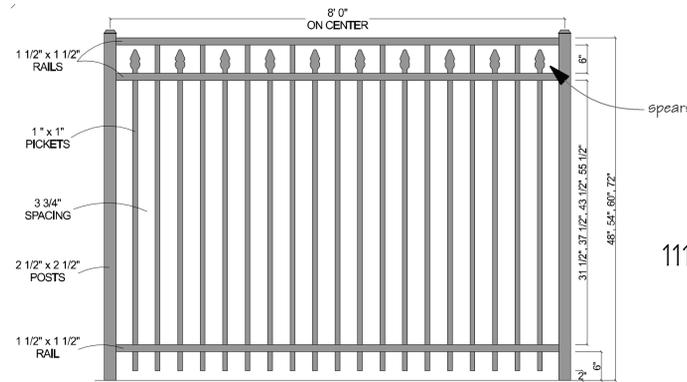
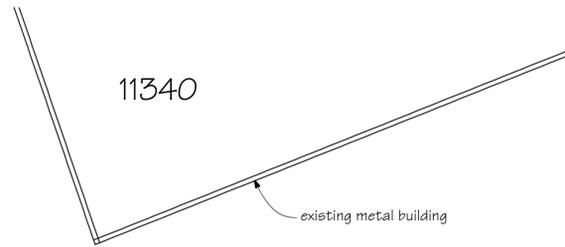
The Zoning Board of Appeals can approve, conditionally approve, or deny all applications for a Highway 20 development permit.

New Building & Site Development, 11110 U.S. Route 20 West, Galena, Illinois

Submitted by the applicant, Adam Johnson

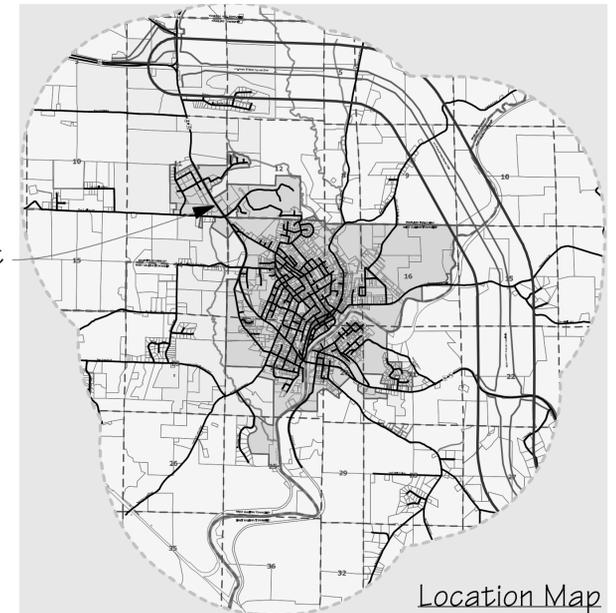
Written Narrative to include all required review criteria listed in Section 154.922 C.

1. The project complies with the applicable site plan review criteria in 154.914. It complies with the Comprehensive Plan by promoting business retention and expansion. It will comply with all the other City codes and ordinances and all previous approvals granted to the site. The project will comply with all the underlying zoning district requirements. The building is within the setbacks. The new fencing is an approved height and location. Landscaping points provided exceed the required amounts and minimum landscaping area is double the required 15%.
2. The existing context of the site is infill development on the site of a previously demolished structure. The project furthers the existing context and development goals of the highway 20 corridor by promoting business diversity and vitality by bringing an expanded business to a highway location on a scarred site. The building design will blend in with the surrounding buildings of similar materials and create an authentic sense of place by acknowledging the existing development around the site and providing the owner with the type of building that the owner feels best fits his proposed business. The merchandise that the owner proposes to sell on site is metal art and sculpture in a wide range of sizes which lends itself to the steel building aesthetic. A building of higher form may seem out of place as a place for such merchandise and within the row of building along that stretch of highway. The existing paving and traffic flow will be maintained because it already helped to coordinate access & traffic between sites by allowing the church to use part of the site for access to parking and the entrance to the highway.
3. The project furthers the corridor development concepts of the Nodal Development pattern by providing denser and more highway-oriented development along the corridor and respecting the design character by being unifying and consistent with a limited palette of masonry and materials which refers to the surrounding structures' building materials.
4. The project respects the design character of the Hilltop Commercial/Industrial District by visually unifying the building through the consistent use of brick as a design element. It infills a previously developed site consistent with the surrounding development. The existing paving and traffic flow will be maintained because it already helps to coordinate access & traffic between sites by allowing the church to use part of the site for access to parking and the entrance to the highway.
5. The project is considered a building site and small area development and so the VI Subdivision/Large Area Development Standards do not apply.
6. The building will be sited orientated to the previous building location to maintain the existing paving and the parking access and flow. It will continue the use of the simple rectangular forms of the surrounding buildings with moderately pitched sloping roofs with a variation to use the hip roof form on the prominent facade. The windows and doors on the street facing facade are over 30% of the surface. The predominant wall material on the two prominent sides will be medium brick masonry veneer. The metal siding building materials match the existing materials of the surrounding buildings, and although normally discouraged on other sites, would not have a detrimental effect on this site because the site is infill with little prospect for future high end development to detract from. The wall materials change at a change in roof plane. The building details add character through the use of architectural elements in the masonry. There will be a limited number of trim and accent colors.
7. The building site design meets the required setbacks within administrative limits. The site design meets the required parking setbacks and accommodates emergency vehicles. The site design includes quality practices such as preservation of natural conditions and efficiently designed parking and circulation. The new monument signage will be compatible with the building design and materials. It will be the proper height and the base is the preferred masonry materials. The existing landscaping will be retained and expanded. New trees will be planted in the rear of the lot. The iron fence at the front of the lot with the black chain link fence at the rear will provide visual screening of the outdoor commercial display and clear separation of the outdoor display from the parking and vehicle circulation. The storm water management features will be reviewed and upgraded as needed. No additional impervious area will be created.

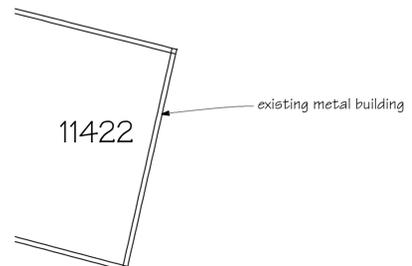
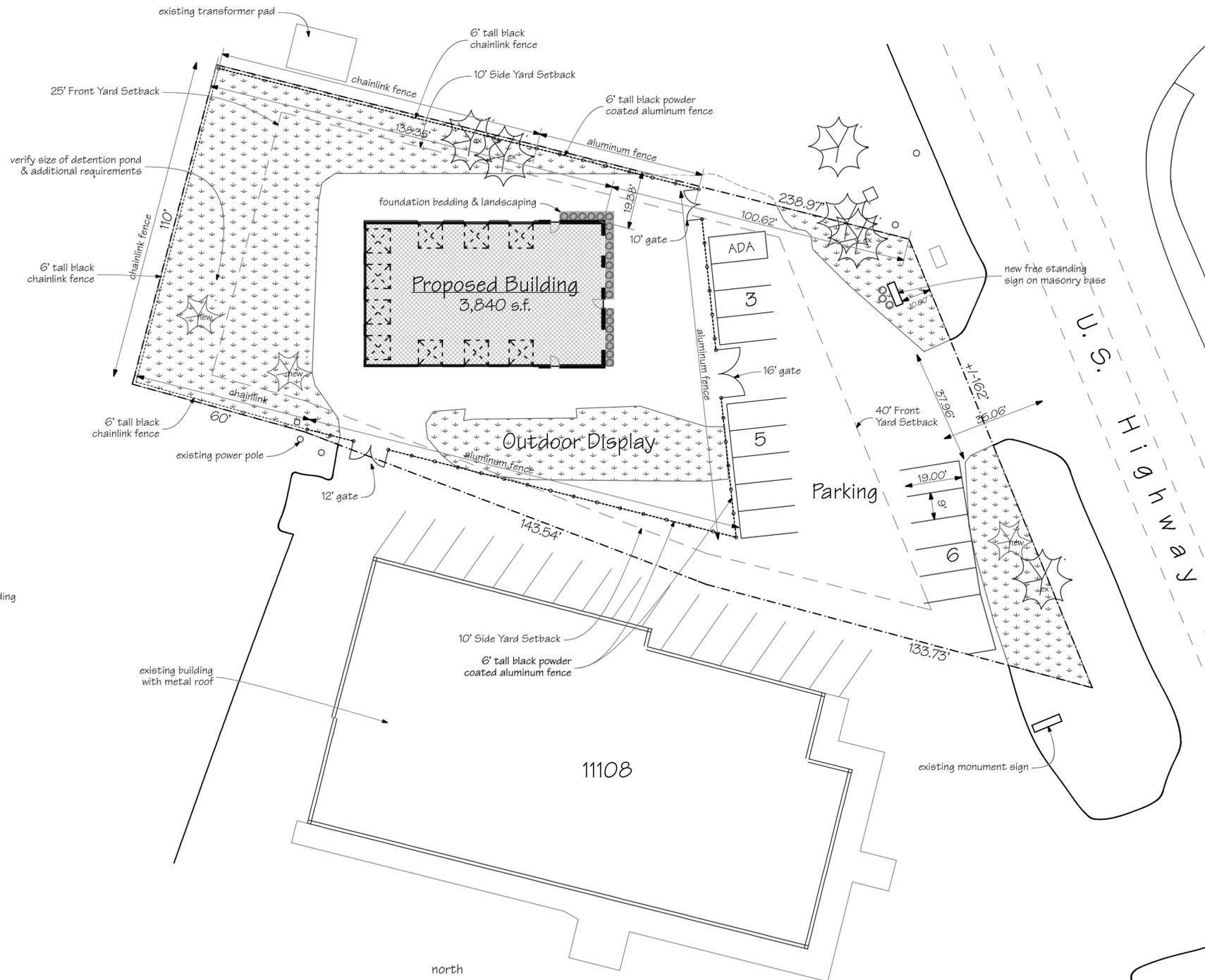


