



# City of Galena, Illinois

## AGENDA

### ZONING BOARD OF APPEALS

WEDNESDAY, FEBRUARY 8, 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 January 11, 2017	3-20

### UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
17S-01	Nadrien Markowski - Request for Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District at 421 Franklin Street. Ratification of Findings of Fact.	21-24
17S-02 & 17V-01	Dave & Bernadine Anderson – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District and Variance request for off-street parking requirement at 410 Broadway. Ratification of Findings of Fact.	25-29
17S-03	Michael Campbell & Robert Campbell (Bros.) – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for one-dwelling unit in a duplex at 209 South Prospect Street. Ratification of Findings of Fact.	30-33
17S-04	Alex Ellerbeck – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 205 South Main Street. Ratification of Findings of Fact.	34-37
17S-05 & 17V-02	Kenneth, Linda & Charles Pluym – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District and Variance request for off-street parking requirement at 310 Franklin Street. Ratification of Findings of Fact.	38-42

**NEW BUSINESS**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
17S-06	John & Roin Vaughn - Request for Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District at 910 Park Avenue. <b>***PUBLIC HEARING***</b>	43-47
17S-07	James & Josephine Asta - Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District at 500 North High Street. <b>***PUBLIC HEARING***</b>	48-53
17S-08	Merle & Mary Neises - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 507 South Bench Street. <b>***PUBLIC HEARING***</b>	54-58
17S-09	Earl & Kimberly Thompson - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 204-206 North Main Street. <b>***PUBLIC HEARING***</b>	59-63
17S-10	Michael & Samantha Blaum - Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District at 510 Park Avenue. <b>***PUBLIC HEARING***</b>	64-68
17S-11	Todd & Candy Walburg - Request for Special Use Permit to allow Accommodations, Small Inn in the Low Density Residential District at 606 & 614 South Prospect Street. <b>***PUBLIC HEARING***</b>	69-73

**OTHER BUSINESS**

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

**CALENDAR INFORMATION**

<b>BOARD/COMMITTEE</b>	<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>
Zoning Board of Appeals	Wed. March 8, 2017	6:30 P.M.	City Hall, 101 Green Street

Posted: February 2, 2017 at 4:30 p.m. Posted By: Matt Oldenburg

**MINUTES  
ZONING BOARD OF APPEALS  
JANUARY 11, 2017**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday January 11, 2017 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

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

A quorum was declared.

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

**APPROVAL OF MINUTES**

Cook noted there was an error on page 14 in the motion to adjourn. She was absent and therefore could not have made a motion.

The correction will be made and the minutes brought back to the February 8, 2017 meeting for approval.

**OLD BUSINESS**

Cal. No. 16S-06, Applicant and Owner: Dennis Miller, 611 South Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-674-03, Lot 23 and 50' x 169' of Lot 21 in Block 11 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 611 South Prospect Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in a Medium Density Residential District.

**MOTION:** Jansen moved, seconded by Baranski to ratify the Findings of Fact as presented.

As Roll Call was:

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

Motion carried.

Cal. No. 16S-07, Applicant: Ryan Dies, 112 North Main Street, Galena, IL 61036, and Owner: Mordechai Saban, 800 Clinton Street, Galena, IL 61036. Location: Parcel: 22-100-082-00, N ½ of Lot 46, Original Lots between Main and Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 112 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

**MOTION:** Bochniak moved, seconded by Cook to ratify the Findings of Fact as presented.

As Roll Call was:

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

Motion carried.

Cal. No. 16S-08, Applicant and Owner: Warren Bell and Kathleen Cameron, 404 South Dodge Street, Galena, IL 61036. Location: Parcel: 22-100-644-00, Lot 2 and N ½ of Lot 3, Block 10 in the Original Lots of Galena, Jo Daviess County, Illinois. Common Address is 404 South Dodge Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

**MOTION:** Bochniak moved, seconded by Jansen to ratify the Findings of Fact as presented.

As Roll Call was:

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

Motion carried.

Cal. No. 16S-09, Applicant: David and Sarah Sandler, 407 Wight Street, Galena, IL 61036, and Owner: John and Andrea Kenna, 223 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-040-00, S 21' of Lot 30, Original Lots between Main and Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 223 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

**MOTION:** Bochniak moved, seconded by Holman to ratify the Findings of Fact as presented.

As Roll Call was:

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

Motion carried

Cal. No. 16S-10, Applicant and Owner: James and Beverly Jones, 307 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-032-00, S 1/2 of Lot 26, Original Lots between Main and Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 307 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

**MOTION:** Bochniak moved, seconded by Baranski to ratify the Findings of Fact as presented.

As Roll Call was:

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

Motion carried.

### **NEW BUSINESS**

Cal. No. 17S-01, Applicant and Owner: Nadrien Markowski, 421 Franklin Street, Galena, IL 61036. Location: Parcel: 22-100-343-00, Lots 55 and 56 of Franklin Street Addition, Galena, Jo Daviess County, Illinois. Common Address is 421 Franklin Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District. \*\*\* PUBLIC HEARING \*\*\*

**MOTION:** Bochniak moved, seconded by Baranski to open the Public Hearing on Cal. No. 17S-01.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Oldenburg presented as both the applicant and her representative were unable to attend due to logistics and an unexpected health issue. This is a single family two story miner cottage set back from Franklin Street with one off street parking space. The owner lives in Chicago and would like to offer this as a vacation rental when she is not using it. There is a limit of two bedrooms and four guests because there is only one off street parking space.

Baranski asked if the home owner would be there or an agent.

Oldenburg said the owner's agent lives in Scales Mound and she will meet the guests and manage the property when the owner is not here.

No one else presented testimony either in favor of or against the request.

**MOTION:** Jansen moved, seconded by Baranski to close the Public Hearing on Cal. No. 17S-01.

**MOTION:** Jansen moved, seconded by Bochniak to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District for Cal. No. 17S-01.

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:

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

Motion carried.

Cal. No. 17S-02 & 17V-01, Applicant and Owner: Dave & Bernadine Anderson, 410 Broadway, Galena, IL 61036. Location: Parcel: 22-100-433-00, Lot 33, West side of Broadway, Galena, Jo Daviess County, Illinois. Common Address is 410 Broadway, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District and Variance request for off-street parking requirement. \*\*\* PUBLIC HEARING \*\*\*

**MOTION:** Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-02.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Dave Anderson, 410 Broadway Galena said they are looking to convert the two story left unit into a vacation rental. There are two units on the right side of the building – the first floor unit is occupied by his wife’s mother who will be the representative – greeting guests, monitoring the guests and assisting with any of their needs.

No one else presented testimony either in favor of or against the request.

**MOTION:** Baranski moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17S-02.

**MOTION:** Baranski moved, seconded by Bochniak to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for Cal. No. 17S-02 subject to approval of an off street parking variance.

Discussion: Baranski 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	Yes
Jansen	Yes
Nybo	Abstain
Baranski	Yes
Rosenthal	Yes

Motion carried.

**MOTION:** Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17V-01.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Dave Anderson said the building extends lot line to lot line. The driveway that runs along the right side of the building is not theirs. This unit has previously been used as a long term rental. Most recently the family that lived in the unit had three cars that were parked somewhere on Broadway. With the vacation rental there will be one car on the street about 25% of the time so this reduces the parking needs of the area.

No one else presented testimony either in favor of or against the request.

**MOTION:** Baranski moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17V-01.

**MOTION:** Jansen moved, seconded by Baranski to draft a positive Finding of Fact to approve the Variance request for the off-street parking requirement, Cal. No. 17V-01.

Discussion: Jansen reviewed the approval criteria.

**Variance Approval Criteria & Recommendation:**

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

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

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

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

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

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

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

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

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

**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.**

Baranski said there are no requirements for Single Family Residential properties so there could be an unlimited number of vehicles. With the short term vacation rental SUP we restrict the number of allowed vehicles so this is a benefit to the neighborhood.

As Roll Call was:

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

Motion carried.

Cal. No. 17S-03, Applicant and Owner: Michael Campbell and Robert Campbell (Bros.), 209 South Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-586-00, E ½ of Lot 5, Block 5 in the Original Lots of Galena, Jo Daviess County, Illinois. Common Address is 209 South Prospect Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for one-dwelling unit in a duplex. \*\*\* PUBLIC HEARING \*\*\*

**MOTION:** Bochniak moved, seconded by Baranski to open the Public Hearing on Cal. No. 17S-03.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Robert Campbell 209 S Prospect Street Galena said the duplex was built in 1856; around 1970 his parents purchased the property. His brother Mike lives in one unit and his Mother has lived in the other unit until her recent death. They would like to give people the opportunity to stay in an historic property on Quality Hill.

Rosenthal asked if the garage would be used for parking.

Campbell said it would.

No one else presented testimony either in favor of or against the request.

**MOTION:** Baranski moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17S-03.

**MOTION:** Bochniak moved, seconded by Jansen to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for one-dwelling unit in a duplex, Cal. No. 17S-03.

**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.*

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(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:

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

Motion carried.

Cal. No. 17S-04, Applicant: Alex Ellerbeck, 5670 Clay Ridge Drive, Dubuque, IA 52002, and Owner: Paul Ellerbeck, 205 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-048-00, Part of Lot 33, Original Lots between Main and Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 205 South 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-04.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Alex Ellerbach 205 S Main Street, Galena said they are currently looking to renovate the third floor into a four-bedroom suite for a vacation rental; the second floor would remain vacant for now.

Baranski asked who would be meeting and assisting the guests while they were in Galena.

Ellerbeck said he and his wife would be – they are on the first floor every day at their business Chocolaterie Stam.

No one else presented testimony either in favor of or against the request.

**MOTION:** Bochniak moved, seconded by Baranski to close the Public Hearing on Cal. No. 17S-04.

**MOTION:** Jansen moved, seconded by Bochniak to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District for Cal. No. 17S-04.

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.*

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(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).*

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(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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(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:

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

Motion carried.

Cal. No. 17S-05 & 17V-02, Applicant and Owner: Kenneth, Linda and Charles Pluym, 310 Franklin Street, Galena, IL 61036. Location: Parcel: 22-100-319-00, Lot 27 of Franklin Street Addition, Galena, Jo Daviess County, Illinois. Common Address is 310 Franklin Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District and Variance request for off-street parking requirement. \*\*\* PUBLIC HEARING \*\*\*

**MOTION:** Jansen moved, seconded by Baranski to open the Public Hearing on Cal. No. 17S-05.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Linda Pluym, 310 Franklin Street, Galena said she would like to convert one of the three units in the building at 310 – 312 Franklin Street into a vacation rental. The building is within walking distance to downtown and the unit can be accessed from the front or the back of the building. She has a long successful history in the hospitality business: they own The Paradise, and have previously owned/managed Country Inn and Suites, The Ryan Mansion and Bedford House.

Baranski asked if she owns both sides of the building?

Pluym said yes. The other two units are being renovated and will be rented as long term rentals in the near future.

Baranski asked if she was the one that would be meeting the guests.

Pluym said she was.

No one else presented testimony either in favor of or against the request.

MOTION: Bochniak moved, seconded by Baranski to close the Public Hearing on Cal. No. 17S-05.

MOTION: Baranski moved, seconded by Bochniak to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for Cal. No. 17S-05 subject to approval of an off street parking variance

Discussion: Baranski 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:

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

Motion carried.

**MOTION:** Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17V-02.

Motion carried on voice vote.

Nack swore in those wishing to testify at this public hearing.

Linda Pluym said her circumstances were similar to that of Anderson's property on Broadway. The rental will most likely be occupied on the weekends but vacant during the week. The one car allowed for the vacation number is certainly less than the two or three cars previous renters have parked on Franklin Street.

No one else presented testimony either in favor of or against the request.

**MOTION:** Baranski moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17V-02.

**MOTION:** Baranski moved, seconded by Bochniak to draft a positive Finding of Fact to approve the Variance request for the off-street parking requirement, Cal. No. 17V-02.

Discussion: Baranski reviewed the approval criteria.

