



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

**WEDNESDAY, JANUARY 10, 2018
6:30 P.M. – CITY HALL 101 GREEN STREET**

ITEM	DESCRIPTION
18Z-2001	Call to Order by Presiding Officer
18Z-2002	Roll Call
18Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
18Z-2004	Approval of the Minutes of the Regular Meeting of December 13, 2017	3-6

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
18S-37	Lauren Knapp – Request for Special Use Permit for Guest Accommodations, Vacation Rental at 233 Diagonal Street.	7-10

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
18S-01	Greg & Dawn Fleege – Request for Special Use Permit for Guest Accommodations, Vacation Rental at 509 N Dodge Street.	11-16

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
18Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
18Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wed. February 14, 2018	6:30 P.M.	City Hall, 101 Green Street

Posted: January 5, 2018 at 4:30 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
DECEMBER 13, 2017**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, December 13, 2017 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Holman to approve the November 8, 2017 minutes.

Motion carried on voice vote.

UNFINISHED BUSINESS

None

NEW BUSINESS

Cal. No. 17S-37, Applicant and Owner: Lauren Knapp, 233 Diagonal Street, Galena, IL 61036. Location: Parcel: 22-100-118-00, Part of Lot 6, Lots in Wedge of Block C, Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 233 Diagonal Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Nack swore all those in who wished to testify at the public hearing.

MOTION: Jansen moved, seconded by Bochniak to open the Public Hearing on Cal. No. 17S-37.

Motion carried by voice vote.

Lauren Knapp 237 Council Fire Circle Galena said she is looking to convert her resale shop into a vacation rental. Her architect Adam Johnson said she could accommodate seven people – one king size bed, two twin beds, a sofa sleeper and one twin bed.

Rosenthal asked if this was in the Downtown Commercial District with regard to parking requirements.

Oldenburg said it is DC so there are no parking requirements.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-37.

Motion carried by voice vote.

MOTION: Baranski moved, seconded by Bochniak to draft a positive Finding of Fact for Cal. No. 17S-37.

Discussion: Baranski reviewed the approval criteria:

Approval Criteria & Recommendation:

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

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

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. *The proposed plan meets the site plan review standards.*
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*
- (3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities. *Complimentary uses are available to the project.*
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

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

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

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

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

As Roll Call was:

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

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 6:40 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-37

APPLICATION BY: Lauren Knapp, 233 Diagonal Street,
Galena, IL 61036.

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

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 13, 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 a vacation rental units in the Downtown Commercial District. This property is located at the corners of Bench Street, Diagonal Street and Franklin Street and currently operates as a retail store.

The building was originally a single family residence and renovated in 2015-2016. Near the end of 2016, it was further upgraded to serve as a retail space. The retail / building owner would now like to discontinue the business at that location and use it as a vacation rental instead.

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 nine units is 7 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 1,395 square feet, or 0.032 acres. 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:

- **Lauren Knapp, 237 Council Fire Circle, Galena** said she is looking to convert her resale shop into a vacation rental. Her architect Adam Johnson said she could accommodate seven people – one king size bed, two twin beds, a sofa sleeper and one twin bed.

Rosenthal asked if this was in the Downtown Commercial District with regard to parking requirements.

Oldenburg said it is DC so there are no parking requirements.

Testimony Presented in Opposition to the Proposal:

- There was no testimony in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

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

CONCLUSIONS

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

1. The subject property is located in the Downtown Commercial District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:
 - a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Downtown Commercial District.
3. The Downtown Commercial District is intended to permit both large-and small-scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment and the continued economic viability of existing development. Accordingly, the district standards are crafted to work in conjunction with the requirements of the Historic District. A wide range of office, retail and lodging land uses are permitted within the district. Consistent with existing development patterns, no requirements for on-site landscaping or parking or required in this district for Permitted Uses. This district is strictly limited to central city.
4. The applicant seeks a Special Use Permit to allow a one-dwelling unit Vacation Rental as a principal commercial land use in a Downtown Commercial District.
5. The property 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 Lauren Knapp 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 compatible 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 Lauren Knapp 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 13th day of December, A.D. 2017, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: January 5, 2018

