



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, MARCH 8, 2017

6:30 P.M. – CITY HALL 101 GREEN STREET

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

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
17Z-2004	Approval of the Minutes of the Regular Meeting of December 14, 2016 & February 8, 2017.	3-30

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
17S-06	John & Robin Vaughn - Request for Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District at 910 Park Avenue.	31-34
17S-07	James & Josephine Asta - Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District at 500 North High Street.	35-38
17S-08	Merle & Mary Neises - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 507 South Bench Street.	39-42
17S-09	Earl & Kimberly Thompson - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 204-206 North Main Street.	43-46
17S-10	Michael & Samantha Blaum - Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District at 510 Park Avenue.	47-50
17S-11	Todd & Candy Walburg - Request for Special Use Permit to allow Accommodations, Small Inn in the Low Density Residential District at 606 & 614 South Prospect Street.	51-54

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
17S-12	Raymond Pace, LLC - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 116 South Bench Street. ***PUBLIC HEARING***	55-59
17S-13	William Dieter - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 301-303 North Main Street. ***PUBLIC HEARING***	60-64
17S-14	Aaron Johnson - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 107 North West Street. ***PUBLIC HEARING***	65-70
17S-15	Mark Schlenker - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 301 South High Street. ***PUBLIC HEARING***	71-75
17S-16	Kouz Properties, LLC - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 242-246 North Main Street. ***PUBLIC HEARING***	76-79

OTHER BUSINESS

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

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wed. April 12, 2017	6:30 P.M.	City Hall, 101 Green Street

Posted: March 3, 2017 at 4:30 p.m. Posted 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 2nd 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:

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.***

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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.

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

As Roll Call was:

Jansen	Yes
Nybo	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 92nd 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.

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).***

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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 Slanders, 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 Slanders, 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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(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).***

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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.***

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(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 Jansen to adjourn the meeting at 7:25pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

**MINUTES
ZONING BOARD OF APPEALS
FEBRUARY 8, 2017**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday February 8, 2017 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Jansen moved, seconded by Baranski to approve the January 11, 2017 minutes.

Motion carried on voice vote.

OLD BUSINESS

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

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

As Roll Call was:

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

Motion carried.

Cal. No. 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.

MOTION: Baranski moved, seconded by Bochniak to ratify the Findings of Fact as presented based on the criteria, conclusions and determination similar to those of Cal. No.17S-01.

As Roll Call was:

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

Motion carried.

Cal. No. 17S-04, Applicant: Alex Ellerbeck, 5670 Clay Ridge Drive, Dubuque, IA 52002, and Owner: Paul Ellerbeck, 205 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-048-00, Part of Lot 33, Original Lots between Main and Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 205 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Bochniak moved, seconded by Jansen to ratify the Findings of Fact as presented based on the criteria, conclusions and determination similar to those of Cal. No.17S-01.

As Roll Call was:

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

Motion carried.

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

MOTION: Bochniak moved, seconded by Baranski to ratify the Findings of Fact for the Special Use Permit, Cal. No. 17S-02 and for the Variance, Cal. No. 17V-01 based on the approval criteria.

As Roll Call was:

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

Motion carried

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

MOTION: Baranski moved, seconded by Cook to ratify the Findings of Fact for the Special Use Permit, Cal. No. 17S-05 and for the Variance, Cal. No. 17V-02 as presented based on the criteria similar to those of Cal. No.17S-02 & Cal. No. 17V-01.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

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

MOTION: Bochniak moved, seconded by Jansen to open the Public Hearing on Cal. No. 17S-06.

Motion carried on voice vote.

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

Jon Vaughn, 17 Rapids Drive Galena said he and his Robin lived in this home for about eight years. They are asking for a Special Use Permit so they may operate this as a vacation rental.

Bochniak asked how many bedrooms were in the house.

Vaughn said three.

Bochniak asked about the fourth shown in the drawings.

Oldenburg said one cannot be used as a bedroom.

Nybo asked if eight guests could stay here.

Oldenburg said there is room downstairs that would qualify based on the square footage criteria, the light and venting. A pullout sofa or something similar could be utilized here.

Baranski asked who would manage the property.

Vaughn said he and his wife would. They have a business on Main Street and are in town every day.

Rosenthal asked if it was vacant.

Vaughn said it was.

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

MOTION: Jansen moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-06.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Jansen to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District for Cal. No. 17S-06.

Discussion: Bochniak reviewed the approval criteria.

Approval Criteria & Recommendation:

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

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

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

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

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

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

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

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

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

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

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

As Roll Call was:

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

Motion carried.

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

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-07.

Motion carried on voice vote.

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

James Asta, 500 North High Street Galena said they would like to convert the studio space above the garage into a vacation rental. Currently they use this when friends and family come for overnight visits.

Baranski asked if they lived in the red brick home next door.

Asta said they did.

Rosenthal asked where guests would park.

Asta said they would use the garage's driveway.

Rosenthal asked how many bedrooms where in the space.

Asta said it is one large open space that would accommodate two guests.

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

MOTION: Baranski moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-07.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Jansen to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for Cal. No. 17S-07 based on the guidelines and approval criteria similar to that of Cal. No. 17S-06.

As Roll Call was:

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

Motion carried.

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

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-08.

Motion carried on voice vote.

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

Merle Neises, 6829 North High Ridge Road Galena said he would like to move to this home at some point in the future, but for now he would like to have approval to use it as short term vacation rental.

Baranski asked about the parking.

Oldenburg said the applicant had already obtained approval from the HPCA for installation of a driveway off Bench Street.

Rosenthal asked if there would be one parking spot.

Neis said there would be three parking spaces.

Nybo asked if this would be four guest rooms and eight guests. It looks like there are five bedrooms.

Oldenburg said the home has been approved for a total of eight guests. The criteria which determines how many guests can stay in the home is based on the square footage of the home for fire and life safety. Parking also determines how many can occupy. The number of existing bedrooms doesn't determine how many people can occupy.

Rosenthal said the application reads up to eight guests would be allowed to stay in the house at one time – the license would limit the number to eight guests.

Oldenburg said at some point in the future they may be able to obtain approval for another bedroom if the criteria were met.

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

MOTION: Cook moved, seconded by Holman to close the Public Hearing on Cal. No. 17S-08.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Holman to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for Cal. No. 17S-08 based on the guidelines and approval criteria similar to that of Cal. No. 17S-06.

As Roll Call was:

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

Motion carried.

Cal. No. 17S-09, Applicant and Owner: Earl & Kimberly Thompson, 204-206 North Main Street, Galena, IL 61036. Location: Parcels: 22-100-100-00 & 22-100-101-00, 9' x 37' of Lot 53 & NE 20' of Lot 54, Part of Lot 53, N 5' of Lot 54 and S 15' of Lot 55, West Side of Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 204-206 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District. ****PUBLIC HEARING****

MOTION: Jansen moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-09.

Motion carried on voice vote.

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

Earl Thompson 204-206 North Main Street Galena said there are two existing, third floor apartments they would like to convert to vacation rentals.

Nybo asked about the number of rooms.

Thompson said each of the two apartments has adequate square footage, per the fire inspector, to allow four guests.

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

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-09.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for Cal. No. 17S-09 based on the guidelines and approval criteria similar to that of Cal. No. 17S-06.

As Roll Call was:

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

Motion carried.

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

MOTION: Jansen moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-10.

Motion carried on voice vote.

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

Matthew Blaum, 13414 Gig Drive Galena said he was representing his brother Michael who could not attend. They are looking to finish the upstairs area of the garage and use it as a one-bedroom vacation rental.

Oldenburg said this would be a single room accessory use.

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

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-10.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Jansen to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District for Cal. No. 17S-10 based on the guidelines and approval criteria similar to that of Cal. No. 17S-06.

As Roll Call was:

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

Motion carried.

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

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-11.

Motion carried on voice vote.