Black Powder Coated Fence

1110 U.S. Route 20 West



Location Map



Site Plan

1" = 20'-0"



Highway 20 Corridor Site Plan Review Required

Proposed New Building
Hilltop/Commercial/Industrial District, Building Site Design

Zoning Standards

Zoning: General Commercial, Outdoor Display Sales

Lot Size: 1.24 acres, 34,562 s.f., 9,000 s.f. required
 Maximum Floor Area Ratio FAR = 50% = 17,281 s.f.
 Maximum building size 25,000 s.f.
 proposed building 10,802 s.f. FAR = 20.0%
 Minimum Landscaping 15% = 5,285 s.f.,
 approx. 11,700 s.f. existing (33%), 11,650 s.f. provided (33%)
 3 Stories, 36' height allowed
 Parking 1 per 300 s.f. = 13 spaces required & provided

Exterior requirements for building finishes, 30% of street facing facade glass windows & doors.
 Primary exterior material is masonry veneer:

elevation	masonry veneer	metal siding	opening
North	800 sq. ft.	353 sq. ft.	247 sq. ft.
East	480 sq. ft.	343 sq. ft.	137 sq. ft.
South	800 sq. ft.	200 sq. ft.	400 sq. ft.
	2,080 sq. ft.	753 sq. ft.	647 sq. ft.

Exterior lighting not required for business hours only during daylight.

New freestanding sign to be designed in the future to meet Zoning ordinance for approval.

Building less than 5,000 s.f. & occupancy less than 100, no public restrooms required.
 Less than 5 employees per shift, 1 employee restroom provided.

Landscaping Points

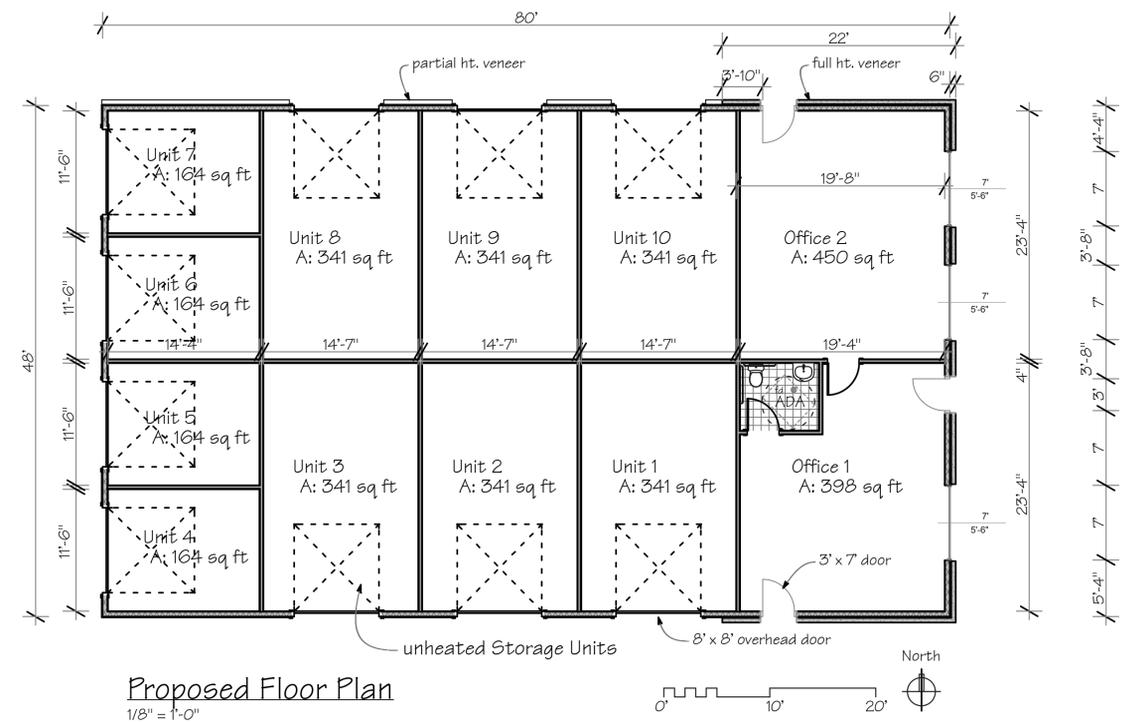
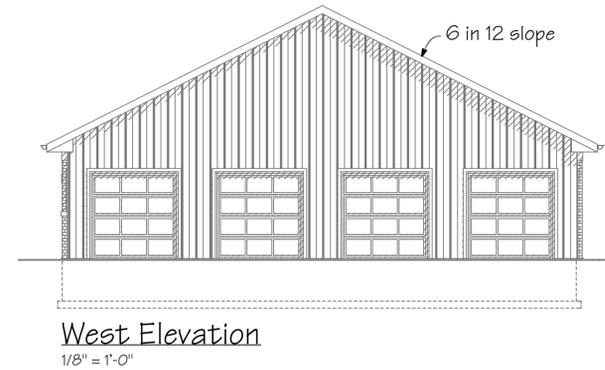
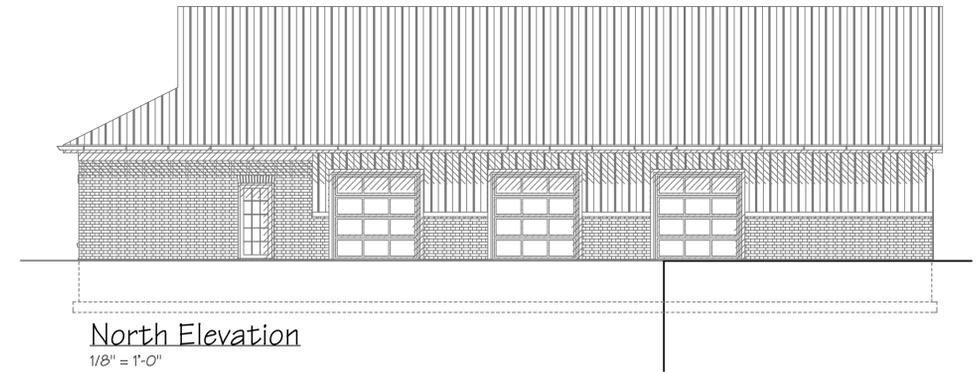
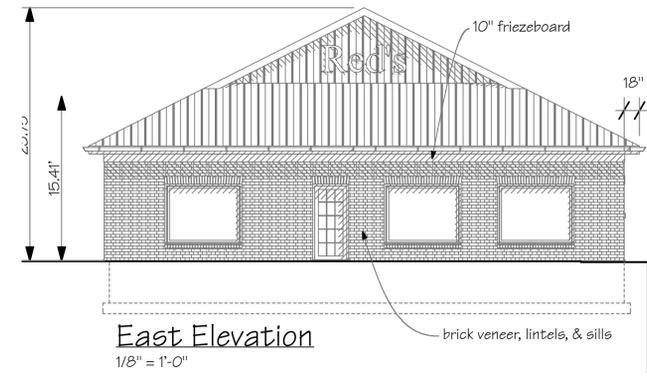
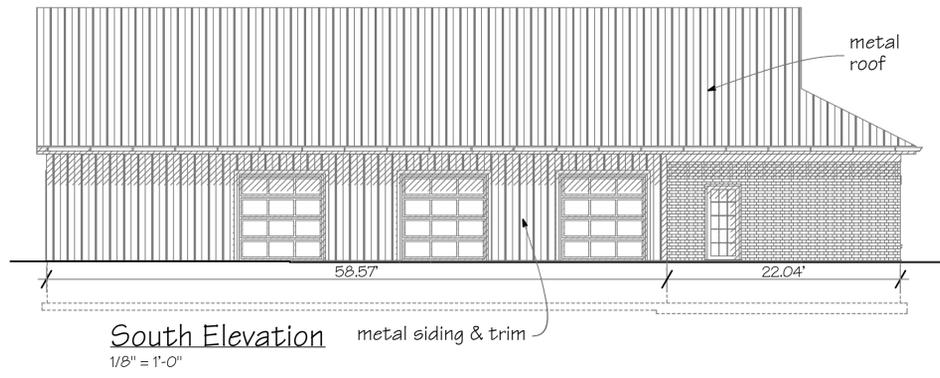
Building Foundation, 40 points per 100 LF foundation
 $80+80+48+48 = 256' \times 40 / 100 = 103$ points
 provide 21 shrubs = 105 new points
 Street Frontage, 40 points per 100 LF street frontage
 $162' \times 40 / 100 = 65$ points
 large climax & existing landscaping remaining
 provide 1 new tall deciduous = 30 new points
 & 30+ existing points = 120 points shown
 Paved Areas, 60 points per 10,000 s.f. new paving
 $6,500 \text{ s.f.} \times 60 / 10,000 = 39$ points
 provide 3 new shrubs = 15 new points
 & 30+ existing points = 45 points shown
 Developed Lots, 20 points per 1,000 s.f. of Building Footprint
 $3,840 \text{ s.f.} \times 20 / 1,000 = 77$ points
 provide 2 new tall deciduous = 60 new points
 & 30+ existing points = 90 points shown
 Total landscaping points required = 284
 landscaping area = 360 s.f. per 100 points
 $283 \text{ points} \times 360 / 100 = 1,019 \text{ s.f.}$
 Landscaping points shown = 360

