

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

**January 11, 2017**

**6:30 PM**

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

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of December 14, 2016 ZBA Meeting Minutes

**OLD BUSINESS**

4. 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. Ratification of Findings of Fact.
5. 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. Ratification of Findings of Fact.
6. 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. Ratification of Findings of Fact.
7. Cal. No. 16S-09, Applicant: David and Sarah Sandlers, 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. Ratification of Findings of Fact.
8. 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. Ratification of Findings of Fact.

**NEW BUSINESS**

9. 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** \*\*\*

10. 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** \*\*\*
11. 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** \*\*\*
12. 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** \*\*\*
13. 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** \*\*\*

#### COUNTY ZONING

14. None

#### WORKSESSION & OTHER

15. None

#### PUBLIC COMMENTS

16. Public Comments
17. Adjourn

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

*Posted January 6, 2017  
By Matt Oldenburg*

**MINUTES  
ZONING BOARD OF APPEALS  
DECEMBER 14, 2016**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday December 14, 2016 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

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

**MOTION:** Bochniak moved, seconded by Jansen to approve the November 9, 2016 minutes.

Motion carried on voice vote.

**OLD BUSINESS**

Cal. No. 16S-05, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Bret Terrell & Kim Eastman – 1141 North West Street, Galena, IL 61036. Location: Parcel: 22-101-007-00, Lots 1,2 & 3, in Block 53 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 1141 North West Street, Galena, IL 61036. Request for Special Use Permit to allow Outdoor Commercial Entertainment and Commercial Animal Boarding in a Limited Agriculture District. Ratifications of Findings of Fact.

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

As Roll Call was:

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

Motion carried.

### **NEW BUSINESS**

Cal. No. 16HCO-03, Applicant and Owner: Tom Wiene, Lockit & Leaveit Storage, Inc., 11401 Dandar Street, Galena, IL 61036. Location: Lot 6 of the Chains & Links Subdivision, part of Section 11, Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, Rawlins Township, Jo Daviess County, Illinois. Common Address: 11401 Dandar Street, Galena, IL 61036. Request for Non-administrative Highway 20 Development Permit to allow construction of storage buildings, in phase, and associated site improvements.  
**\*\*\*PUBLIC HEARING\*\*\***

**MOTION:** Bochniak moved, seconded by Baranski to open the Public Hearing on Cal. No. 16HCO-03.

Motion carried on voice vote.

City Attorney Nack swore in all those persons who wished to testify at this public hearing.

Tom Wiene, 2955 Red Gates Road, Galena said they are looking to build two more units; possibly more in the future. The units would look like the ones that are already on site.

Oldenburg said he had the applicant apply for a phased request so he did not have to come back every time he wanted to construct a new building.

No other persons testified in favor of the request.

No one testified in opposition to the request.

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

Motion carried on voice vote.

**MOTION:** Jansen moved, seconded by Baranski to approve the request as presented for Cal. No. HCO-03.

Discussion: Jansen reviewed the approval criteria:

**Approval Criteria & Decision:**

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

- (1) All applicable site plan review criteria in § [154.914](#); *Proposal meets all site plan review criteria.*
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; *The addition and site improvements support the goals of: Promote residential and business diversity and vitality; Create a quality image of development; Enhance the onsite experience of occupants and visitors of development; and Coordinate access and traffic between properties.*
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; *This improvement supports the encouragement of denser and more highway-oriented development adjacent to limited highway access points. Regarding the Galena “Edge Corridor” Design Character, “encourage design character that is consistent and unifying.” The new buildings will be consistent with the existing development at the site.*
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; *This request supports the character of the Hilltop Commercial/Industrial District by: coordinated and shared access and parking, higher density development and controlled access points and high quality site design and amenities.*
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *n/a, site is under 10 acres in size.*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; *Building siting is established with existing. Access point from Industrial Drive is existing and two new accesses at Technical Drive are acceptable; Highway 20 access from cross street, Industrial Drive. Architectural building standards are met by upholding Midwest regional character with simple forms in a rectangular configuration.*
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. *Site signage consists of wall signs; any new signage will require a sign permit. Landscaping points are met and placement is adequate to create visual break between development and right-of-way. Storm water pond is existing and capacity will be verified at Building permit level.*

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

As Roll Call was:

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

Motion carried.

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. \*\*\*PUBLIC HEARING\*\*\*

**MOTION:** Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 16S-06.

Motion carried on voice vote.

City Attorney Nack swore in all those persons who wished to testify at this public hearing.

Dennis Miller, 9359 Powder House Hill Road, Galena said this building was originally a carriage house for the large dwelling at 609 S Prospect Street. Miller converted this into a rental unit years ago and at that time he was able to rent it as a short term vacations style rental as there were no regulations against this. After several years he began renting it as a traditional monthly rental. The property has been updated, it has off street parking and is within walking distance of downtown. It really is a perfect fit – a win/win situation for Galena.

No other persons testified in favor of the request.

No one testified in opposition to the request.

**MOTION:** Jansen moved, seconded by Bochniak to close the Public Hearing on Cal. No. 16S-06.

Motion carried on voice vote.

**MOTION:** Bochniak moved, seconded by Jansen to approve the request as presented for Cal. No. 16S-06.

Discussion: Bochniak and Baranski agreed that this property is ideal as a short term rental property.

Rosenthal said this has been a rental of some sort ever since Miller purchased the property so having a vacation rental really won't be much different.

Bochniak reviewed the approval criteria:

**Approval Criteria & Recommendation:**

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

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

(1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. ***The proposed plan meets the site plan review standards.***

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

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

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

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

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

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

(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties. ***The design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is congruent with a residential use at the site.***

**The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact**

**should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.**

As Roll Call was:

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

**\*\*\*PUBLIC HEARING\*\*\***

**MOTION:** Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 16S-07.

Motion carried on voice vote.

City Attorney Nack swore in all those persons who wished to testify at this public hearing.

Ryan Dies, 112 N Main Street, Galena said he operates a café from this location. He does not own the building but he is hoping one day it will be possible for him to purchase the property. Being allowed to operate a short term vacation rental would help make this possible. The SUP would allow him to have a vacation rental on the 2<sup>nd</sup> floor and a traditional rental on the third floor.

Bochniak asked if parking was allowed in the alley.

Oldenburg said no but they do have a garage they can utilize.

No other persons testified in favor of the request.

No one testified in opposition to the request.

**MOTION:** Baranski moved, seconded by Bochniak to close the Public Hearing on Cal. No. 16S-07.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Jansen to approve the request as presented for Cal. No. 16S-07.

Discussion: Baranski said this property is just the type the Zoning Board had in mind when crafting the text amendment. More people will be attracted to the downtown area. This is a good choice and a good use of the building.

Baranski reviewed the approval criteria:

**Approval Criteria & Recommendation:**

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*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.*

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As Roll Call was:

Jansen	Yes
Nybo	Absent
Baranski	Yes
Bochniak	Yes
Cook	Absent
Holman	Absent
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.  
**\*\*\*PUBLIC HEARING\*\*\***

**MOTION:** Bochniak moved, seconded by Baranski to open the Public Hearing on Cal. No. 16S-08.

Motion carried on voice vote.

City Attorney Nack swore in all those persons who wished to testify at this public hearing.

Warren Bell, 22135 92<sup>nd</sup> Street, Maquoketa IA stated the property has been completely rehabilitated. It is modern but historic. Originally this was the Illinois Brewery. The fermentation cellars are still present. The property has been for sale but if the SUP is approved they will take it off the market. The 2 bed, 2 ½ bath single family home is in the historic district, it is federal style has a 2 car garage behind the home and a driveway to provide off street parking.

Baranski asked how they would handle rentals since they are living out of town.

Bell said they would be hiring someone to handle these duties.

No other persons testified in favor of the request.

No one testified in opposition to the request.

**MOTION:** Bochniak moved, seconded by Baranski to close the Public Hearing on Cal. No. 16S-08.

Motion carried on voice vote.

**MOTION:** Jansen moved, seconded by Bochniak to approve the request as presented for Cal. No. 16S-08.

**Discussion:** Jansen said he has been in the home – it is beautiful and visitors will enjoy staying here.

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.

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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	Absent
Baranski	Yes
Bochniak	Yes
Cook	Absent
Holman	Absent
Jansen	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. \*\*\*PUBLIC HEARING\*\*\*

**MOTION:** Bochniak moved, seconded by Jansen to open the Public Hearing on Cal. No. 16S-09.

Motion carried on voice vote.

City Attorney Nack swore in all those persons who wished to testify at this public hearing.

David Sandler, 407 Wight Street, Galena said he and his wife Sarah moved to Galena around the first of the year. They have been looking for a property since the City began discussions about short term rentals. They have become immersed in Galena – their children attend Galena schools; he joined the fire department and once they decided they would stay here they started looking for a building. The long term goal is to update the apartments which involves mostly cosmetic work. The property will still be a rental much as it has been since Jack and Andrea Kenna purchased the property 30 years ago.

No other persons testified in favor of the request.

No one testified in opposition to the request.

**MOTION:** Jansen moved, seconded by Bochniak to close the Public Hearing on Cal. No. 16S-09.

Motion carried on voice vote.

**MOTION:** Bochniak moved, seconded by Jansen to approve the request as presented for Cal. No. 16S-09.

**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.

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

As Roll Call was:

Baranski	Yes
Bochniak	Yes
Cook	Absent
Holman	Absent
Jansen	Yes
Nybo	Absent
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. \*\*\*PUBLIC HEARING\*\*\*

**MOTION:** Bochniak moved, seconded by Baranski to open the Public Hearing on Cal. No. 16S-10.

Motion carried on voice vote.

City Attorney Nack swore in all those persons who wished to testify at this public hearing.