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

Todd Walburg, 614 South Prospect Street Galena said he had been before the Board in September as a concept plan seeking advice on how or if he might be able to own both homes and operate a small inn in one home and live in the other home. The Board liked the idea and said if he could purchase the connecting property he should come back. They have a purchase agreement for that property which will connect 614 and 606 South Prospect Street. They would like to operate a six room Small Inn at 606 South Prospect Street and have an additional guest room at 614 South Prospect Street. The home at 614 South Prospect would serve as their living quarters and business office. All off street parking requirements will be met.

Joan Wallace, 703 South Bench Street Galena said she is very much in favor of the request. She applauds how all parties involved have worked so hard to make this happen.

Leslie DuBois 606 South Prospect Street Galena totally endorses the Walburg's as new owners of the guest house. She and her husband have witnessed first-hand how much the guests love interacting with

Candy when she is assisting them. Todd and the adult children are the ones responsible for keeping the block looking so good and shoveling the sidewalks in the winter.

No one presented testimony against the request.

MOTION: Jansen moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17S-11.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Jansen to draft a positive Finding of Fact to approve the request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District for Cal. No. 17S-11 contingent upon the sale of the adjoining 50 feet of property.

Discussion: Baranski reviewed the approval criteria.

Approval Criteria & Recommendation:

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

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

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

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

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

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

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

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

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

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

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

As Roll Call was:

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

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Holman to adjourn the meeting at 7:20pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 17S-06

APPLICATION BY: John & Robin Vaughn, 910 Park Avenue,
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 February 8, 2017. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Low Density Residential District.

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

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

Lot Capacity: The lot size is 5,700 square feet, or 0.12 acres. The structure is situated along Park Avenue between Decatur and LaFayette Streets and takes driveway access from a private alley

off-of Decatur Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

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

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

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:

▪ **Jon Vaughn, 17 Rapids Drive,** Galena spoke as the applicant and owner. Vaughn stated that he and his wife, Robin, lived in this home for about eight years. They are asking for a Special Use Permit so they may operate this as a vacation rental.

Bochniak asked how many bedrooms were in the house.

Vaughn said three.

Bochniak asked about the fourth shown in the drawings.

Oldenburg said one cannot be used as a bedroom.

Nybo asked if eight guests could stay here.

Oldenburg said there is room downstairs that would qualify based on the square footage criteria, the light and venting. A pullout sofa or something similar could be utilized here.

Baranski asked who would manage the property.

Vaughn said he and his wife would. They have a business on Main Street and are in town every day.

Rosenthal asked if it was vacant.

Vaughn said it was.

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 John & Robin Vaughn 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 John & Robin Vaughn 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 8th day of February, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

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

REGARDING

CALENDAR NUMBER: 17S-07

APPLICATION BY: James & Josephine Asta, 500 North High Street,
Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation
Rental – Single Room 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 February 8, 2017. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to operate as a single-room vacation rental in a Low Density Residential District.

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

Number of Guests: Maximum occupancy load for this dwelling unit is two (2) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1). In this case, accessory residential land use of a single-room vacation rental limits the number of guests to two.

Lot Capacity: The lot size is 25,300 square feet, or 0.58 acres. The structure is situated along North High Street behind the principal house structure that fronts on North Dodge Street. The site

is already properly landscaped with well-established vegetation and lighting; the access walkway to the site will be installed this Spring. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

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

PUBLIC SUPPORT AND/OR OBJECTIONS

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

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

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

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

- **James Asta, 500 North High Street, Galena** spoke as the applicant and owner for the request. Asta said they would like to convert the studio space above the garage into a vacation rental. Currently they use this when friends and family come for overnight visits.

Baranski asked if they lived in the red brick home next door.

Asta said they did.

Rosenthal asked where guests would park.

Asta said they would use the garage's driveway.

Rosenthal asked how many bedrooms were in the space.

Asta said it is one large open space that would accommodate two guests.

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 (H) (9) defines and outlines the regulations for Accommodations, Vacation Rental – Single Room.
- 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 Vacation Rental – Single Room as an accessory residential land use in a Low Density Residential District.
5. The property is meets the detailed regulations for a Vacation Rental – Single Room.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by James & Josephine Asta for a Special Use Permit to allow Accommodations, Vacation Rental – Single Room as an accessory residential land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the 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 – Single Room 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 & Josephine Asta for a Special Use Permit to allow Accommodations, Vacation Rental as an accessory residential land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 8th day of February, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

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

REGARDING

CALENDAR NUMBER: 17S-08

APPLICATION BY: Merle & Mary Neises, 507 South Bench 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 February 8, 2017. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Low Density Residential District.

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

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

Lot Capacity: The lot size is 8,156 square feet, or 0.19 acres. The structure is situated along South Bench Street and will take driveway access from South Bench with a new driveway. The site is

already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

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

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:

- **Merle Neises, 6829 North High Ridge Road, Galena** spoke as applicant and owner of the request. Neises said he would like to move to this home at some point in the future, but for now he would like to have approval to use it as short term vacation rental.

Baranski asked about the parking.

Oldenburg said the applicant had already obtained approval from the HPCA for installation of a driveway off Bench Street.

Rosenthal asked if there would be one parking spot.

Neises said there would be three parking spaces.

Nybo asked if this would be four guest rooms and eight guests. It looks like there are five bedrooms.

Oldenburg said the home has been approved for a total of eight guests. The criteria which determines how many guests can stay in the home is based on the square footage of the home for fire and life safety. Parking also determines how many can occupy. The number of existing bedrooms doesn't determine how many people can occupy.

Rosenthal said the application reads up to eight guests would be allowed to stay in the house at one time – the license would limit the number to eight guests.

Oldenburg said at some point in the future they may be able to obtain approval for another bedroom if the criteria were met.

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 Merle & Mary Neises 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 Merle Neises 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 8th day of February, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

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

REGARDING

CALENDAR NUMBER: 17S-09

APPLICATION BY: Earl & Kimberly Thompson, 204-206 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 February 8, 2017. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to operate as two-dwelling vacation rental units in the Downtown Commercial District.

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

Number of Guests: Maximum occupancy load for both vacation rental units is eight (8) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1). In this case, the available sleeping areas with proper egress in both apartments will allow four (4) guests each.

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

Availability and impact of parking: Parking is exempt in the Downtown Commercial District.

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

Staff recommends approval of this request.

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

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:

- **Earl Thompson 204-206 North Main Street, Galena** spoke as the applicant and owner. Thompson said there are two existing, third floor apartments they would like to convert to vacation rentals.

Nybo asked about the number of rooms.

Thompson said each of the two apartments has adequate square footage, per the fire inspector, to allow four guests.

Testimony Presented in Opposition to the Proposal:

- There was no testimony in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines Accommodations, Vacation Rental.

- Section 154.201 (C) (6) provides a definition and description of the Downtown Commercial District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

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

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Earl & Kimberly Thompson for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Downtown Commercial District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Downtown Commercial District and is consistent with the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental land use.

4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Earl & Kimberly Thompson 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 8th day of February, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 17S-10

APPLICATION BY: Michael & Samantha Blaum, 510 Park Avenue,
Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation
Rental – Single Room 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 February 8, 2017. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to operate as a single-room vacation rental in a Low Density Residential District.

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

Number of Guests: Maximum occupancy load for this dwelling unit is two (2) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1). In this case, accessory residential land use of a single-room vacation rental limits the number of guests to two.

Lot Capacity: The lot size is 11,250 square feet, or 0.24 acres. The structure is situated behind the principal house structure that fronts on Park Avenue and the room is over the detached garage.

The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

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

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:

- **Matthew Blaum, 13414 Gig Drive, Galena** spoke on behalf of the owner and applicant. Blaum said he was representing his brother Michael who could not attend. They are looking to finish the upstairs area of the garage and use it as a one-bedroom vacation rental.

Oldenburg said this would be a single room accessory use.

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 (H) (9) defines and outlines the regulations for Accommodations, Vacation Rental – Single Room.
- 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 Vacation Rental – Single Room as an accessory residential land use in a Low Density Residential District.
5. The property is meets the detailed regulations for a Vacation Rental – Single Room.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Michael & Samantha Blaum for a Special Use Permit to allow Accommodations, Vacation Rental – Single Room as an accessory residential land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the 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 – Single Room land use.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Michael & Samantha Blaum for a Special Use Permit to allow Accommodations, Vacation Rental as an accessory residential land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 8th day of February, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 17S-11

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

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

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on February 8, 2017. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

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

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

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

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

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

Staff recommends approval of this request.