Bufferyard not required, no different adjacent zoning district.

Landscaping Points

with minimum installation size

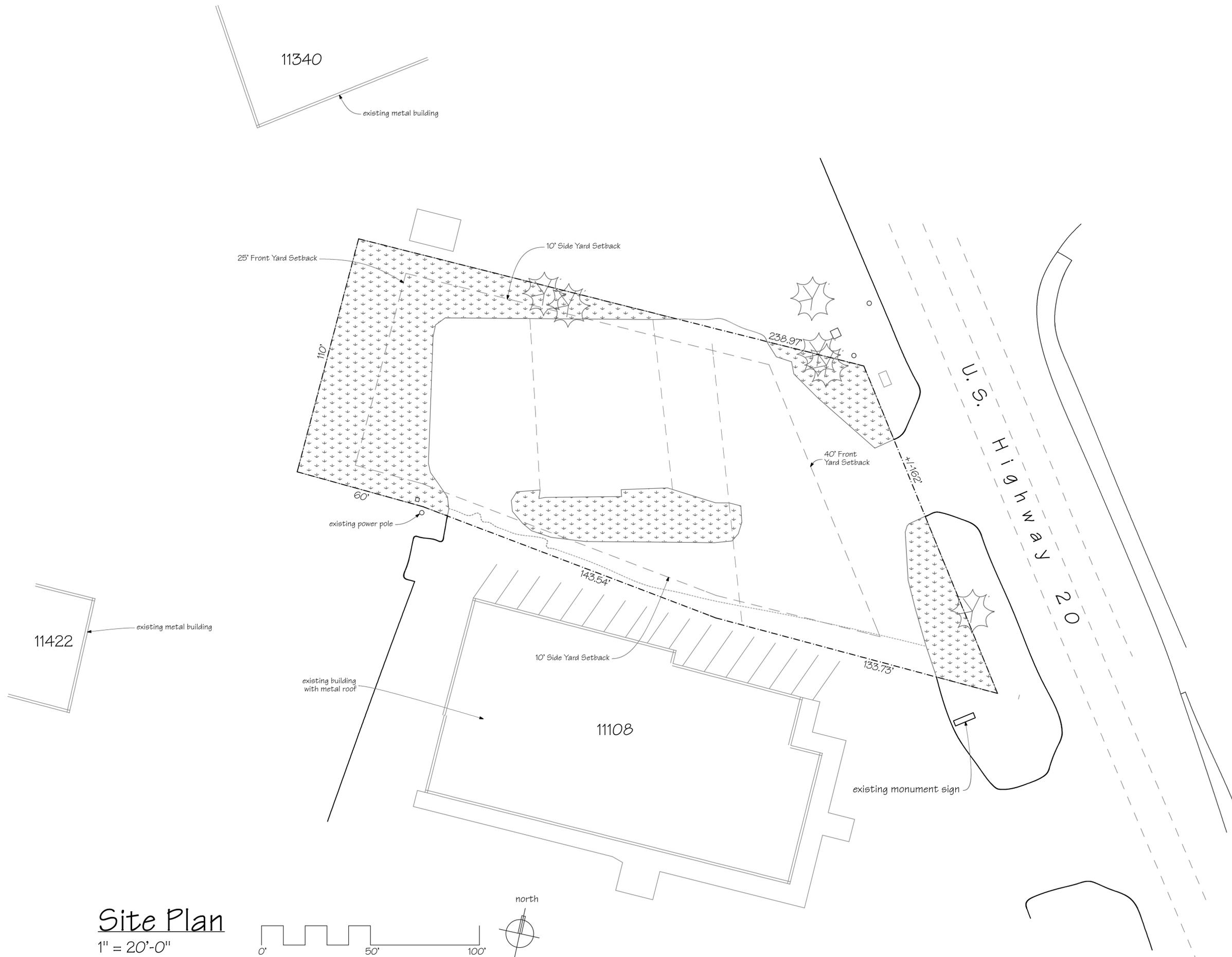
- Climax Tree 75 points, 2" caliper
- Tall Deciduous Tree 30 points, 1-1/2" caliper
- Tall Evergreen Tree 40 points, 5' tall
- Medium Evergreen Tree 20 points, 4' tall
- Medium Evergreen Shrub 5 points, 1'-6" tall/wide
- landscaping bedding



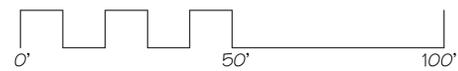
Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
©adamj333@gmail.com 815/281-1577
Drawing remains the sole property of the Architect; reproduction & use by permission only.