Bev Jones, 27-6 Shadowridge, Lake Carroll, IL said she and her husband would like to convert one unit in their building to a short term rental and so they are requesting a Special Use Permit.

No other persons testified in favor of the request.

No one testified in opposition to the request.

**MOTION:** Baranski moved, seconded by Jansen to close the Public Hearing on Cal. No. 16S-10.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Bochniak to approve the request as presented for Cal. No. 16S-10.

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	Absent
Holman	Absent
Jansen	Yes
Nybo	Absent
Baranski	Yes
Rosenthal	Yes

Motion carried.

### **COUNTY ZONING**

None

### **WORKSESSION/OTHER**

None

### **PUBLIC COMMENTS**

Ryan Dies commented that he hoped traditional renters would not be displaced by the short term vacation rental approvals.

**MOTION:** Bochniak moved, seconded by Cook to adjourn the meeting at 7:25pm.

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:** 16S-06

**APPLICATION BY:** Dennis Miller, 611 S. Prospect Street,  
Galena, IL 61036.

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

#### **FINDINGS OF FACT**

##### **PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 14, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

##### **NATURE OF APPLICATION**

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Medium 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 six (6) 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, Bedroom 1 & 2 and the Den can each sleep two guests.

Lot Capacity: The lot size is 19,980 square feet, or 0.495 acres. The structure is nestled against the rising topography and the driveway provides access to the structure from South Prospect 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 easily accommodate two vehicles off-street. The parking regulations require one (1) off-street space per four (4) guests. The Staff determined a maximum occupancy of six 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, 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:**

- **Dennis Miller, 9359 Powder House Hill Road** – spoke as the applicant and owner in favor of the request. He said this building was originally a carriage house for the large dwelling at 609 South Prospect Street. Miller converted this into a rental unit years ago and at that time he was able to rent it as a short term vacations style rental as there were no regulations against this. After several years, he began renting it as a traditional monthly rental. The property has been updated, it has off-street parking and is within walking distance of downtown. It really is a perfect fit – a win/win situation for Galena.

### **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) (3) provides a definition and description of the Medium Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (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 Medium 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 Medium Density Residential District.
3. The Medium Density Residential District is intended to permit development which has a medium density community character. The land use standards for this district permit single-family detached homes, twin-houses and duplexes by right and related institutional land uses. Density and intensity standards for this district are designed to ensure that a Medium Density Residential District shall serve as a designation which preserves and protects the 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 Medium Density Residential District.
5. Adequate off-street parking is provided for the guests.
6. 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 Dennis Miller for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Medium Density Residential District should be approved for the following reasons:

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

2. The request meets the district standards for the Medium Density Residential District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for 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 Dennis Miller for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Medium Density Residential District should be approved.

PASSED AND APPROVED this 14<sup>th</sup> day of December, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 3 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:** 16S-07

**APPLICATION BY:** Ryan Dies, 112 North Main Street,  
Galena, IL 61036.

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

**FINDINGS OF FACT**

**PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 14, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

**NATURE OF APPLICATION**

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental 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 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 square footage limits the maximum to four guests. Bedrooms 1 & 2 can each sleep two guests.

Lot Capacity: The lot size is 1,640 square feet, or 0.04 acres. The structure is set in the downtown commercial area with access to Main Street and to the rear alley which connects to Hill 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. It is noteworthy that there is a garage in the rear alley which belongs to this building. It can be used for off-street parking for the vacation rental.

*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 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:**

- **Ryan Dies, 112 North Main Street** – spoke as the applicant in favor of the request. Dies said he operates a café from this location. He does not own the building but he is hoping one day it will be possible for him to purchase the property. Being allowed to operate a short term vacation rental would help make this possible. The SUP would allow him to have a vacation rental on the 2<sup>nd</sup> floor and a traditional rental on the third floor.

#### **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 a one-unit Vacation Rental as a principal commercial land use in a Downtown Commercial District.
5. The property is meets the detailed regulations for a vacation rental.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Ryan Dies 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 Ryan Dies 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 14<sup>th</sup> day of December, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 3 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:** 16S-08

**APPLICATION BY:** Warren Bell, 404 South Dodge 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 December 14, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

##### **NATURE OF APPLICATION**

The applicant is requesting a 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 and the library can each sleep two guests and the living area downstairs can sleep two guests.

Lot Capacity: The lot size is 14,996 square feet, or 0.34 acres. The structure is nestled against the rising topography and the driveway provides access to the structure from South Dodge 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 easily accommodate two 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, 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:**

- **Warren Bell, 22135 92<sup>nd</sup> Street, Maquoketa, IA** – spoke as the applicant and owner in favor of the request. Bell stated the property has been completely rehabilitated. It is modern but historic. Originally this was the Illinois Brewery. The fermentation cellars are still present. The property has been for sale but if the Special Use Permit is approved they will take it off the market. The 2 bed, 2 ½ bath single family home is in the historic district, it is federal style and has a 2 car garage behind the home and a driveway to provide off-street parking.

### **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 Warren Bell 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 Warren Bell 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 14<sup>th</sup> day of December, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 3 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:** 16S-09

**APPLICATION BY:** David and Sarah Sandler, 407 Wight Street,  
Galena, IL 61036.

**FOR:** A Special Use Permit to allow Accommodations, Vacation  
Rental in the Downtown Commercial District at 223 South  
Main Street.

**FINDINGS OF FACT**

**PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 14, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

**NATURE OF APPLICATION**

The applicant is requesting a Special Use Permit to operate as a seven (7)-dwelling vacation rental in the Downtown Commercial District, located at 223 South Main Street.

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 these dwelling units are as follows: 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). On the second floor, the 1,265 square feet unit is allowed four(4) guests due to egress restrictions. If the applicant addresses the egress for the den, it is possible to allow two more guests for a total of six (6) in the dwelling unit. On the third floor, three (3) guests are allowed in each dwelling unit due to area

restrictions (unit 6 will need an egress installed in the den out to the hallway). On the fourth floor, three (3) guests are allowed in each dwelling unit (units 1 & 2 will need doors from the den areas into the hallway, otherwise they are limited to two (2) guests per unit). On the fifth floor, three (3) guests are allowed in each dwelling unit.

Lot Capacity: The lot size is 1,825 square feet, or 0.04 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 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:**

- **David Sandlers, 407 Wight Street** – spoke as the applicant in favor of the request. Sandlers said he and his wife Sarah moved to Galena around the first of the year. They have been looking for a property since the City began discussions about short term rentals. They have become immersed in Galena – their children attend Galena schools; he joined the fire department and once they decided they would stay here they started looking for a building. The long term goal is to update the apartments which involves mostly cosmetic work. The property will still be a rental much as it has been since Jack and Andrea Kenna purchased the property 30 years ago.

### **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 a seven (7)-dwelling unit Vacation Rental as a principal commercial land use in a Downtown Commercial District.
5. The property is meets the detailed regulations for a vacation rental.

### **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by David and Sarah Sandlers 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 David and Sarah Sandlers 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 14<sup>th</sup> day of December, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 3 absent, 0 abstain, 0 recused.

---

John Rosenthal, Chairperson

## **DECISION**

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

#### **REGARDING**

**CALENDAR NUMBER:** 16S-10

**APPLICATION BY:** James and Beverly Jones, 307 South Main Street,  
Galena, IL 61036.

**FOR:** A Special Use Permit to allow Accommodations, Vacation  
Rental in the 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 December 14, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

##### **NATURE OF APPLICATION**

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental 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 this vacation rental is three (3) 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 area of 780 square feet limits the number of guests to three (3).

Lot Capacity: The lot size is 1,551 square feet, or 0.04 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:**

- **Bev Jones, 27-6 Shadowridge, Lake Carroll, IL** – spoke as the applicant in favor of the request. Jones said she and her husband would like to convert one unit in their building to a short term rental and so they are requesting a Special Use Permit.

#### **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 a one-dwelling unit Vacation Rental as a principal commercial land use in a Downtown Commercial District.
5. The property is meets the detailed regulations for a vacation rental.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by James and Beverly Jones 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 James and Beverly Jones 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 14<sup>th</sup> day of December, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 3 absent, 0 abstain, 0 recused.

---

John Rosenthal, Chairperson

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: January 6, 2017

RE: 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.