### **Variance Approval Criteria & Recommendation:**

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

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

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

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

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

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

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

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

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

**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.**

As Roll Call was:

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

Motion carried.

**COUNTY ZONING**

None

**WORKSESSION/OTHER**

None

**PUBLIC COMMENTS**

None

**MOTION:** Jansen moved, seconded by Bochniak to adjourn the meeting at 7:15pm.

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-01

**APPLICATION BY:** Nadrien Markowski, 421 Franklin Street,  
Galena, IL 61036.

**FOR:** A Special Use Permit to allow Accommodations, Vacation  
Rental in a Low Density Residential District.

#### **FINDINGS OF FACT**

##### **PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on January 11, 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 in a Low Density Residential 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 this dwelling unit is four (4) 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). In this case, the two bedrooms can each sleep two guests. The limiting factor for guests is the availability of off-street parking.

Lot Capacity: The lot size is 21,772 square feet, or 0.50 acres. The structure is nestled against the rising topography and a small driveway provides access to the structure from Franklin Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The existing driveway can accommodate one vehicle off-street. The parking regulations require one (1) off-street space per four (4) guests. The Staff determined a maximum occupancy of four (4) guests, therefore one off-street parking space is required.

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

No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request.

Land uses surrounding the property include residences and a church.

### **PUBLIC SUPPORT AND/OR OBJECTIONS**

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

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

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

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

- **Matt Oldenburg, City of Galena** – spoke on behalf of the applicant and owner in favor of the request. Oldenburg presented as both the applicant and her representative were unable to attend due to logistics and an unexpected health issue. This is a single family two-story miner cottage set back from Franklin Street with one off street parking space. The owner lives in Chicago and would like to offer this as a vacation rental when she is not using it. There is a limit of two bedrooms and four guests because there is only one off street parking space.

Baranski asked if the home owner would be there or an agent?

Oldenburg said the owner's agent lives in Scales Mound and she will meet the guests and manage the property when the owner is not here.

**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 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (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 Low Density Residential 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 Low Density Residential District.
3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.
4. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Low Density Residential 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 Nadrien Markowski for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.

2. The request meets the district standards for the Low Density Residential District and is appropriate to 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 Nadrien Markowski for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 11<sup>th</sup> day of January, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

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John Rosenthal, Chairperson

## **DECISION**

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

#### **REGARDING**

**CALENDAR NUMBER:** 17S-02 & 17V-01

**APPLICATION BY:** Dave & Bernadine Anderson, 410 Broadway,  
Galena, IL 61036.

**FOR:** A Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District 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 January 11, 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 in a Low Density Residential 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 this dwelling unit is four (4) 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). In this case, the two bedrooms can each sleep two guests. The limiting factor for guests is the availability of off-street parking, which will require a variance for on-street parking.

Lot Capacity: The lot size is 10,800 square feet, or 0.25 acres. The structure is nestled against the rising topography and the property has access to Broadway. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties. The structure currently has three (3) dwelling units and operates as a long-term rental property.

Availability and impact of parking: The parking regulations require one (1) off-street space per four (4) guests. There is no available space to fit an off-street parking area, therefore there is a physical hardship due to the building existing the entire width of the lot. If a variance is granted for one vehicle to be parked on-street, the maximum guest occupancy of the unit is four (4) guests. Potentially, this variance of one on-street parking space could reduce the impact of parking for the property as regular tenants could have multiple vehicles per unit.

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

No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request.

Land uses surrounding the property include residences, other guest accommodations 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:**

#### **SPECIAL USE PERMIT**

- **Dave Anderson, 410 Broadway** – spoke as the applicant and owner in favor of the request. Anderson said they are looking to convert the two-story left unit (in the duplex) into a vacation rental. There are two units on the right side of the building – the first floor unit is occupied by his wife’s mother who will be the representative – greeting guests, monitoring the guests and assisting with any of their needs.

## **VARIANCE**

- **Dave Anderson, 410 Broadway** - said the building extends lot line to lot line. The driveway that runs along the right side of the building is not theirs. This unit has previously been used as a long term rental. Most recently the family that lived in the unit had three cars that were parked somewhere on Broadway. With the vacation rental there will be one car on the street about 25% of the time so this reduces the parking needs of the area.

## **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 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (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.
- 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.
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 Low Density Residential District.
3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.
4. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Low Density Residential District.
5. The property is meets the detailed regulations for a vacation rental, except for the off-street parking requirement.
6. There is no physical room on the property for an off-street parking space. Therefore, there is a physical hardship that was not created by the owner.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Dave & Bernadine Anderson for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is appropriate to 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.

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Dave & Bernadine Anderson for a Variance to exempt the off-street parking requirement, for Accommodations, Vacation Rental in residential districts, 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 Dave & Bernadine Anderson for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District and Variance request for off-street parking requirement should be approved.

**SPECIAL USE PERMIT:** PASSED AND APPROVED this 11<sup>th</sup> day of January, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

**VARIANCE:** PASSED AND APPROVED this 11<sup>th</sup> day of January, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

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John Rosenthal, Chairperson

## **DECISION**

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

#### **REGARDING**

**CALENDAR NUMBER:** 17S-03

**APPLICATION BY:** Michael Campbell & Robert Campbell (Bros.), 209 South Prospect Street, Galena, IL 61036.

**FOR:** A Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District.

#### **FINDINGS OF FACT**

##### **PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on January 11, 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 in a Low Density Residential 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 this dwelling unit is four (4) 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). In this case, the two bedrooms can each sleep two guests. The limiting factor for guests is the availability of off-street parking.

Lot Capacity: The lot size is 5,450 square feet, or 0.12 acres. The structure is located atop of the bluff on Prospect Street and the property takes vehicle access from the alley at the rear of the structure. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The existing parking is behind the structure in the alley. There is a garage attached to the structure that partially encroaches into the alley and it is legally non-conforming. This space will satisfy the off-street parking for the vacation rental. The other parking space directly behind the structure will be used for the residence at 211 S. Prospect. The parking regulations require one (1) off-street space per four (4) guests, therefore the maximum occupancy of the vacation rental is limited because of the one available parking space.

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

No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request.

Land uses surrounding the property include residences and other guest accommodations.

### **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:**

- **Robert Campbell, 209 South Prospect Street** – spoke as the applicant and owner in favor of the request. Campbell said the duplex was built in 1856; around 1970 his parents purchased the property. His brother Mike lives in one unit and his Mother has lived in the other unit until her recent death. They would like to give people the opportunity to stay in an historic property on Quality Hill.

Rosenthal asked if the garage would be used for parking.

Campbell said it would.

**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 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (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 Low Density Residential 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 Low Density Residential District.
3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.
4. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Low Density Residential 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 Nadrien Markowski for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.

2. The request meets the district standards for the Low Density Residential District and is appropriate to 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 Michael Campbell & Robert Campbell (Bros.) for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 11<sup>th</sup> day of January, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

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John Rosenthal, Chairperson

## **DECISION**

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

#### **REGARDING**

**CALENDAR NUMBER:** 17S-04

**APPLICATION BY:** Alex Ellerbeck, 205 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 January 11, 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 two-dwelling vacation rental units 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 both vacation rental units is ten (10) 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). In this case, the available sleeping areas with proper egress on the second floor, with two sleeping guests per room, is four (4) guests. On the third floor, the three available sleeping areas with egress will allow up to six (6) guests.

Lot Capacity: The lot size is 2,541 square feet, or 0.05 acres. The structure is set in the downtown commercial area with access to Main Street and Bench Street. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: Parking is exempt 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.

No other alterations will be done on the outside and no further site improvements are required.

Staff recommends approval of this request.

Land uses surrounding the property include business, residential, and apartments.

### **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:**

- **Alex Ellerbeck, 5670 Clay Ridge Drive, Dubuque** – spoke as the applicant in favor of the request. Ellerbeck said they are currently looking to renovate the third floor into a four-bedroom suite for a vacation rental; the second floor would remain vacant for now.

Baranski asked who would be meeting and assisting the guests while they were in Galena.

Ellerbeck said he and his wife would be – they are on the first floor every day at their business Chocolaterie Stam.

#### **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 for two units 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 Alex Ellerbeck 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 congruous to 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 Alex Ellerbeck 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 11<sup>th</sup> day of January, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

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John Rosenthal, Chairperson

**DECISION**

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

**REGARDING**

**CALENDAR NUMBER:** 17S-05 & 17V-02

**APPLICATION BY:** Kenneth, Linda & Charles Pluym, 310 Franklin Street,  
Galena, IL 61036.

**FOR:** A Special Use Permit to allow Accommodations, Vacation  
Rental in a Low Density Residential District 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 January 11, 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 in a Low Density Residential 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 this dwelling unit is four (4) 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). In this case, the one bedroom and one living area can each sleep two guests. The attic space will be closed-off to guests and cannot be used for a bedroom due to egress issues. The other limiting factor for guests is the availability of off-street parking, which will require a variance for on-street parking.

Lot Capacity: The lot size is 3,880 square feet, or 0.08 acres. The structure is nestled against the rising topography and the property has access to Franklin Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties. The structure currently has three (3) dwelling units and operates as a long-term rental property.

Availability and impact of parking: The parking regulations require one (1) off-street space per four (4) guests. There is no available space to fit an off-street parking area, therefore there is a physical hardship due to the building existing the entire width of the lot. If a variance is granted for one vehicle to be parked on-street, the maximum guest occupancy of the unit is four (4) guests. Potentially, this variance of one on-street parking space could reduce the impact of parking for the property as regular tenants could have multiple vehicles per unit.

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

No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request.

Land uses surrounding the property include residences, other guest accommodations 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:**

#### **SPECIAL USE PERMIT**

- **Linda Pluym, 310 Franklin Street** – spoke as the applicant and owner in favor of the request. Pluym said she would like to convert one of the three units in the building at 310 – 312 Franklin Street into a vacation rental. The building is within walking distance to downtown and the unit can be accessed from the front or the back of the building. She has a long successful history in the

hospitality business: they own The Paradise, and have previously owned/managed Country Inn and Suites, The Ryan Mansion and Bedford House.

Baranski asked if she owns both sides of the building?

Pluym said yes. The other two units are being renovated and will be rented as long term rentals in the near future.

Baranski asked if she was the one that would be meeting the guests.

Pluym said she was.

#### **VARIANCE**

- **Linda Pluym, 310 Franklin Street** - said her circumstances were similar to that of Anderson's (410 Broadway) property on Broadway. The rental will most likely be occupied on the weekends but vacant during the week. The one car allowed for the vacation number is certainly less than the two or three cars previous renters have parked on Franklin Street.

#### **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 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (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.
- 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.
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 Low Density Residential District.

3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.
4. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Low Density Residential District.
5. The property is meets the detailed regulations for a vacation rental, except for the off-street parking requirement.
6. There is no physical room on the property for an off-street parking space. Therefore, there is a physical hardship that was not created by the owner.

## **DETERMINATION**

### **SPECIAL USE PERMIT**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Kenneth, Linda & Charles Pluym for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is appropriate to 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.

### **VARIANCE**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Kenneth, Linda & Charles Pluym for a Variance to exempt the off-street parking requirement, for Accommodations, Vacation Rental in residential districts, 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 Kenneth, Linda & Charles Pluym for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District and Variance request for off-street parking requirement should be approved.

**SPECIAL USE PERMIT:** PASSED AND APPROVED this 11<sup>th</sup> day of January, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

**VARIANCE:** PASSED AND APPROVED this 11<sup>th</sup> day of January, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

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John Rosenthal, Chairperson

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 2, 2017

RE: Cal. No. 17S-06, Applicant and Owner: John & Robin Vaughn, 910 Park Avenue, Galena, IL 61036. Location: Parcel: 06-500-135-00, North 38 feet of Lot 8 in Block 22 of the Original Town East of the Galena River, Galena, Jo Daviess County, Illinois. Common Address is 910 Park Avenue, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District.

**Summary:**

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Low Density Residential 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 this dwelling unit is eight (8) 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). In this case, the two bedrooms can each sleep two guests.