Zoning Site Plan for New Building
Red's Antiques & Storage
11110 U.S. Route 20 West, Galena, Illinois 61036

6/8/16
Revisions:
6/16/17
Sheet
2
of 3



Site Plan
1" = 20'-0"



DECISION

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

REGARDING

CALENDAR NUMBER: 17S-27

APPLICATION BY: Kathleen Cameron & Warren Bell, 227 North Main Street,
Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation
Rental in a Downtown Commercial District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 12, 2017. 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 one-dwelling vacation rental on the second floor of the Galena Brewing Company in the Downtown Commercial District. This unit will be among other long-term rental units on the second floor.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: Maximum occupancy load for the total request is four (4) guests, as determined by the Architect. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 10,203 square feet, or 0.23 acres. The structure is situated between Main & Commerce Streets and currently houses 3 apartments above retail. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: There is no off-street parking requirement in the Downtown Commercial District.

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued.

Staff recommends approval of this request. Land uses surrounding the property include, commercial and tourist attractions.

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:

- **Kathleen Cameron, 22135 92nd Street, Maquoketa, Iowa,** said there is one rental above the brewery that has been vacant for about six months so they would like to convert it to a short-term vacation rental.

Oldenburg said the architectural drawings show occupancy of four persons.

Testimony Presented in Opposition to the Proposal:

- There was no testimony 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 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (6) provides a definition and description of the Downtown Commercial 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) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- 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 Downtown Commercial District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:
 - a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Downtown Commercial District.
3. The Downtown Commercial District is intended to permit both large-and small-scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment and the continued economic viability of existing development. Accordingly, the district standards are crafted to work in conjunction with the requirements of the Historic District. A wide range of office, retail and lodging land uses are permitted within the district. Consistent with existing development patterns, no requirements for on-site landscaping or parking or required in this district for Permitted Uses. This district is strictly limited to central city.
4. The applicant seeks a Special Use Permit to allow Vacation Rental as a principal commercial land use in a Downtown Commercial District.
5. The property is meets the detailed regulations for a vacation rental.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Kathleen Cameron & Warren Bell for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Downtown Commercial 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 Downtown Commercial District and is consistent with the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental land 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 Kathleen Cameron & Warren Bell for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Downtown Commercial District should be approved.

PASSED AND APPROVED this 12th day of July, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 3 ayes, 0 nays, 3 absent, 1 abstain, 0 recused.

William Nybo, Chairperson

DECISION

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

REGARDING

CALENDAR NUMBER: 17S-28

APPLICATION BY: Terrance & Victoria Cole, 330 Spring Street,
Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation
Rental in a Downtown Commercial District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 12, 2017. 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 one-dwelling vacation rental at 330 Spring Street, which was previously used as a professional service (chiropractor, fitness center) and office.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: Maximum occupancy load for the total request is five (5) guests, as determined by the Architect. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 8,714 square feet, or 0.19 acres. The structure is situated along Spring Street between two Small Inns. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: There is no off-street parking requirement in the Downtown Commercial District; however, this site has off-street parking for two vehicles.

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued.

Staff recommends approval of this request. Land uses surrounding the property include residential, commercial and tourist attractions.

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:

- **Victoria Cole, 330 Spring Street, Galena** said they would like to convert this to short term vacation lodging. Previously this was rented as commercial space but it has been vacant for about six months.

Oldenburg said there will be space for five guests in one rental unit per architect Jim Baranski.

Testimony Presented in Opposition to the Proposal:

- There was no testimony 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 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (6) provides a definition and description of the Downtown Commercial 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) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- 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 Downtown Commercial District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:
 - a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Downtown Commercial District.
3. The Downtown Commercial District is intended to permit both large-and small-scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment and the continued economic viability of existing development. Accordingly, the district standards are crafted to work in conjunction with the requirements of the Historic District. A wide range of office, retail and lodging land uses are permitted within the district. Consistent with existing development patterns, no requirements for on-site landscaping or parking or required in this district for Permitted Uses. This district is strictly limited to central city.
4. The applicant seeks a Special Use Permit to allow Vacation Rental as a principal commercial land use in a Downtown Commercial District.
5. The property is meets the detailed regulations for a vacation rental.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Terrance & Victoria Cole for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Downtown Commercial 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 Downtown Commercial District and is consistent with the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental land 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 Terrance & Victoria Cole for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Downtown Commercial District should be approved.

PASSED AND APPROVED this 12th day of July, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 3 ayes, 0 nays, 3 absent, 1 abstain, 0 recused.

William Nybo, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: August 2, 2017

RE: Cal. No. 17S-29, Applicant and Owner: Roger Gates, 112 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-066-00, North 151 SF of Lot 39 and South 32.74' of Lot 40, Lots between Main and Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 112 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental at 112 South Bench Street, located across from Turner Hall. The property owner has purchased the property as a second home and wishes to operate as a Vacation Rental when they are not using it.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: Maximum occupancy load for the total request is eight (8) guests, as determined by the Architect. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 3,407 square feet, or 0.078 acres. The structure is situated along South Bench Street adjacent to other dwellings, Turner Hall, Galena Fire Department and the Downtown immediately adjacent to the rear. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: There is no off-street parking requirement in the Downtown Commercial District;

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued.

Staff recommends approval of this request. Land uses surrounding the property include residential, commercial 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. *The proposed plan meets the site plan review standards.*

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*

(3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*

(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. *Complimentary uses are available to the project.*

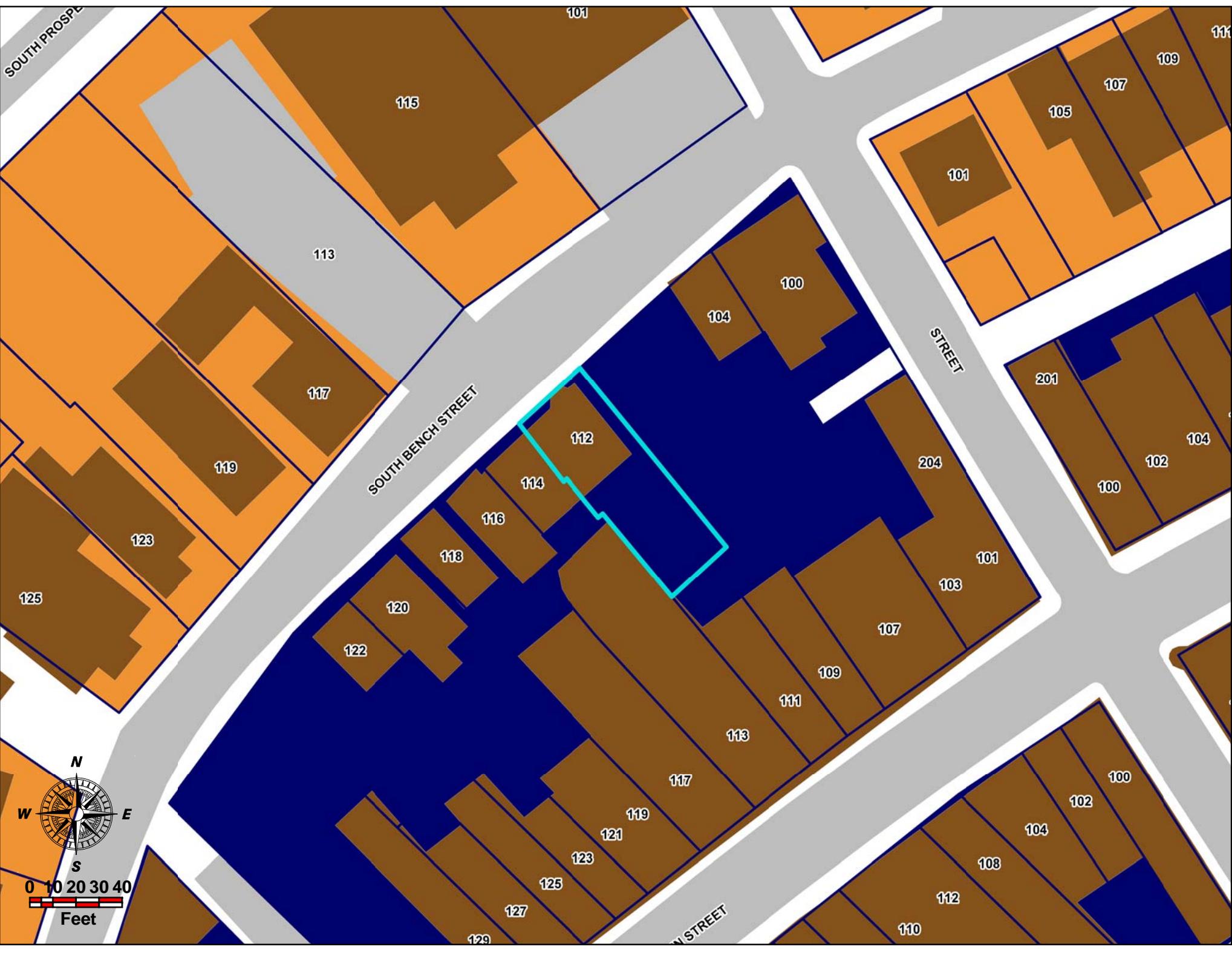
(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

(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. *The proposed use will protect the privacy of adjacent properties.*

(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. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*

(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 design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is congruent with a residential use at the site.*

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.