**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 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.

**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.**



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NORTH

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MEKER STREET

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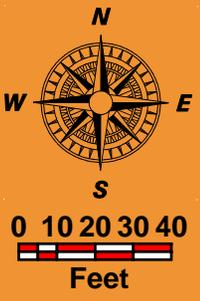
FRANKLIN STREET

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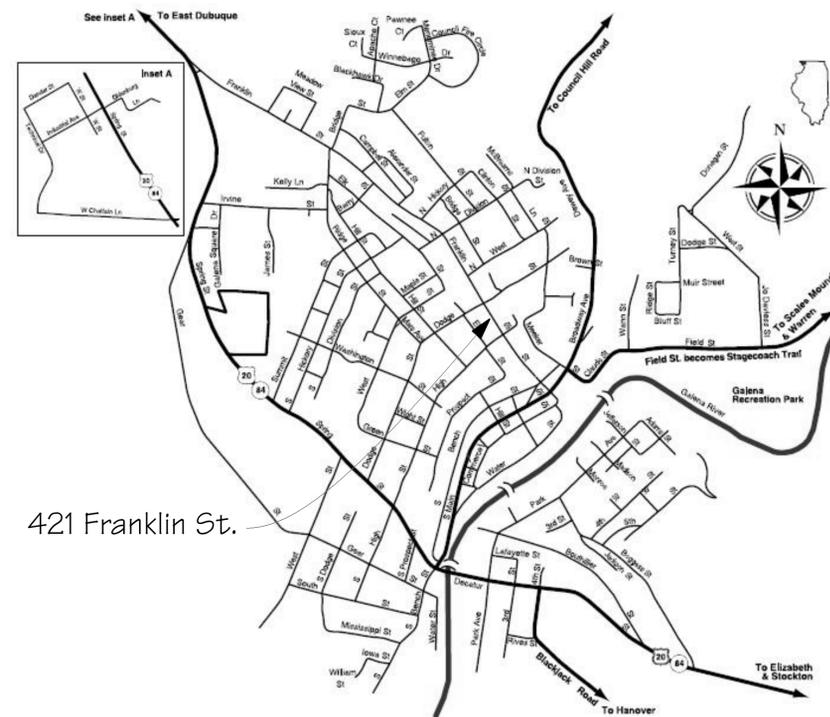
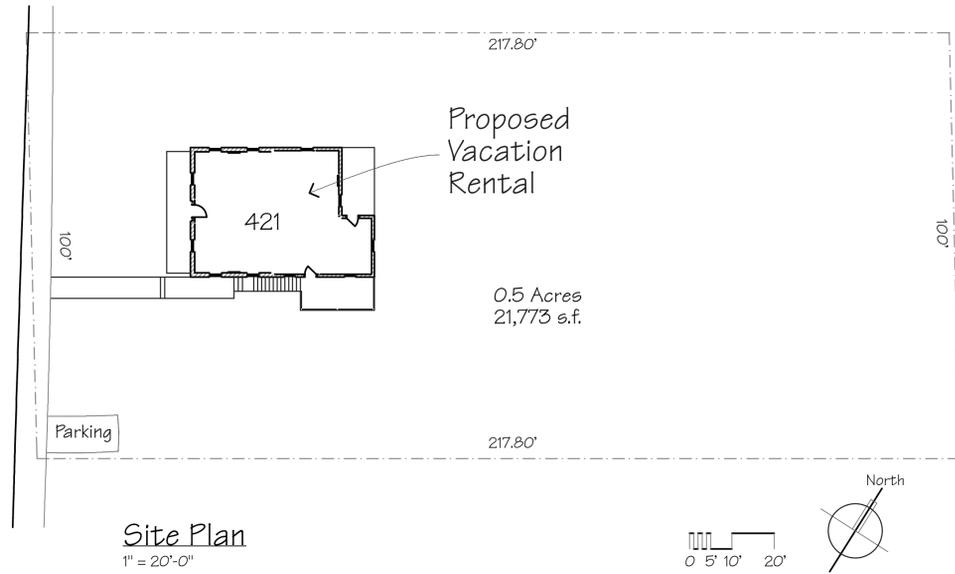
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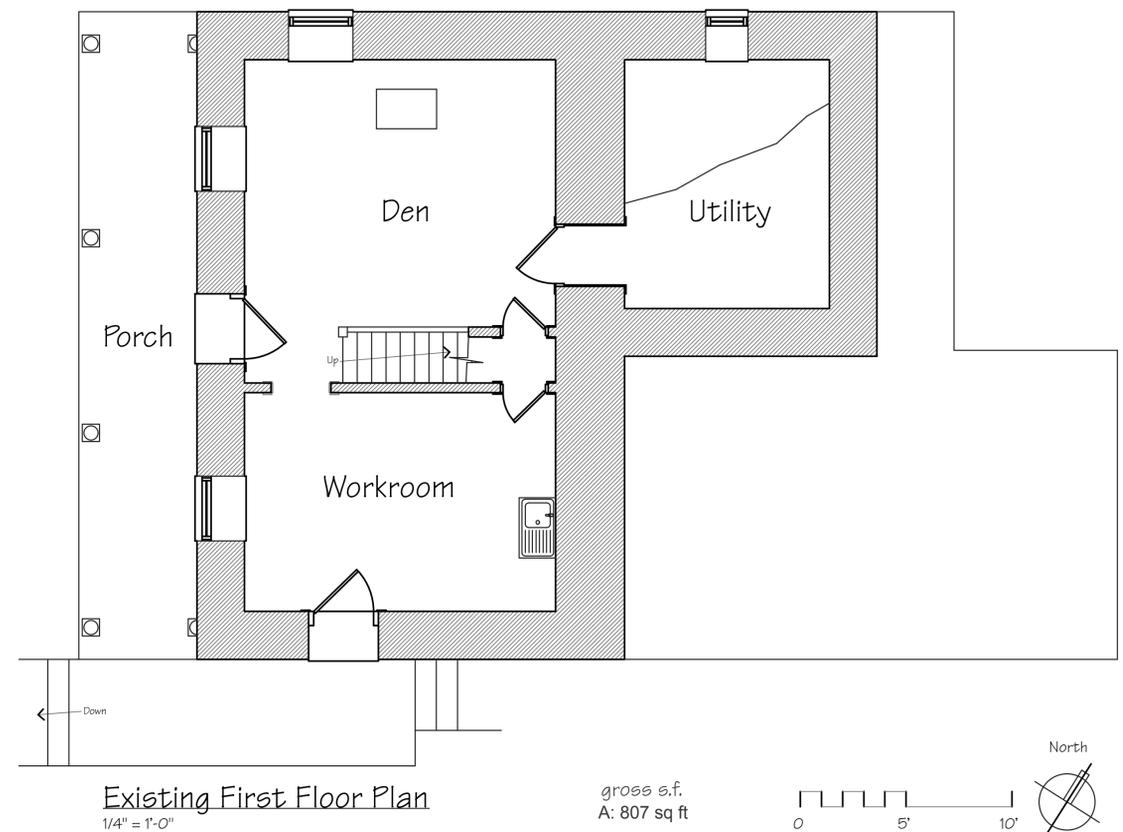
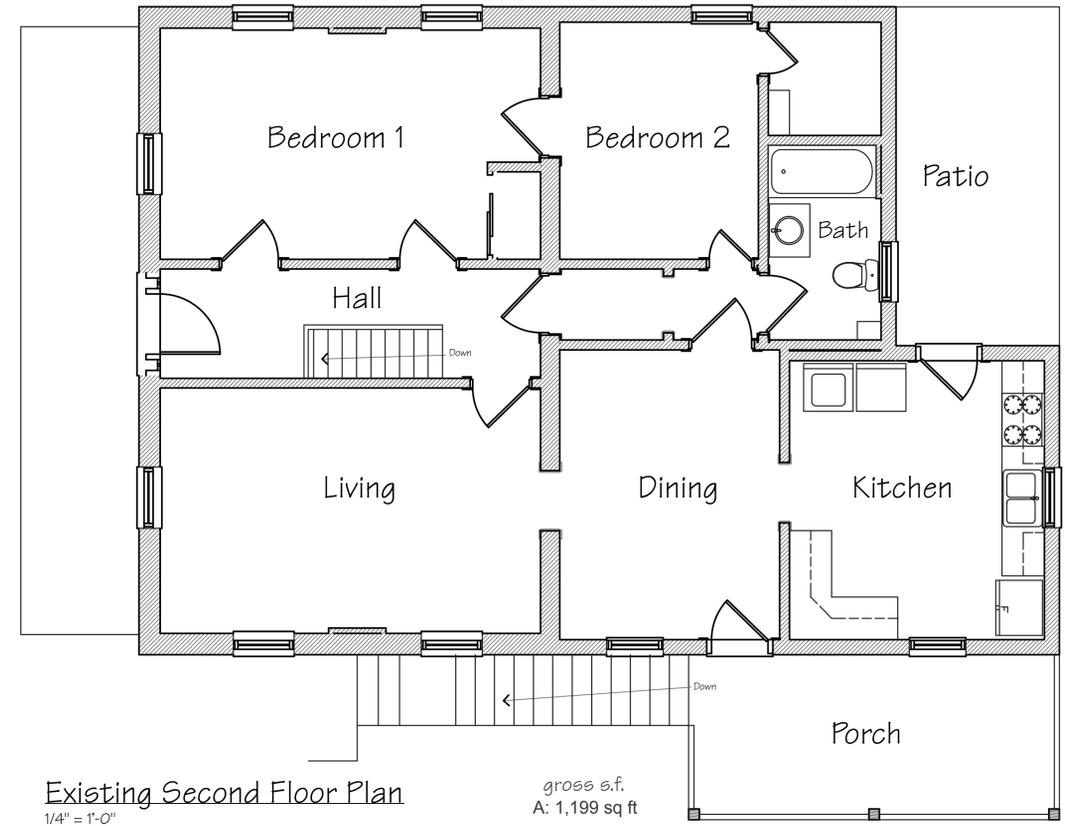


Franklin Street



## Vacation Rental Unit

2 Bedrooms, 1 full bath  
2,006 sq ft with 1 parking space  
4 guests allowed



Adam Johnson Architecture  
211 Fourth Street, Galena, Illinois 61036-2400  
©adamjz33@gmail.com 815/281-1577  
Drawings remain the sole property of the Architect; reproduction & use by permission only.

Existing Plans for Vacation Rental Accommodations  
**421 Franklin Street**  
Galena, Illinois 61036

12/28/16  
revisions:  
sheet  
**1**  
of 1

2/13/16 adamjz33@gmail.com

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: January 6, 2017

RE: 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.

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 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.

