



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 13, 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 August 9, 2017	3-14

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
17S-29	Roger Gates – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 112 S. Bench Street. Ratification of Findings of Fact.	15-18
17S-30	Kouz Properties, LLC – Request for Special Use Permit to allow Outdoor Commercial Entertainment as an accessory commercial use in the Downtown Commercial District at 242 N. Main Street. Ratification of Findings of Fact.	19-22
17S-32	William Deiter – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 301-303 N. Main Street. Ratification of Findings of Fact.	23-26

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
17A-03 & 17V-04	Xochi LLC – Request for Rezoning from Planned Commercial to Downtown Commercial and Variance to allow covered porch roof in front setback area and building expansion in rear at 216 South Commerce Street. ***PUBLIC HEARING***	27-33
17A-04 & 17S-33	Mary Proietti – Request for Rezoning from Low Density Residential to Neighborhood Commercial and Special Use Permit to allow Accommodations, Vacation Rental and small scale dining at 701 South Bench Street. ***WITHDRAWN / POSTPONED***	
17S-34	Christine Marshall & Cynthia Purnell – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 419 Franklin Street. ***PUBLIC HEARING***	34-37
17S-35	Joanne Jones – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 307 South Main Street. ***PUBLIC HEARING***	38-42
17S-36	Raymond Pace, LLC – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 213-217 South Main Street. ***PUBLIC HEARING***	43-47
17S-36	Donald & Kathryn Gereau – Request for Variance to allow construction of a garage at 219 South High Street. ***PUBLIC HEARING***	48-52

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. October 11, 2017	6:30 P.M.	City Hall, 101 Green Street

Posted: September 8, 2017 at 4:30 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 9, 2017**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, August 9, 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	Absent
Rosenthal	Present

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Holman to approve the July 12, 2017 minutes.

Motion carried on voice vote.

UNFINISHED BUSINESS

17S-25 & 17V-03, Applicant: Todd & Candy Walburg, 614 South Prospect Street, Galena, IL 61036 and Owners: Craig & Leslie Jean DuBois, 606 South Prospect Street, Galena, IL 61036. Location: Parcels: 22-100-262-00, S Part of Lot 6 & N Part of Lot 7, between Bench & Prospect Streets, Galena, Jo Daviess County, Illinois. Common Addresses is 606 South Prospect Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Small Inn as a principal commercial land use in the Neighborhood Commercial District at 606 South Prospect Street and for Variance for off-street parking requirement.

MOTION: Bochniak moved, seconded by Cook to approve the Findings of Fact as written for Cal. No. 17S-25 & Cal. No. 17V-03.

As Roll Call was:

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

Motion carried.

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

MOTION: Jansen moved, seconded by Cook to approve the Findings of Fact as written for Cal. No. 17S-26.

As Roll Call was:

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

Motion carried.

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

MOTION: Cook moved, seconded by Bochniak to approve the Finding of Facts for Cal. No. 17S-27 based on the conclusion and determination for Cal. No. 17S-26.

As Roll Call was:

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

Motion carried.

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

MOTION: Bochniak moved, seconded by Jansen to approve the Finding of Facts for Cal. No. 17S-28 based on the conclusion and determination for Cal. No. 17S-26.

As Roll Call was:

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

Motion carried.

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

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

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

Motion carried on voice vote.

Adam Johnson 211 Fourth Street, Galena is representing applicant Robert “Red” Foley. Johnson said he and Foley have worked with Oldenburg to follow as many of the guidelines as possible. The building will be small and for merchandise storage. Foley will set out merchandise each day like they did a few weeks ago, when they were operating with a temporary permit. The building is of a simple design with a front hip roof and brick masonry veneer on the front and side. The structure sits on metal building road – it’s the nature of these businesses to have this type of structure. What they are proposing is appropriate for the location and use. There will be a fence which will contain the merchandise and customers, chain link in back but wrought iron front and sides. Existing landscaping will be enhanced and an appropriate monument sign will be added in the future.

Baranski asked about the metal siding. It has been allowed as a secondary material but it is a discouraged building material in the Highway 20 corridor; we are trying to steer people away from using this. Different kinds of metal can be used for a new building. We have not allowed metal panels to be used on a new building.

Johnson said there are other options but they have not talked about anything specific. He understands wanting to evolve to a different look but that location is between two metal buildings with metal roofs. The Board may be inclined to allow metal for additions only but it seems appropriate for this new structure. The brick veneer on the front with the metal sides and back is compatible.

Baranski asked if there were durability issues that would be better suited towards the metal.

Johnson said the applicant’s business has a pretty tight margin and using metal would keep the costs down.

Rosenthal said the structure would not be obvious because the surrounding buildings are metal. Would the frame be steel or wood?

Johnson wasn’t sure.

No one testified in favor of nor in opposition to the request.

Robby Robinson 8338 Hayes Road Apple River Illinois came forward to ask a question. He wanted to know what colors would be used on this building.

Cook said she also wanted to know.

Oldenburg said they were planning to use beige and earth tones that will be compatible with the brick colored masonry veneer.

Robinson said he thought the plan looked good.

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

Motion carried on voice vote.

Cook asked about outdoor display. Are they putting the merchandise inside at night? Can some items be permanently displayed?

Oldenburg said they would be putting the items away at night. Anything permanent would have to comply with the regulations for outdoor display, which is allowed by right in the commercial district.

MOTION: Jansen moved, seconded by Holman to approve the application for a Highway 20 development permit for Cal. No. 17-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, “the design character outside of the historic district should be unique, unified and high-quality and create the image of a stable edge corridor for the historic community of Galena. This supports the encouraged design character that respects the historic character of Galena, yet does not confuse or detract from the authentic qualities of the original structures and urban fabric of the Galena National Register Historic District”.***
- (4) The proposed character of the applicable design districts as described in Chapter V of the Design Manual; ***This request supports the character of the Hilltop Commercial/Industrial District by: Visually unifying through coordinated and shared access and parking, higher density development and controlled access points, high quality site design and amenities; and high quality materials.***
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter VI of the Design Manual; ***n/a, site is under 10 acres in size.***
- (6) The standards for building orientation, design and materials as described in Chapter VII of the Design Manual; and ***Building siting meets setback criteria. Wall materials are high-quality with secondary material materials compatible with adjacent structures.***
- (7) The standards for site features and elements as described in Chapter VII of the Design Manual. ***Site signage has proposed wall and freestanding sign. Landscaping points are met and placement is adequate. Storm water BMP improvements and capacity will be verified at Building permit level.***

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

Baranski said he understands the applicants approach to the building materials, but he is still uncomfortable allowing this type of metal siding – there are other options. We don't know what is going to happen with other properties in this area and possible changes is their use. Prefabricated concrete and metal panels and Metal is a discouraged material; at one time, it was a prohibited material. He understands that sometimes a metal building will undergo renovation or an addition and metal may need to be used. The ordinance was designed to get away from the steel building look. Just because everything else looks like that really is not an argument to build a new structure with a discouraged material.

Rosenthal said he remembers when he was on the City Council and they would hear appeals for something that was denied but that everyone else had. It's certainly an improvement over the old metal car wash that sat there for 20 years.

Baranski said he is simply going by the guidelines.

Rosenthal understands that but the brick veneer will improve the look of the building.

Baranski agreed that the veneer would help.

As Roll Call was:

Nybo	Absent
Baranski	No
Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	Yes
Rosenthal	Yes

Motion carried on voice vote.

NEW BUSINESS

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

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-29.

Motion carried on voice vote.

Roger Gates 112 South Bench Street, Galena said he grew up in Warren with his Mom's family in Galena. He spent a lot of time during his childhood on the family farm which was located where the new hospital was built. He and his wife are planning to spend a lot of time in Galena in a few years after they retire. Until then they would like to use it as a vacation rental when they are not using it. The home is in a great location and in great shape; it was the 2010 winner of the historic preservation committee's restoration award. He said they plan to continue the high standard of care the home has seen and continue improvements. They have already restored the back yard. They will use a local professional management company that will handle rentals and property maintenance. Gates wanted to thank Matt Oldenburg for his help throughout the zoning process.