SOUTH PROSPERITY STREET

SOUTH BENCH STREET

SOUTH STREET

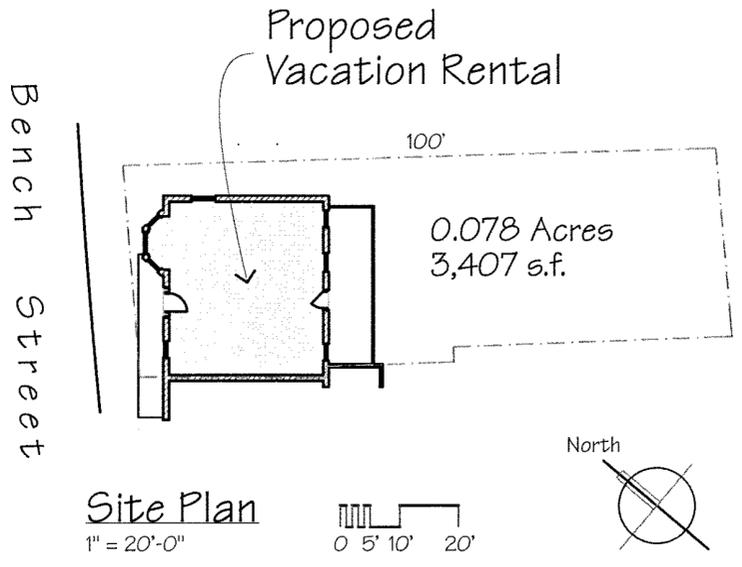


0 10 20 30 40

Feet







Vacation Rental Unit

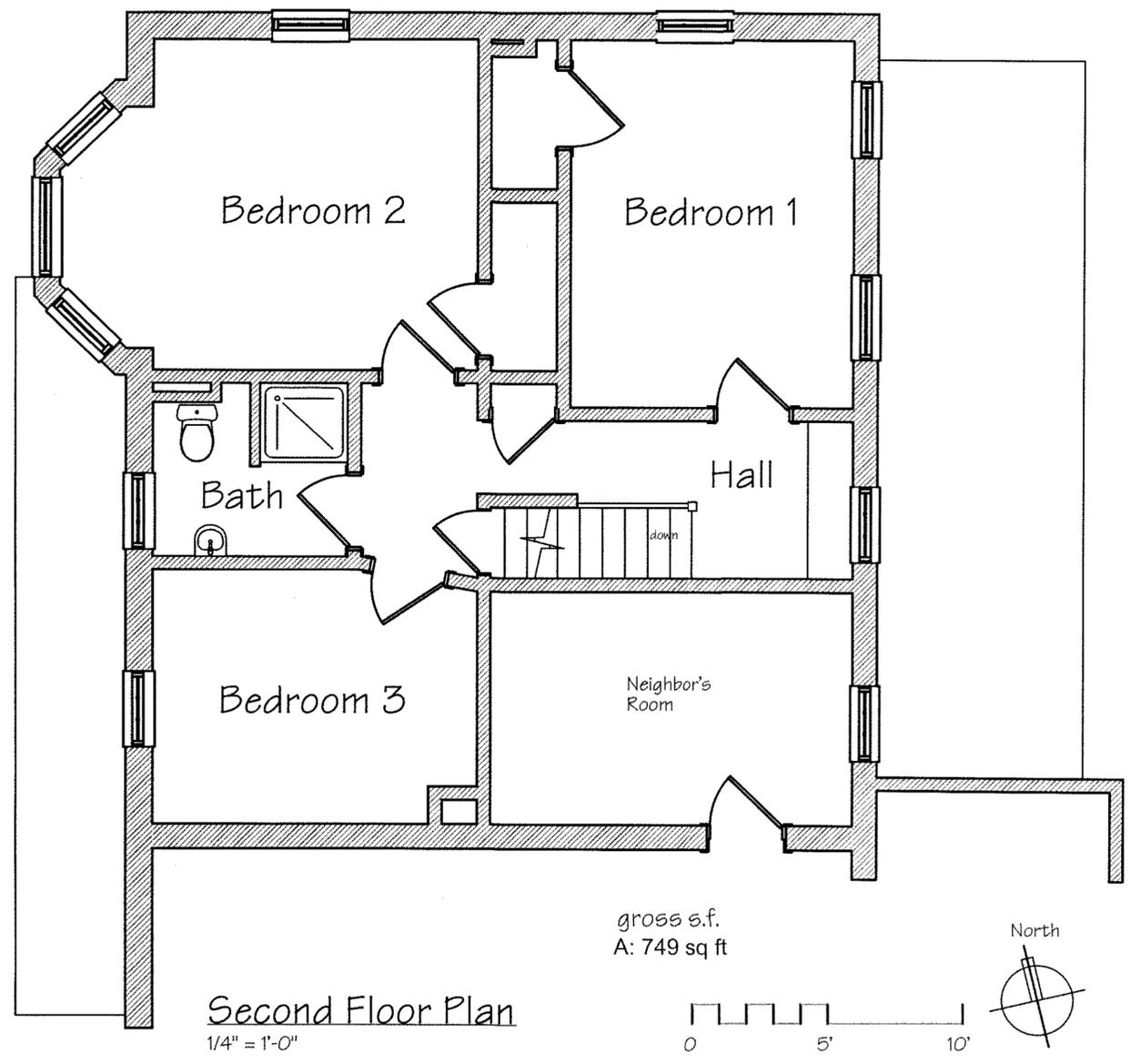
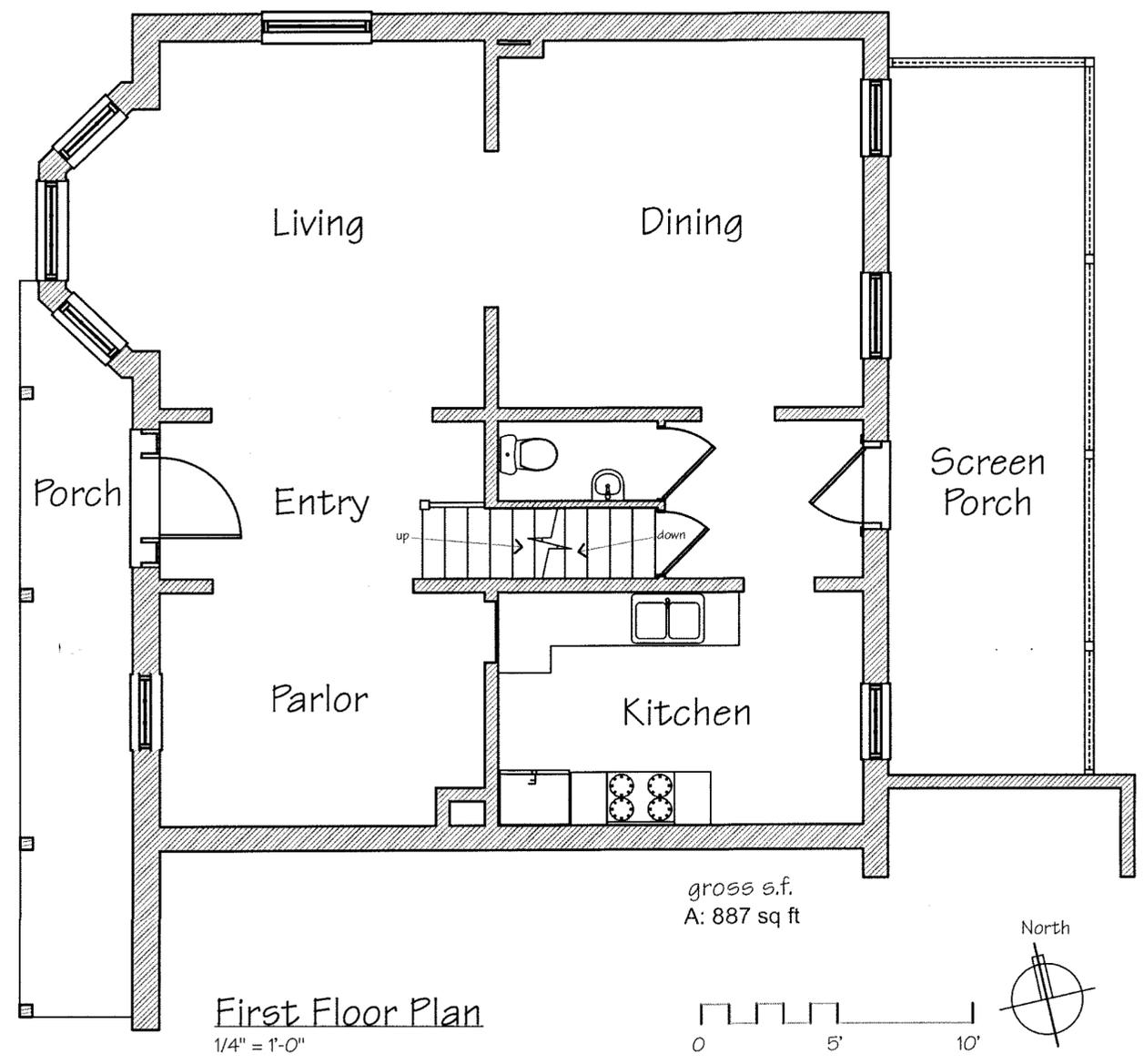
3 Bedroom, 1-1/2 baths
1,636 sq ft in Downtown Commercial
with no Parking Requirement
8 guests allowed