**Lot Capacity:** The lot size is 5,700 square feet, or 0.12 acres. The structure is situated along Park Avenue between Decatur and LaFayette Streets and takes driveway access from a private alley off-of Decatur Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

**Availability and impact of parking:** The existing driveway can accommodate four vehicles off-street. The parking regulations require one (1) off-street space per four (4) guests. The Staff determined a maximum occupancy of eight (8) guests, therefore two off-street parking spaces are required.

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

No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request. Land uses surrounding the property include residences 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.*

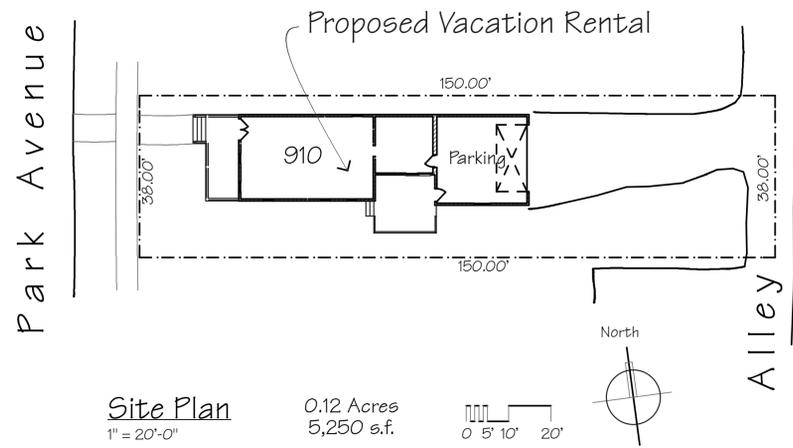
**The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration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

# Legend

-  Low Density Residential Dist.
-  Parcel Boundaries



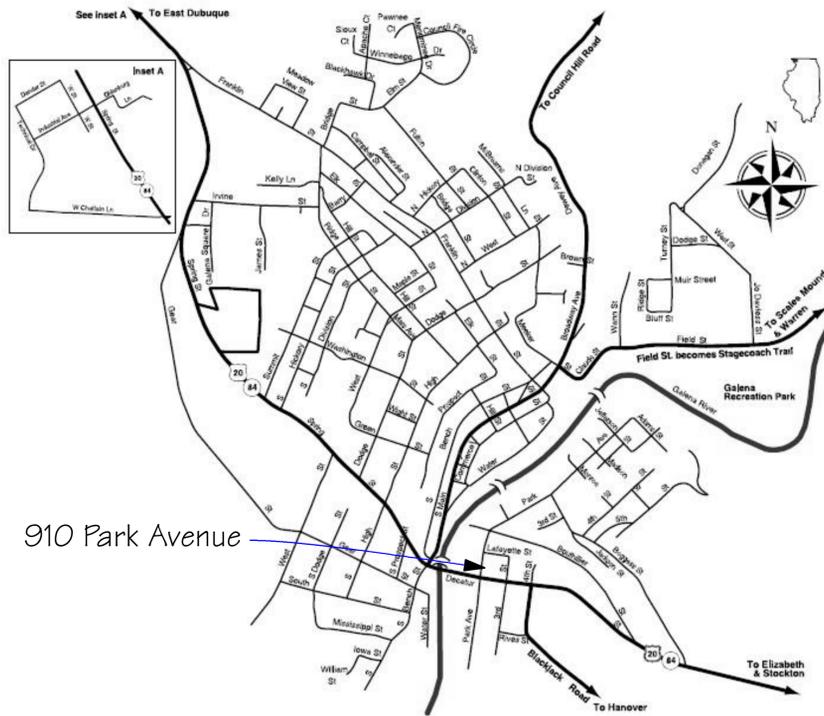




Site Plan  
1" = 20'-0"

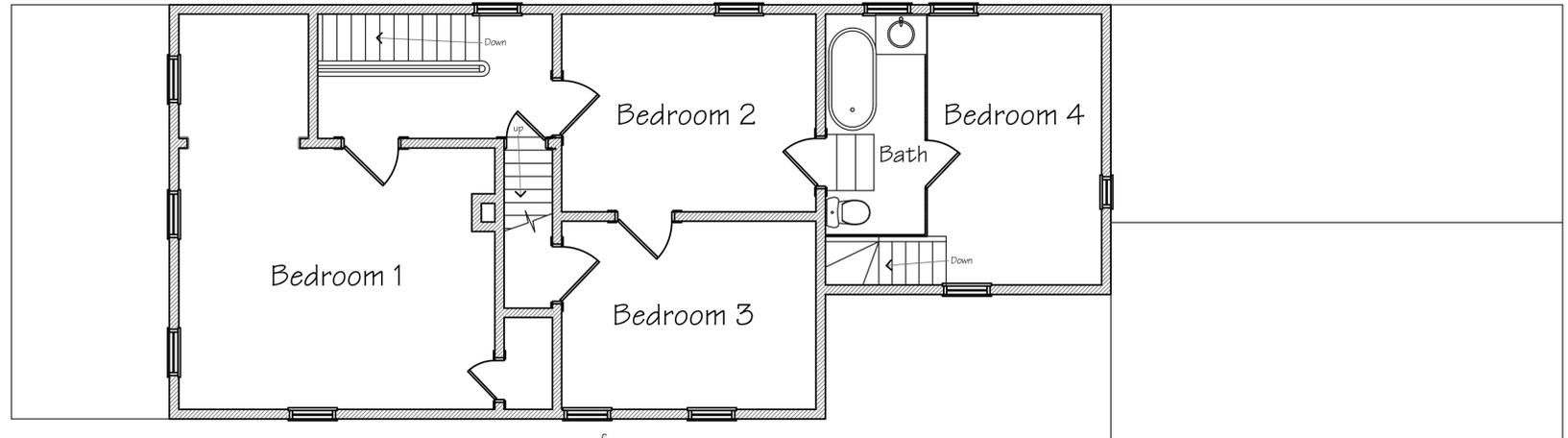
0.12 Acres  
5,250 s.f.

0 5' 10' 20'



## Vacation Rental Unit

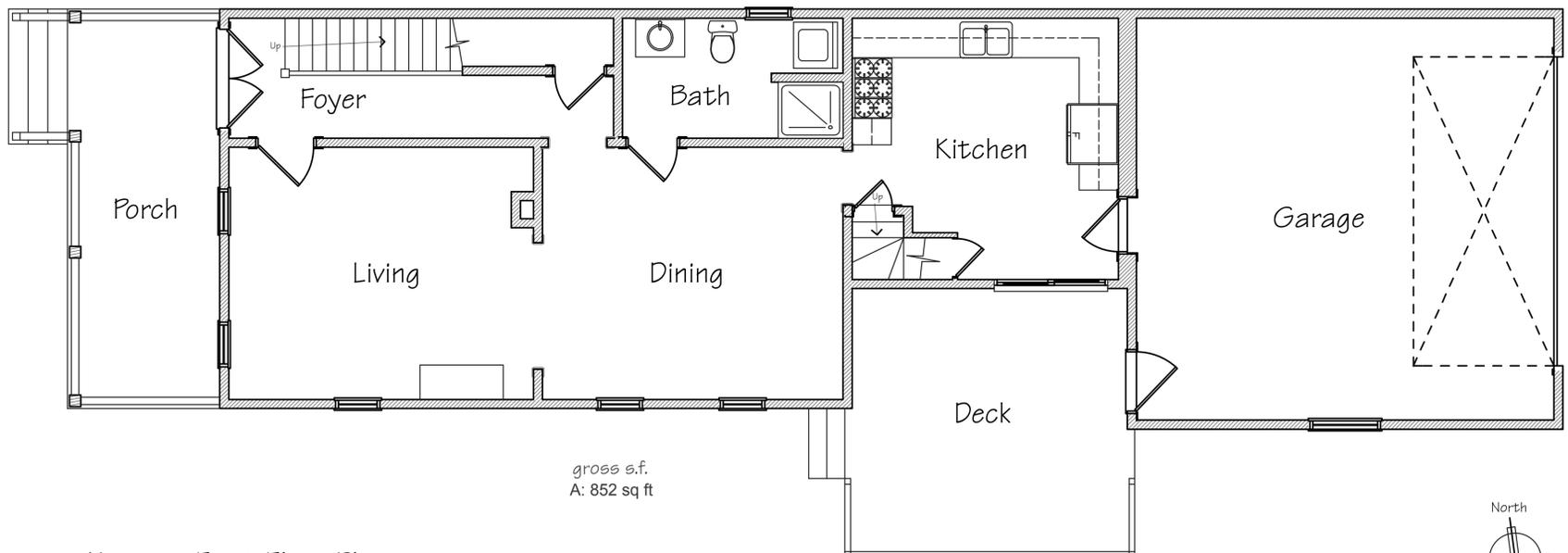
3 Bedroom, 2 Bath 1,704 sq. ft.  
2 parking spaces provide in Garage  
6 guests allowed



Existing Second Floor Plan

gross s.f.  
A: 852 sq ft

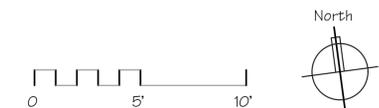
1/4" = 1'-0"



Existing First Floor Plan

gross s.f.  
A: 852 sq ft

1/4" = 1'-0"



**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 2, 2017

RE: Cal. No. 17S-07, Applicant and Owner: James & Josephine Asta, 500 North High Street, Galena, IL 61036. Location: Parcel: 22-100-853-10, Part of Lots 1 & 2 in Block 22 of the Original Lots, Galena, Jo Daviess County, Illinois. Common Address is 500 North High Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District.

**Summary:**

The applicant is requesting a Special Use Permit to operate as a single-room vacation rental in a Low Density Residential 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 this dwelling unit is two (2) 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). In this case, accessory residential land use of a single-room vacation rental limits the number of guests to two.

Lot Capacity: The lot size is 25,300 square feet, or 0.58 acres. The structure is situated along North High Street behind the principal house structure that fronts on North Dodge Street. The site is already properly landscaped with well-established vegetation and lighting; the access walkway to the site will be installed this Spring. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The existing driveway can accommodate two vehicles off-street. The parking regulations require two (2) off-street spaces for single-room vacation rentals.

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.