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

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-29.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to draft a positive Finding of Fact for Cal. No. 17S-29.

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:

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

Motion carried.

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

MOTION: Cook moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-30.

Motion carried on voice vote.

Catherine Kouzmanoff 219 South Prospect Street, Galena said she would like to be able to use the back patio as part of her bar business rather than just an area for renters. If approved her dram shop insurance would cover

the patio rather than her property insurance. Guests of the Grape Escape as well persons staying at the second-floor vacation rental would be able to utilize this area.

Bochniak asked about the type of entertainment she would have.

Kouzmanoff said she is allowed but she is not planning to have any. She said it really is inconvenient to do business out there; they just want to be able to allow bar patrons to use this area and have it covered by dram shop insurance.

Oldenburg said any entertainment would have to comply with the regulations that were recently approved – acoustic only with limited hours.

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

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-30.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Cook to draft a positive Finding of Fact for Cal. No. 17S-30.

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](#).
- (2) *District standards.* The underlying zoning district standards established in §§ [154.201](#) through [154.209](#) including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § [154.405](#);
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

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

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

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

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

The Board agreed that the request complied with the Approval Criteria.

As Roll Call was:

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

Motion carried

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

MOTION: Bochniak moved, seconded by Jansen to open the Public Hearing on Cal. No. 17S-32.

Motion carried on voice vote.

Jack Dieter 314 Third Street, Galena said the two previously approved units, 201 & 202 have been very popular rentals. They would like to add three more units - 203, 204 and 205.

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

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-32.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Cook to draft a positive Finding of Fact based on the criteria and requirements of Cal. No. 17S-29.

As Roll Call was:

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

Motion carried.

17CPR-01, Applicant Don Gereau, 219 South High Street, Galena IL 61036. Request for Concept Plan Review for an attached garage at 219 South High Street.

Don Gereau 219 South High Street Galena said he has lived at the home on the corner of High and Wight for 20 years. His house has no garage and he would like to add a small, one car garage to the right side of the home. This would somewhat mirror the left side addition that was added during the Victorian era. He has been told that because the house is on a corner he has two front yards and as such the accompanying setbacks would require a variance in order to build the garage in the desired location. Currently his Wight Street setback is thirteen feet but the other homes here are almost on the street. Using the average, he would still need a seven-foot setback. If allowed to build the garage as proposed it would be situated similar to the other Wight Street buildings.

Rosenthal said the only level area to build a garage is to the right of the house.

Gereau said it was. He added that the design and materials would be historically appropriate and approved by the City.

Baranski suggested the Board would need to know the lot lines in order to determine an exact variance.

Oldenburg said he is looking at setbacks, the visibility triangle – which is supposed to be 50 feet back from each corner, the driveway access point - it will be right at the corner which should be okay but the stop sign may need to be moved. Due to some of these variables Oldenburg said he didn't want Gereau to apply without having an idea as to what the Board was thinking.

In general, the Board felt they would be fine hearing the application. They can't guarantee approval and want to encourage the applicant to come with all pertinent information so the Board can evaluate the request on its merits.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Jansen to adjourn the meeting at 7:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

DECISION

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

REGARDING

CALENDAR NUMBER: 17S-29

APPLICATION BY: Roger Gates, 112 South Bench 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 August 9, 2017. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

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

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

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

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

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

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

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

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:

- **Roger Gates 112 South Bench Street, Galena** said he grew up in Warren with his Mom's family in Galena. He spent a lot of time during his childhood on the family farm which was located where the new hospital was built. He and his wife are planning to spend a lot of time in Galena in a few years after they retire. Until then they would like to use it as a vacation rental when they are not using it. The home is in a great location and in great shape; it was the 2010 winner of the historic preservation committee's restoration award. He said they plan to continue the high standard of care the home has seen and continue improvements. They have already restored the back yard. They will use a local professional management company that will handle rentals and property maintenance.

Testimony Presented in Opposition to the Proposal:

- There was no testimony in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (6) provides a definition and description of the Downtown Commercial District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

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

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

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Roger Gates 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 Roger Gates 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 9th day of August, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

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

REGARDING

CALENDAR NUMBER: 17S-30

APPLICATION BY: Kouz Properties, LLC – 242-246 North Main Street Galena, IL 61036.

FOR: A Special Use Permit to allow Outdoor Commercial Entertainment as an accessory commercial use in the Downtown Commercial District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on August 9, 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 allow Outdoor Entertainment as an accessory commercial land use in the Downtown Commercial District. This land use is allowed by Special Use Permit only in the Downtown Commercial District.

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

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

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

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

Staff recommends approval of this request.

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:

- **Catherine Kouzmanoff 219 South Prospect Street, Galena** said she would like to be able to use the back patio as part of her bar business rather than just an area for renters. If approved her dram shop insurance would cover the patio rather than her property insurance. Guests of the Grape Escape as well persons staying at the second-floor vacation rental would be able to utilize this area.

Bochniak asked about the type of entertainment she would have.

Kouzmanoff said she is allowed but she is not planning to have any. She said it really is inconvenient to do business out there; they just want to be able to allow bar patrons to use this area and have it covered by dram shop insurance.

Oldenburg said any entertainment would have to comply with the regulations that were recently approved – acoustic only with limited hours.

Testimony Presented in Opposition to the Proposal:

- **No one spoke in opposition to the request**

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (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 (K)(10) defines and outlines the regulations for Outdoor Entertainment as an accessory commercial use.
- 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 District.
2. The Zoning Ordinance provides for Outdoor Entertainment as follows:
 - a. Outdoor Entertainment is permitted only by Special Use Permit as an accessory commercial use in the 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 area 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 this district.
4. The applicant seeks a Special Use Permit to allow Outdoor Entertainment as an accessory commercial land use in the Downtown Commercial District.
5. The applicant will ensure that the outdoor entertainment is limited to acoustical performances only during the allotted times allowed by the regulations.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Kouz Properties, LLC for a Special Use Permit to allow Outdoor Entertainment as an accessory commercial land use in the Downtown Commercial District should be approved for the following reasons:

1. The site plan review met the 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 Outdoor Entertainment use. As required by the regulations, hours of operation, location and sound levels of performance were all considered.
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.
6. This use is allowed only by Special Use Permit in the Downtown Commercial District.

DECISION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by Kouz Properties, LLC for a Special Use Permit to allow Outdoor Entertainment as an accessory commercial land use in the Downtown Commercial District should be approved.

PASSED AND APPROVED this 9th day of August, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

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

REGARDING

CALENDAR NUMBER: 17S-32

APPLICATION BY: William Deiter, 301-303 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 August 9, 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 for additional vacation rental units in the Downtown Commercial District. The applicant received a Special Use Permit earlier this year for units 201 & 202; he would like to expand to utilize the remaining three apartments as vacation rental units as they become available to do so.

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

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

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

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

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

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

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:

- **Jack Dieter 314 Third Street, Galena** said the two previously approved units, 201 & 202 have been very popular rentals. They would like to add three more units - 203, 204 and 205.

Testimony Presented in Opposition to the Proposal:

- There was no testimony in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (6) provides a definition and description of the Downtown Commercial District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.

- Section 154.406 (D) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

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

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

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by William Deiter 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 William Deiter 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 9th day of August, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 8, 2017

RE: Cal. No. 17A-03 & 17V-04, Applicant and Owner: Xochi LLC, 2616 Lobo Lane, Dubuque, IA 52001. Location: Parcel: 22-100-491-00, Lot 68, S 22' of Lot 67 & S ½ of Lot 76, Lots between Commerce and Water Streets, Galena, Jo Daviess County, Illinois. Common Address is 216 South Commerce Street, Galena, IL 61036. Request for Rezoning from Planned Commercial to Downtown Commercial and Variance to allow covered porch roof in front setback area and building expansion in rear.

Summary:

The applicant has purchased 216 S. Commerce Street to open a Los Aztecas restaurant and wishes to make alterations to the building to facilitate their operations. Upon review with their architect, we discovered that the bulk, intensity, parking and landscaping standards would be impossible to meet as the property is currently zoned as Planned Commercial. We considered the possibility of rezoning to Downtown Commercial and it worked-out that it would alleviate almost all of the restrictions to accomplish their plans.