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

PUBLIC SUPPORT AND/OR OBJECTIONS

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

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

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

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

- **Todd Walburg, 614 South Prospect Street, Galena** spoke as the owner and applicant. He said he had been before the Board in September as a concept plan seeking advice on how or if he might be able to own both homes and operate a small inn in one home and live in the other home. The Board liked the idea and said if he could purchase the connecting property he should come back. They have a purchase agreement for that property which will connect 614 and 606 South Prospect Street. They would like to operate a six room Small Inn at 606 South Prospect Street and have an additional guest room at 614 South Prospect Street. The home at 614 South Prospect would serve as their living quarters and business office. All off-street parking requirements will be met.
- **Joan Wallace, 703 South Bench Street, Galena** said she is very much in favor of the request. She applauds how all parties involved have worked so hard to make this happen.
- **Leslie DuBois 606 South Prospect Street, Galena** totally endorses the Walburg's as new owners of the guest house. She and her husband have witnessed first-hand how much the guests love interacting with Candy when she is assisting them. Todd and the adult children are the ones responsible for keeping the block looking so good and shoveling the sidewalks in the winter.

No one else spoke in favor or against the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines a Guest Accommodation, Small Inn.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (8) defines and outlines the regulations for Small Inns.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Low Density Residential District.
2. The Zoning Ordinance provides for Small Inns as follows:
 - a. Guest Accommodations, Small Inn is permitted only by Special Use Permit as a principal commercial land use in a Low Density Residential District.
3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. 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 Small Inn with 7 rooms as a principal commercial land use in a Low Density Residential District.
5. Adequate off-street parking is provided for the guests.

DETERMINATION

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

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Downtown Commercial District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for a Small Inn use.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

- c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Todd & Candy Walburg for a Special Use Permit to allow a Small Inn with 7 rooms as a principal commercial land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 8th day of February, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: March 3, 2017

RE: Cal. No. 17S-12, Applicant: Raymond Pace, LLC, 505 Aurora Avenue, Boulder, CO 80302 and Owner: Richard Hess & Elizabeth Boggess, 116 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-060-03, Part of Lots 38 & 39, Lots between Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 116 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental 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 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, the bedroom, sunroom and living room can each sleep two guests.

Lot Capacity: The lot size is 1,310 square feet, or 0.03 acres. The structure is situated along South Bench 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: There is no off-street parking requirement in the Downtown Commercial District.

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

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

Approval Criteria & Recommendation:

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

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

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

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

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

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

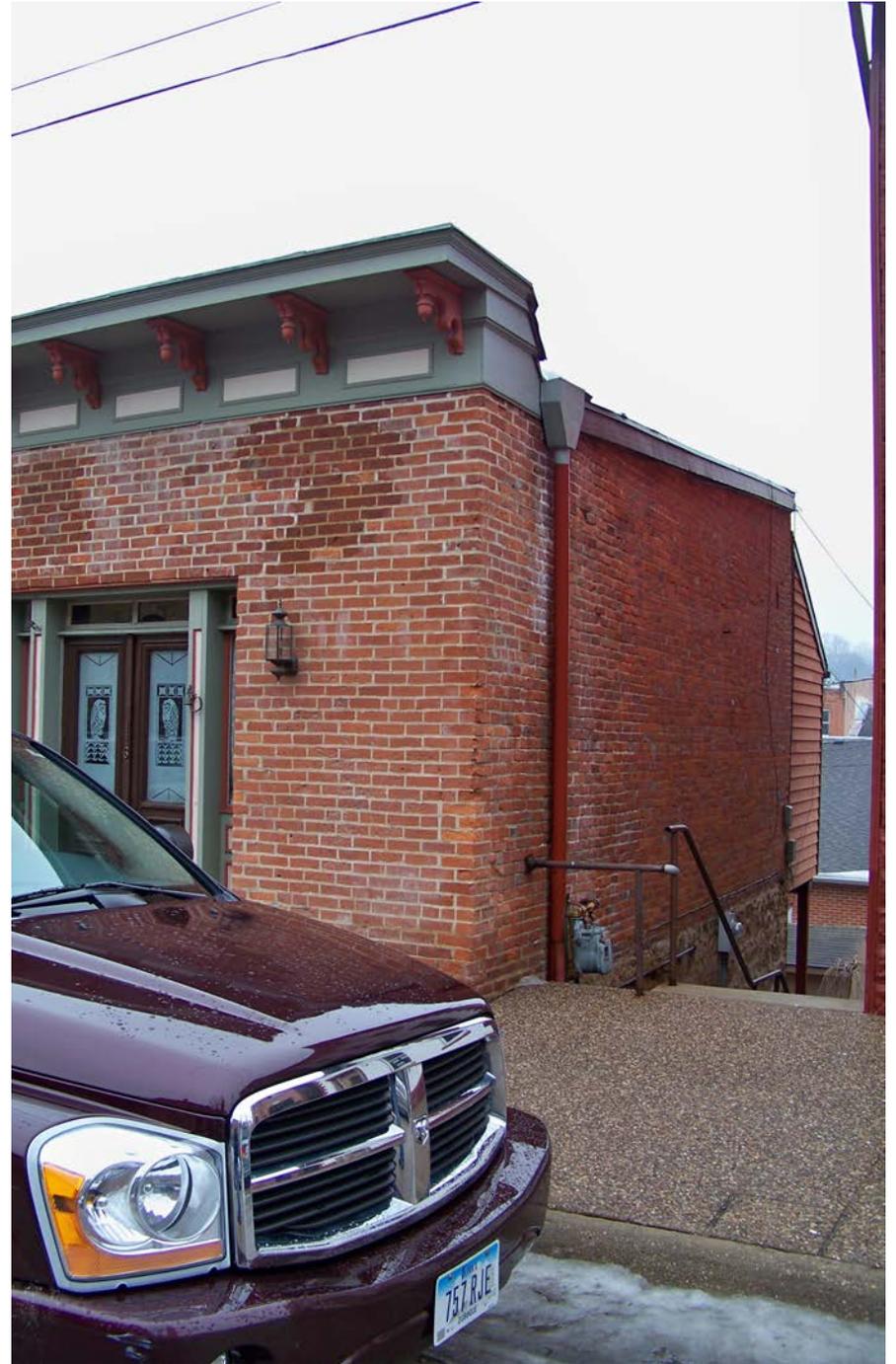
(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