Building Classification
Zoning DC Commercial, Vacation Rental Special Use permit

Construction Type III A, Historic Building, 2 stories, 1,636 sq. ft. gross
Occupancy Change from R3 to R1
Project type: Change of occupancy from R3 to R1
No alterations

General Notes

- Existing conditions for bedrooms to be grandfathered.
- Verify existing Smoke Detectors and provide new as needed throughout all areas, within each new bedroom, with in 15' of each bedroom door, & carbon monoxide detector within 10' of bedroom. Hardwire all new detectors with battery back-up as needed.



Certification Statement
I certify that these plans were prepared by me & to the best of my knowledge conform to Local, State, & National Codes.
Licensed Architect: Adam C. Johnson
Illinois license number: 001-014986
expiration date: 11/30/2018
signature: [Signature]
date: 7/12/17

Permit Plans for Vacation Rental Accommodations
112 South Bench Street
Galena, Illinois 61036

6/28/17
revisions:
sheet
1
of 1

Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
@adamizso333@gmail.com 815/281-1577
Drawings remain the sole property of the Architect, reproduction & use by permission only.

2436 adamizso333@gmail.com

MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: August 2, 2017

RE: Cal. No. 17S-30, Applicant and Owner: Kouz Properties, LLC, 242-246 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-119-00, S ½ of Lot 5 and Lot 7, Block C, Lots in Wedge, Galena, Jo Daviess County, Illinois. Common Address is 242-246 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Outdoor Commercial Entertainment as an accessory commercial use in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit to allow Outdoor Entertainment as an accessory commercial land use in the Downtown Commercial District. This land use is allowed by Special Use Permit only in the Downtown Commercial District.

The applicant proposes to offer the outdoor patio area at Miss Kitty’s Grape Escape, 242-246 N. Main Street. The applicant would like to accommodate their guests to enjoy the outdoor area in the rear of the building within the parameters of the Special Use Permit regulations. There are multiple land uses within this property; this use serves as an accessory use to the principal commercial land uses on the ground level that is considered to be Indoor Commercial Entertainment and part of the second level that includes Accommodations, Vacation Rental so that those guests may enjoy the patio as well.

The area of the patio is below the 15% required area of the combined principal uses.

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

Land uses include Commercial / Tourism / Apartments in all directions.

Staff recommends approval of this request.

Approval Criteria & Recommendation:

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

The application shall demonstrate that the proposed development will comply with the following:

- (1) *Site plan review standards.* All applicable site plan review criteria in § [154.914](#).
- (2) *District standards.* The underlying zoning district standards established in §§ [154.201](#) through [154.209](#) including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § [154.405](#);

(4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

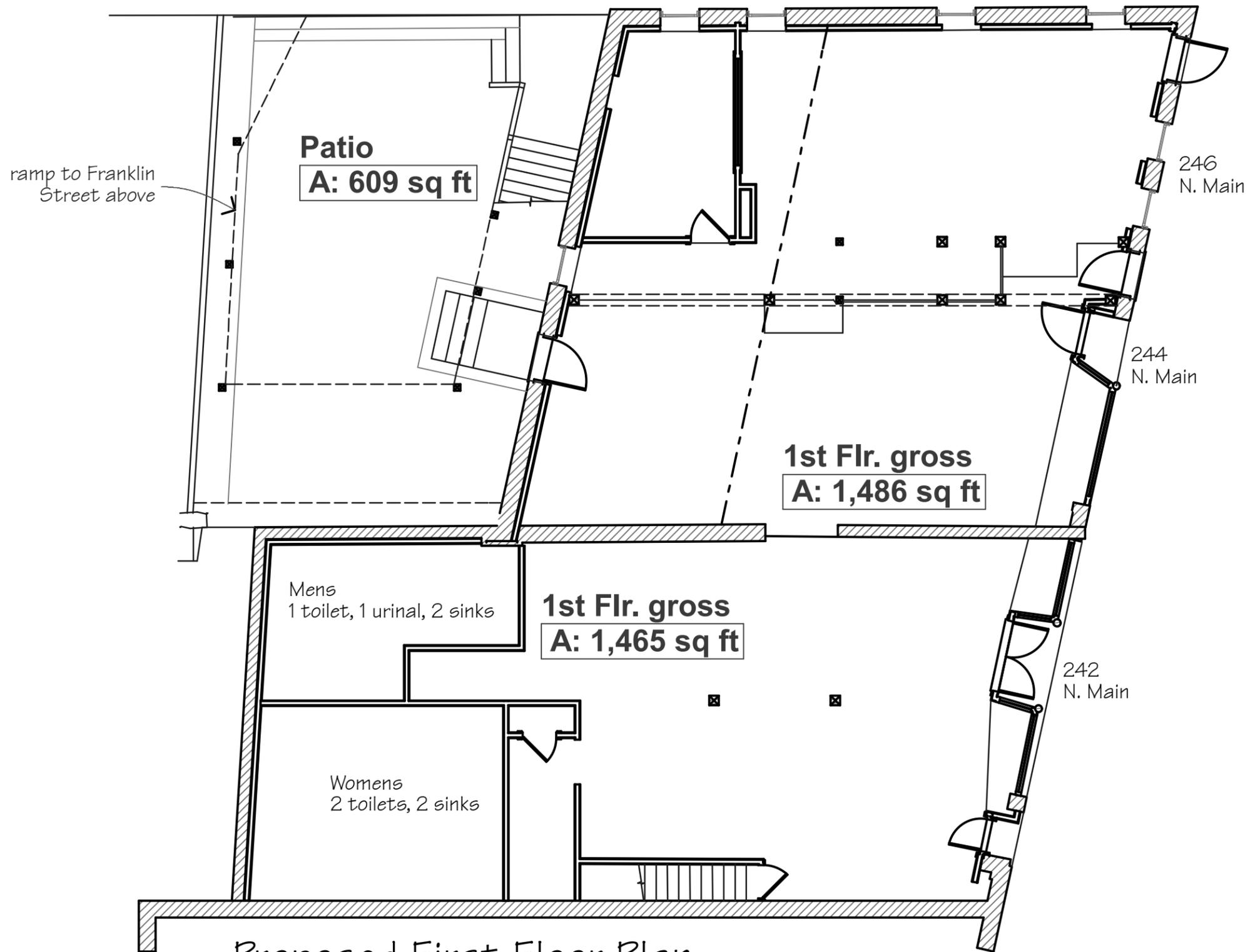
(a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.