The applicant wishes to push-out the rear of the building 25 feet towards Water Street to facilitate more room for the kitchen and a new walk-in cooler. The applicant also wishes to extend a porch roof over the outdoor dining area in the front. In the Downtown Commercial District, the front yard setbacks are based on the average of front setbacks for other buildings on the same block face. In this case, the front setback is half-way between 216's façade and City Hall's façade. Therefore, a variance is needed for front-yard setback to construct a porch roof over the outdoor dining area.

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

Staff recommends approval of this request.

Land uses in all directions include downtown commercial.

Approval Criteria & Recommendation for Map Amendment:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered (*including comments from the Zoning Administrator*):

(1) Whether the existing text or zoning designation was in error at the time of adoption;

(2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances;

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines;

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § [154.919\(F\)](#).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

Approval Criteria & Recommendation for Variance:

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

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

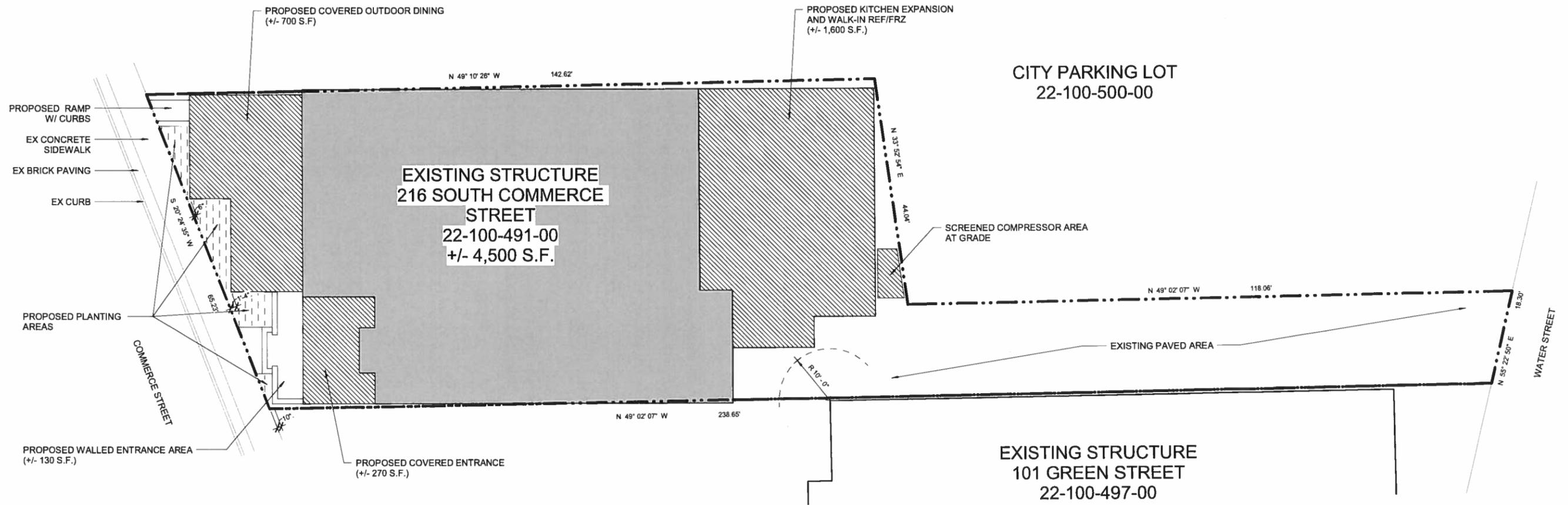
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code;
- (7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

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

Written Report:

1. Whether the existing text or zoning designation was in error at the time of adoption;
The zoning designation was not in error at the time of adoption.
2. Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
An increase in visitors to Galena has developed a need for more dining options.
3. Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances;
Rezoning to Downtown Commercial is compatible with the surrounding area as this property is amongst other commercially zoned properties. Rezoning will not have any adverse impacts on the capacity or safety of the adjacent street network. Proposed landscape areas, adjacent to the front patio dining, would improve storm water runoff effects. The existing site has no room for parking and restaurant patrons park on street or in paid lots. Rezoning to Downtown Commercial will not have any adverse impacts on parking that don't presently exist. Rezoning will not have any adverse impacts on air or noise pollution, excessive nighttime lighting, or other nuisances that don't presently exist for the current zoning and restaurant use.
4. Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines;
The proposed use of the property will remain the same (restaurant/bar) it will remain in conformance with and in furtherance of the goals of the Comprehensive Plan.
5. Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;
Adequate public facilities are available as this property is within walking distance of Galena attractions and adjacent to public parking.
6. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or
The existing, non-conforming structure would be in further conformance with the proposed rezoning and create an opportunity to make better use of the site by alleviating side and rear setback requirements that other properties in the downtown district currently use to their advantage.
7. Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.
The community will benefit by having an additional dining option in the downtown district, which further supports our tourist industry. The new owners are eager to revitalize a previously neglected restaurant and create a comfortable dining experience for their guests with an outdoor seating area.





SITE PLAN
1" = 10'-0"

SITE INFORMATION

LOT AREA: 10,275 S.F. OR 0.26 ACRES
 BUILDING AREA: +/- 4,500 S.F.
 FLOOR AREA RATIO: 0.44
 ZONING DISTRICT: PLANNED COMMERCIAL
 HISTORIC DISTRICT: YES

THIS IS NOT AN OFFICIAL SURVEY.
 SITE INFORMATION WAS TAKEN FROM
 PAUL C. BRASHAW STAMPED SURVEY DATED
 AUGUST 11, 1997 (LOCATED IN THE
 PROPERTY FILE AT THE CITY OF GALENA.)

2017-08-31



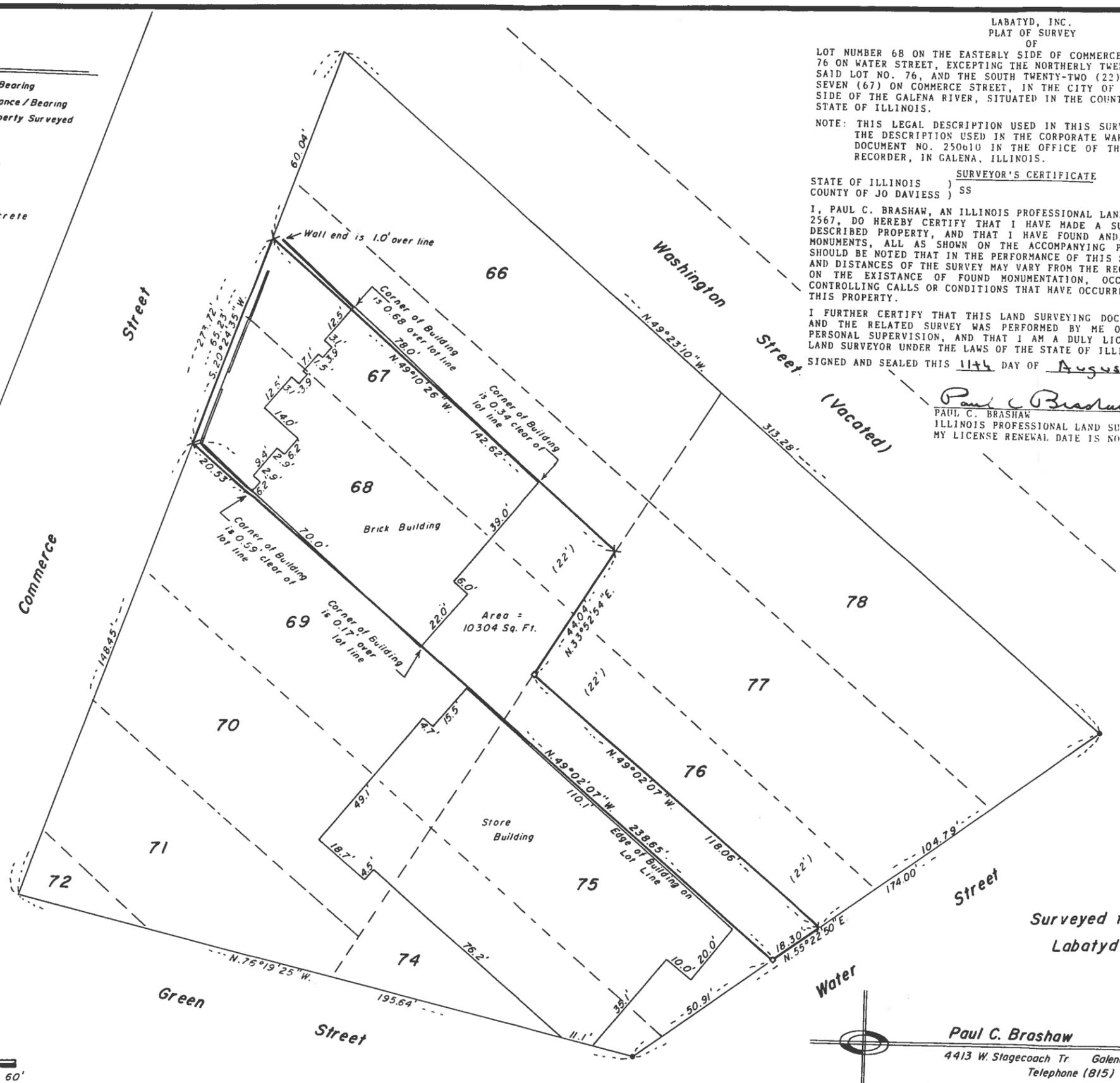
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 PREPARED BY iiw P.C. IN
 ACCORDANCE WITH ALL
 STATE AND FEDERAL
 REQUIREMENTS AND
 STANDARDS. iiw P.C. IS
 NOT RESPONSIBLE FOR THE
 ACCURACY OF THE
 INFORMATION CONTAINED
 HEREIN.