**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.**

**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.

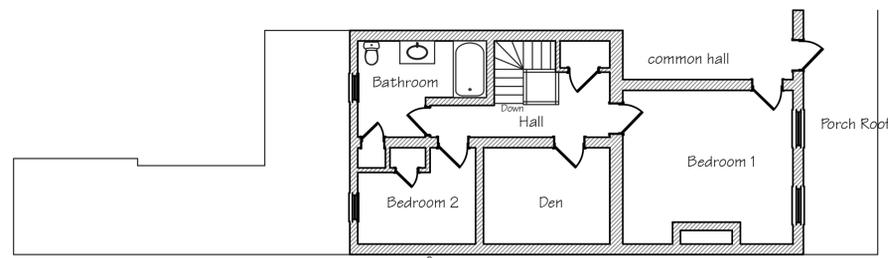
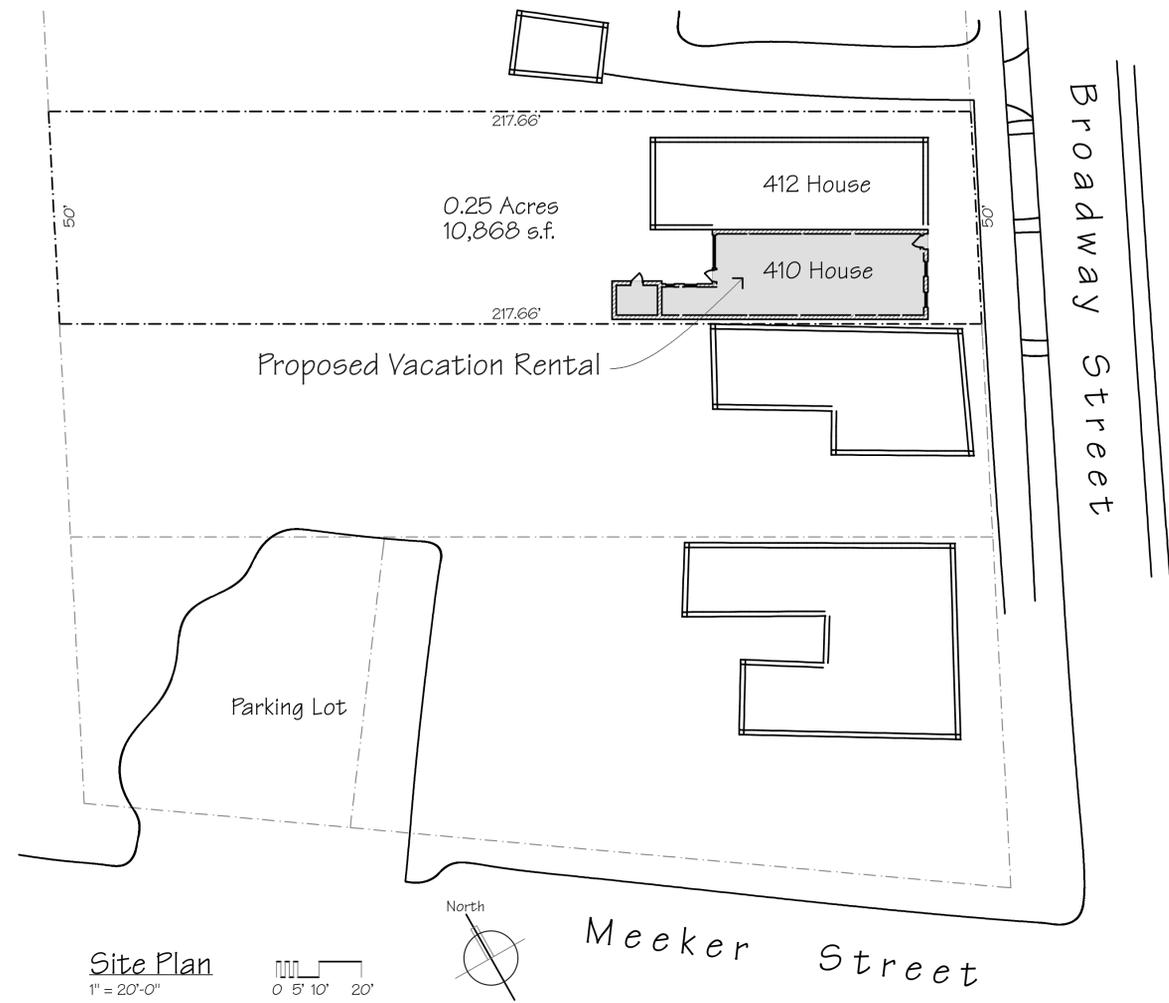
**The Zoning Board of Appeals can approve, approve with conditions, or deny requests for variances. If the Board would like to approve the request, a motion to draft Finding of Facts should be entertained. The Findings of Facts will then be presented for final consideration at the next Board Meeting.**

# Legend

-  Downtown Commercial District
-  LDR District

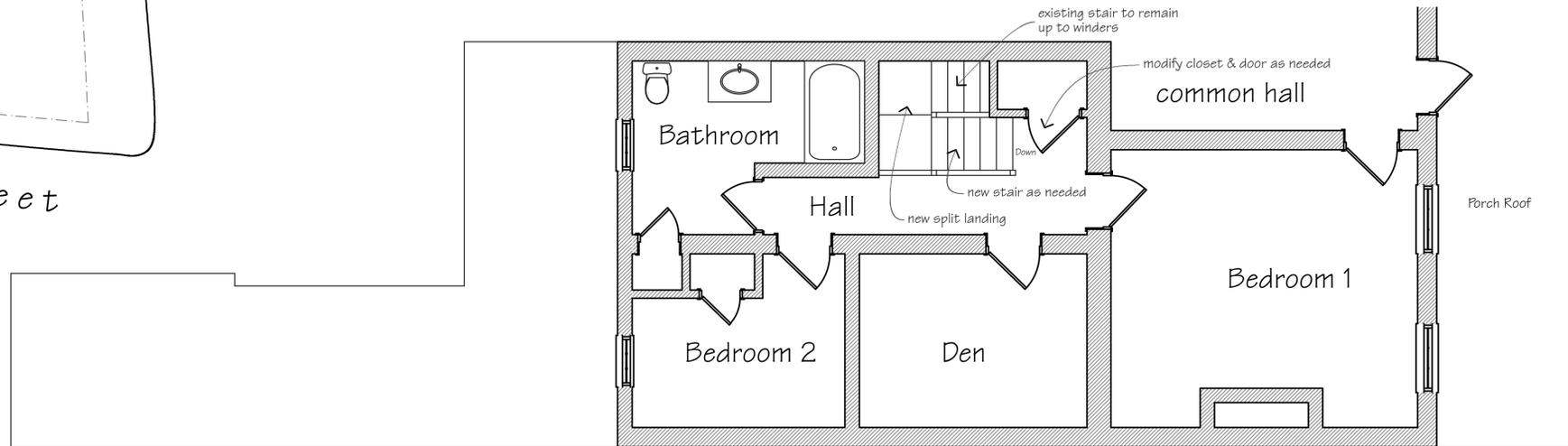






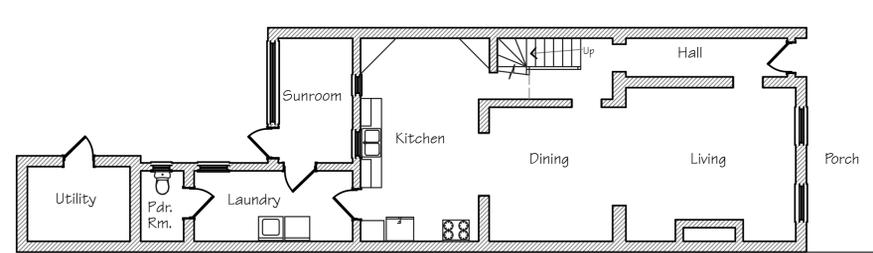
Existing Second Floor Plan

1/8" = 1'-0"



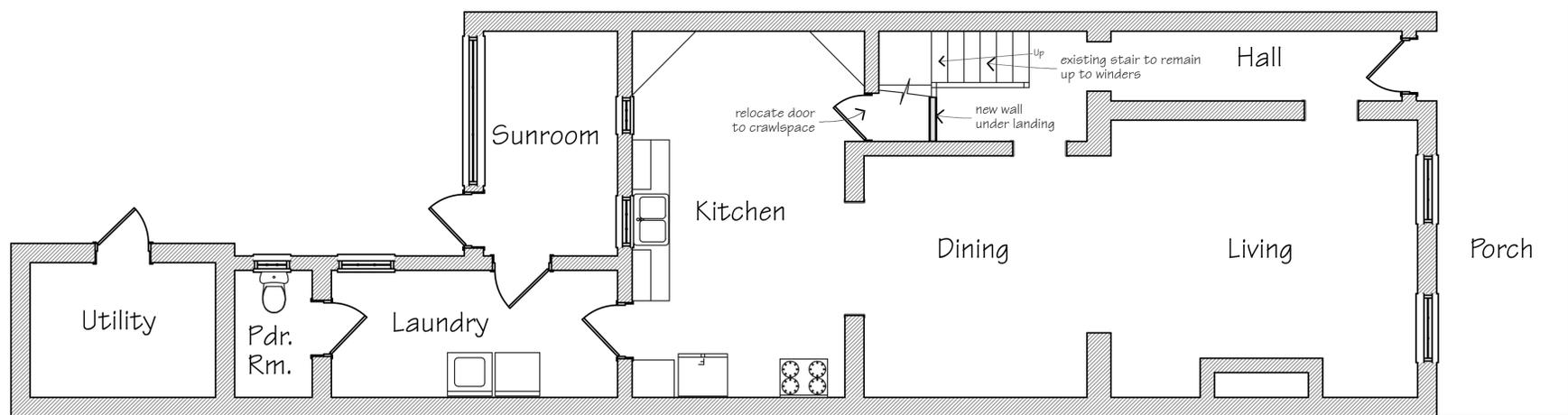
Proposed Second Floor Plan

1/4" = 1'-0"



Existing First Floor Plan

1/8" = 1'-0"



Proposed First Floor Plan

1/4" = 1'-0"

# Vacation Rental Unit

2 Bedrooms, 1 1/2 baths  
 2,101 sq ft with Variance for 1 parking space  
 4 guests allowed

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: January 6, 2017

RE: 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.