(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

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





Proposed First Floor Plan

1/8" = 1'-0"

2,951 s.f.

Proposed Plans for Outdoor Patio Associated with the Grape Escape

242-244 North Main Street

Galena, Illinois 61036

7/19/17
Revisions:

Sheet

1

of 1



Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
adamjz33@gmail.com 815/281-1577

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MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: August 3, 2017

RE: Cal. No. 17S-32, Applicant: William Dieter, 314 Third Street, Galena, IL 61036 and Owner: WK Development LLC, 301 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-382-00, North 83' 7" of Lot 43, Northwest part of Lot 42, Center Addition, Galena, Jo Daviess County, Illinois. Common Address is 301-303 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit for additional vacation rental units in the Downtown Commercial District. The applicant received a Special Use Permit earlier this year for units 201 & 202; he would like to expand to utilize the remaining three apartments as vacation rental units as they become available to do so.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: Maximum occupancy load for units 204 and 205 are two (2) guests; unit 203 can have five (5) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 5,460 square feet, or 0.13 acres. The structure is situated at the intersection of Franklin and North Main Street and currently houses six apartments above a restaurant. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: There is no off-street parking requirement in the Downtown Commercial District.

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued.

Staff recommends approval of this request. Land uses surrounding the property include residences, commercial 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. *The proposed plan meets the site plan review standards.*

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*

(3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*

(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. *Complimentary uses are available to the project.*

(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. *The proposed use will protect the privacy of adjacent properties.*

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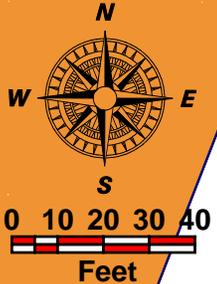
The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration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



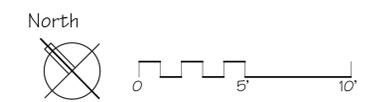


Legend

-  Low Density Residential
-  Planned Commercial
-  Downtown Commercial



A compass rose showing cardinal directions (N, S, E, W) and a scale bar labeled "Feet" with markings at 0, 10, 20, 30, and 40.



Proposed Second Floor Plan
1/4" = 1'-0"
3,982 s.f.

General Notes

- Contractor to verify existing conditions before proceeding with work.
- All work to conform to governing National, State, & Local Codes.
- New walls to be 2x4 studs at 16" on center, minimum, with 5/8" type X firecode drywall each side, painted. Fireblock all stud spaces over 10'. Provide new flooring as needed.
- Verify existing door fire-rating at Corridors & upgrade doors as required by City of Galena.

Structural

- Structural wood to be Doug-fir #2 or better unless noted otherwise. Contractor to provide all miscellaneous blocking, bracing, headers, hangers, & anchors as required.

Mechanical

- Existing Mechanical equipment to remain, modify ductwork as required for new construction.

Electrical

- All electrical wiring to conform to the National Electrical Code. All wiring to be in conduit.
- Verify all electrical installations, provide new as required.
- New electrical outlets at wet locations within 6'-0" of sinks to be ground fault interrupter protected, modify existing as required.

Plumbing

- Cap existing plumbing as required at fixtures to be removed.

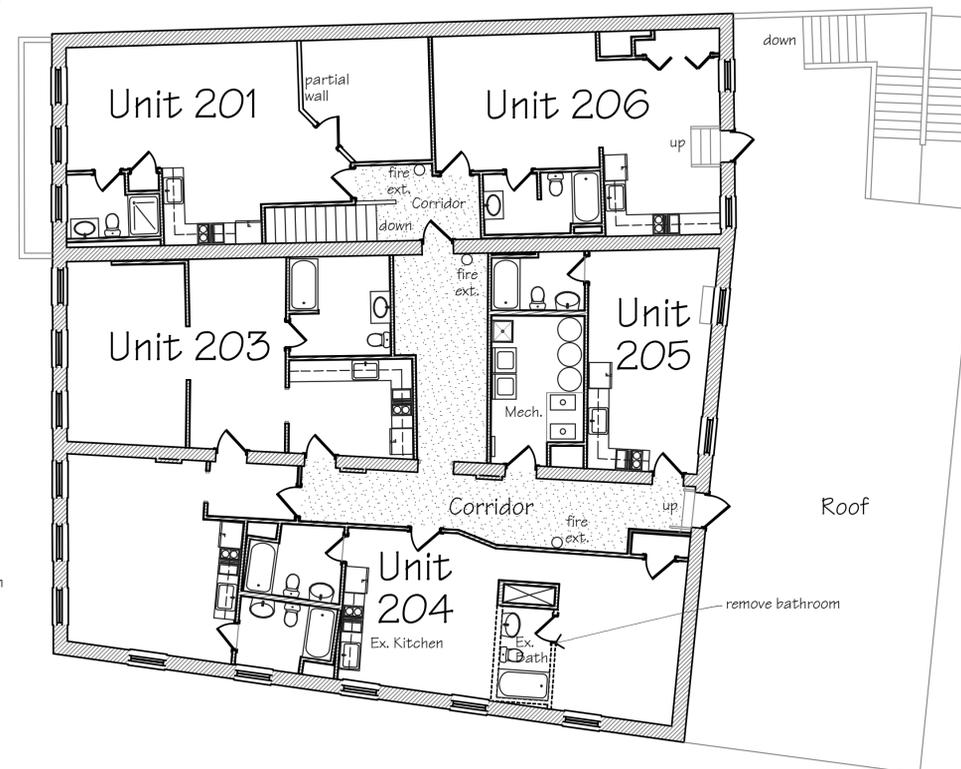
Building Classification

Commercial Building, Type III A, one hour construction
3,982 sq. ft. existing Second Floor
Occupancy: Apartment Building, R1, over Assembly
6 Apartments

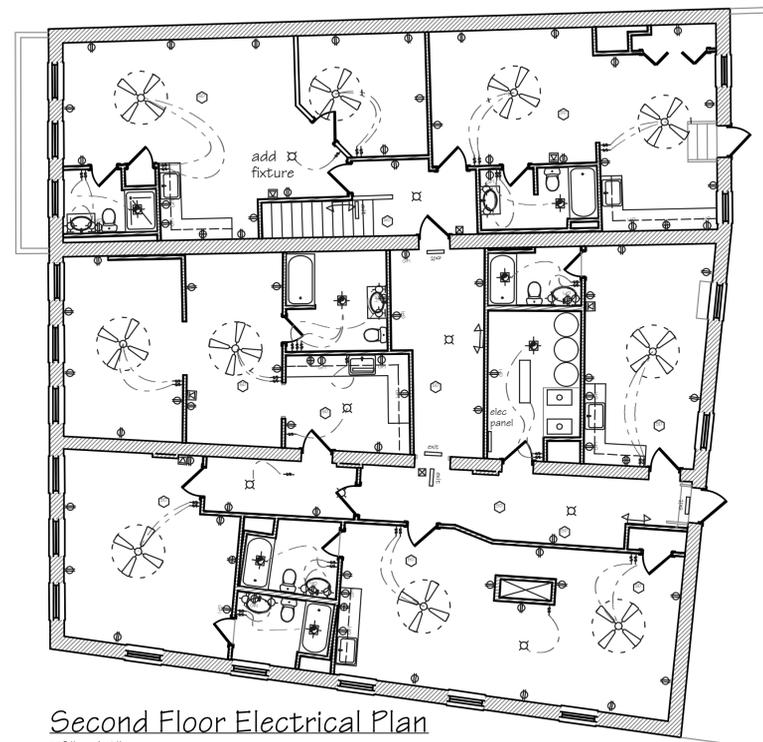
Schedule of Units

Unit 201	659 s.f.	2 Guests
Unit 202	576 s.f.	2 Guests
Unit 203	1,142 s.f.	5 Guests
Unit 204	636 s.f.	2 Guests
Unit 205	356 s.f.	2 Guests

Total 13 Guests allowed
No Parking Required in the Downtown



Existing Second Floor Plan
1/8" = 1'-0"
3,982 s.f.