Project Description:

SITE PLAN
LOS AZTECAS - GALENA
 216 SOUTH COMMERCE STREET
 GALENA, ILLINOIS 61036



- Legend**
- 0.00' Measured Distance/Bearing
 - (0.00') Platted/Deeded Distance/Bearing
 - Boundary of the Property Surveyed
 - Existing Fence Line
 - o 3/4" Iron Rod Set
 - Iron Rod/Pipe Found
 - R. R. Spike
 - △ P. K. Nail
 - x Chiseled "X" in Concrete



LABATYD, INC.
 PLAT OF SURVEY
 OF
 LOT NUMBER 68 ON THE EASTERLY SIDE OF COMMERCE STREET; LOT NUMBER
 76 ON WATER STREET, EXCEPTING THE NORTHERLY TWENTY-TWO (22) FEET OF
 SAID LOT NO. 76, AND THE SOUTH TWENTY-TWO (22) FEET OF LOT SIXTY-
 SEVEN (67) ON COMMERCE STREET, IN THE CITY OF GALENA, ON THE WEST
 SIDE OF THE GALENA RIVER, SITUATED IN THE COUNTY OF JO DAVIESS AND
 STATE OF ILLINOIS.

NOTE: THIS LEGAL DESCRIPTION USED IN THIS SURVEY, IS THE SAME AS
 THE DESCRIPTION USED IN THE CORPORATE WARRANTY DEED RECORDED
 DOCUMENT NO. 250610 IN THE OFFICE OF THE JO DAVIESS COUNTY
 RECORDER, IN GALENA, ILLINOIS.

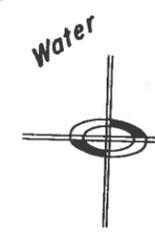
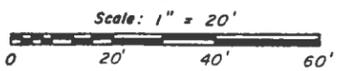
STATE OF ILLINOIS)
 COUNTY OF JO DAVIESS) SS

SURVEYOR'S CERTIFICATE
 I, PAUL C. BRASHAW, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, NO. 35-
 2567, DO HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE ABOVE
 DESCRIBED PROPERTY, AND THAT I HAVE FOUND AND/OR SET THE SURVEY
 MONUMENTS, ALL AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY. IT
 SHOULD BE NOTED THAT IN THE PERFORMANCE OF THIS SURVEY, THE COURSES
 AND DISTANCES OF THE SURVEY MAY VARY FROM THE RECORDED CALLS, BASED
 ON THE EXISTANCE OF FOUND MONUMENTATION, OCCUPATION, OR OTHER
 CONTROLLING CALLS OR CONDITIONS THAT HAVE OCCURRED IN THE SURVEY OF
 THIS PROPERTY.

I FURTHER CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED
 AND THE RELATED SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT
 PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL
 LAND SURVEYOR UNDER THE LAWS OF THE STATE OF ILLINOIS.

SIGNED AND SEALED THIS 11th DAY OF August, 1997.

Paul C. Brashaw
 PAUL C. BRASHAW
 ILLINOIS PROFESSIONAL LAND SURVEYOR, NO. 35-2567
 MY LICENSE RENEWAL DATE IS NOVEMBER 30, 1998



Surveyed for
 Labatyd, Inc.

Paul C. Brashaw
 4413 W. Stagecoach Tr. Galena Illinois 61036
 Telephone (815) 777-1172

Date: August 11, 1997 Sheet 1 of 1

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 8, 2017

RE: Cal. No. 17S-34, Applicants and Owners: Christine Marshall and Cynthia Purnell, 419 Franklin Street, Galena, IL 61036. Location: Parcel: 22-100-344-00, Lot 57 of Franklin Street, Galena, Jo Daviess County, Illinois. Common Address is 419 Franklin Street. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

Summary:

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

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

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

Lot Capacity: The lot size is 10,686 square feet, or 0.245 acres. The structure is situated along Franklin Street downhill from the intersection of Dodge Street and will take driveway access from Franklin Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

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

Approval Criteria & Recommendation:

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

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

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

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

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

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

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

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

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

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

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



Legend



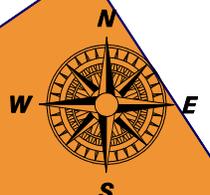
Buildings



Parcels



Low Density Residential



Feet

Building Classification
 Zoning LDR Low Density Residential, Vacation Rental Special Use permit

Construction Type 111 A, Historic Building, 2 stories, 1,741 sq. ft. gross
 Occupancy Change from R3 to R1
 Project type: Change of occupancy from R3 to R1
 No alterations

General Notes

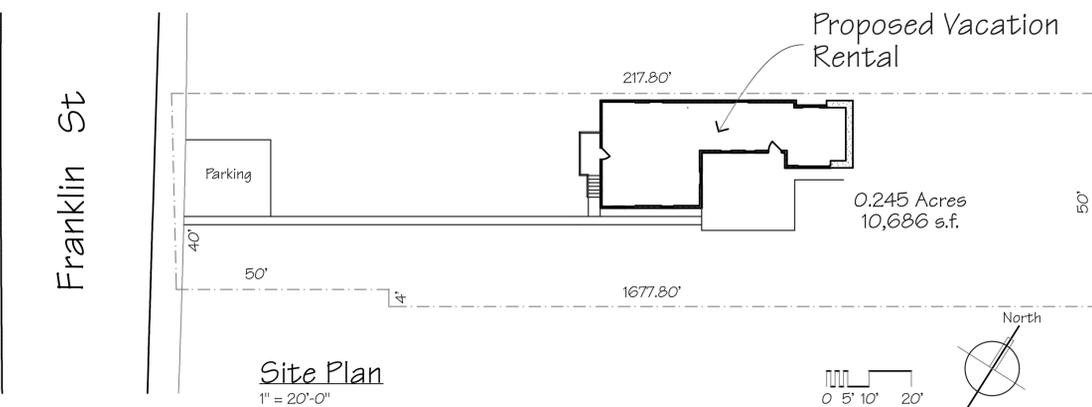
- Existing conditions for bedrooms to be grandfathered.
- Electrical
 - Verify existing Smoke Detectors and provide new as needed throughout all areas, within each new bedroom, with in 15' of each bedroom door, & carbon monoxide detector within 10' of bedroom. Hardwire all new detectors with battery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