RE: Cal. No. 18S-01, Applicant and Owner: Gregory & Dawn Fleege, 509 North Dodge Street, Galena, IL 61036. Location: Parcel: 22-100-910-00, Part of Lots 1,4,5 & 6, Connelly's Subdivision of Lots 7 & 8 of Block 27 of the Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 509 North Dodge Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

Summary:

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

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

Number of Guests: Maximum occupancy load for this dwelling unit is 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 15,700 square feet, or 0.36 acres. The structure is situated along North Dodge Street downhill from the intersection of North High Street and will take driveway access from North Dodge Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

Staff recommends approval of this request. Land uses surrounding the property include residences and a nearby vacation rental at 500 N High Street.

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:

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

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

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

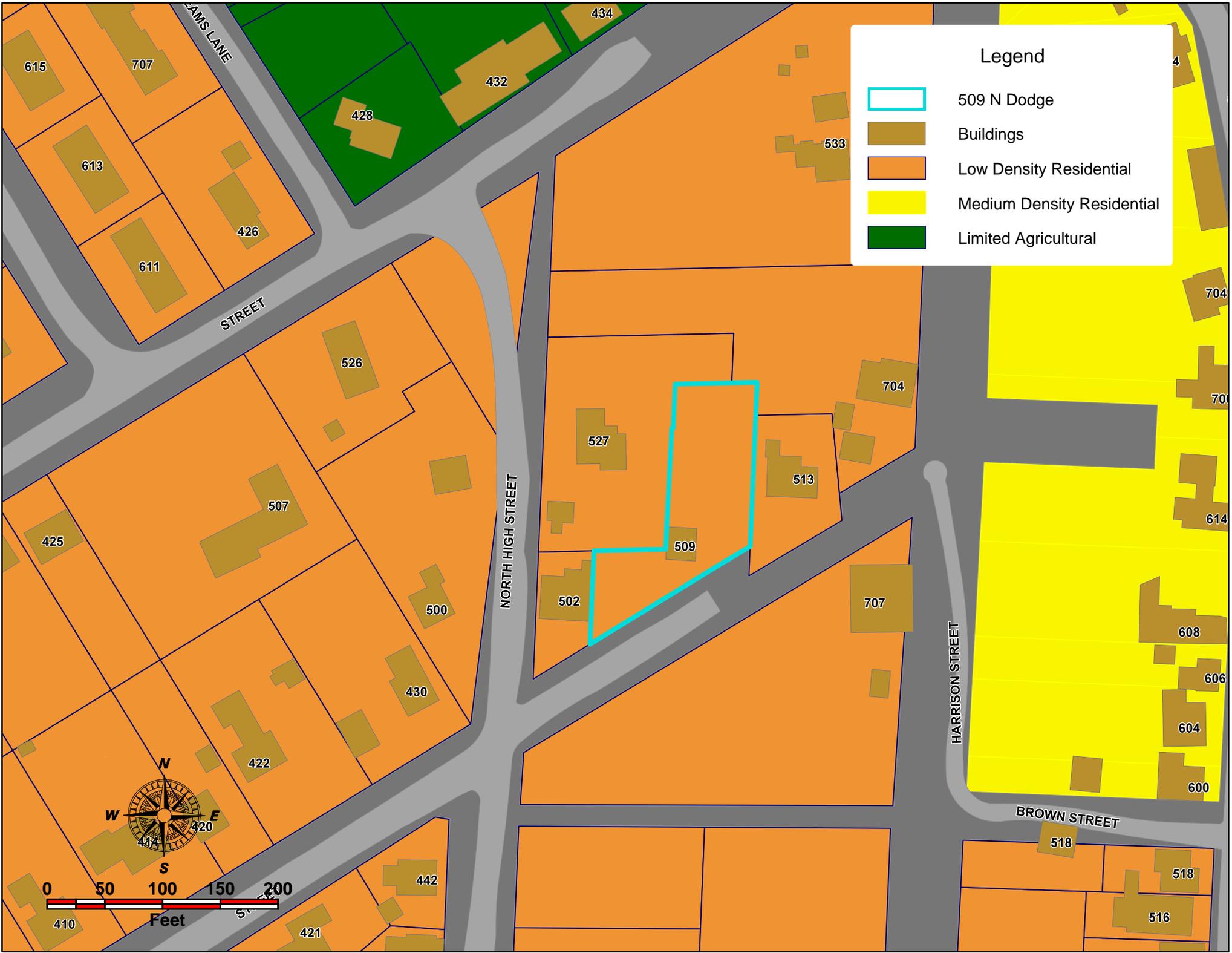
(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