Electrical Symbols

- Wall Switch
- Fluorescent Fixture
- Ceiling Mounted Fixture
- Wall Sconce Fixture
- Ceiling Fan/Light
- Exhaust/Light Combo
- Telephone Outlet
- Duplex Outlet
- GFI Outlet
- Dedicated Outlet
- Smoke Detector
- Lighting Circuit
- Emergency Lighting with Battery Backup
- Illuminated Exit Signage
- Alarm Signal

Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
©adamj333@gmail.com 815/281-1577
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Certification Statement:
I hereby certify that these plans were prepared under my direct supervision and that I am a duly Licensed Architect in the State of Illinois.
Licensed Architect: Adam C. Johnson
Illinois license number: 001-014386
date: 7/18/17
signature: [Signature]

Remodeling Plans for Apartment 205
301 North Main Street
Galena, Illinois 61036

MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: August 3, 2017

RE: Concept Plan Review, Applicant: Don Gereau, 219 South High Street, Galena, IL 61036.
Request for concept plan review to provide non-binding feedback on proposed garage addition on house.

Summary:

The purpose of Concept Plan Review is an optional process that may provide an applicant with a general, non-binding direction from the Zoning Board of Appeals prior to submittal of a development application.

The applicant is searching for a solution to provide off-street parking at his residence at 219 South High Street. Currently, the household vehicles park adjacent to the house along Wight Street. The house sits along the grade of South High and Wight Streets and the remainder of the property has a grade at or below the basement floor level. The only available space at the street grade is at the corner of South High and Wight Streets.

The main issue is that this property has two front yards. The front setbacks for this property are the average of the front setbacks of all buildings along the same block face. Currently, the house sits 13 feet back from the property line and the remaining houses are 2 to 6 feet back from the property line; the average front setback along that block face is approximately 7 feet. The proposed garage will need 13 feet in width to fit a vehicle, making it rest directly on the front property line along Wight Street. This is something that cannot be administratively approved and a Variance would be required. The applicant would like some direction whether to pursue a Variance based on whether it would meet the criteria in the Board's opinion.

The only alternatively available land would be the subgrade yard area. There is an existing old earthen ramp from South High Street that was used to access a carriage house in the yard that is no longer there. This would need to be reconstructed to an appropriate width for a vehicle to drive down and then a garage could be constructed elsewhere on the property.

Please see attached concept drawings.

Variance criteria are listed below:

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.

The Zoning Board of Appeals can approve, approve with conditions, or deny requests for variances. If the Board would like to approve the request, a motion to draft Finding of Facts should be entertained. The Findings of Facts will then be presented for final consideration at the next Board Meeting.

406

219

44.00'

100.00'

106.00'

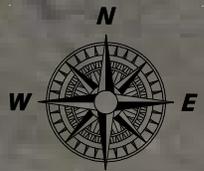
44.00'

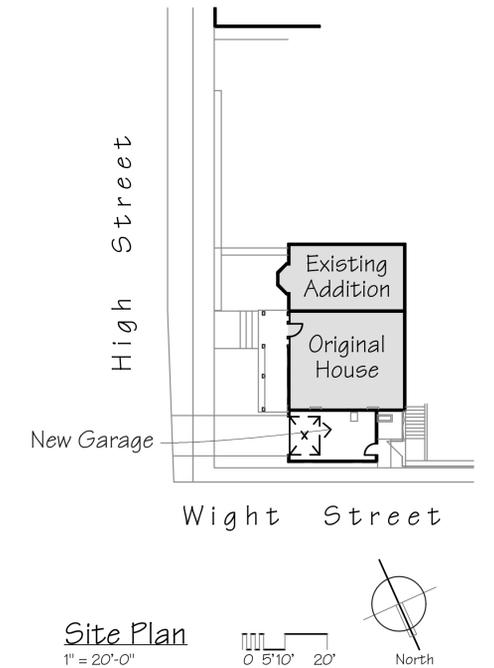
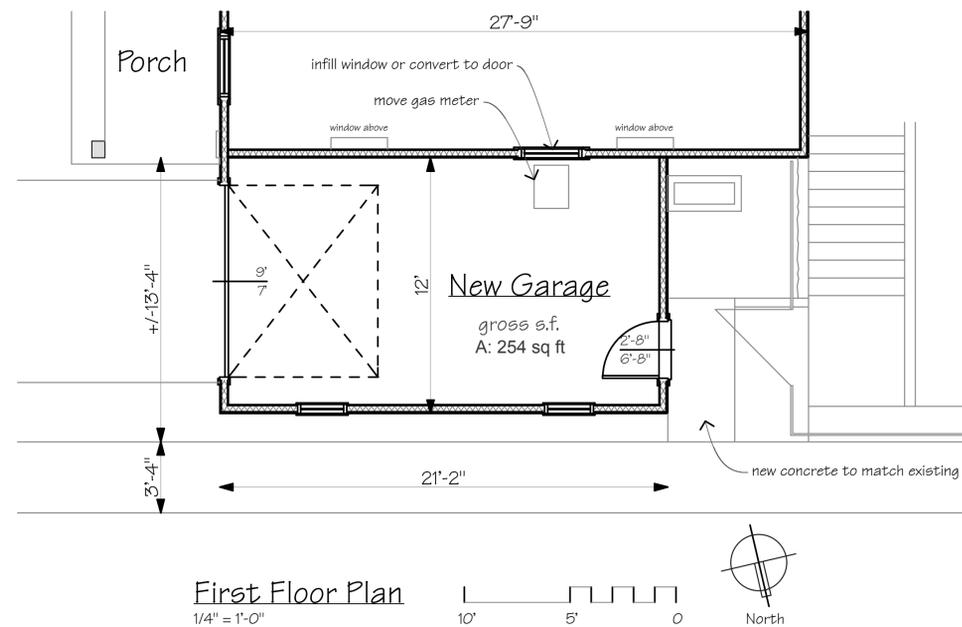
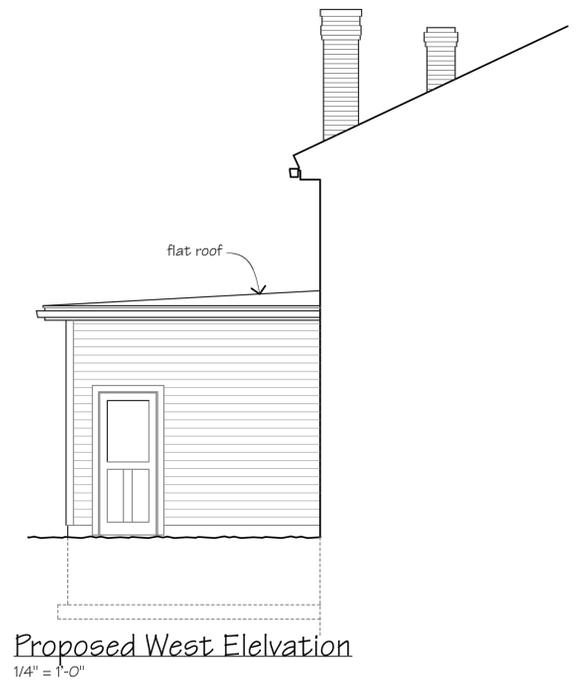
100.00'

106.00'

28.00'

80.00'





Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
@adamj333@gmail.com 815/281-1577
©adamj333 11/20/2018

Certification Statement:
I, the undersigned, being a duly licensed professional architect, certify that I prepared this drawing and the design it represents, and that I am a duly licensed professional architect in the State of Illinois. My license number is 007-014386 and expires on 11/20/2018.

New Garage Addition to
219 South High Street
Galena, Illinois 61036

8/3/17
revisions:
sheet
1
of 1