Vacation Rental Unit

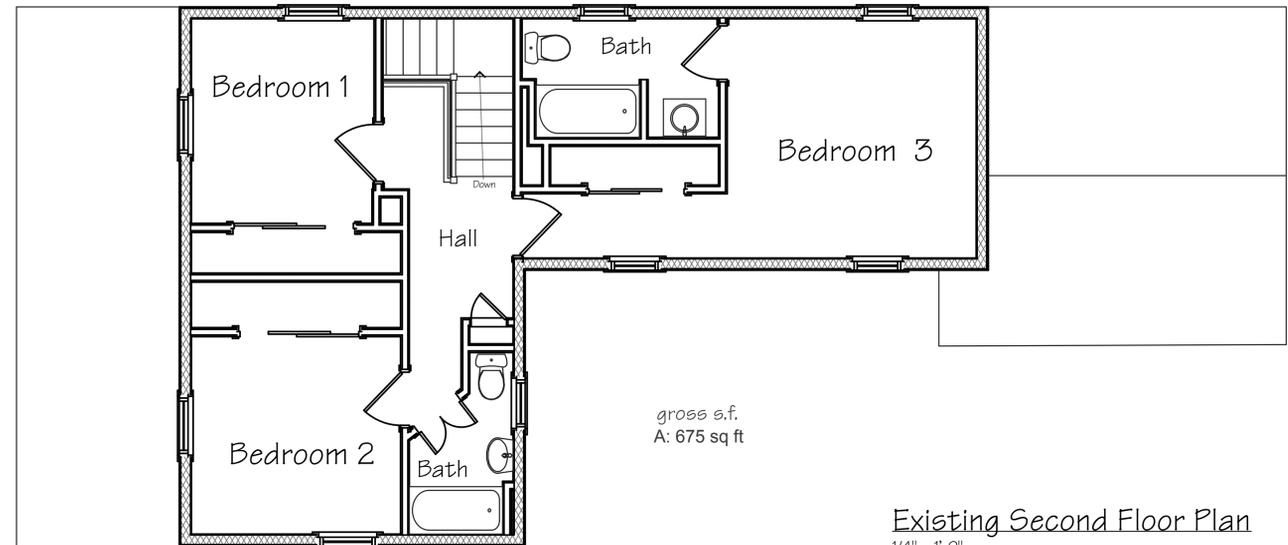
3 Bedrooms, 1 1/2 baths
 1,741 sq ft with 2 off street parking spaces
 8 guests allowed



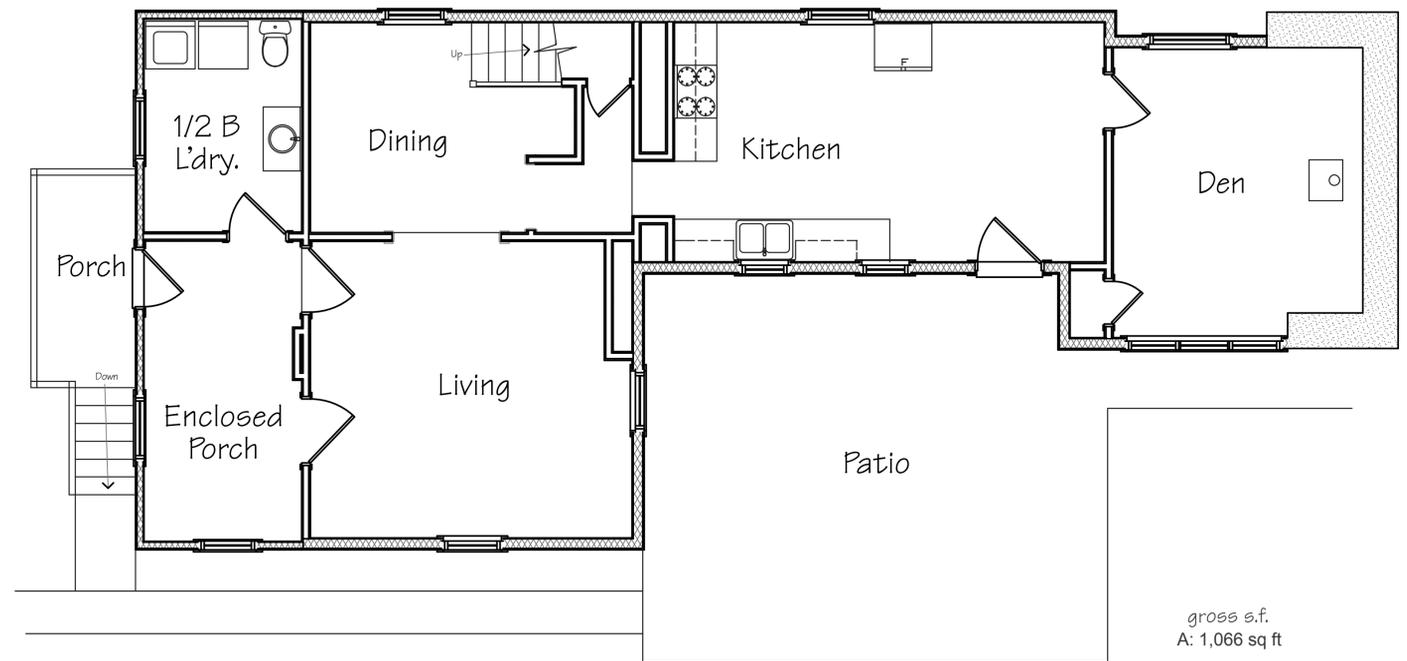
Location Map



Site Plan
 1" = 20'-0"



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



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



Certification Statement:
 I, the undersigned, being a duly licensed Architect under the laws of the State of Illinois, do hereby certify that I am the author of the above drawings and that I am a duly licensed Architect under the laws of the State of Illinois, and that I am not providing my services in violation of any applicable laws or regulations.

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 8, 2017

RE: Cal. No. 17S-35, Applicant: Joann Jones, 307 South Main Street, Galena, IL 61036 and Owner: James & Beverly Jones, 307 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-032-00, S ½ 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.

Summary:

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in the Downtown Commercial District. There is currently another vacation rental unit on the third floor of this building. This request is for the second floor apartment.

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

Number of Guests: Maximum occupancy load for this vacation rental is 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 1,551 square feet, or 0.04 acres. The structure is set in the downtown commercial area with access to Main Street and Bench Street. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

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

Staff recommends approval of this request.

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

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.*

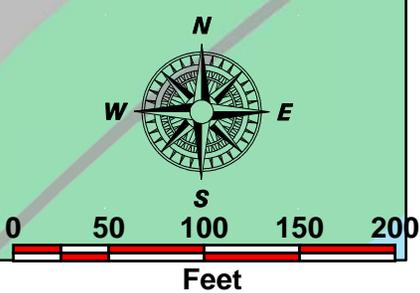
(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, 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.