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

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

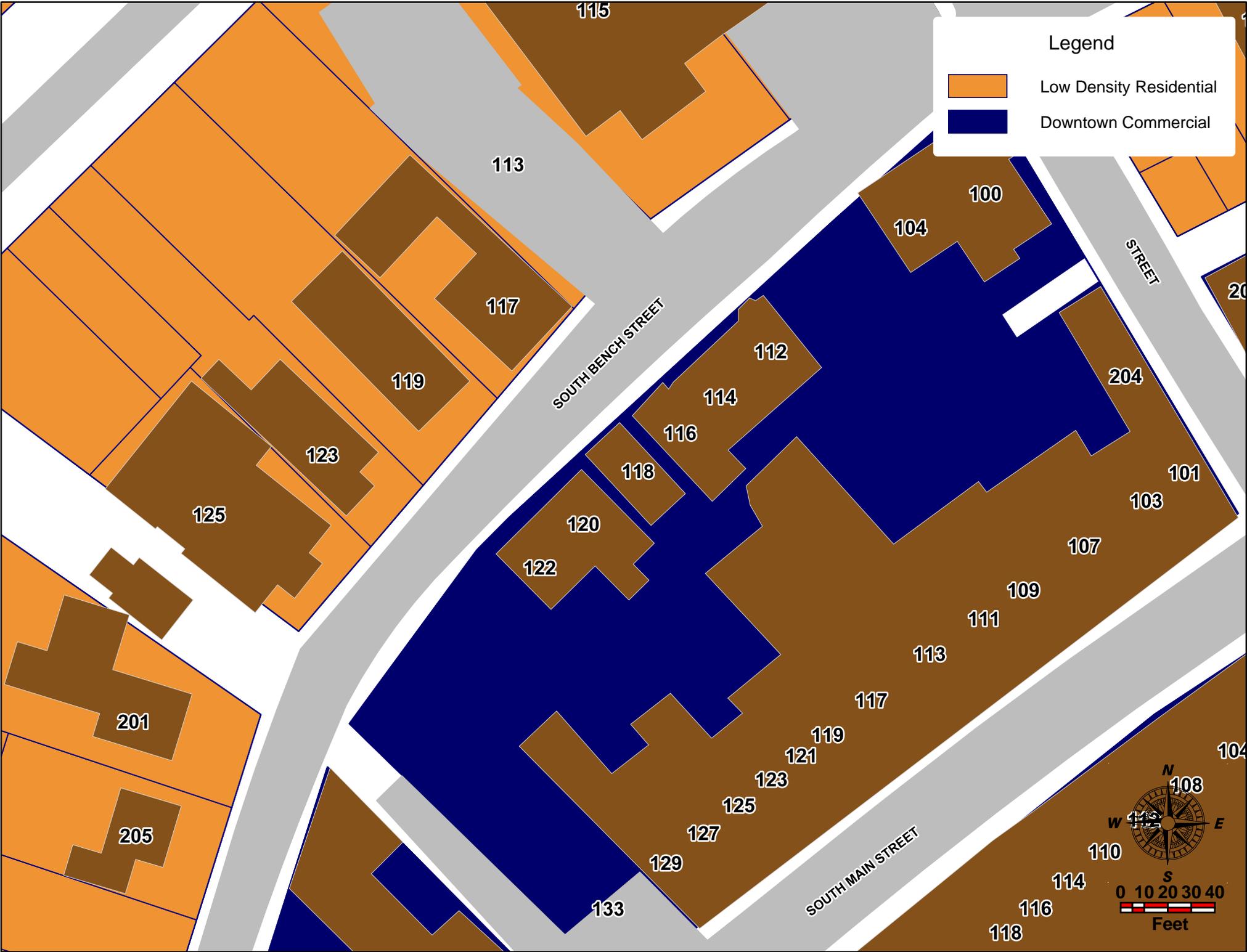
(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting,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

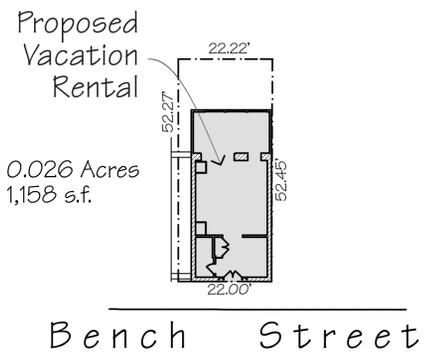
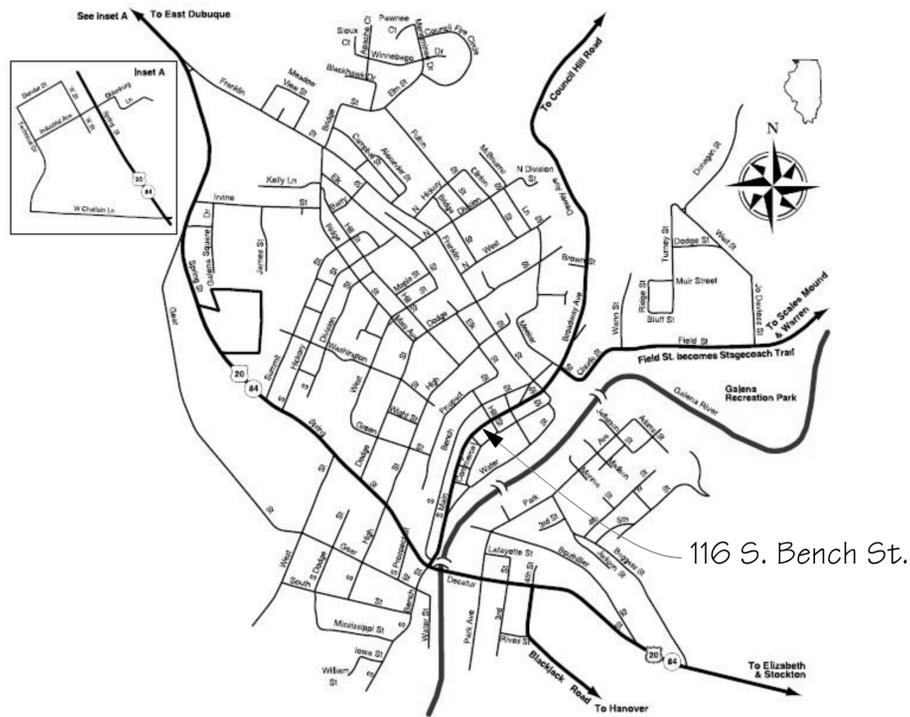
The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration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



Legend

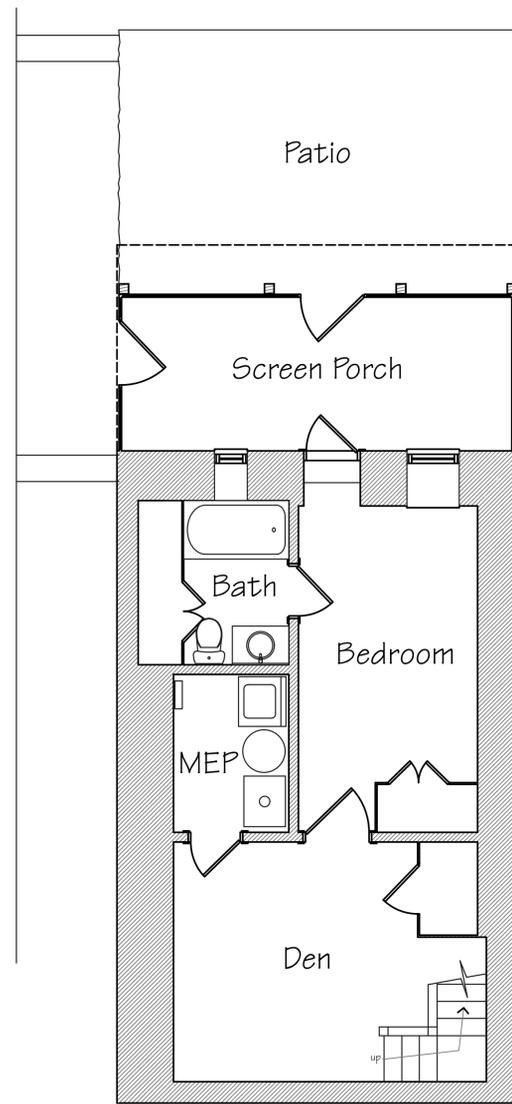
- Low Density Residential
- Downtown Commercial





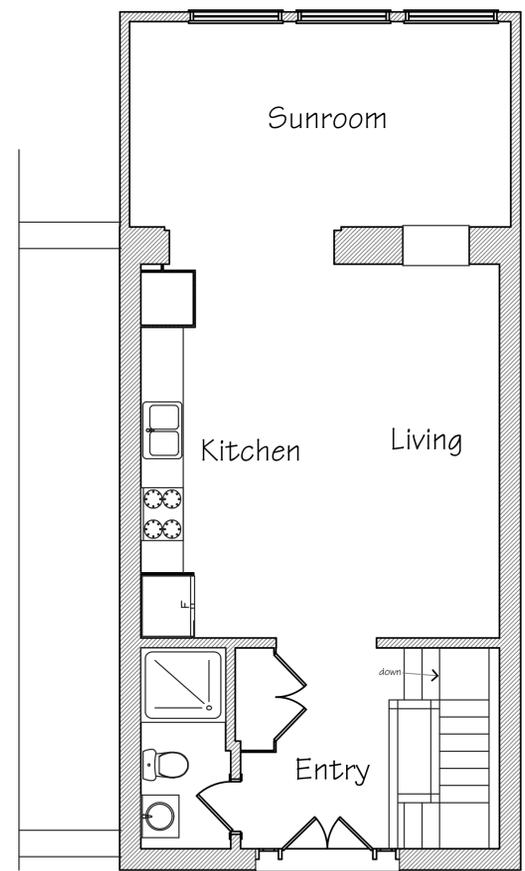
Vacation Rental Unit

1 Bedroom, 2 baths
 1,283 sq ft in Downtown Commercial
 with no Parking Requirement
 6 guests allowed



gross s.f.
 A: 580 sq ft

Basement Plan
 1/4" = 1'-0"



gross s.f.
 A: 703 sq ft

First Floor Plan
 1/4" = 1'-0"