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 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.

**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



Downtown Commercial District



LDR District

SOUTH HIGH STREET

310

206

306

211

208

302

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207

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211

209

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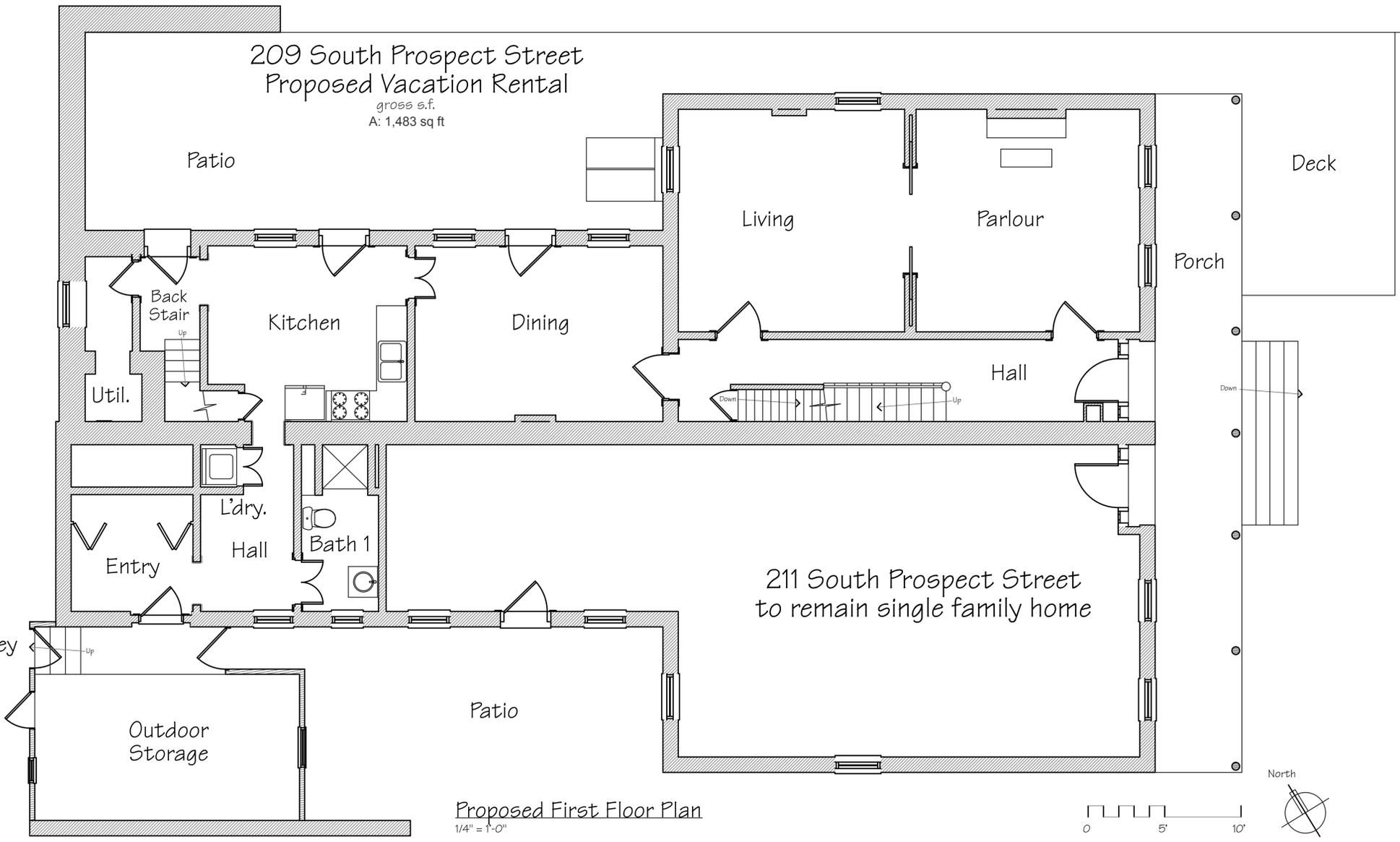
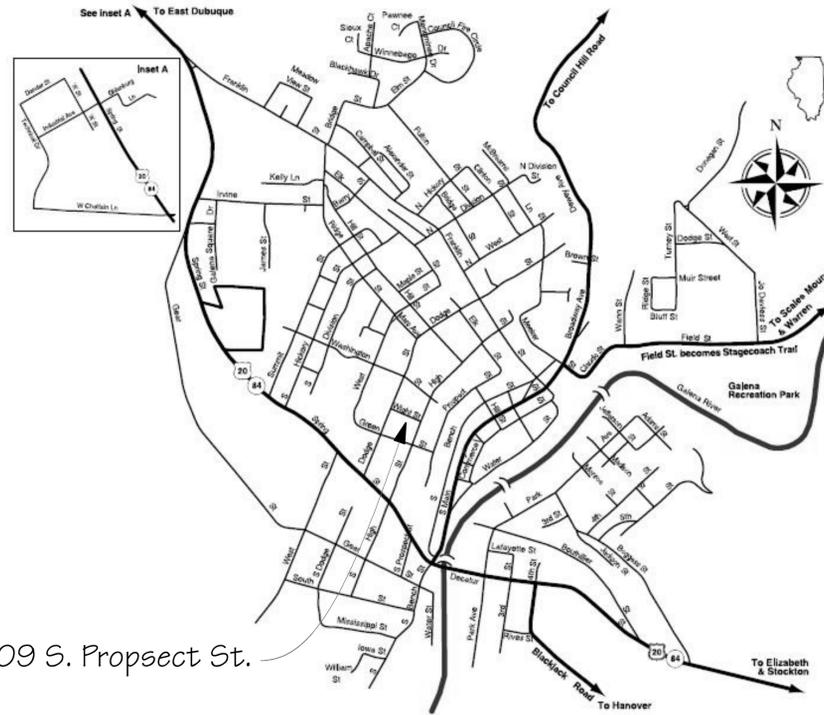
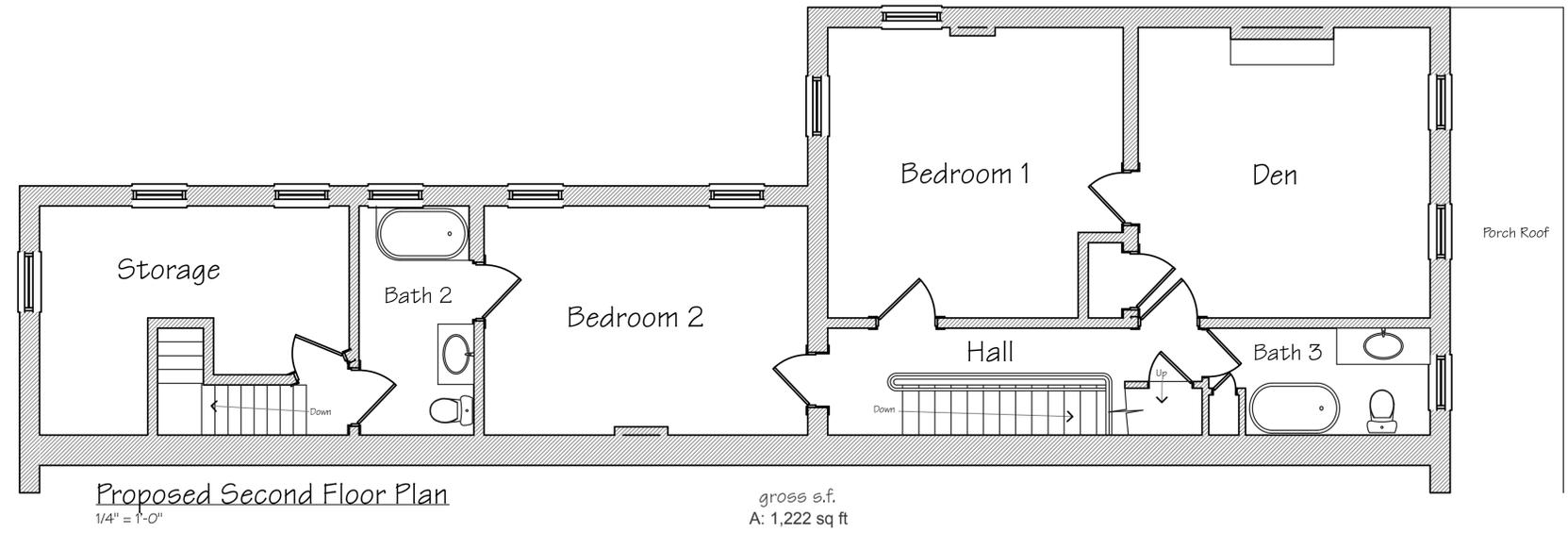
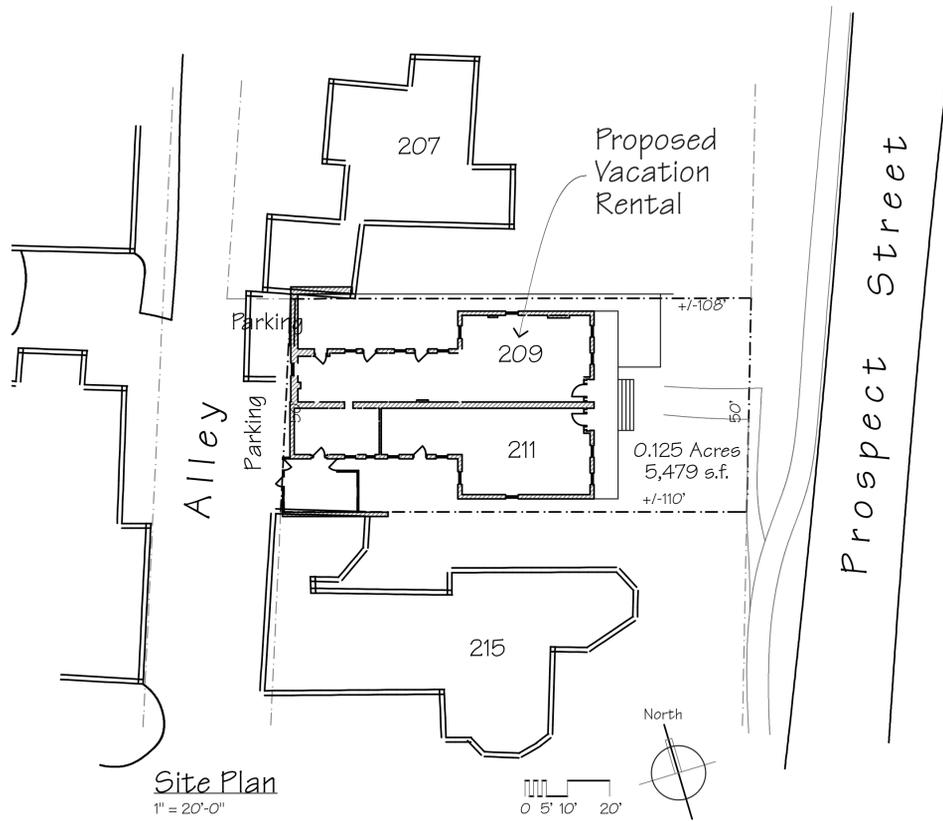
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Feet