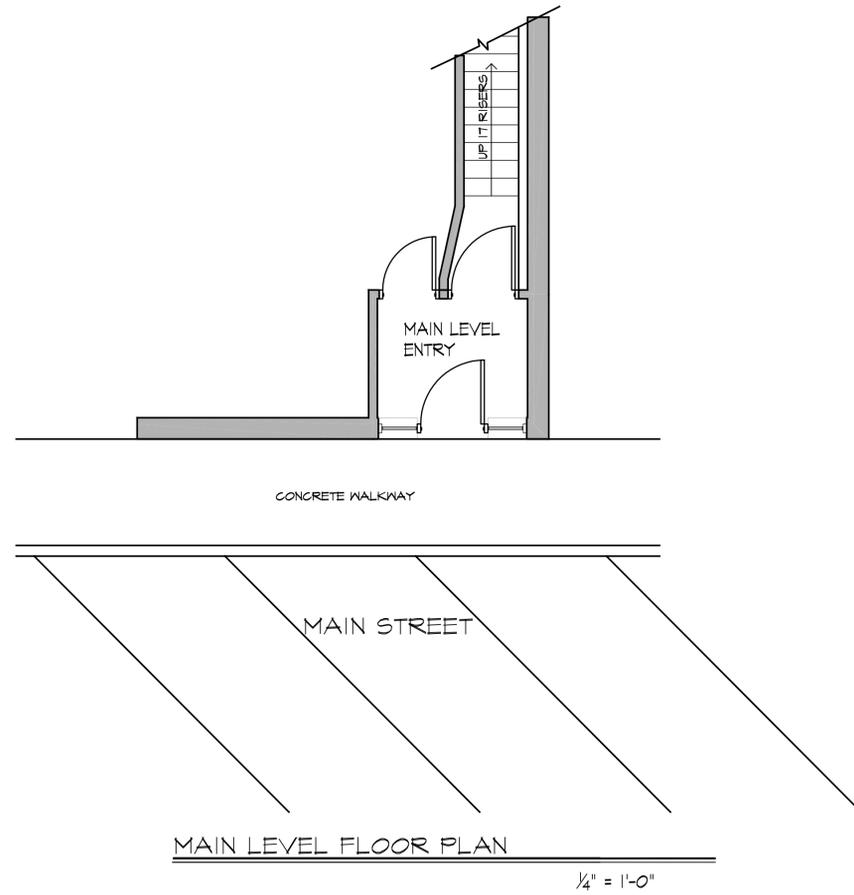
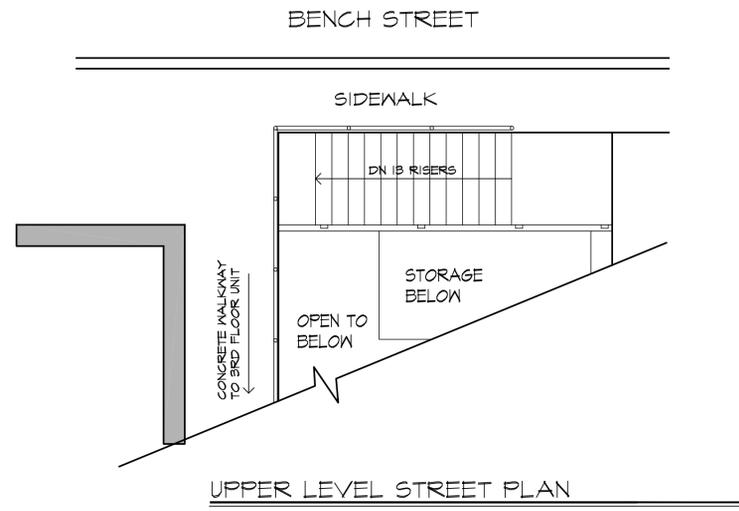
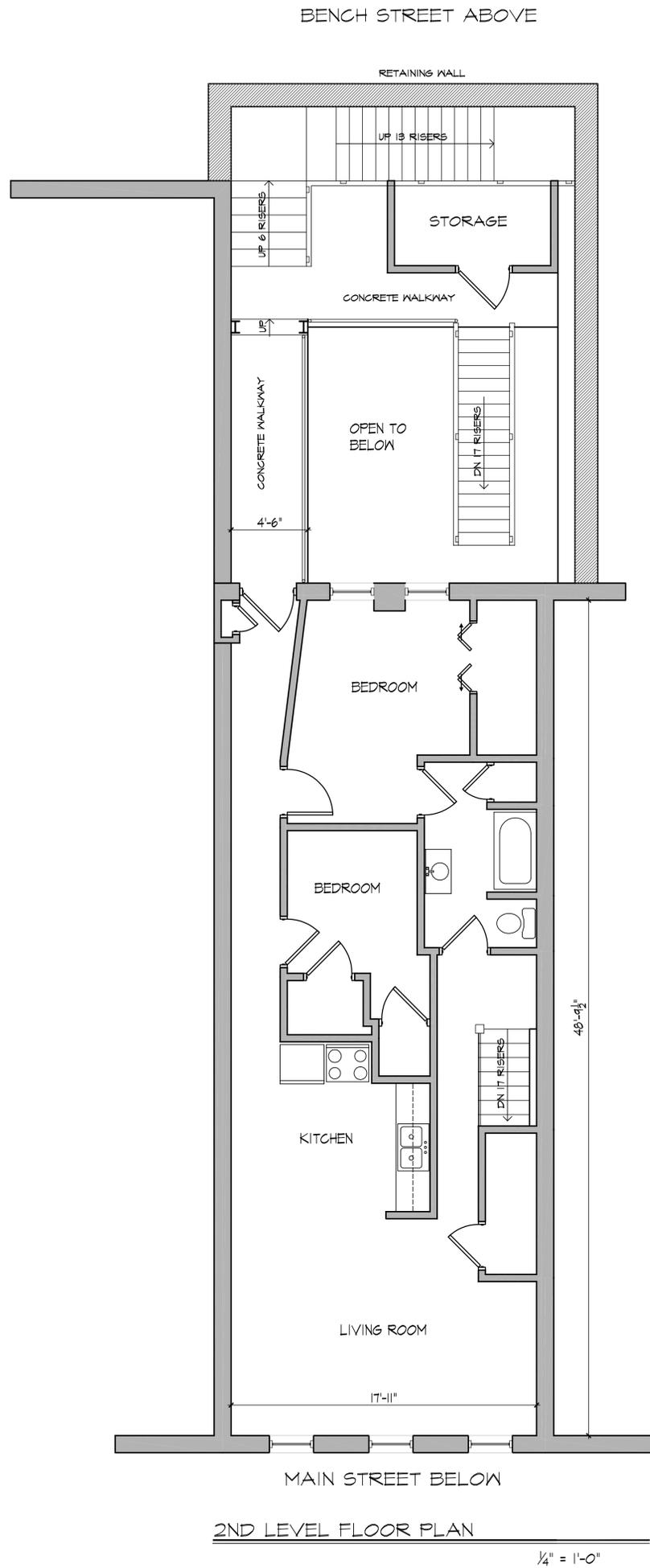
Legend

- Low Density Residential District
- Planned Commercial District
- Medium Density Residential District
- Downtown Commercial District
- Parcel Boundary





Drawing Name: F:\PROJECTS\17\17040 - Jones, JoAnn\Floor Plans.dwg Last Modified Aug 21, 2017 - 8:54am Plotted on: Aug 21, 2017 - 8:54am by r.jacobsmeyer



<p>Straka Johnson Architects, P.C. 3955 Digital Drive Woodridge, IL 60095 Phone: (847) 556-2007 Fax: (847) 556-0567</p>	
<p>The use of these drawings shall be restricted to the project and site specifically identified herein. Any other use, reproduction, or distribution is expressly limited to such use unless with the express written consent by agreement with the architect.</p> <p>Reproduction, publication or reuse of these drawings in whole or in part, is prohibited by any method in any form, without the prior written consent of the architect.</p> <p>Title to these drawings remains with the architect and shall not be transferred by these drawings without the prior written consent of the architect.</p>	
<p>JOANN JONES</p>	
<p>307 SOUTH MAIN STREET GALENA, ILLINOIS</p>	
Revision	
Date	8/21/2017
Drawn By	RON
Project Number	17040
Sheet Number	A.I.I.

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 8, 2017

RE: Cal. No. 17S-36, Applicant and Owner: Raymond Pace, LLC, 213-217 South Main Street, Galena, IL 61036. Location: Parcels: 22-100-042-00 and 22-100-045-00, N 23' of Lot 31 and S 30' of Lot 32, Original Lots between Main and Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 213-217 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit for additional vacation rental units in the Downtown Commercial District. This property is commonly known as the Schmol building and has retail shops on Main Street with apartments above the ground level. The apartments have been condemned / vacant for several years. The new owner wishes to renovate the building and create nine vacation rental units total amongst the second and third floors.

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, however, it is expected that the new owner will freshen-up the paint & maintenance that has been neglected.

Number of Guests: Maximum occupancy load for the nine units is 22 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 3,746 square feet, or 0.085 acres. The structure is situated between Main and Bench Streets and currently houses seven apartments above three retail shops. 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.