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: March 3, 2017

RE: Cal. No. 17S-13, Applicant: William Dieter, 314 Third Street, Galena, IL 61036 and Owner: WK Development LLC, 301 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-382-00, North 83' 7" of Lot 43, Northwest part of Lot 42, Center Addition, Galena, Jo Daviess County, Illinois. Common Address is 301-303 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit to operate as a two-dwelling vacation rental in the Downtown Commercial District. Specifically, the applicant requests the vacation rental use for units 201 and 202.

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 dwelling units is two (2) guests each. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

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

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

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

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

Approval Criteria & Recommendation:

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

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

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

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

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

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

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

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

(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.*

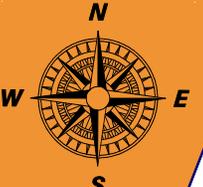
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Legend

-  Low Density Residential
-  Planned Commercial
-  Downtown Commercial



0 10 20 30 40
Feet

General Notes

- Contractor to verify existing conditions before proceeding with the work.
- All work to conform to governing National, State, and Local Codes.
- New walls to be 2x4 studs at 16" on center, minimum, with 5/8" type X firecode drywall each side, painted. Fireblock all stud spaces over 10'.
- All Corridor finishes to be Class A or B. Verify existing door fire-rating at Corridors and upgrade doors as required by City of Galena.
- New stairs to have 7" risers maximum, 11" treads maximum and handrail on both sides 34" to 38" above stair measured from leading edge of tread.

Structural

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

Mechanical

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

Electrical

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

Plumbing

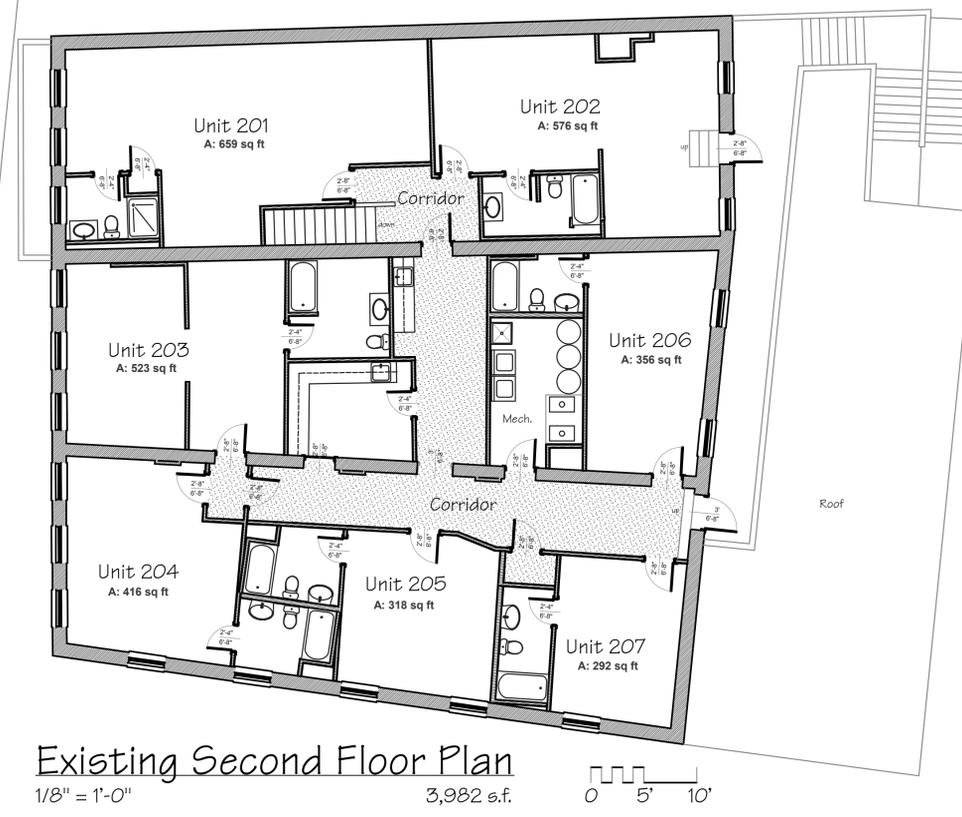
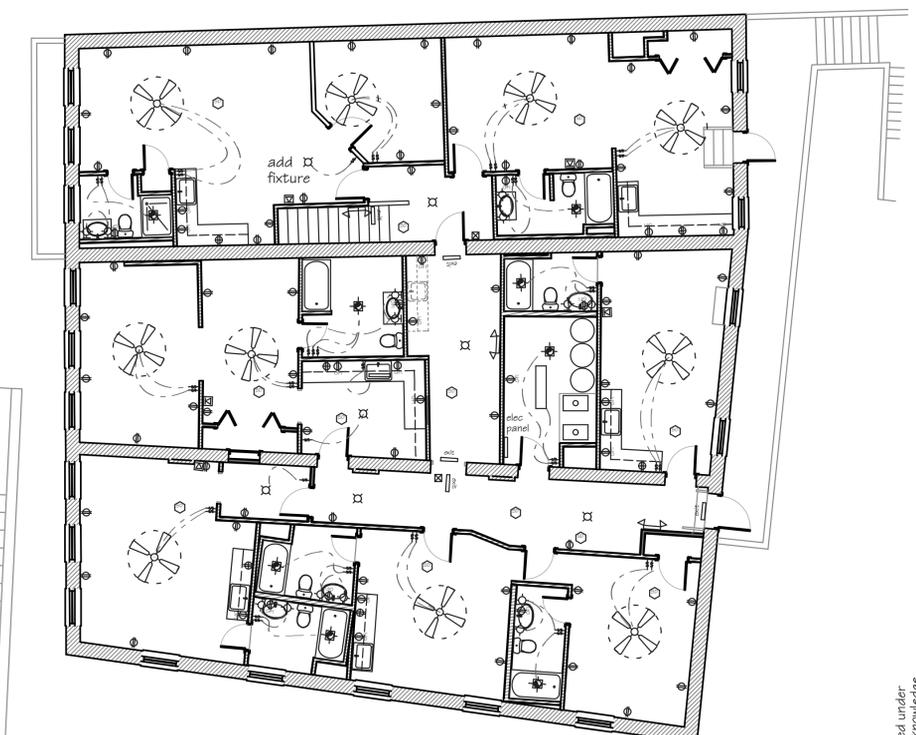
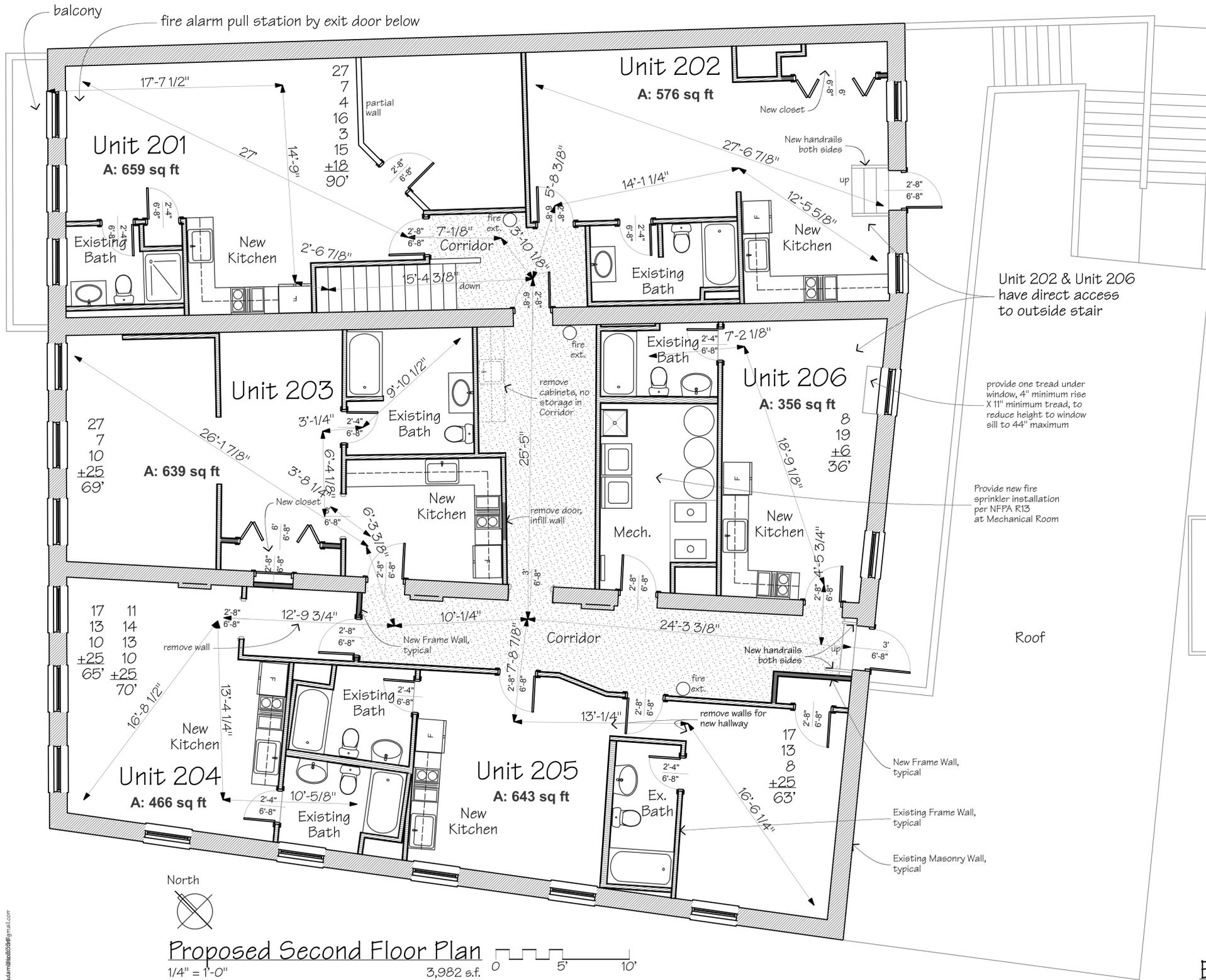
- Install new kitchen sinks as required.
- Provide new Fire Sprinkler installation at Hazardous Area, existing fuel-fired heater rooms, labeled Mech. Verify installation requirements with City of Galena.