**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.*

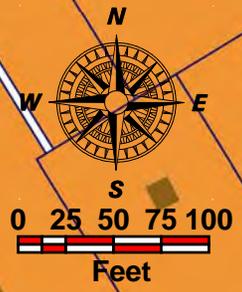
(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

(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.**





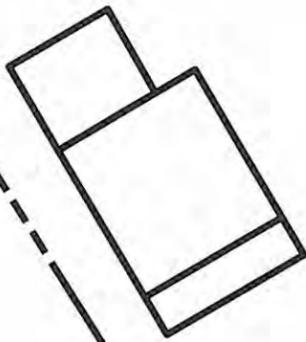
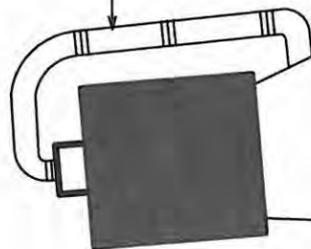
NORTH WEST STREET

NEW 42" W. CONCRETE WALK, FIELD VERIFY STEP LOCATIONS

500 N. HIGH STREET

N. HIGH STREET

N. DODGE STREET



1"=30'-0"

SITE PLAN

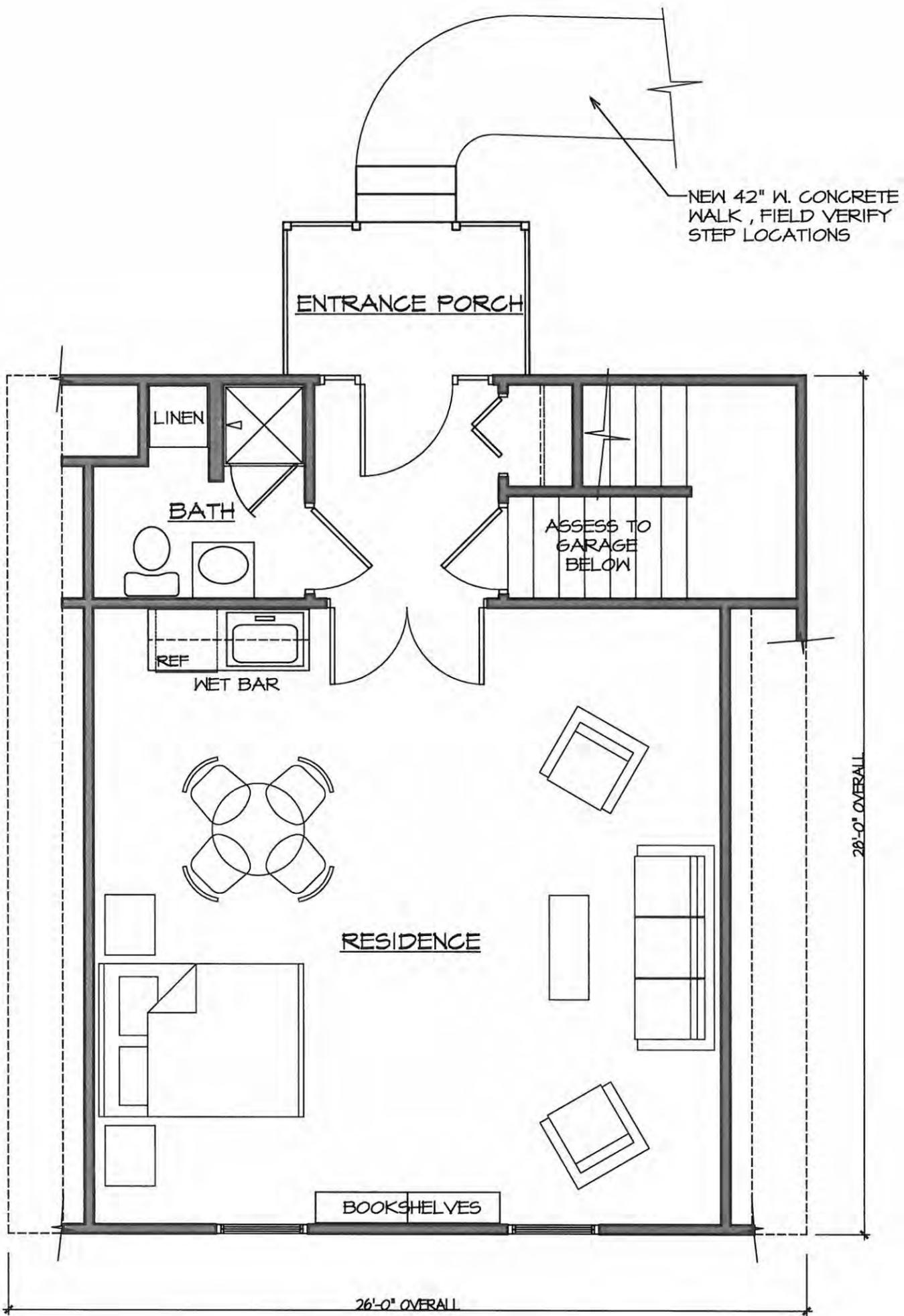


Straka Johnson Architects, P.C.  
3555 Digital Drive  
Dubuque, Iowa 52003  
Phone (563) 556 - 8877  
Fax (563) 556 - 0367

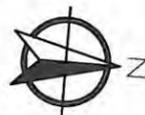
500 N. HIGH STREET  
GALENA, ILLINOIS

Date 1/25/17  
Revision

Page  
|  
Sheet  
1 of 2



# UPPER FLOOR PLAN



1/4" = 1'-0"

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 2, 2017

RE: Cal. No. 17S-08, Applicant and Owner: Merle & Mary Neises, 507 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-187-00, E ½ of Lot 9 and the E ½ & S ½ of Lot 10 on the West Side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 507 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

Summary:

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Low Density Residential 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 this dwelling unit is eight (8) 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). In this case, the two bedrooms can each sleep two guests.

Lot Capacity: The lot size is 8,156 square feet, or 0.19 acres. The structure is situated along South Bench Street and will take driveway access from South Bench with a new driveway. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The existing driveway can accommodate four vehicles off-street. The parking regulations require one (1) off-street space per four (4) guests. The Staff determined a maximum occupancy of eight (8) guests, therefore two off-street parking spaces are required. The plan indicates room for three off-street parking spaces which will be installed this Spring.

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 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.*

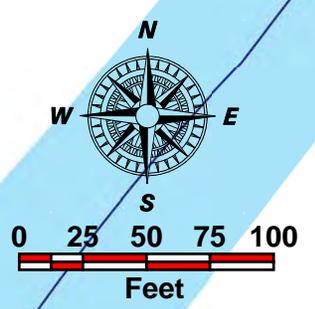
(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on 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.*

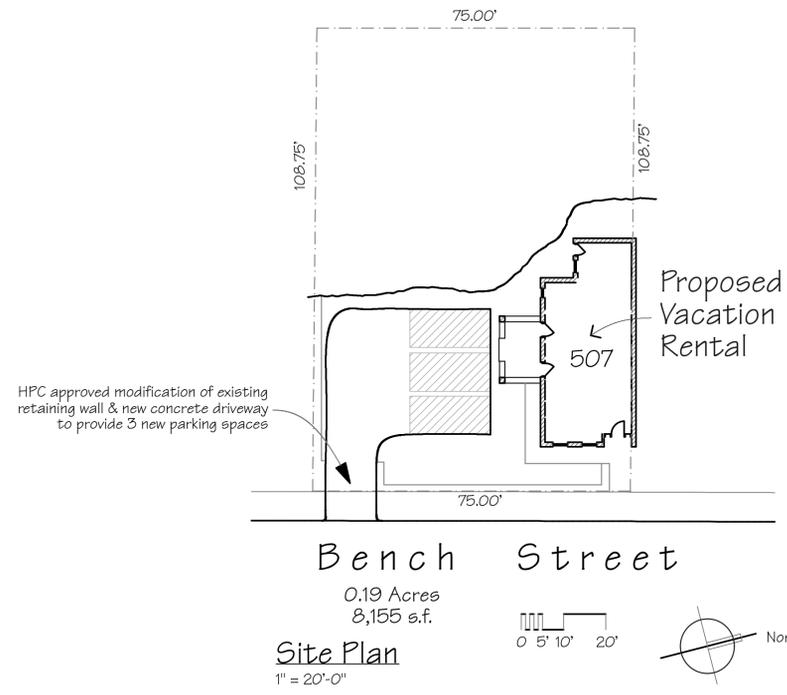
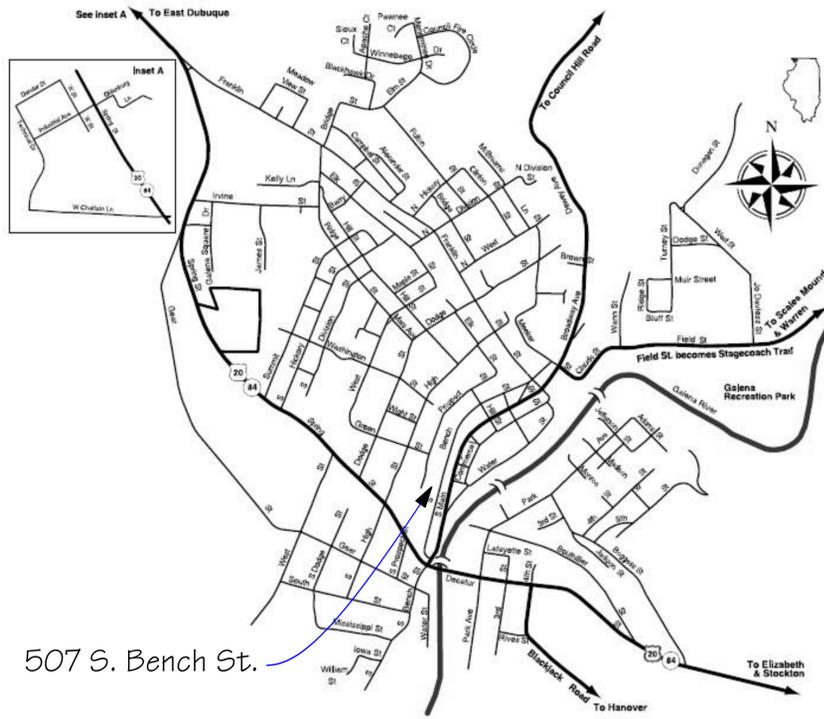
**The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration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

# Legend

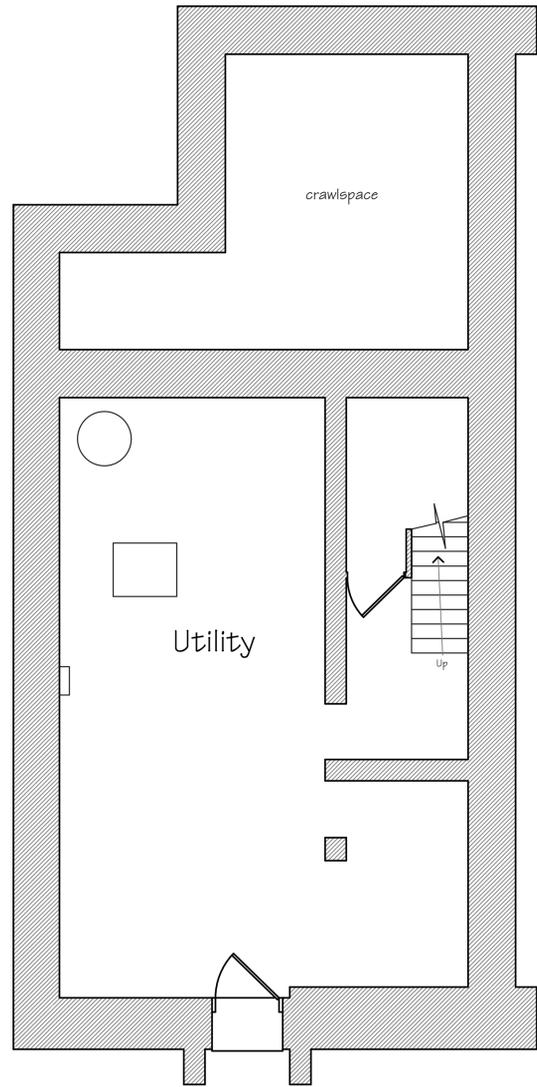
-  Low Density Residential
-  Downtown Commercial
-  Parcel Boundaries