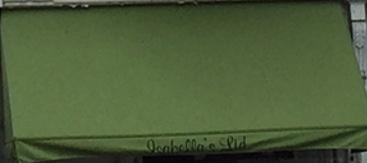


J. SCHMIDT



Pink

Pink



Jeniffer's Ltd



SLIMMER

3-HR
PARKING
DAILY
8AM TO 5PM
NO PARKING
TUE TO FRI
8:30AM TO 5:00PM



Building Classification

Zoning DC Downtown Commercial, Vacation Rental Special Use permit

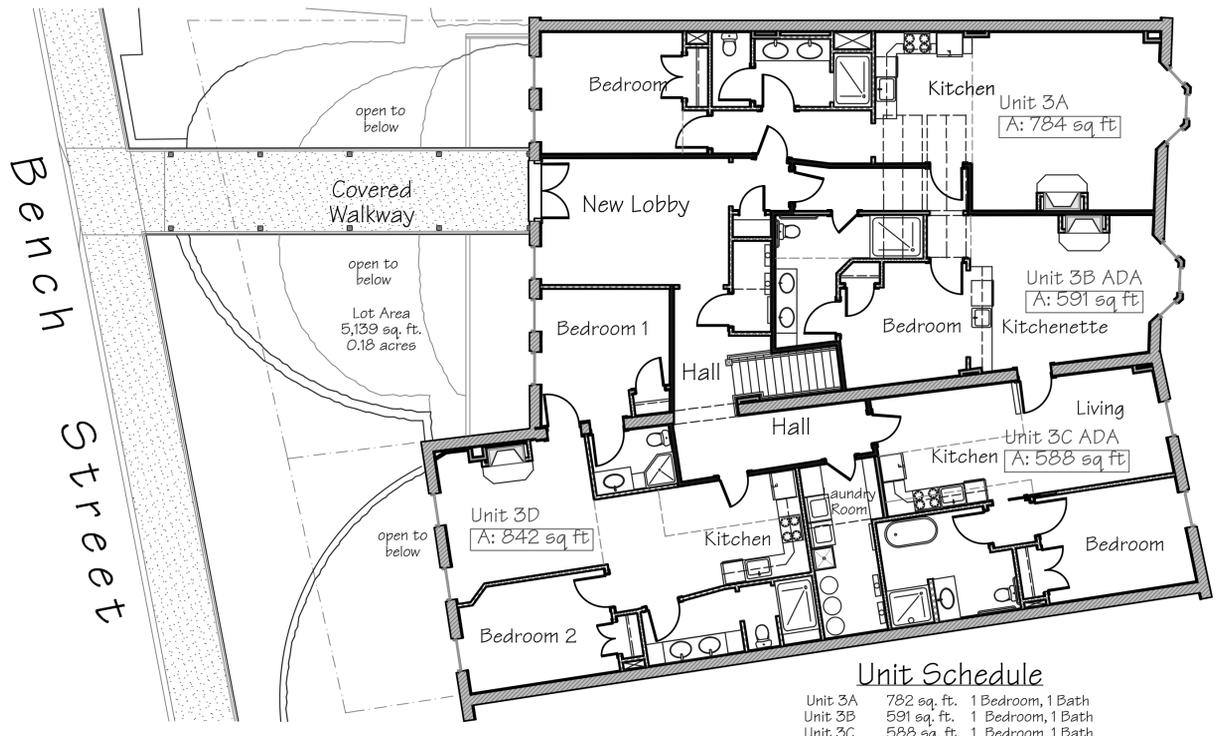
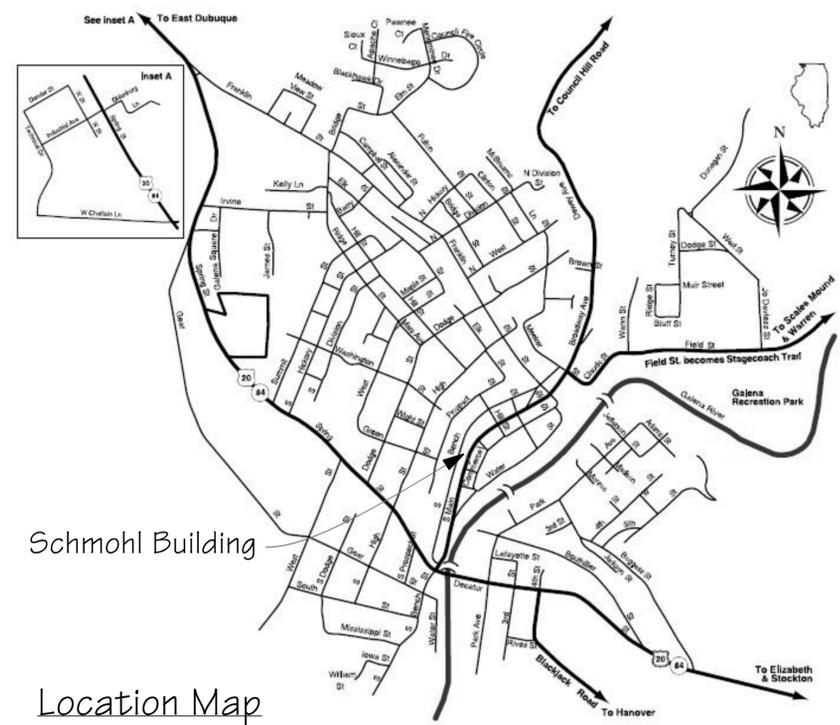
Construction Type 111 A, Historic Building, 3 stories, 1,741 sq. ft. gross
 Occupancy Change from R3 to R1
 Project type: Change of occupancy from R3 to R1
 Total rehabilitation of 2nd & 3rd floors.

Vacation Rental Unit

Unit 2A 962 sq. ft. 2 Bedroom, 2 Bath
 Unit 2B 293 sq. ft. 1 Bedroom, 1 Bath
 Unit 2C 674 sq. ft. 1 Bedroom, 1 Bath
 Unit 2D 710 sq. ft. 1 Bedroom, 1 Bath
 Unit 2E 374 sq. ft. 1 Bedroom, 1 Bath

Unit 3A 782 sq. ft. 1 Bedroom, 1 Bath
 Unit 3B 591 sq. ft. 1 Bedroom, 1 Bath
 Unit 3C 588 sq. ft. 1 Bedroom, 1 Bath
 Unit 3D 842 sq. ft. 2 Bedroom, 2 Bath

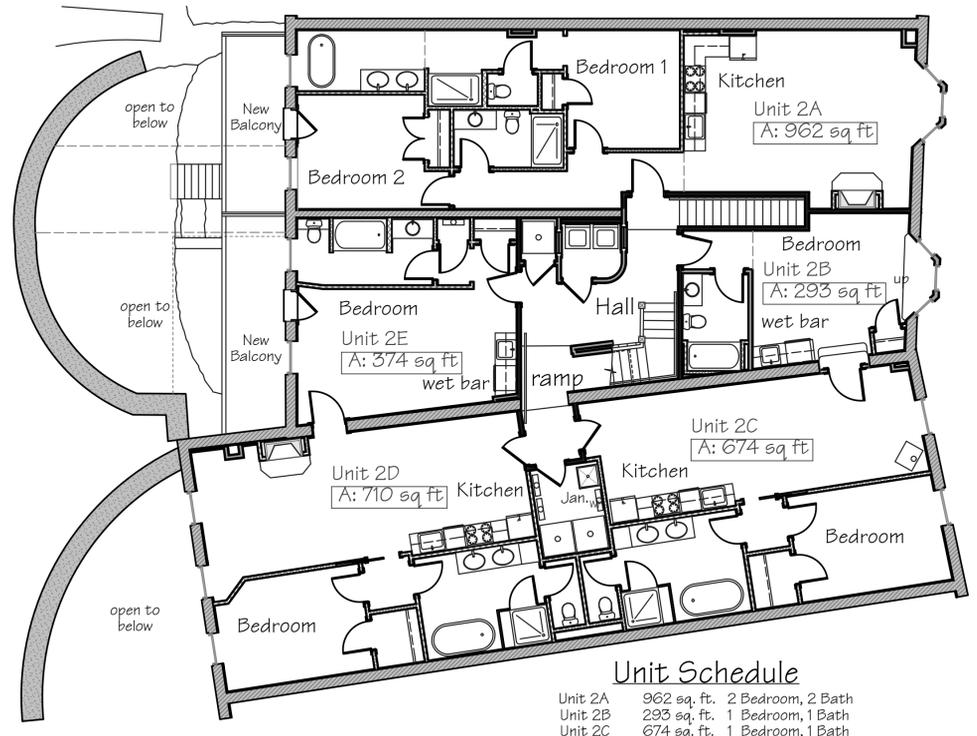
9 Units, 11 Bedrooms, 11 Baths
 with no street parking spaces
 22 guests allowed



