



# City of Galena, Illinois

## AGENDA

### ZONING BOARD OF APPEALS

WEDNESDAY, JUNE 20, 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 March 14, 2018 and May 9, 2018	3-11

### UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
18S-06	Robin & John Vaughn – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial district at 130 South Main Street.	12-15
18S-07	Virginia Smirnoff & Jackson Andres Acevedo Valencia – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 510 Dewey Avenue.	16-19

### NEW BUSINESS

ITEM	DESCRIPTION	PAGE
18A-03 & 18S-04	Mary Proietti – Request for rezoning from Low Density Residential to Neighborhood Commercial district and Special Use Permit to allow small scale dining and Accommodations, Vacation Rental at 701 S Bench Street.	20-30

**WORK SESSION**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
18WS-01	PV Solar Arrays Discussion – Highway 20 Corridor	31-32

**OTHER BUSINESS**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
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**

<b>BOARD/COMMITTEE</b>	<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>
Zoning Board of Appeals	Wed. July 11, 2018	6:30 P.M.	City Hall, 101 Green Street

Posted: June 15, 2018 at 4:00 p.m. Posted By: Matt Oldenburg

**MINUTES  
ZONING BOARD OF APPEALS  
MARCH 14, 2018**

**CALL TO ORDER:**

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, March 14, 2018 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	Absent
Jansen	Present
Nybo	Present
Rosenthal	Absent

A quorum was declared.

City Attorney Joe Nack and Secretary Deb Price were also present.

**MOTION:** Bochniak moved, seconded by Cook to allow Zoning Board member John Rosenthal to attend the meeting electronically.

Nybo called for a vote.

As Roll Call was:

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

Motion carried.

Rosenthal was now in attendance via cell phone.

## **APPROVAL OF MINUTES**

**MOTION:** Cook motioned, seconded by Baranski to approve the February 14, 2018 minutes.

Motion carried on voice vote.

## **UNFINISHED BUSINESS**

Cal. No. 18S-03, Applicant: Ann Williams, 417 Franklin Street, Galena, IL 61036 and Owner: Matthew Ware, 1553 Lewis Road, Edwardsville, IL 62025. Location: Parcel: 06-500-145-00, Lot 12, excepting 50 square feet in Block 23, Original Town East of the Galena River, Galena, Jo Daviess County, Illinois. Common Address is 1002 Park Avenue, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Neighborhood Commercial District.

Nack noted that Rosenthal notified Zoning Administrator Matt Oldenburg of his intent to attend the Wednesday March 14 meeting via electronic device. Rosenthal is out of town due to a job commitment and is unable to attend in person. Nack asked if Rosenthal had reviewed the minutes and was familiar with the agenda item. Rosenthal confirmed this.

Acting Chairperson Nybo reminded the Board that when they heard this agenda item in February he had recused himself. Should he do the same for the ratification.

Nack said that was entirely up to Nybo. Someone would need to step up and continue as acting chairperson if he recused himself.

Nybo said he also wanted to go on record concerning the vote for Cal No. 18A-01 at the February 14 meeting. The vote for recommendation was 3 yes, 1 no and 1 abstain (himself.) He asked that the record show that he was changing his vote to 'No'. He understands that this has no affect on the map amendment approval for Cal. No. 18A-01.

Nack said that Nybo can ask that the record show his request but in order to change the vote he would have to ask that the agenda item be brought back to the Zoning Board and be voted on. You cannot change your vote on an item at a later date.

Nybo said he definatley wanted to make a recommendation that his abstention vote goes to a no vote.

Board member Jim Baranski took over as acting chairperson.

Baranski read the conclusion and determination

Nack asked that the record show that Board member Jim Holman was now in attendance. He noted that Holman had been absent for the February 14 meeting. He asked Holman if he had reviewed the minutes and was familiar with the specifics of agenda item Cal. No 18S-03.

Holman said he was.

Nack said Holman was able to participate in the discussion and vote of the agenda item.