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

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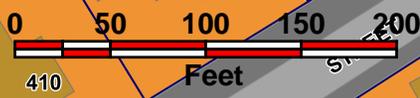
(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting,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

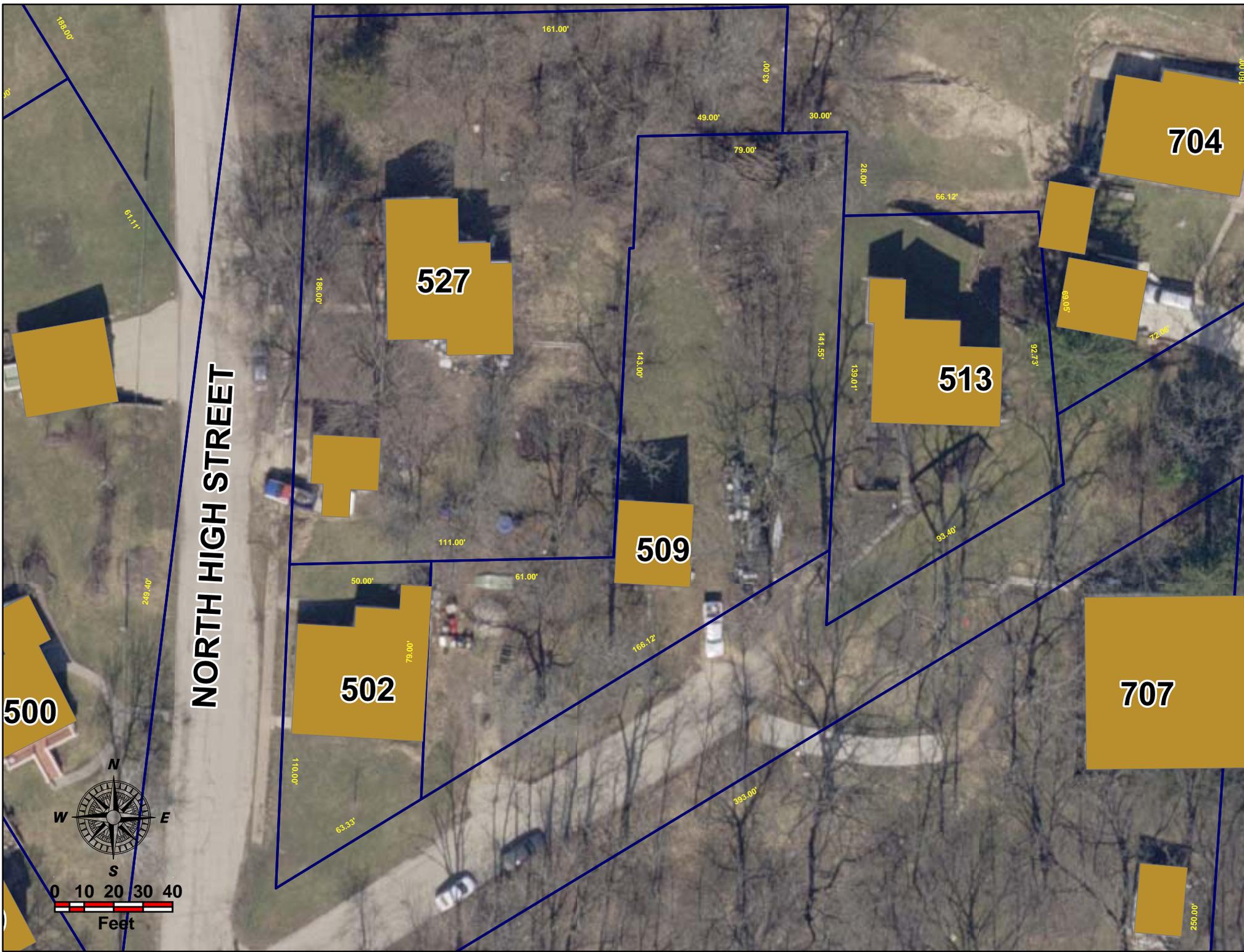
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Legend