Building Classification

Commercial Building, Type V, one hour construction
 3,982 sq. ft. existing Second Floor
 Occupancy: New Apartment Building, R-2, over Assembly
 6 Apartments

Schedule of Units

Unit 201	659 s.f.
Unit 202	576 s.f.
Unit 203	639 s.f.
Unit 204	466 s.f.
Unit 205	636 s.f.
Unit 206	356 s.f.
Total	3,332 s.f.



Certification Statement:
 I hereby certify that these plans were prepared under my direct supervision and, to the best of my knowledge, conform to Local, State, and National Codes.

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

Adam C. Johnson
 Illinois license number: 001-014906
 signed: _____
 dated: _____

Existing Plans for
301-303 North Main Street
 Galena, Illinois 61036

2/24/17
 Revisions:
 Sheet
1
 of 1

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: March 3, 2017

RE: Cal. No. 17S-14, Applicant and Owner: Aaron Johnson, 107 North West Street, Galena, IL 61036. Location: Parcel: 22-100-836-00, Part of Lots 1 & 3, Block 21, Original Lots, Galena, Jo Daviess County, Illinois. Common Address is 107 North West Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

Summary:

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Low Density Residential District.

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

Number of Guests: Maximum occupancy load for this dwelling unit is 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).

Lot Capacity: The lot size is 13,800 square feet, or 0.32 acres. The structure is situated along North West Street and will take driveway access from that street with a new driveway. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The driveway can 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 (6) guests, therefore two off-street parking spaces are required. The plan indicates room for up to three off-street parking spaces which will be installed this Spring.

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

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

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.

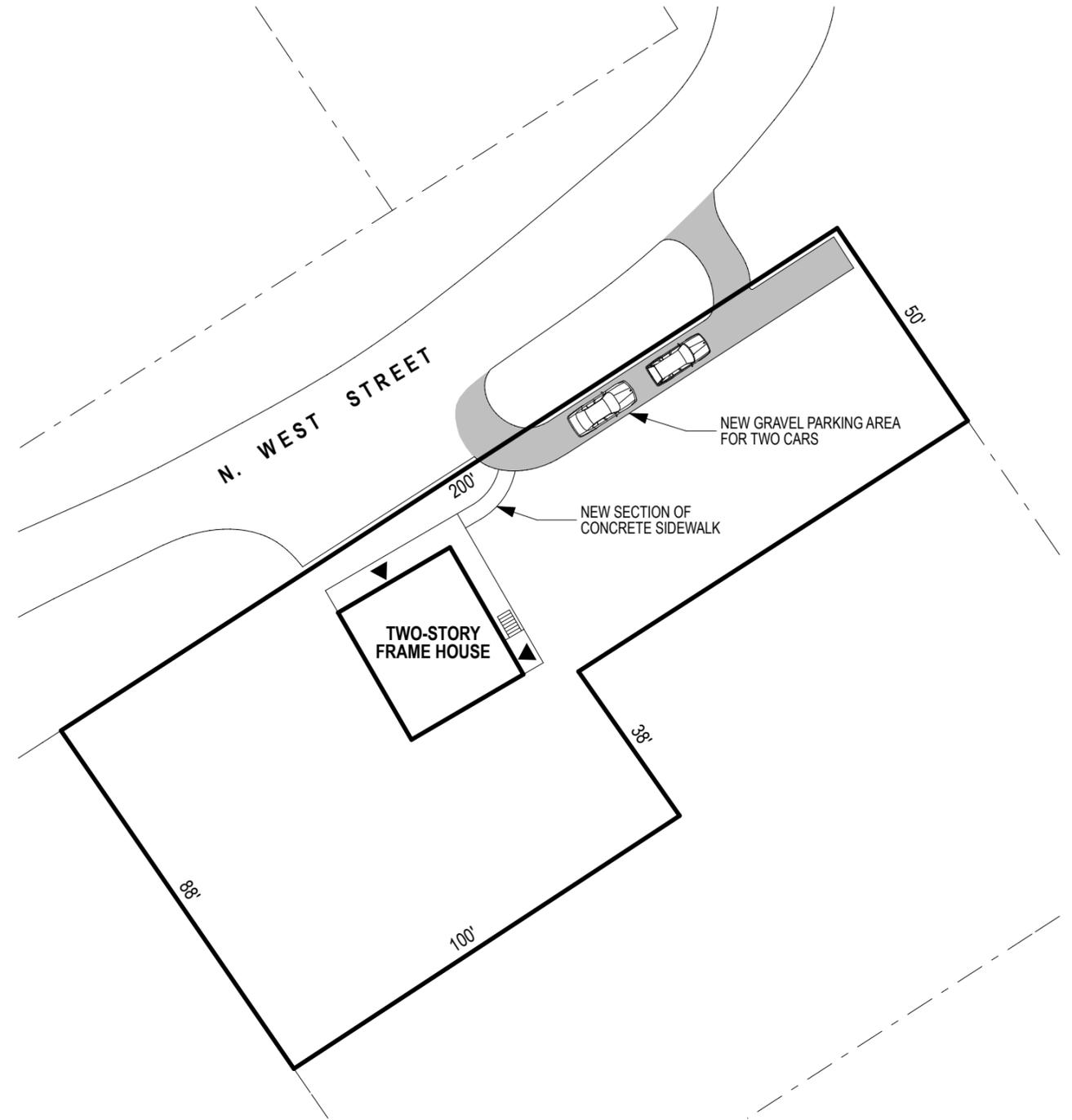






PROJECT LOCATION MAP

NO SCALE



SITE PLAN

13,800 s.f.