**MOTION:** Jansen moved, seconded by Bochniak to approve the Findings of Fact for Cal. No. 18S-03.

As Roll Call was:

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

Motion carried.

Nybo returned to the meeting but Baranski continued as acting chairperson.

Rosenthal ended his electronic participation.

**NEW BUSINESS**

None

**OTHER BUSINESS**

None

**PUBLIC COMMENTS**

None

**MOTION:** Bochniak moved, seconded by Jansen to adjourn the meeting at 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary

**MINUTES  
ZONING BOARD OF APPEALS  
MAY 9, 2018**

**CALL TO ORDER:**

Acting Chairperson Baranski called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, May 9, 2018 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	Absent
Nybo	Absent
Rosenthal	Absent

A quorum was declared.

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

**MOTION:** Bochniak moved, seconded by Cook to allow Zoning Board member John Rosenthal to attend the meeting electronically.

Motion carried by voice mail.

Rosenthal was now in attendance via cell phone.

**APPROVAL OF MINUTES**

**MOTION:** Bochniak moved, seconded by Cook to approve the April 11, 2018 minutes.

Motion carried on voice vote.

The Board agreed to postpone approval of the March 14, 2018 minutes to the June meeting.

**UNFINISHED BUSINESS**

Cal. No. 18S-05, Applicant and Owner: Silas Pepple, 336 Spring Street, Galena, IL 61036. Location: Parcel: 22-100-662-30, Part of Lot 4 and Part of Lot 5, Block 11, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 336 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 Cook to approve the recommendation for Cal. No. 18S-05.

As Roll Call was:

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

Motion carried.

**NEW BUSINESS**

Cal. No. 18A-03 & 18S-04, Applicant and Owner: Mary Prioetti, 701 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-263-00, Lot 8, Lots between Bench and Prospect Streets, Galena, Jo Daviess County, Illinois. Common Address is 701 South Bench Street, Galena, IL 61036. Request for Rezoning from Low Density Residential to Neighborhood Commercial and Special Use Permit to allow small scale dining and Accommodations, Vacation Rental.

Oldenburg said the applicant asked to postpone the agenda item until the June meeting.

Cal. No. 18S-06, Applicant: Robin & John Vaughn, 17 Rapids Drive, Galena, IL 61036 and Owner: Richard Burlingame, 128-130 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-138-00, Lot 16, East side of Main Street, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 230 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

City Attorney Joe Nack swore in all those persons who wished to testify at the public hearing being held for Cal. No. 18S-06.

**MOTION:** Rosenthal moved, seconded by Bochniak to open the Public Hearing on Cal. No. 18S-06.

Motion carried by voice vote.

John Vaughn, 17 Rapids Drive Galena said their business, Simply Elegant, is located at 130 South Main Street. They decided to pursue a vacation rental for the second floor when they relocated their offices to the Simply Elegant Bouthillier Street location. The one bedroom rental is the back apartment that enters off Commerce Street.

No one else spoke in favor of the request.

Baranski asked those opposed to the request to come forward and testify.

No one did.

**MOTION:** Rosenthal moved, seconded by Cook to close the Public Hearing on Cal. No.18S-06.

Motion carried on voice vote.

**MOTION:** Bochniak moved, seconded by Cook to recommend a positive Finding of Fact for Cal. No. 18S-06.

Discussion: Bochniak reviewed the approval criteria:

**Approval Criteria & Recommendation:**

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

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

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

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

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

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

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

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

arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants. *The proposed use will protect the privacy of adjacent properties.*

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

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

**The 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 met the approval criteria.

As Roll Call was:

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

Motion carried.

Cal. No. 18S-07, Applicant and Owner: Virginia Smirnoff & Jackson Andres Acevedo Valencia, 800 Park Avenue, Galena, IL 61036. Location: Parcel: 22-100-421-00, Part of Lot 20 and North 8 feet of Lot 21, West side of Broadway, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 510 Dewey Avenue, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

City Attorney Joe Nack swore in all those persons who wished to testify at any of the public hearings being held tonight.