-  509 N Dodge
-  Buildings
-  Low Density Residential
-  Medium Density Residential
-  Limited Agricultural





NORTH HIGH STREET

500

502

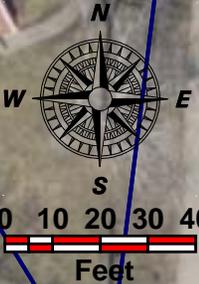
509

527

513

704

707



161.00'

43.00'

49.00'

30.00'

79.00'

28.00'

66.12'

186.00'

69.05'

143.00'

141.55'

139.01'

92.73'

61.11'

249.40'

111.00'

50.00'

61.00'

79.00'

166.12'

93.40'

110.00'

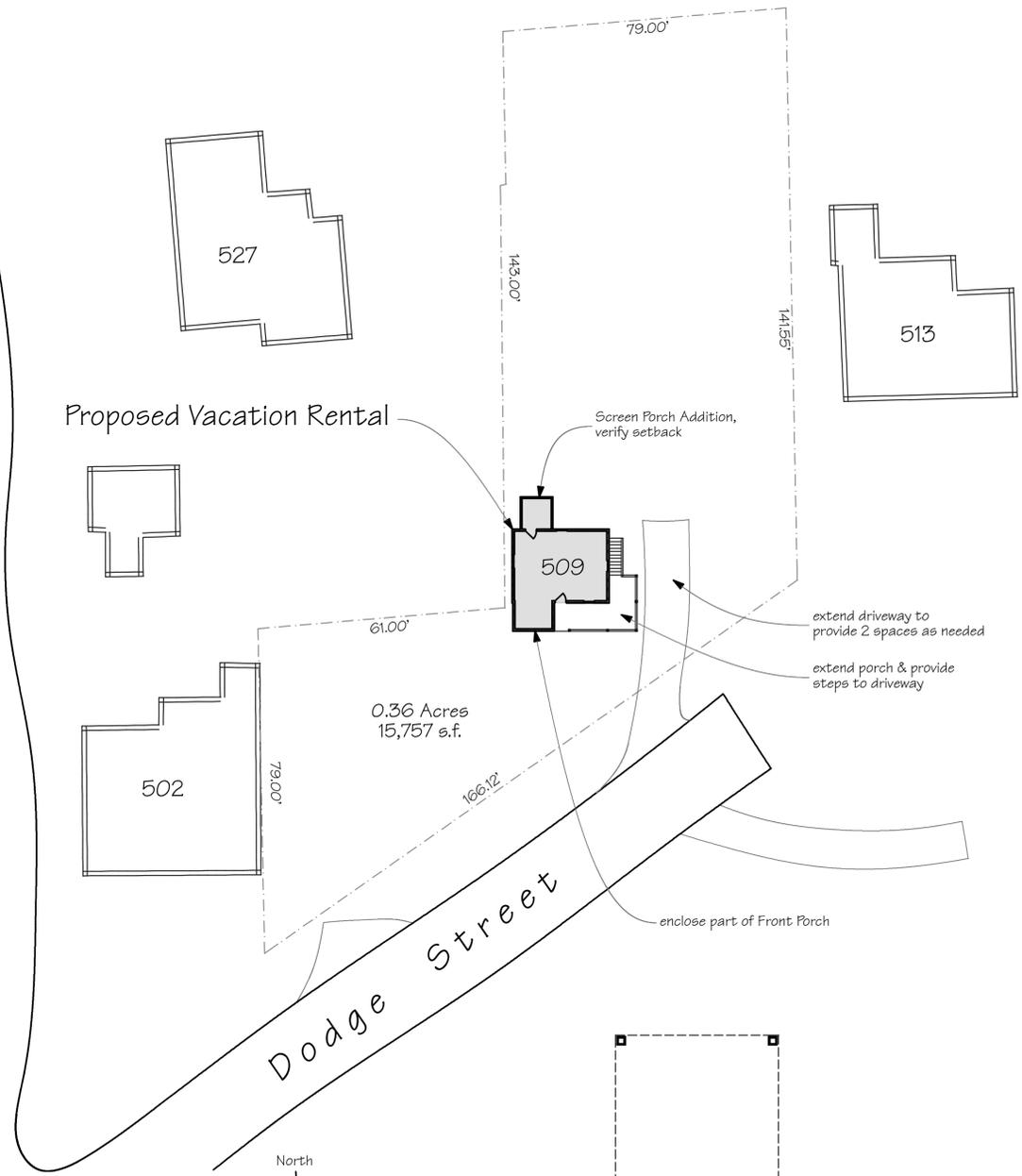
63.33'