### Vacation Rental Unit

2 Bedrooms, 3 full bath  
2,705 sq ft with 1 parking space  
4 guests allowed

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: January 6, 2017

RE: 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.

**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. 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.

**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.*

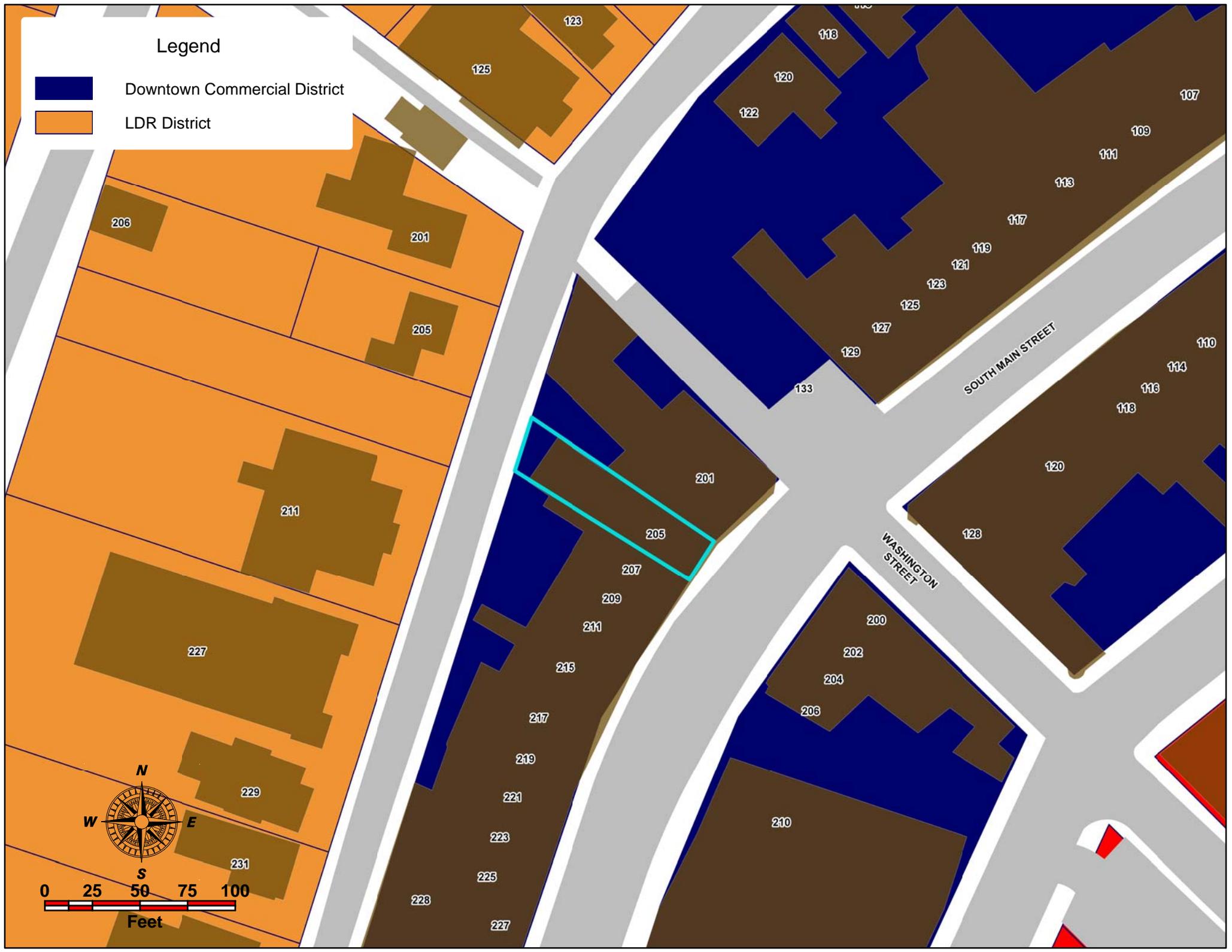
(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on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