**MOTION:** Rosenthal moved, seconded by Bochniak to open the Public Hearing on Cal. No. 18S-07.

Motion carried by voice vote.

Virginia Smirnoff, 800 Park Avenue Galena said the house at 510 Dewey is in the low density residential district. They are looking for approval to have a pet friendly vacation rental. They will manage the property since they are right here in Galena.

No one else spoke in favor of the request.

Baranski asked those opposed to the request to come forward and testify.

No one did.

**MOTION:** Bochniak moved, seconded by Rosenthal to close the Public Hearing on Cal. No. 18S-07.

Motion carried on voice vote.

**MOTION:** Cook moved, seconded by Holman to recommend a positive Finding of Fact for Cal. No. 18S-07.

**Discussion:** Cook reviewed the approval criteria:

**Approval Criteria & Recommendation:**

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

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

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

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

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

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

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

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

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

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

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

As Roll Call was:

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

Motion carried.

#### **OTHER BUSINESS**

None

#### **PUBLIC COMMENTS**

None

**MOTION:** Rosenthal moved, seconded by Bochniak to adjourn the meeting at 6:55 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:** 18S-06

**APPLICATION BY:** Robin & John Vaughn, 230 South Main Street,  
Galena, IL 61036.

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

**FINDINGS OF FACT**

**PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on May 9, 2018. 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 vacation rental units in the Downtown Commercial District. This property is located at the intersections of South Main, Washington and South Commerce Streets, the building that currently has Simply Elegant Boutique in its retail space.

The second story of the building contains two apartments. The owners of the retail store below wish to convert one of the apartments, which they currently rent as private space for themselves and office space, into a vacation rental unit.

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. The floor plan / site plan drawing is being updated and will be forwarded to you on Tuesday.

Number of Guests: Maximum occupancy load for the unit will be stated by the Architect on the plan. 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 4,123 square feet, or 0.12 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 apartments, commercial and downtown 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:**

- **John Vaughn, 17 Rapids Drive, Galena** said their business, Simply Elegant, is located at 130 South Main Street. They decided to pursue a vacation rental for the second floor when they relocated their offices to the Simply Elegant Bouthillier Street location. The one-bedroom rental is the back apartment that enters off Commerce Street.

### **Testimony Presented in Opposition to the Proposal:**

- There was no testimony in opposition to the request.

### **APPLICABLE SECTIONS OF THE ZONING ORDINANCE**

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

- Section 154.201 (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 Robin & John Vaughn 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 Robin & John Vaughn 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 9<sup>th</sup> day of May, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

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Jim Baranski, Acting Chairperson

{PRIVATE }DECISION

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

**REGARDING**

**CALENDAR NUMBER:** 18S-07

**APPLICATION BY:** Virginia Smirnoff & Jackson Andres Acevedo Valencia, 510 Dewey Avenue, Galena, IL 61036.

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

**FINDINGS OF FACT**

**PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on May 9, 2018. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

**NATURE OF APPLICATION**

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

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

Number of Guests: Maximum occupancy load for this dwelling unit is nine (9) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 7,683 square feet, or 0.24 acres. The structure is situated along the West side of Dewey Avenue. The site is already properly landscaped with well-established vegetation and lighting. The lot can absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The site can accommodate up to four vehicles off-street in the existing garage and driveway. The parking regulations require one (1) off-street space per four (4) guests.

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

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

### **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:**

- **Virginia Smirnoff, 800 Park Avenue Galena** said the house at 510 Dewey is in the Low Density Residential district. They are looking for approval to have a pet-friendly vacation rental. They will manage the property since they are right here in Galena.

#### **Testimony Presented in Opposition to the Proposal:**

- There was no testimony in opposition to the request.