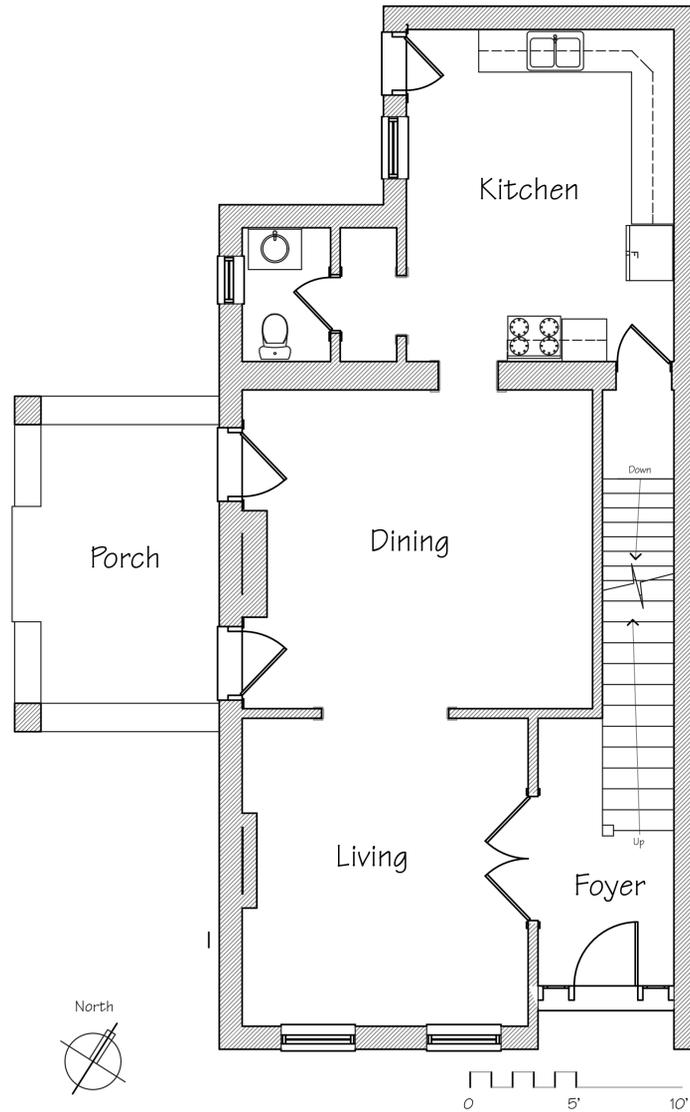




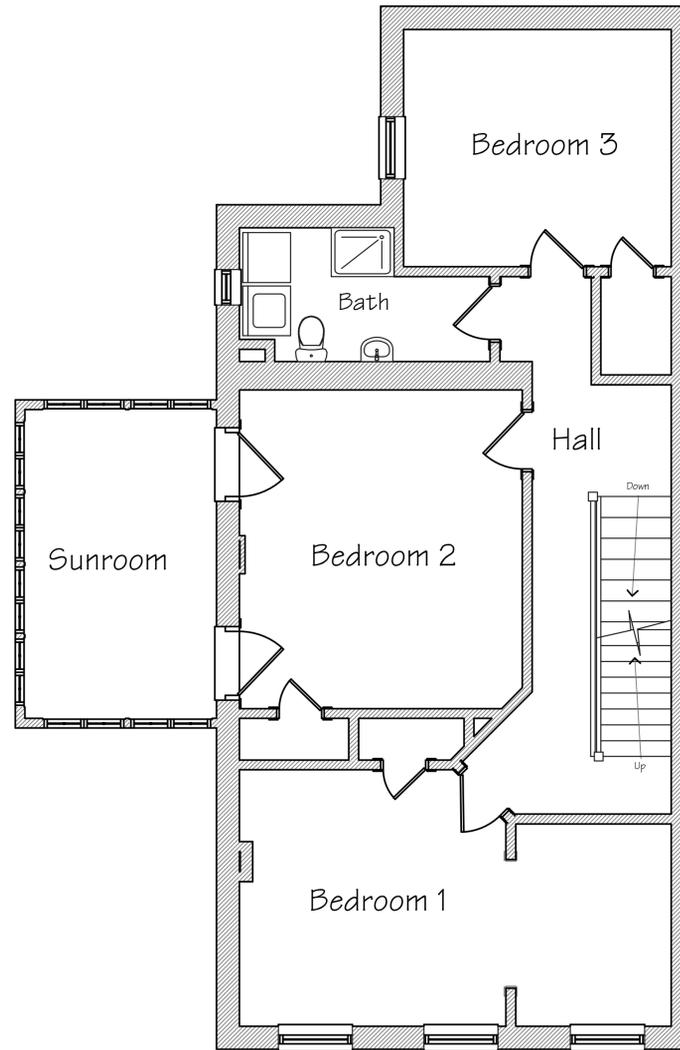
**Vacation Rental Unit**  
 4 Bedrooms, 2-1/2 baths  
 3,713 sq ft with 3 parking spaces  
 8 guests allowed



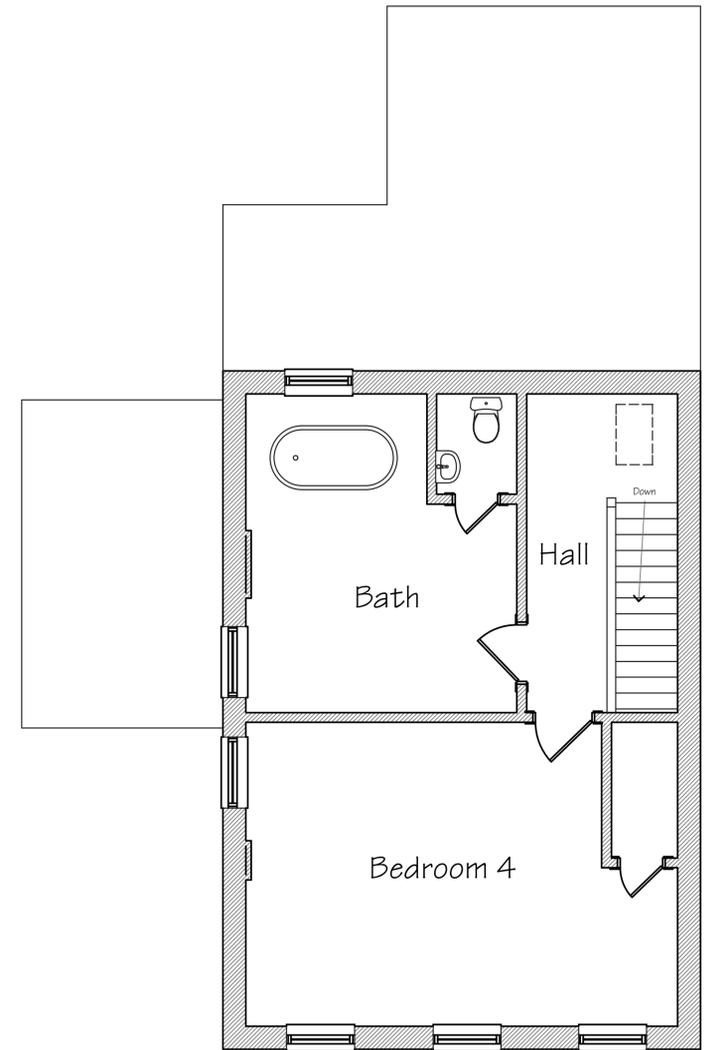
Existing Basement Plan gross s.f. A: 779 sq ft  
 1/4" = 1'-0"



Existing First Floor Plan gross s.f. A: 1,018 sq ft  
 1/4" = 1'-0"



Existing Second Floor Plan gross s.f. A: 1,178 sq ft  
 1/4" = 1'-0"



Existing Third Floor Plan gross s.f. A: 718 sq ft  
 1/4" = 1'-0"

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 2, 2017

RE: Cal. No. 17S-09, Applicant and Owner: Earl & Kimberly Thompson, 204-206 North Main Street, Galena, IL 61036. Location: Parcels: 22-100-100-00 & 22-100-101-00, 9' x 37' of Lot 53 & NE 20' of Lot 54, Part of Lot 53, N 5' of Lot 54 and S 15' of Lot 55, West Side of Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 204-206 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 to operate as two-dwelling vacation rental units in the Downtown Commercial District.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. Improvements to exterior access routes will be made as part of the site development.

Number of Guests: Maximum occupancy load for both vacation rental units is eight (8) 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). In this case, the available sleeping areas with proper egress in both apartments will allow four (4) guests each.

Lot Capacity: The lot size is 2,541 square feet, or 0.05 acres. The structure is set in the downtown commercial area with access to Main Street and Bench Street. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: Parking is exempt 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 business, residential, and apartments.

**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.*

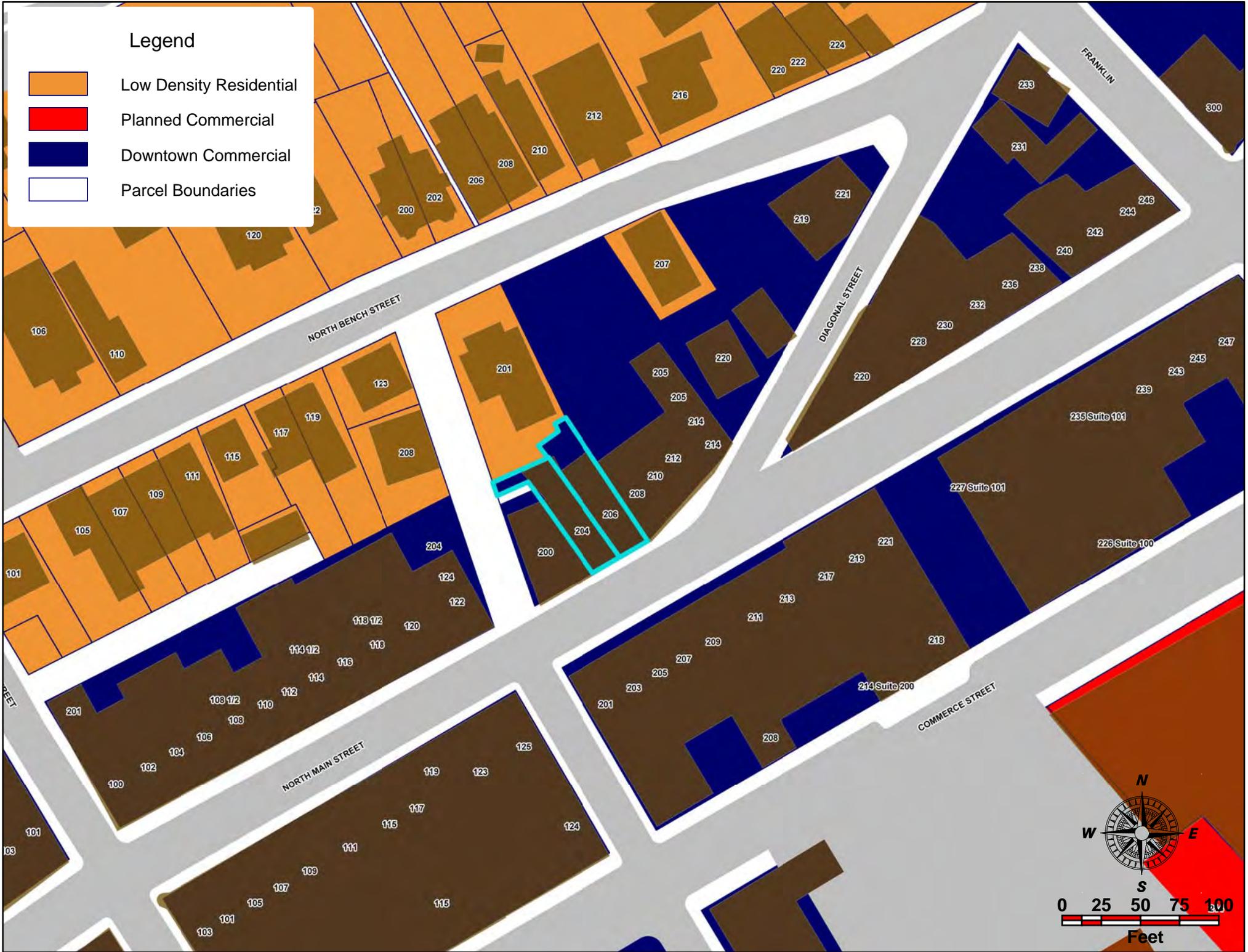
(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on 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.*

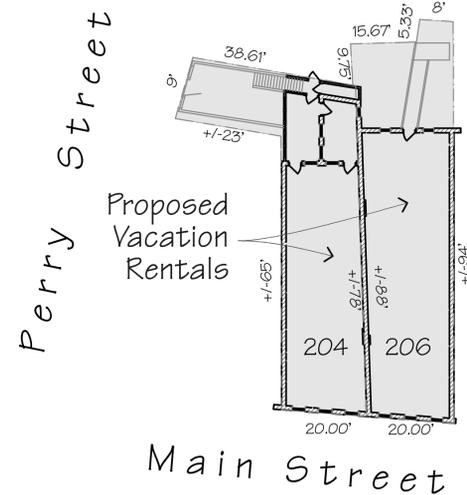
**The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration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