393.00'

250.00'



North High Street



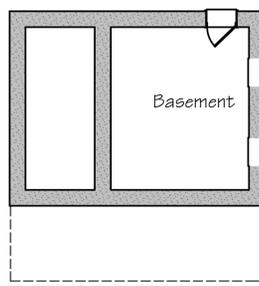
Vacation Rental Unit

1 Bedroom, 1 Bath
 1,248 sq ft with 2 parking spaces
 4 guests allowed

Building Classification: V A, Historic Building, 2 stories, 1,248 sq. ft. gross
 Zoning: LDR Low Density Residential, Vacation Rental Special Use permit

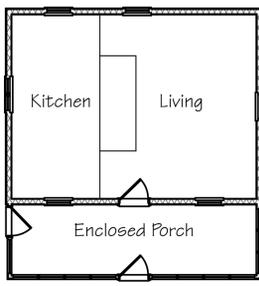
Construction Type: V A, Historic Building, 2 stories, 1,248 sq. ft. gross
 Occupancy: Change from R3 to R1
 Project type: Change of occupancy from R3 to R1
 Level 2 alterations, gut & remodel with additions

- General Notes
- All work to comply with all applicable Federal, State, & Local codes. 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.



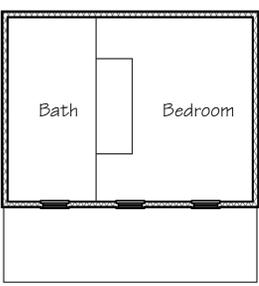
gross s.f.
A: 294 sq ft

Existing Basement Plan
1/8" = 1'-0"