### **APPLICABLE SECTIONS OF THE ZONING ORDINANCE**

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

### **CONCLUSIONS**

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

1. The subject property is located in the Low Density Residential District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:

- a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Low Density Residential District.
3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.
4. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Low Density Residential District.
5. The property 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 Virginia Smirnoff & Jackson Andres Acevedo Valencia for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is appropriate to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental land use.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
  - a. The protection of privacy will be maintained;
  - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
  - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

**DECISION**

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Virginia Smirnoff & Jackson Andres Acevedo Valencia for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 9<sup>th</sup> day of May, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

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Jim Baranski, Chairperson

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: April 6, 2018

RE: Cal. No. 18A-03 & 18S-04, Applicant and Owner: Mary Prioetti, 701 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-263-00, Lot 8, Lots between Bench and Prospect Streets, Galena, Jo Daviess County, Illinois. Common Address is 701 South Bench Street, Galena, IL 61036. Request for Rezoning from Low Density Residential to Neighborhood Commercial and Special Use Permit to allow small scale dining and Accommodations, Vacation Rental.

Summary:

The applicant is requesting a map amendment and Special Use Permit to rezone from Low Density Residential to Neighborhood Commercial to facilitate a quasi-Indoor Institutional / Indoor Commercial Entertainment Land use and to operate as a one-dwelling unit vacation rental in a Neighborhood Commercial District, contingent upon approval of rezoning.

The applicant plans to hold private cultural / educational dinners, 5-10 people per dinner, periodically each month. These dinners have two purposes: to provide a cultural and educational dining experience to her invited guests; and to provide an opportunity for local individuals to learn how to provide fine dining service and be trained while working at these dinners. This is a quasi-educational / entertainment-type of land use.

I've asked the applicant to request a Special Use Permit for this type of use because it is a lesser intensity than a full-scale education facility or restaurant; however, it is a significant enough intensity that non-administrative review is needed. In my opinion, the size of the proposed dinner party is relative to the size of a dinner party that a normal residential household could potentially have at any given time. However, the frequency of periodical activity during each month in the evening hours would need approval from the Board. If approved, the applicant will also need further review by the Building Department and Fire Department for compliance with building and life safety codes. The applicant plans to install a commercial grade kitchen in the house to facilitate the dinners and meet health department codes. The dining area is within the house and also in the attached three-season room during good weather months. This special use request should be contingent upon approval of rezoning to Neighborhood Commercial.

Additionally, the applicant wishes to convert her detached carriage house into a single-unit vacation rental. The parking for the vacation rental would require one space off-street as the building can hold up to three guests. An additional space for the owner is needed as she still resides in the principal house. Lastly, the applicant has arranged with the Galena Gazette to utilize parking spaces at their location across the street for the dinner events. A legally binding instrument will be provided to the City that ensures the joint parking arrangement continues into perpetuity as long as the applicant's request is in use.

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: **Vacation Rental:** Maximum occupancy load for this dwelling unit is three (3) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 10,033 square feet, or 0.24 acres. The structure is situated along Highway 20, Bench Street and also abuts South Prospect Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The proposed off-street parking can accommodate up to three vehicles. The parking regulations require one (1) off-street space per four (4) guests for a vacation rental, plus one additional space is needed for the homeowner.

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

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

**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:

- (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:**

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

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

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § 154.406;
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
  - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.