# Legend

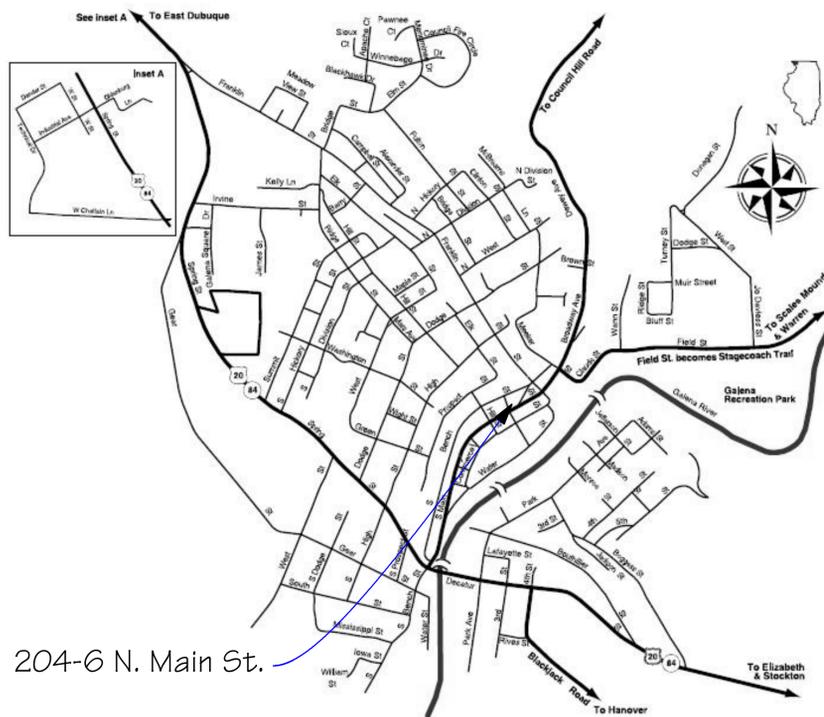
-  Low Density Residential
-  Planned Commercial
-  Downtown Commercial
-  Parcel Boundaries







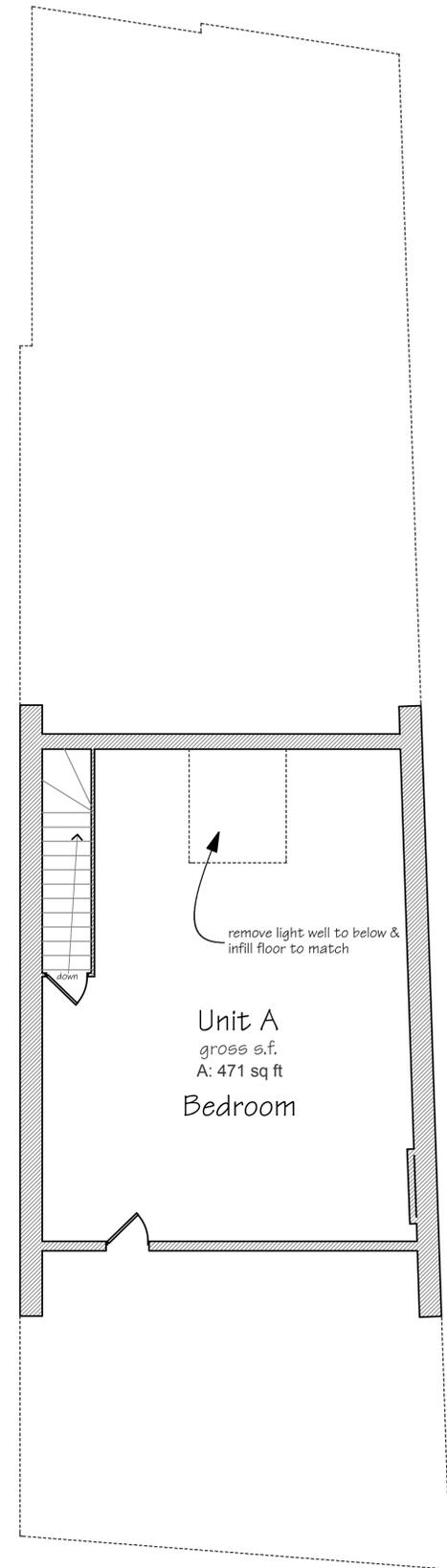
0.088 Acres  
3,818 s.f.  
Site Plan  
1" = 20'-0"



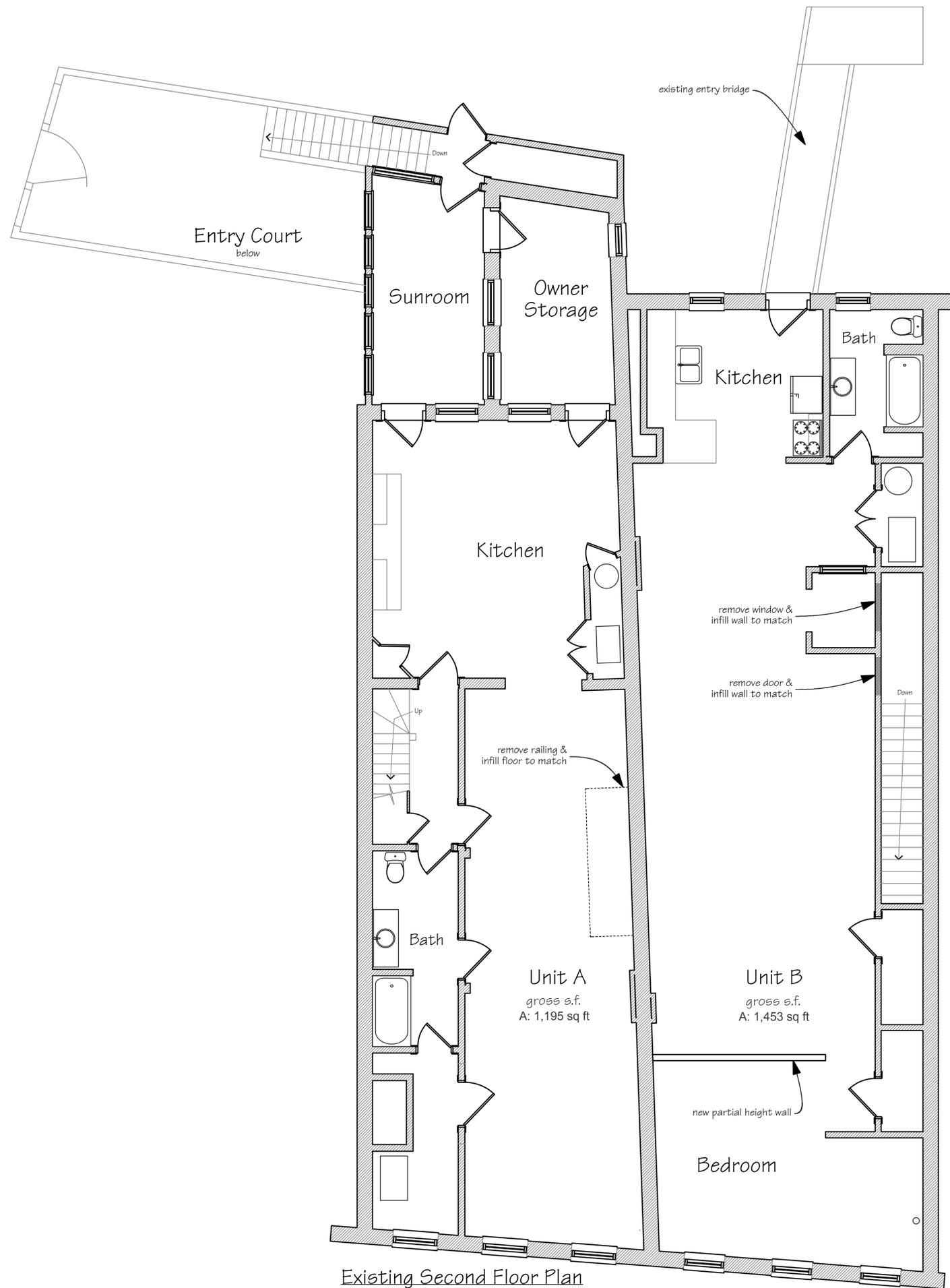
204-6 N. Main St.

## Vacation Rental Unit

Unit A 1,666 sq. ft.  
Unit B 1,325 sq. ft.  
No parking spaces required  
8 guests allowed



Existing Third Floor Plan  
1/4" = 1'-0"



Existing Second Floor Plan  
1/4" = 1'-0"

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 2, 2017

RE: Cal. No. 17S-10, Applicant and Owner: Michael & Samantha Blaum, 510 Park Avenue, Galena, IL 61036. Location: Parcel: 06-500-095-00, S ½ of Lots 4 & 17 and NE 20' of Lot 16 of the Original Town East of the Galena River, Galena, Jo Daviess County, Illinois. Common Address is 510 Park Avenue, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District.

**Summary:**

The applicant is requesting a Special Use Permit to operate as a single-room vacation rental in a Low Density Residential 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 this dwelling unit is two (2) 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). In this case, accessory residential land use of a single-room vacation rental limits the number of guests to two.

Lot Capacity: The lot size is 11,250 square feet, or 0.24 acres. The structure is situated behind the principal house structure that fronts on Park Avenue and the room is over the detached garage. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The existing driveway can accommodate several vehicles off-street. The parking regulations require two (2) off-street spaces for single-room vacation rentals.

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.

**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:

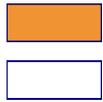
(a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and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