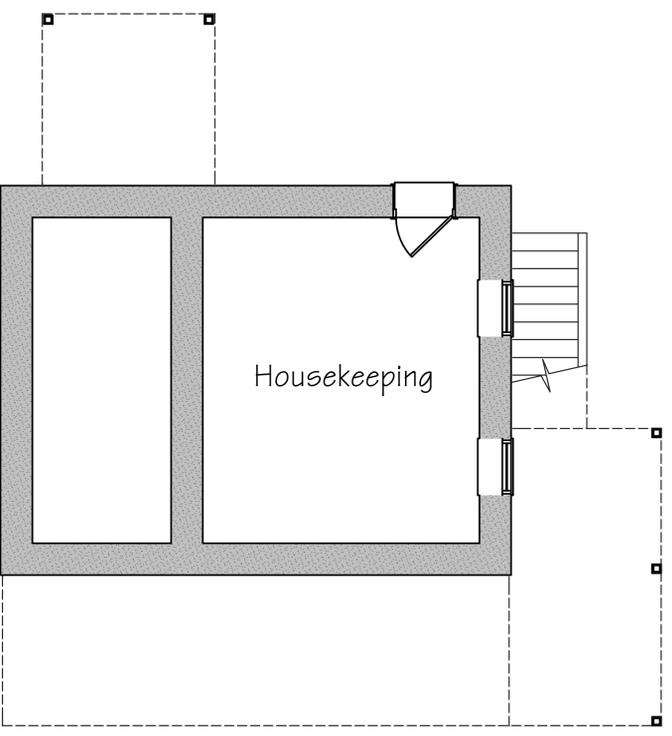
gross s.f.
A: 441 sq ft

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



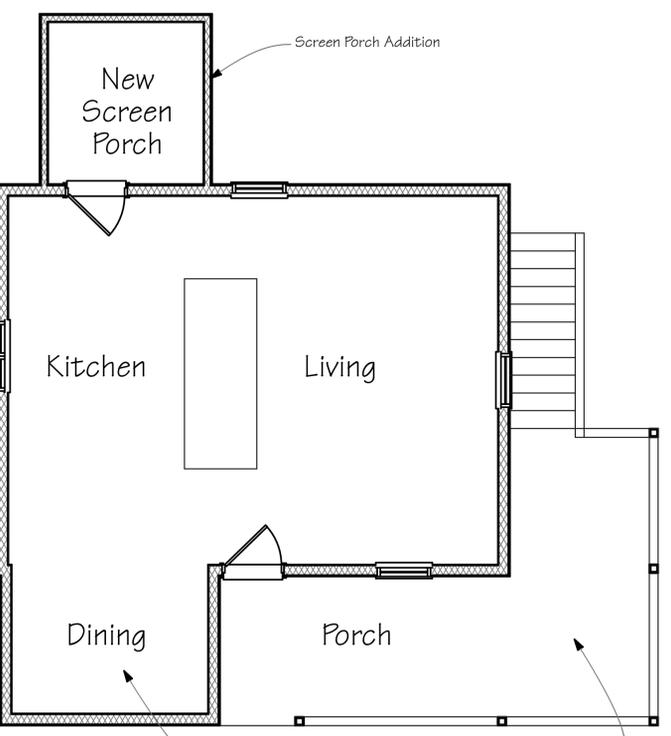
gross s.f.
A: 441 sq ft

Existing 2nd Floor Plan
1/8" = 1'-0"



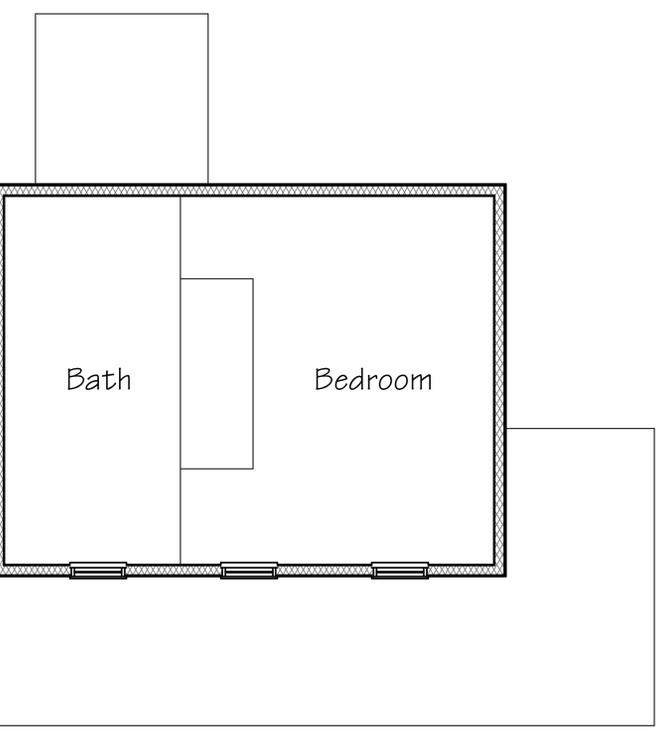
gross s.f.
A: 294 sq ft

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



gross s.f.
A: 513 sq ft

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



gross s.f.
A: 441 sq ft

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



Location Map

Site Plan
1" = 20'-0"

2/13/18 adamjzso333@gmail.com

Adam Johnson Architecture
 211 Fourth Street, Galena, Illinois 61036-2400
 © adamjzso333@gmail.com 815/281-1577
 adamjzso333@gmail.com
 11/30/2018
 adamjzso333@gmail.com

Permit Plans for Vacation Rental Accommodations
 509 North Dodge Street
 Galena, Illinois 61036

Issue date: 1/5/18
 Revisions:
 sheet
 1
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