-  Downtown Commercial District
-  LDR District





Vinny's

Vinny's

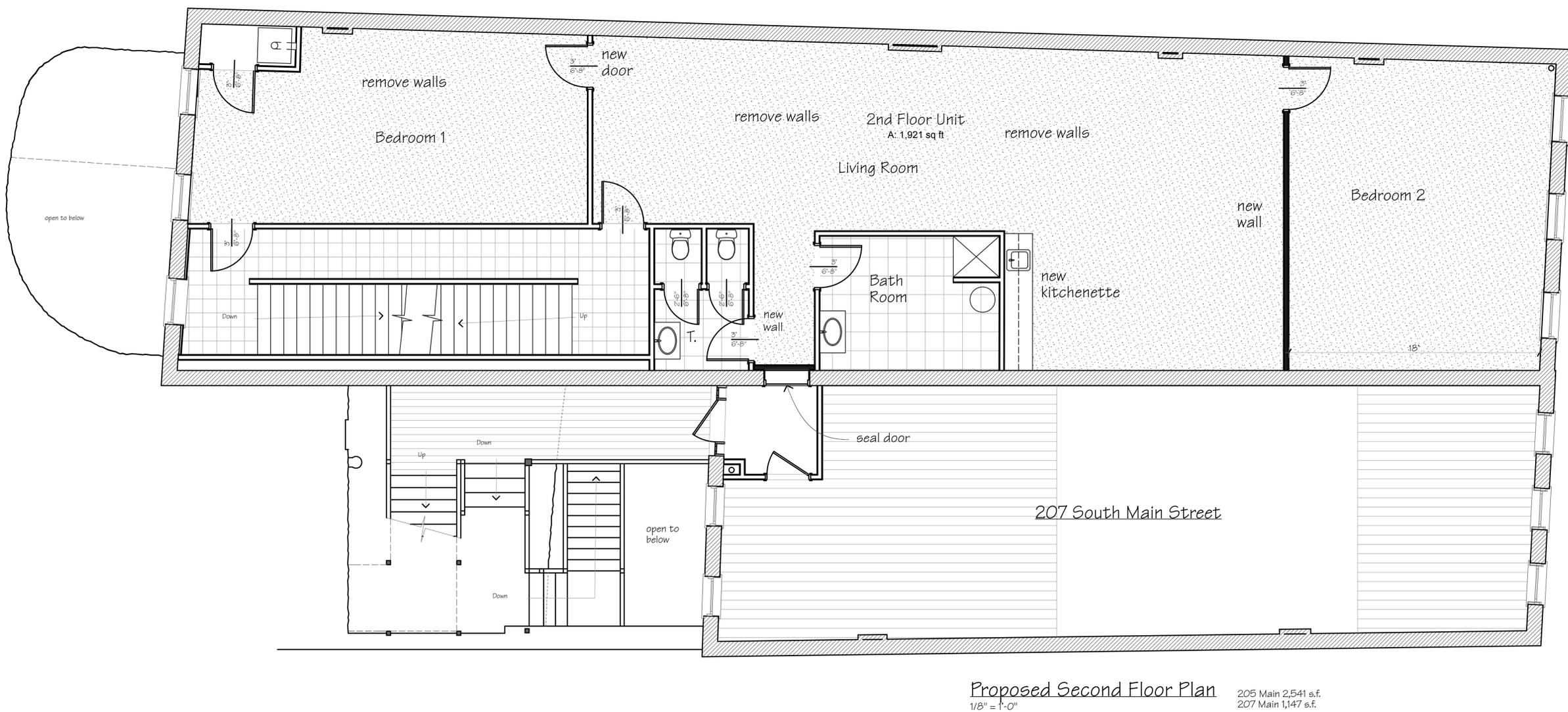
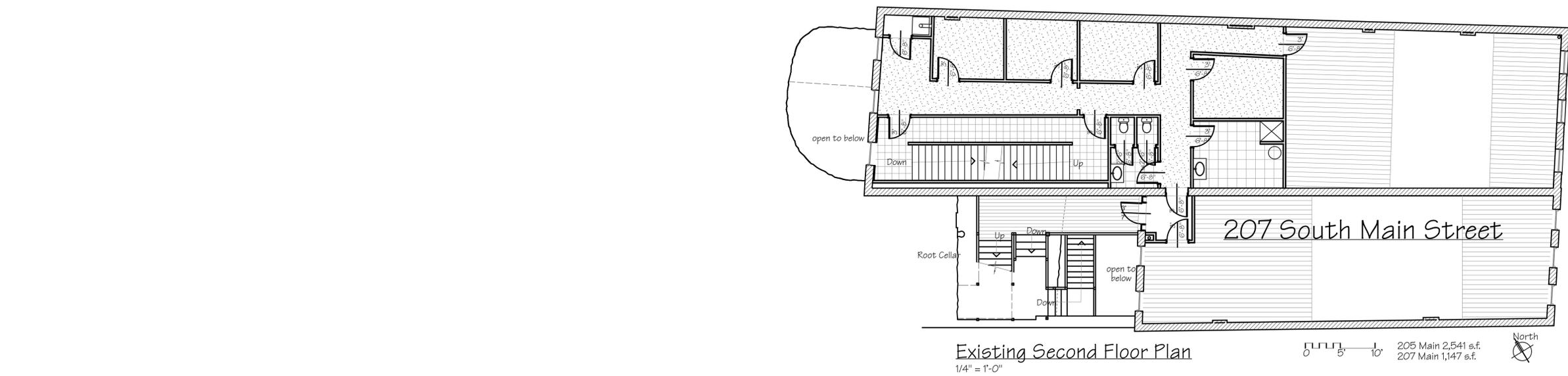
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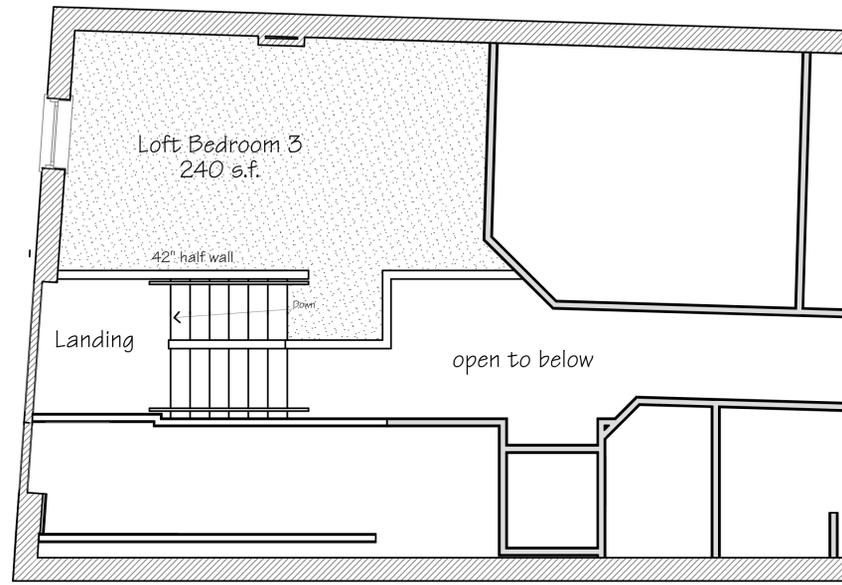
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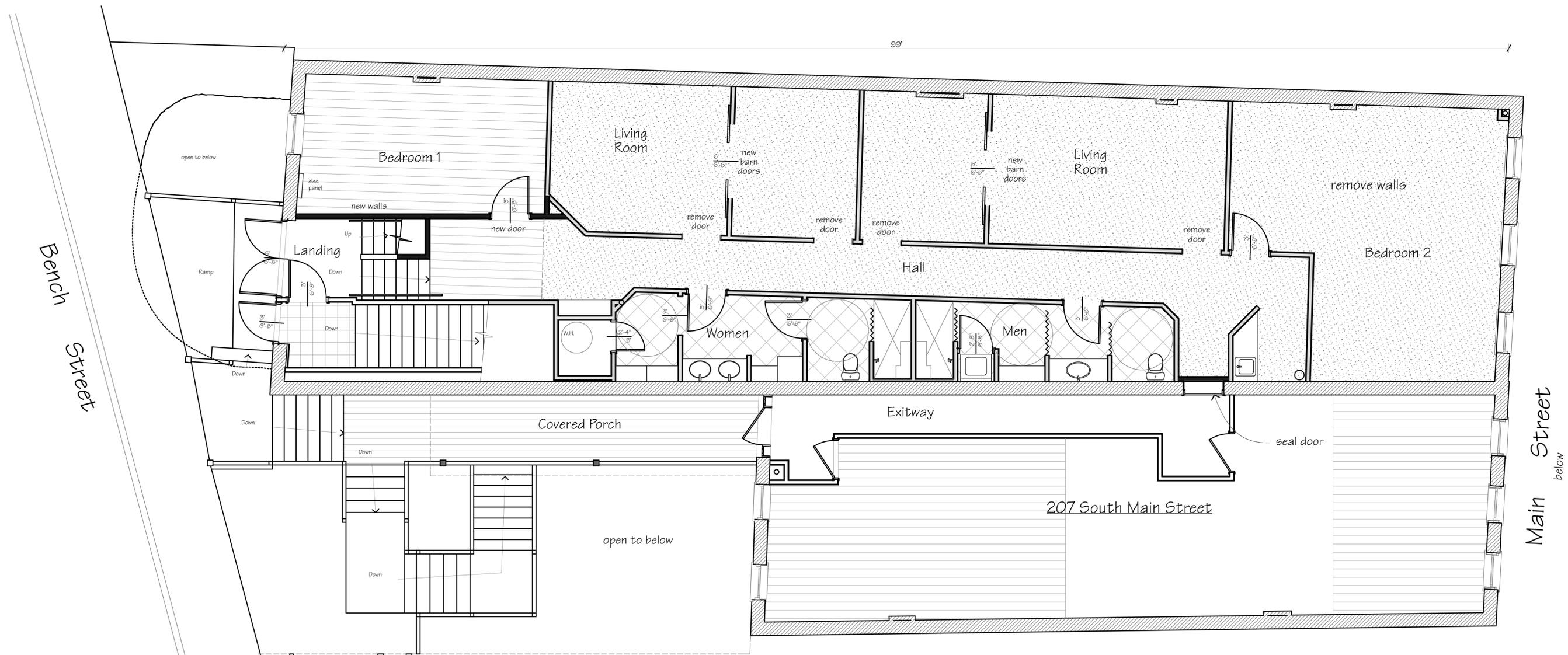
2/13/16 adamjz33@gmail.com



Proposed Loft Plan  
1/4" = 1'-0"



Existing Third Floor Plan  
1/8" = 1'-0"



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

2/13/16 adamjz333@gmail.com

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: January 6, 2017

RE: 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.

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 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.

**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.**

**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;

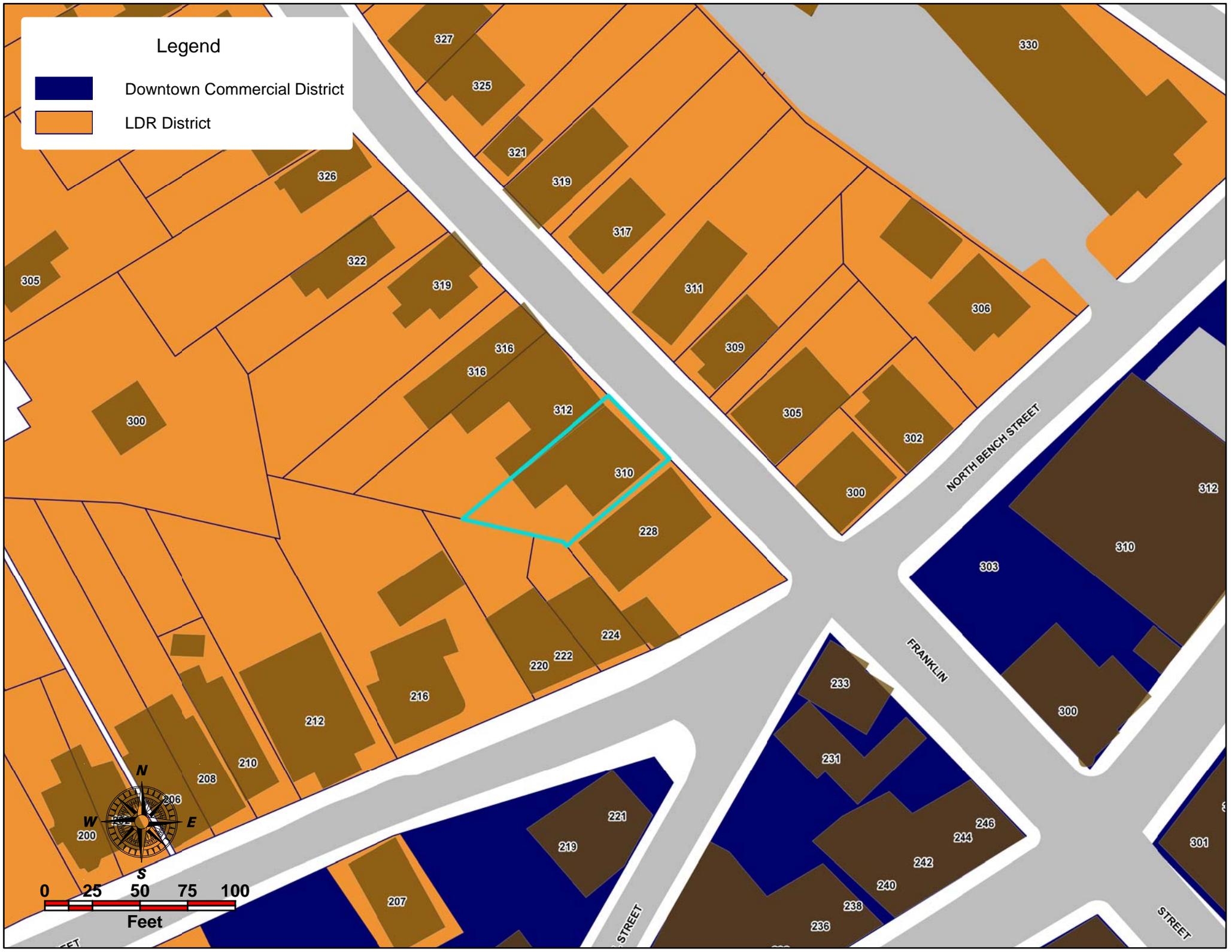
(7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and