1" = 30'-0"

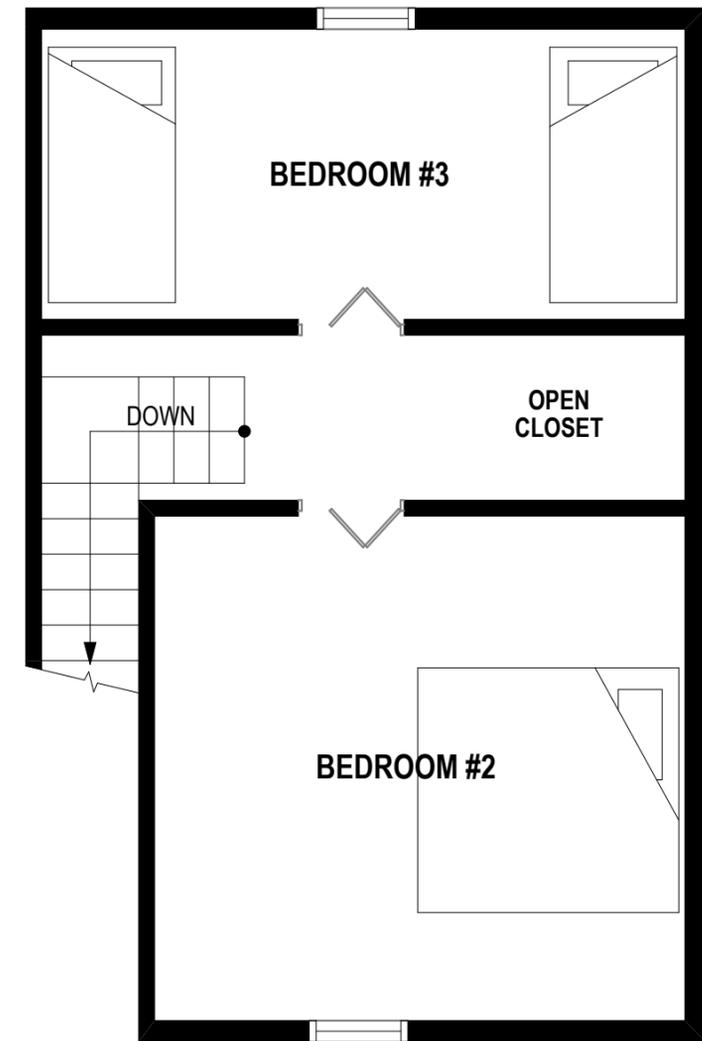




FIRST FLOOR PLAN

1/4" - 1'-0"

831 s.f.



SECOND FLOOR PLAN

1/4" - 1'-0"

317 s.f.

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: March 3, 2017

RE: Cal. No. 17S-14, Applicant and Owner: Mark Schlenker, 301 South High Street, Galena, IL 61036. Location: Parcel: 22-100-625-00, Lots 2, 4, East 50' of Lot 1 and East ¼ of Lot 3, Block 8, Original Lots, Galena, Jo Daviess County, Illinois. Common Address is 301 South High Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

Summary:

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Low Density Residential District. The structure to be used is the carriage house that served the main dwelling, the Victorian Mansion.

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).

Lot Capacity: The lot size is 57,325 square feet, or 1.07 acres. The structure is situated along Green Street near the intersection of High Street and will take driveway access from South High Street. The site is already properly landscaped with well-established vegetation and lighting. The main structure on the property, the Victorian Mansion, currently operates as an eight-room Small Inn. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The driveway can accommodate up to seven vehicles 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. There is ample parking space to accommodate this request along with the Small Inn's guests.

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

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

Approval Criteria & Recommendation:

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

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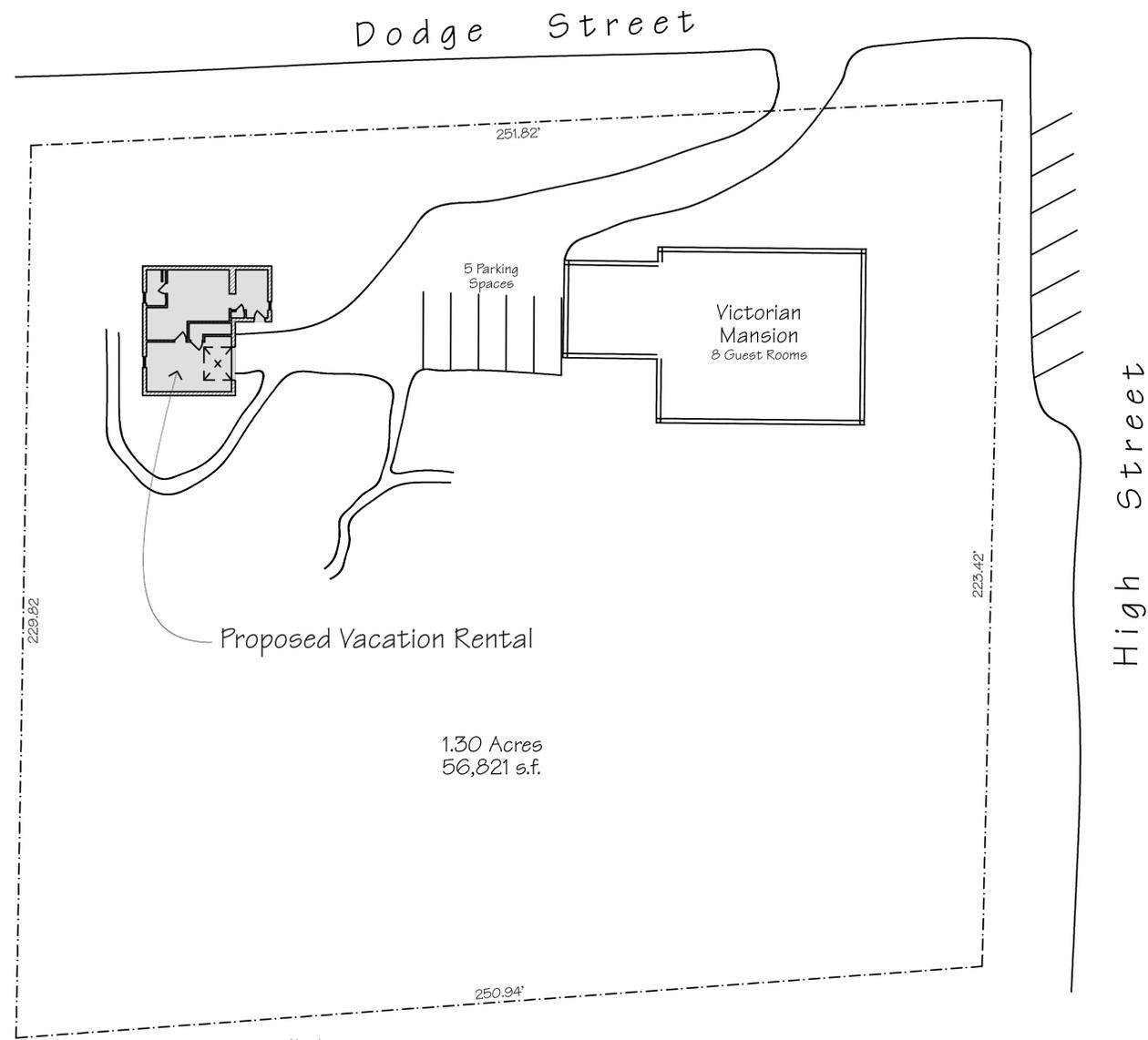
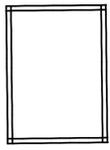
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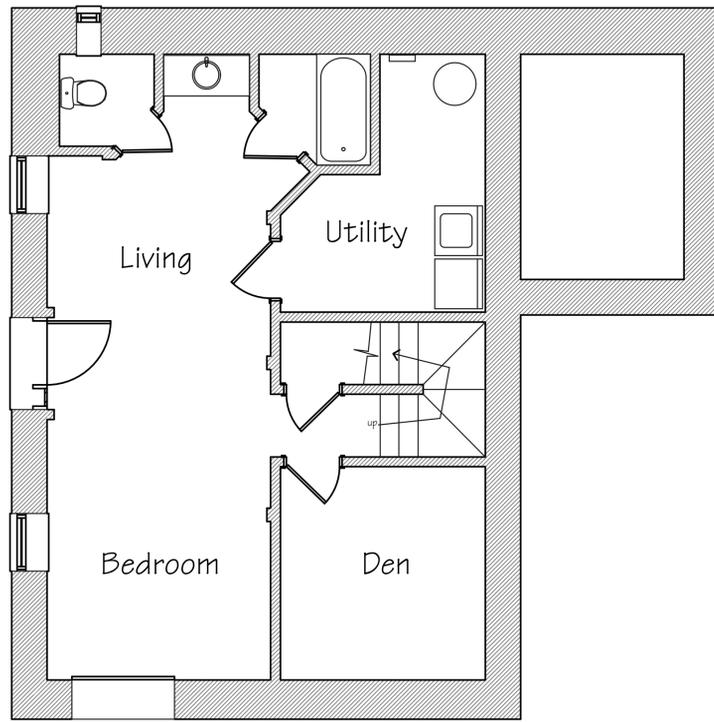
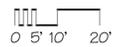
Legend