Unit Schedule

Unit 3A	782 sq. ft.	1 Bedroom, 1 Bath
Unit 3B	591 sq. ft.	1 Bedroom, 1 Bath
Unit 3C	588 sq. ft.	1 Bedroom, 1 Bath
Unit 3D	842 sq. ft.	2 Bedroom, 2 Bath

Proposed Third Floor Plan Gross Area 3,746 sq. ft.
 1/8" = 1'-0"



Unit Schedule

Unit 2A	962 sq. ft.	2 Bedroom, 2 Bath
Unit 2B	293 sq. ft.	1 Bedroom, 1 Bath
Unit 2C	674 sq. ft.	1 Bedroom, 1 Bath
Unit 2D	710 sq. ft.	1 Bedroom, 1 Bath
Unit 2E	374 sq. ft.	1 Bedroom, 1 Bath

Proposed Second Floor Plan Gross Area 3,746 sq. ft.
 1/8" = 1'-0"

Main Street

MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: September 8, 2017

RE: Cal. No. 17V-05, Applicant and Owner: Donald & Kathryn Gereau, 219 South High Street, Galena, IL 61036. Location: Parcel: 22-100-615-00, E ½ of Lot 10, Block 6, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 219 South High Street. Request for Variance to allow construction of a garage.

Summary:

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

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

The other issue is that the garage will encroach upon the visibility triangle requirements per 154.605(I) which states that the vertices of the triangle must be measured back 50 feet from the corner pin on each direction. Then a line is drawn between the two vertices to form a triangle. No structures shall be permitted which materially impedes vision above the height of 2.5 feet.

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

Please see attached concept drawings.

Variance Criteria

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

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

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

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

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

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

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

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

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

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

CITY OF GALENA, ILLINOIS



Request for Variation

Name: Adam Johnson

Address of Applicant: 211 Fourth Street, Galena, Illinois 61036

Phone #: 815/281-1577 City Galena State Illinois Zip 61036
Email: adamizso333@gmail.com

Name of Property Owner (if different from applicant): Don Gereau

Address of Interest: 219 South High Street, Galena, Illinois 61036

Present Use of Property: Single family Residential Proposed Use: same

Zoning District: LDR Low Density Residential Within Historic District?: Yes No

Reason for Variance Request

Please Note: The following questions must be answered completely. If additional space is required, please attach extra pages to the application.

Also, read the 'Notice to Applicants' attached to this application before answering.

What characteristics of your property prevent it being used for any of the uses permitted in your zoning district?

Too narrow Elevation Soil Too small Slope Subsurface Too shallow Shape

If other, please specify: Historic configuration of the building on the property

Describe the items checked, giving dimensions where appropriate: _____

The best location to place the garage is in the corner of the lot but the area is limited.

How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning

Ordinance?: _____

Other location on the lot for the garage would be disruptive to the rest of the lots because of the topography and configuration.

To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance or applicable part thereof became law?

Yes No If 'No', explain why the hardship should not be regarded as self-imposed. (Self-imposed hardships are not entitled to variations.): _____

Are the conditions on your property the result of other manmade changes such as the relocation of a road or highway? If so, describe: NA

Which of the following types of modifications will allow you a reasonable use of your land? A change in...

- Setback Requirement Side Yard Restrictions Area Requirement Lot-coverage Requirement
 Height Requirement Off-street Parking Requirement

If other, please specify: encroachment into the 50' visibility triangle

Describe the variation requested, giving distances where appropriate: _____

Place new garage attached to house on lot per plan provided.

Are the conditions of hardship for what you request a variation true only of your property? Yes No

If not, how many other properties are similarly affected?: _____

Will granting the variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Explain: _____

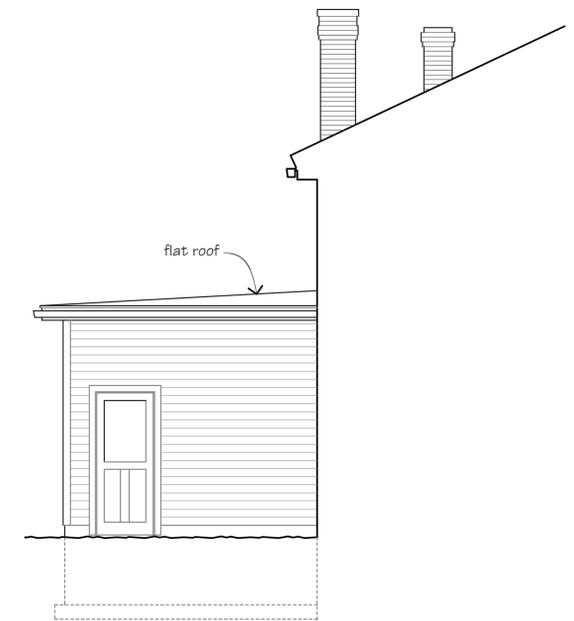
Yes, the street is narrow and houses and porches along the rest of the street have minimal setbacks.



Proposed East Elevation
1/4" = 1'-0"



Proposed North Elevation
1/4" = 1'-0"



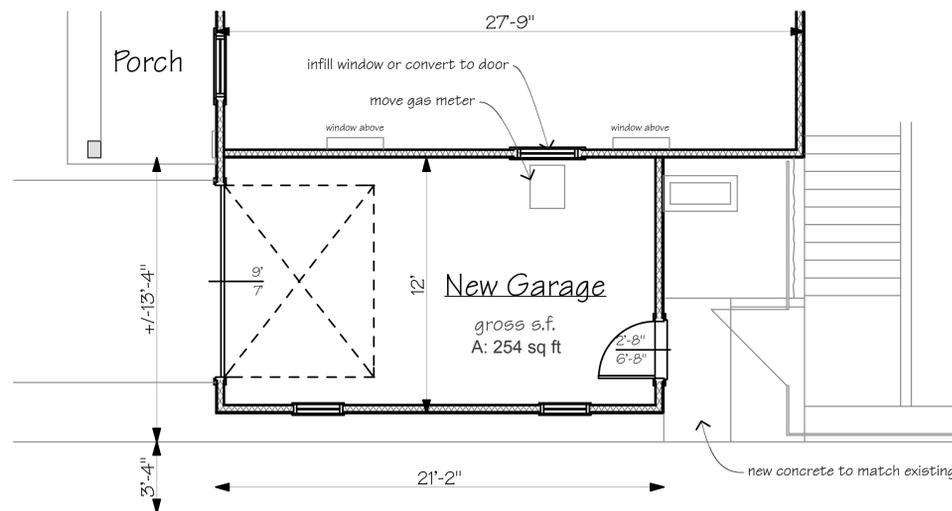
Proposed West Elevation
1/4" = 1'-0"



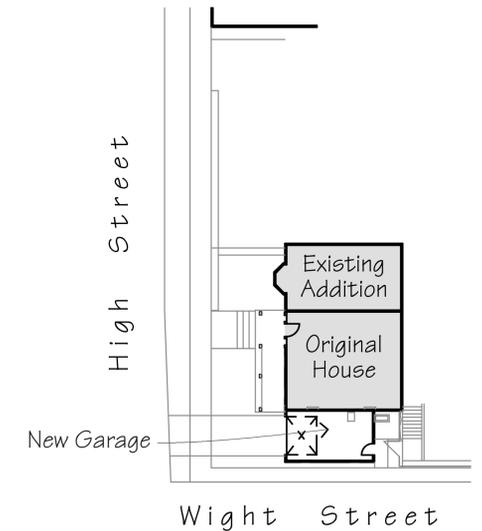
Existing North Elevation
1/4" = 1'-0"



Location Map



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



Site Plan
1" = 20'-0"