(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.**

# Legend

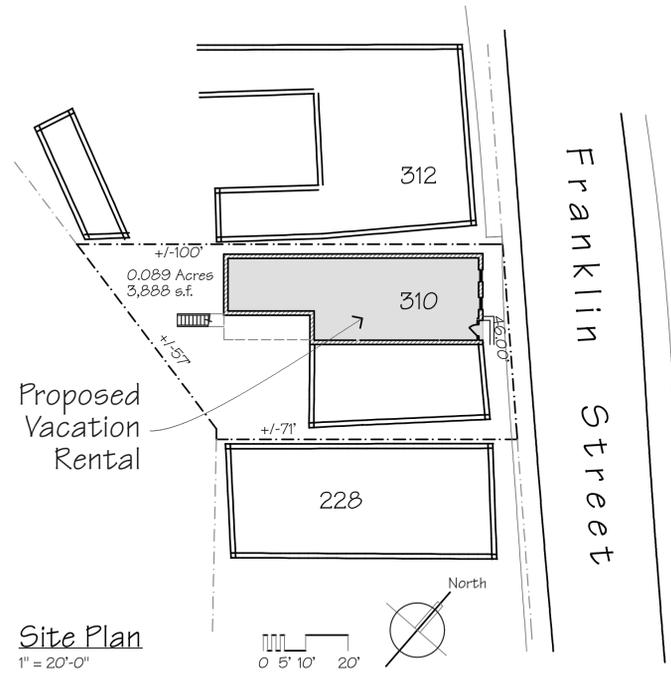
-  Downtown Commercial District
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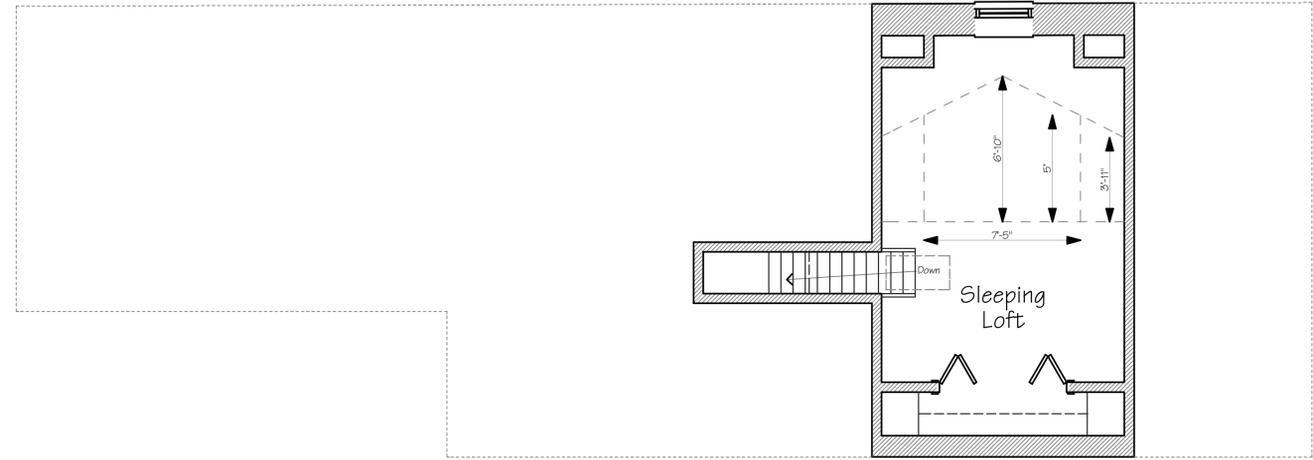
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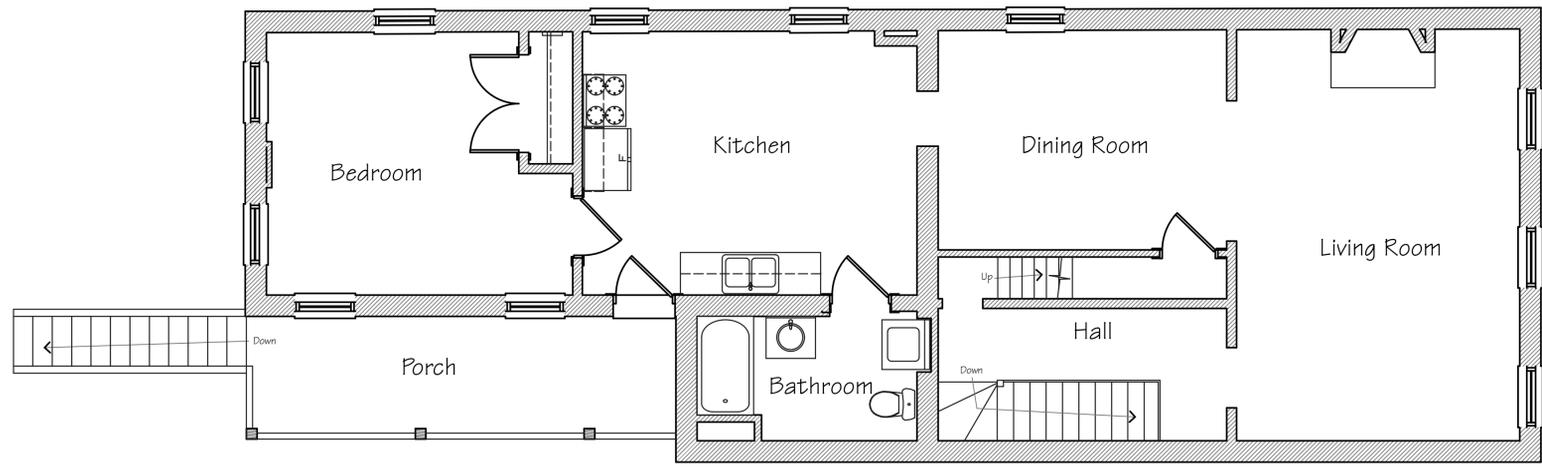


## Vacation Rental Unit

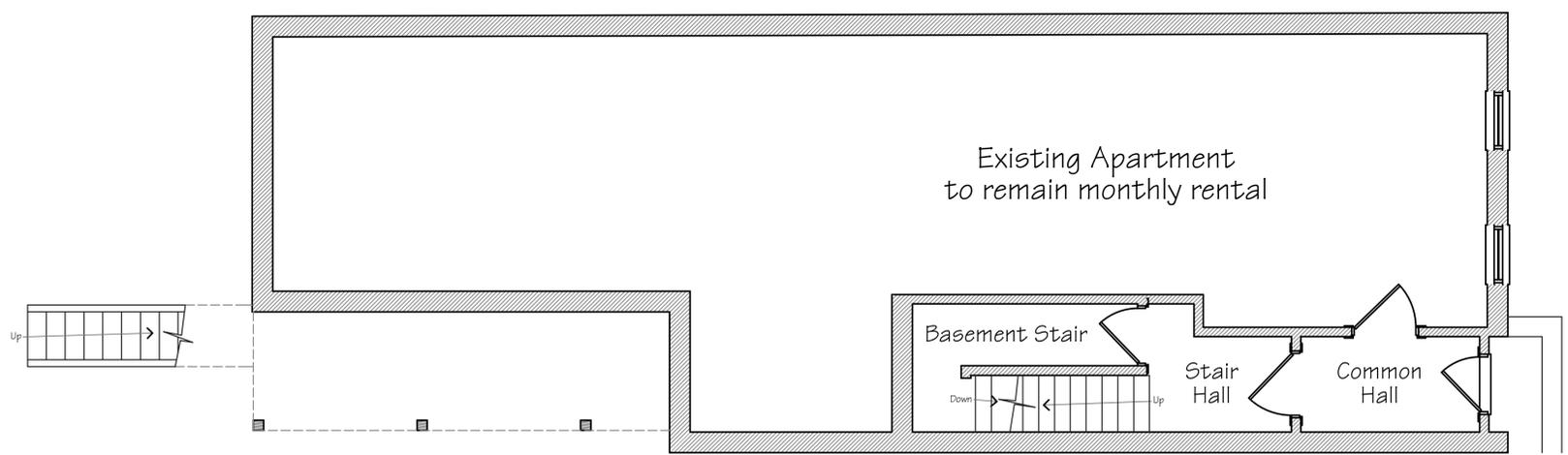
2 Bedrooms, 1 full bath  
 1,389 sq ft with 1 parking space variance  
 4 guests allowed



Existing Third Floor Plan  
 1/4" = 1'-0"  
 gross s.f.  
 A: 157 sq ft



Existing Second Floor Plan  
 1/4" = 1'-0"  
 gross s.f.  
 A: 1,161 sq ft



Existing First Floor Plan  
 1/4" = 1'-0"  
 gross s.f.  
 A: 71 sq ft