 Low Density Residential

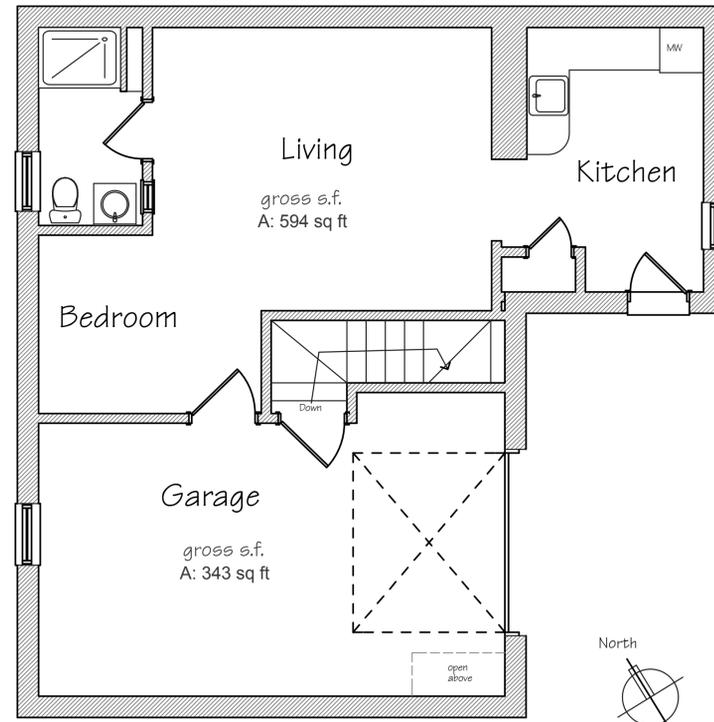




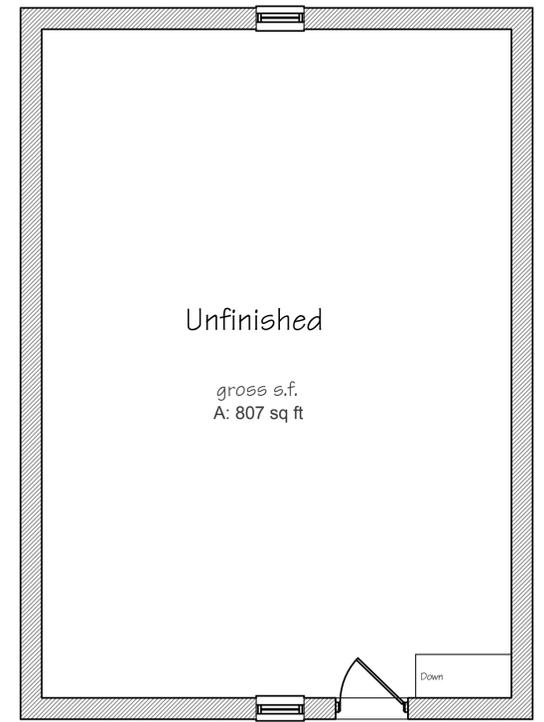
Site Plan
1" = 20'-0"



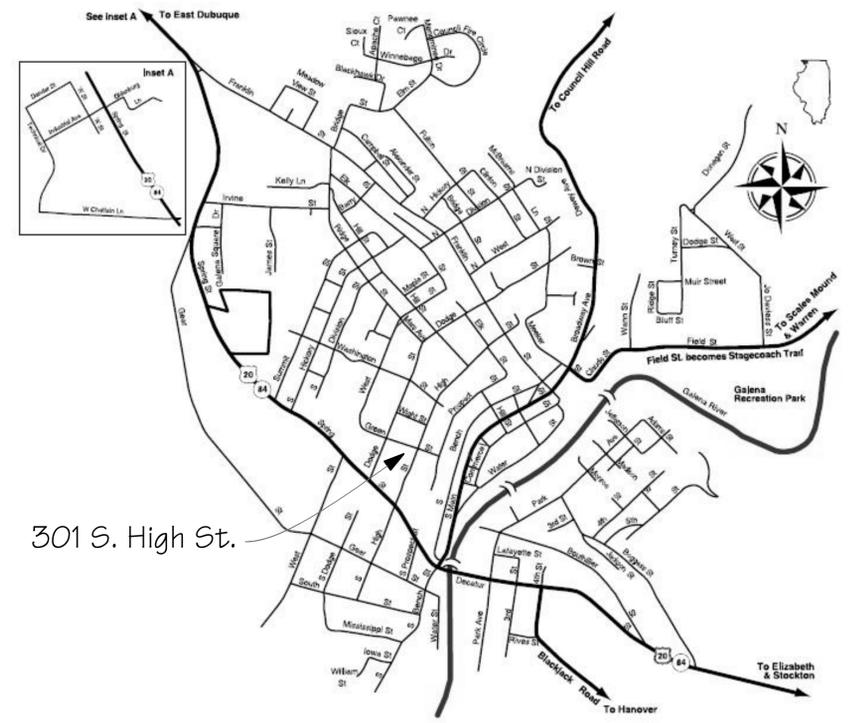
Basement Plan
1/4" = 1'-0"
gross s.f.
A: 802 sq ft



First Floor Plan
1/4" = 1'-0"
0 5' 10'



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



Vacation Rental Unit

First Floor Unit 594 sq. ft. 2 Guests
 Basement Unit 802 sq. ft. 2 Guests
 Variance for 2 parking spaces
 4 guests allowed

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: March 3, 2017

RE: Cal. No. 17S-13, Applicant and Owner: Kouz Properties, LLC, 242-246 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-119-00, S ½ of Lot 5 and Lot 7, Block C, Lots in Wedge, Galena, Jo Daviess County, Illinois. Common Address is 242-246 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit to operate as a four-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 the total request is nine (9) 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, Unit A can have two (2) guests, Unit B can have two (2) guests, Unit C can have two (2) guests and Unit D can have three (3) guests. The plan originally called for loft space for Units B & D, however, the Historic Preservation Commission denied the additional clear story, thereby eliminating that space as an option.

Lot Capacity: The lot size is 3,880 square feet, or 0.1 acres. The structure is situated at the intersection of Franklin and North Main Street and currently houses 1 apartment and open space above a bar establishment. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

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

Approval Criteria & Recommendation:

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

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

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

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

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

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

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

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

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

(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.