Legend

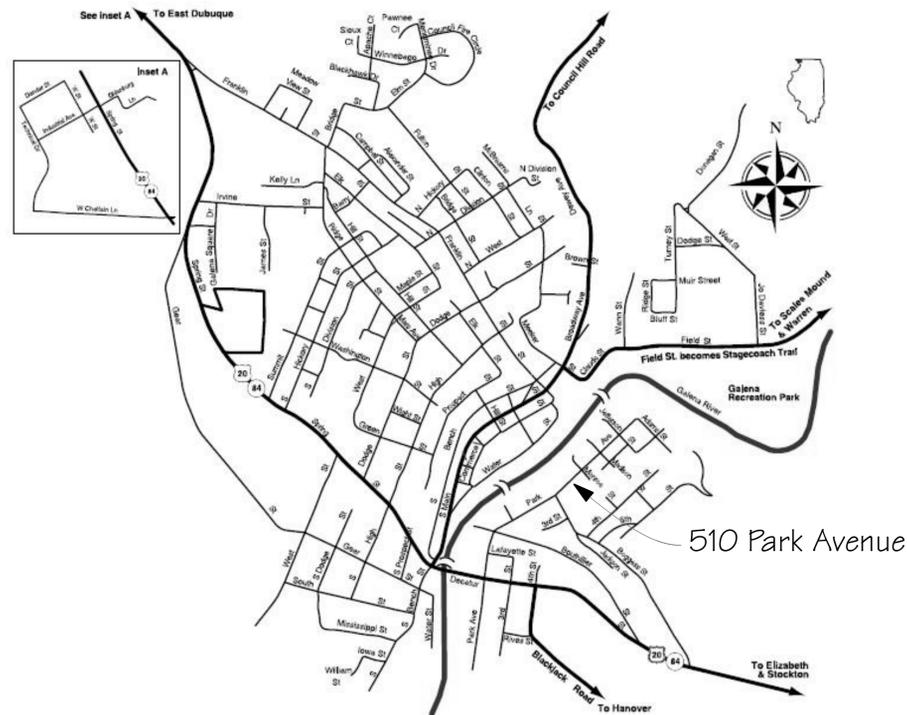


Low Density Residential

Parcel Boundaries

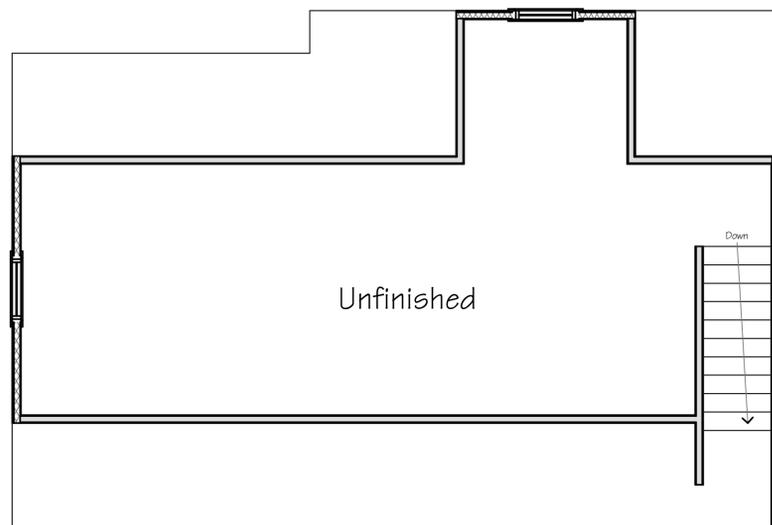
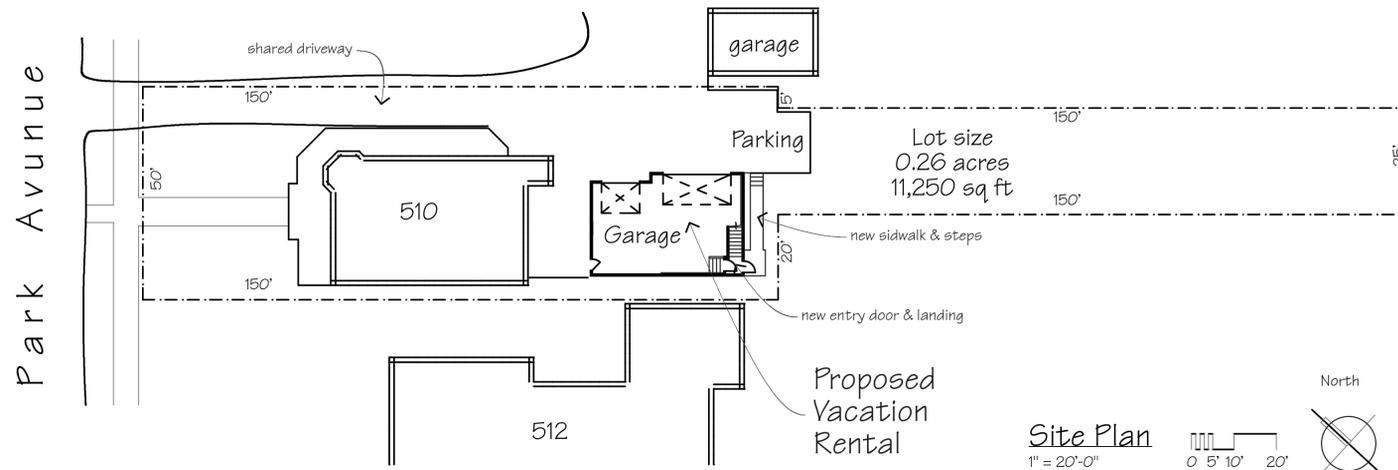




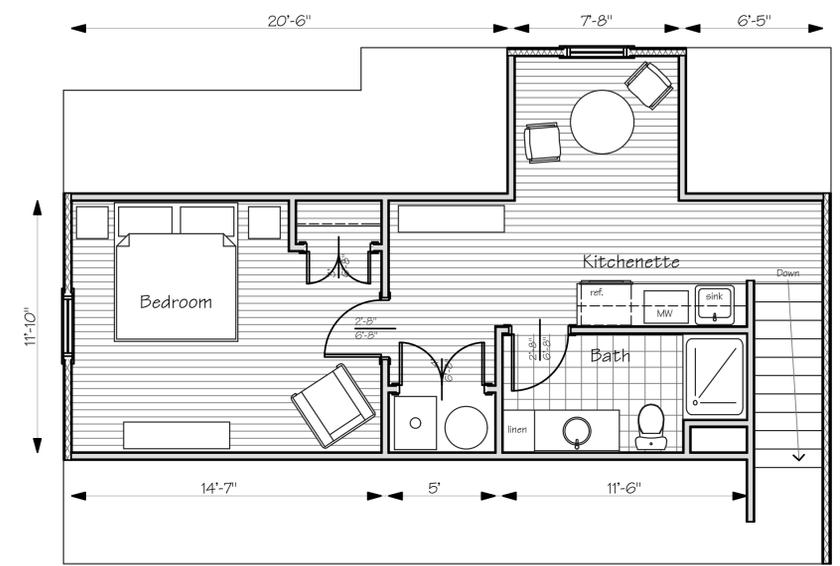


# Vacation Rental Unit

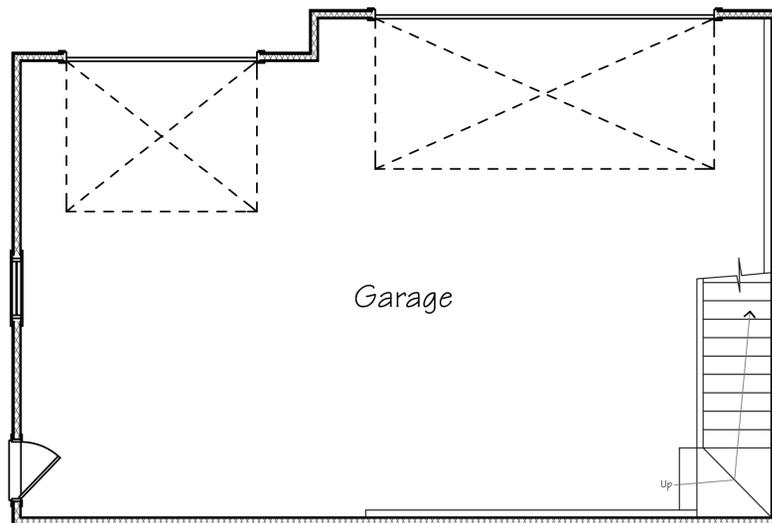
1 Bedroom, 1 full bath  
 482 sq ft with 1 parking space  
 2 guests allowed



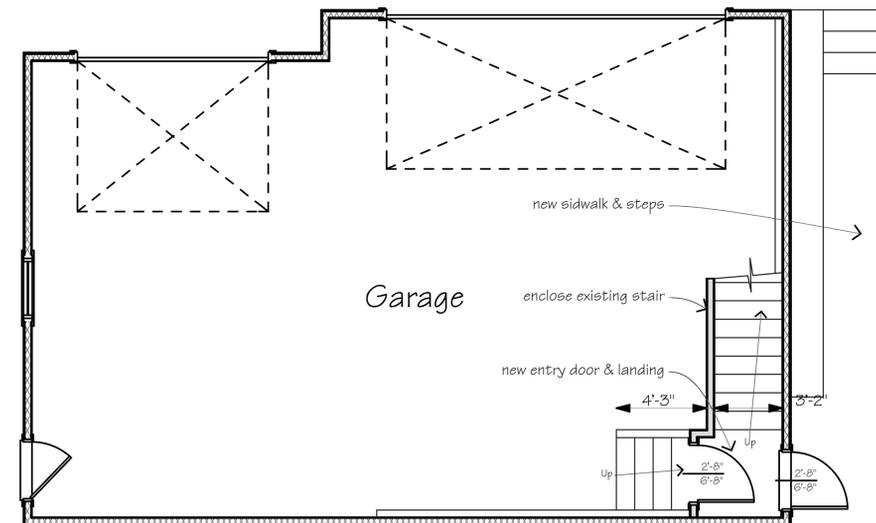
gross s.f.  
 A: 482 sq ft  
 Existing Second Floor Plan  
 1/4" = 1'-0"



gross s.f.  
 A: 482 sq ft  
 Proposed Second Floor Plan  
 1/4" = 1'-0"



gross s.f.  
 A: 850 sq ft  
 Existing First Floor Plan  
 1/4" = 1'-0"



gross s.f.  
 A: 850 sq ft  
 Proposed First Floor Plan  
 1/4" = 1'-0"

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 2, 2017

RE: Cal. No. 17S-11, Applicant and Owner: Todd & Candy Walburg, 614 South Prospect Street, Galena, IL 61036 and Owners: Craig & Leslie Jean DuBois, 606 South Prospect Street, Galena, IL 61036; and Mary Proietti, 701 South Bench Street, Galena, IL 61036. Location: Parcels: 22-100-262-00, 22-100-263-00, 22-100-264-00, S Part of Lot 6 & N Part of Lot 7, W 35' of Lot 8, W 94.66' of Lot 9, between Bench & Prospect Streets, Galena, Jo Daviess County, Illinois. Common Addresses are 606 & 614 South Prospect Street and 701 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Small Inn in the Low Density Residential District.

**Summary:**

The applicant is interested in purchasing 606 S. Prospect Street, commonly known as the Avery Guesthouse, which currently operates as a 4-room B&B with on-street and off-street parking. The applicant also owns 614 S. Prospect Street, which currently has a Special Use Permit for a 2-room B&B. Both properties are within the Low Density Residential District.

The applicant proposes to operate both properties together as a Small Inn with 7 rooms; 6 rooms will be located in the Avery Guesthouse and 1 would be located in 614 S. Prospect along with the applicants' residence. This land use is allowable in the LDR District by Special Use Permit and also allows rooms to be located in detached units as long as they are within 150 feet of each other.

The two properties are separated by another property, belonging to 701 South Bench Street, approximately 50 feet wide. The applicant will purchase approximately 1750 square feet (35' x 50') from 701 South Bench in order to have contiguity for the whole development.

A 7-room Small Inn requires eight (8) off-street parking spaces. The site plan indicates the parking spaces available to satisfy that requirement.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. Aside from cutting-in two additional parking spaces off-street, all exterior development is existing and no further development is needed.

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.

**Approval Criteria & Recommendation:**

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A

special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

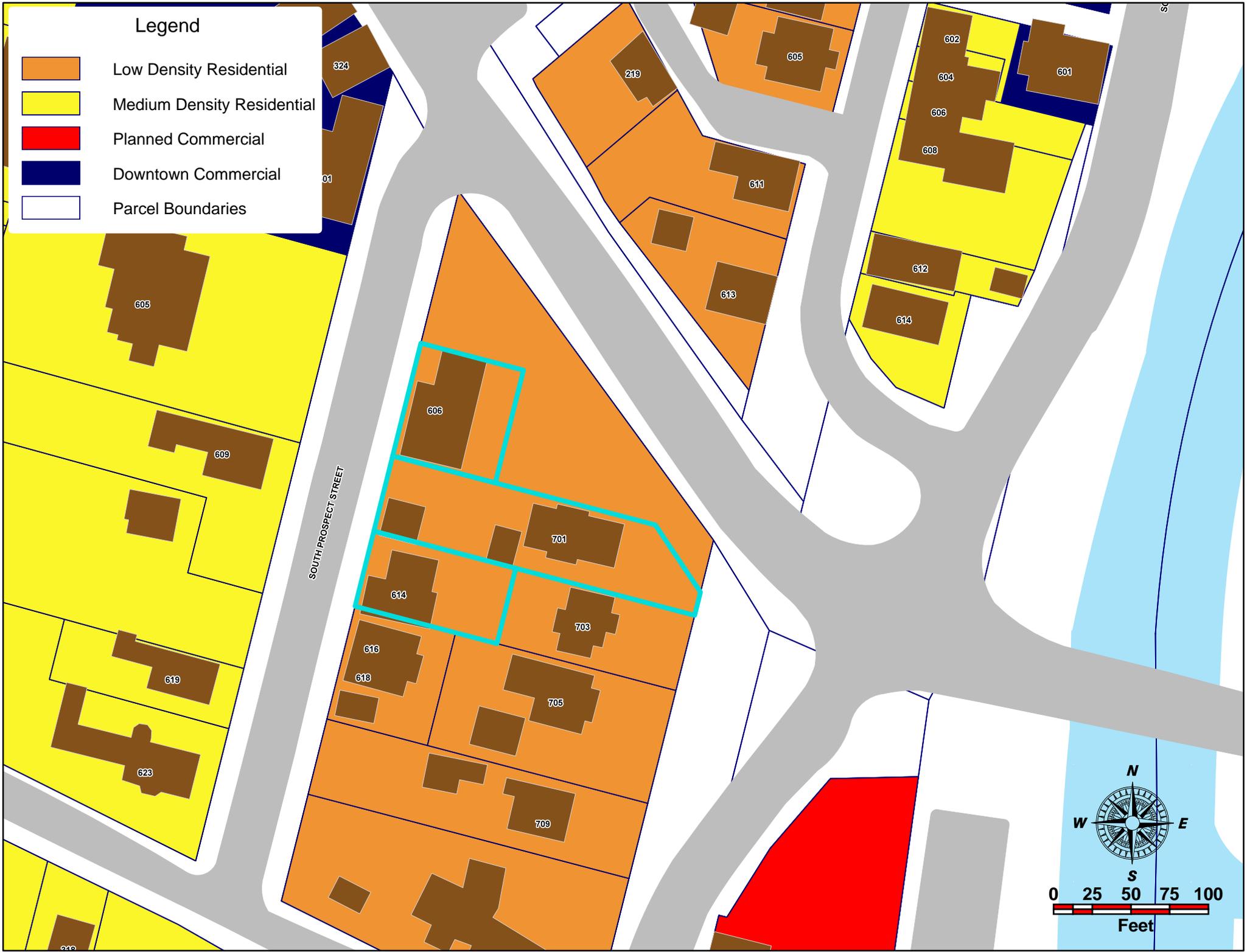
The application shall demonstrate that the proposed development will comply with the following:

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § 154.406;
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
  - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
  - (b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
  - (c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

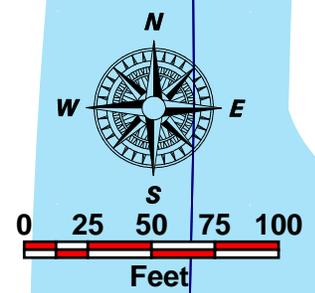
**The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration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

# Legend

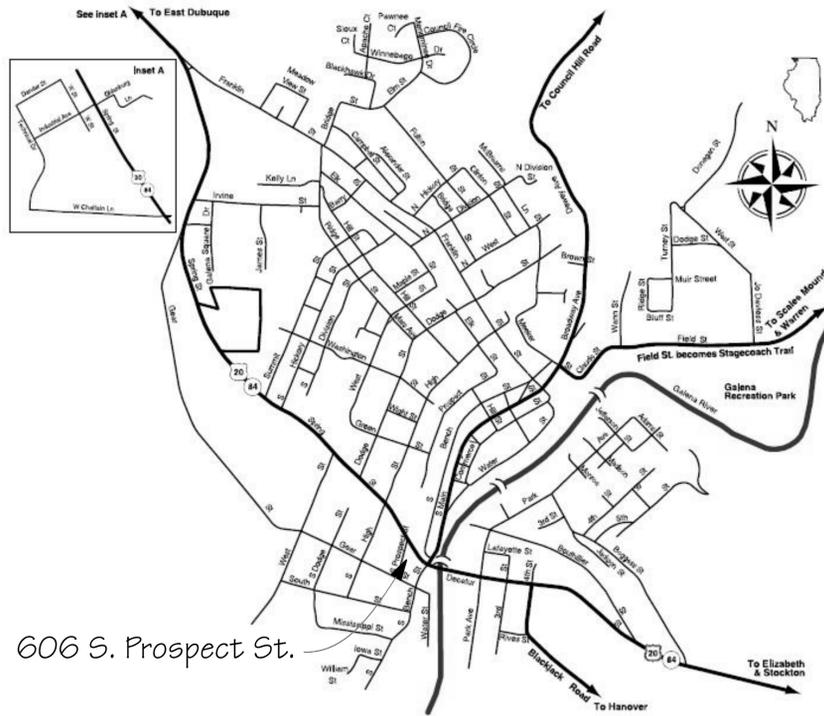
-  Low Density Residential
-  Medium Density Residential
-  Planned Commercial
-  Downtown Commercial
-  Parcel Boundaries



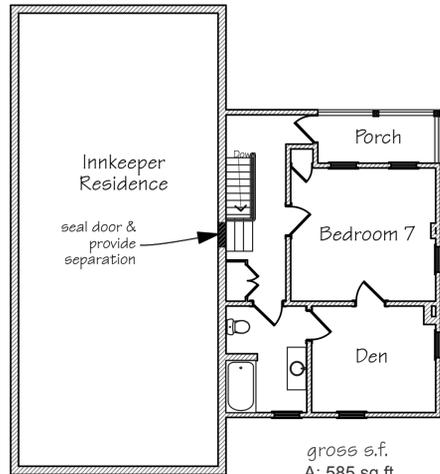
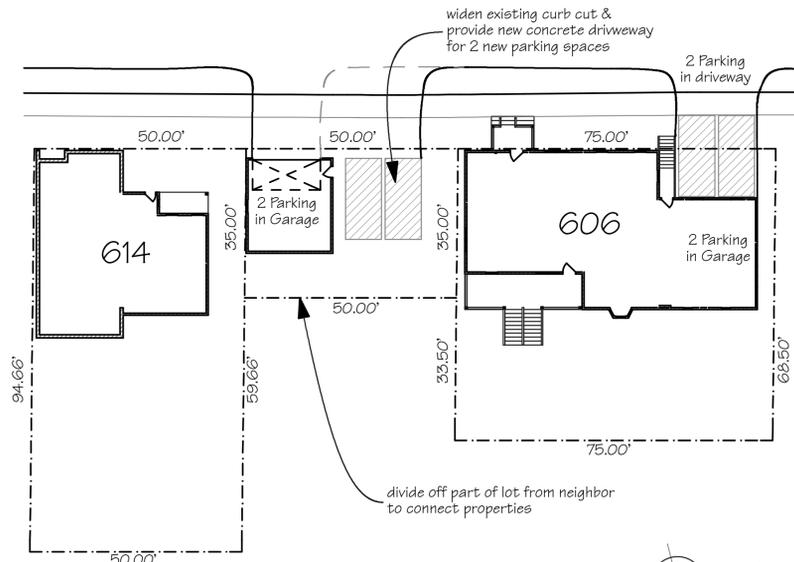
SOUTH PROSPECT STREET





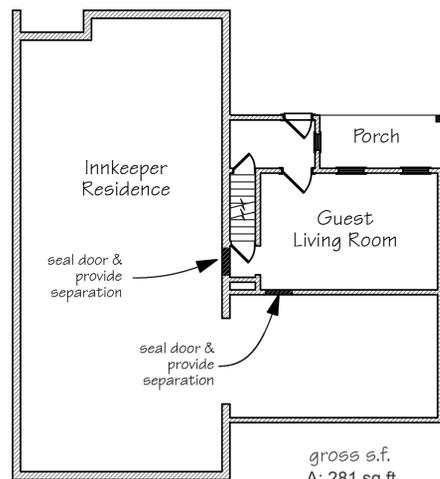


Prospect Street



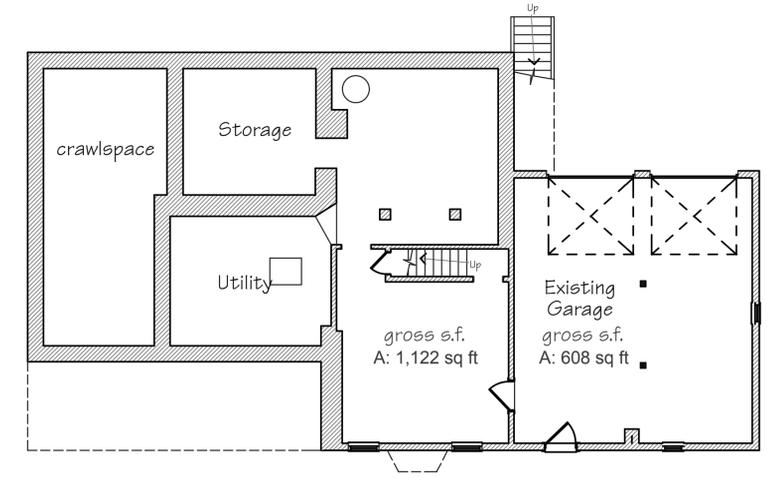
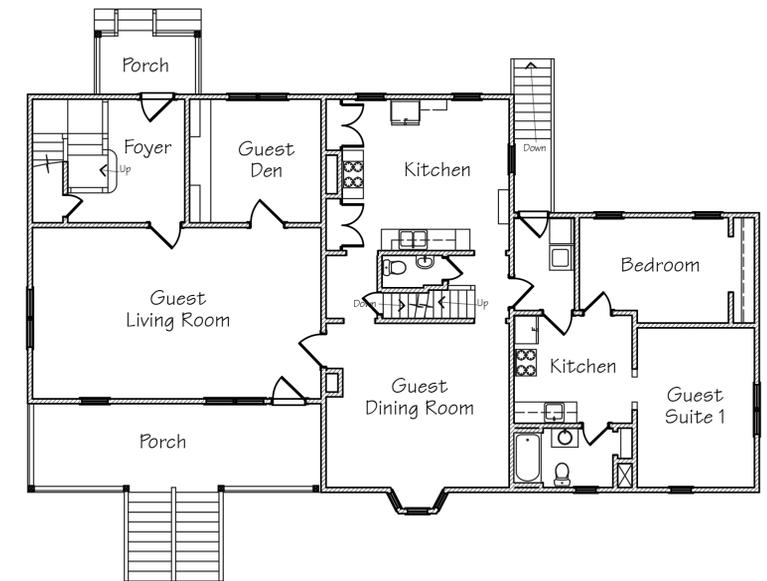
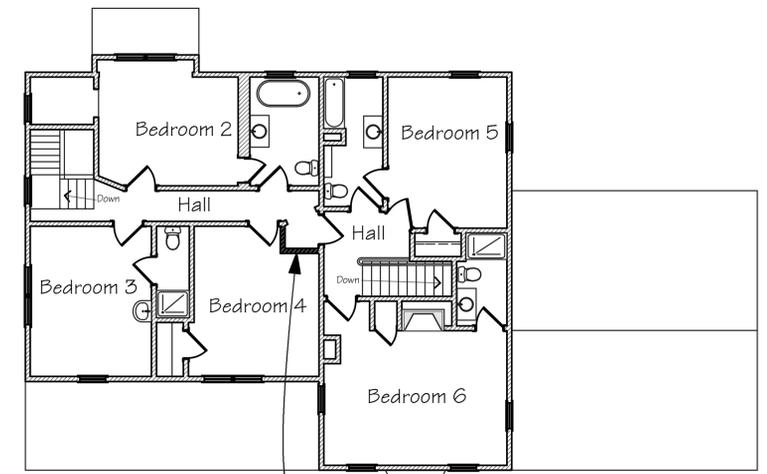
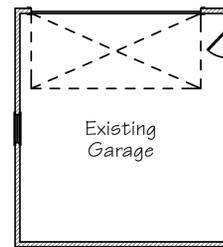
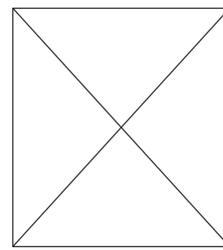
Proposed Second Floor Plan

1/4" = 1'-0"



Proposed First Floor Plan

1/8" = 1'-0"



Proposed Basement Plan

1/8" = 1'-0"

Small Inn

Avery Guest House - 606 S. Prospect  
Guest Amenities & Dining Room  
6 Guest Rooms  
4,737 sq. ft.

Guest Suite 7 - 614 S Prospect  
866 sq. ft.

Owner Residence not included  
14 guests allowed

1 parking space per room  
& 1 for owner =  
8 parking spaces provided