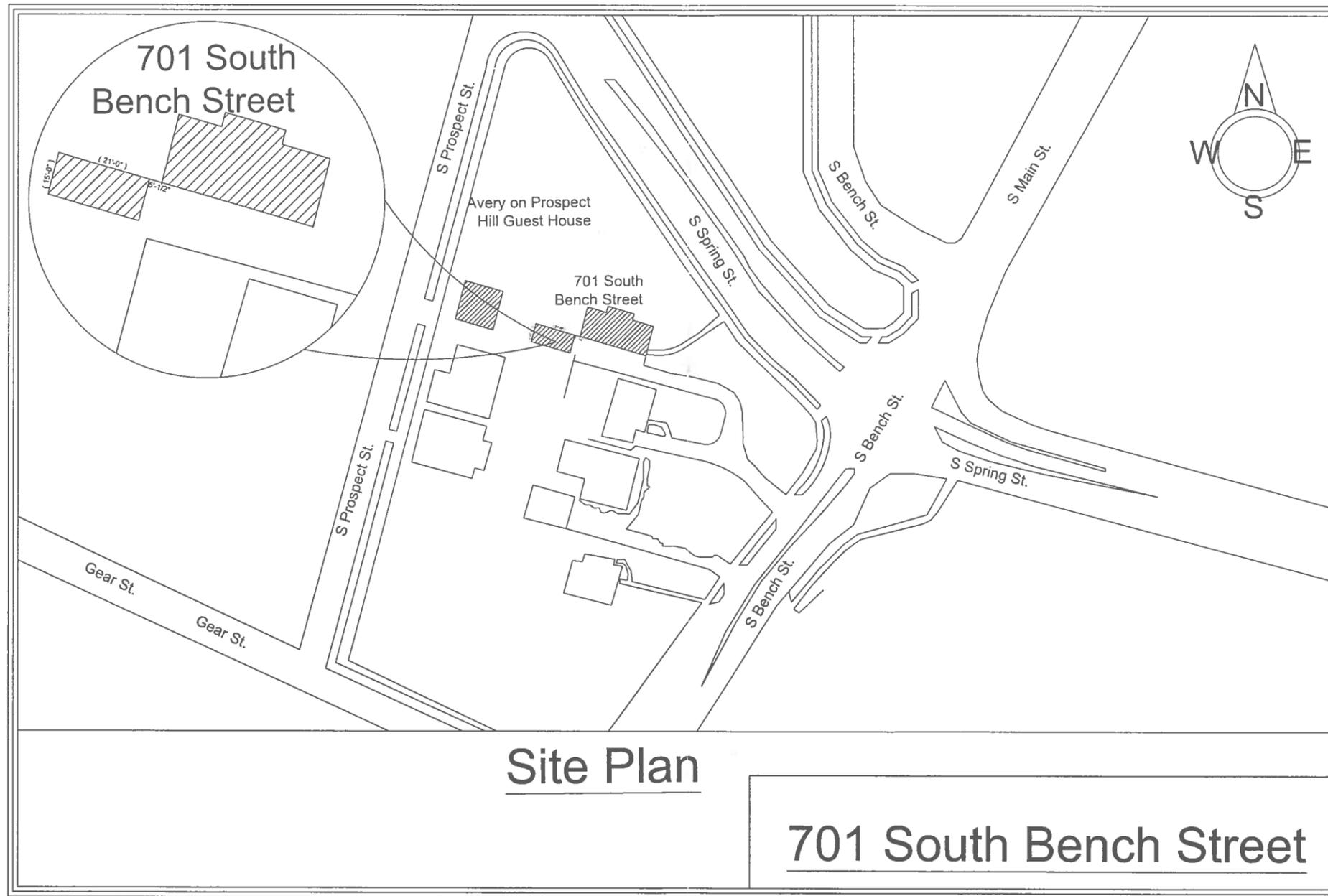
(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.

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

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







**Site Plan**

**701 South Bench Street**



**ADDCC** ALL DESIGN DEVELOPERS CORPORATION  
 maqbool7300@yahoo.com  
 2104 WEST PETERSON AVENUE, CHICAGO, IL 60659  
 OFFICE: 773 381 7300 CELL: 773 291 1938



101 S BENCH STREET  
 GALINA IL - 61036

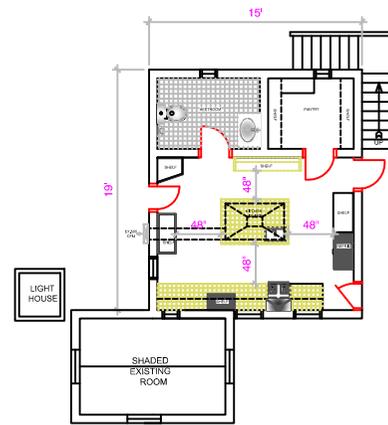
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DRAWN BY: TNAJ  
 DATE: 05-13-2018  
 ISSUED:  
 REVISION 1:  
 REVISION 2:

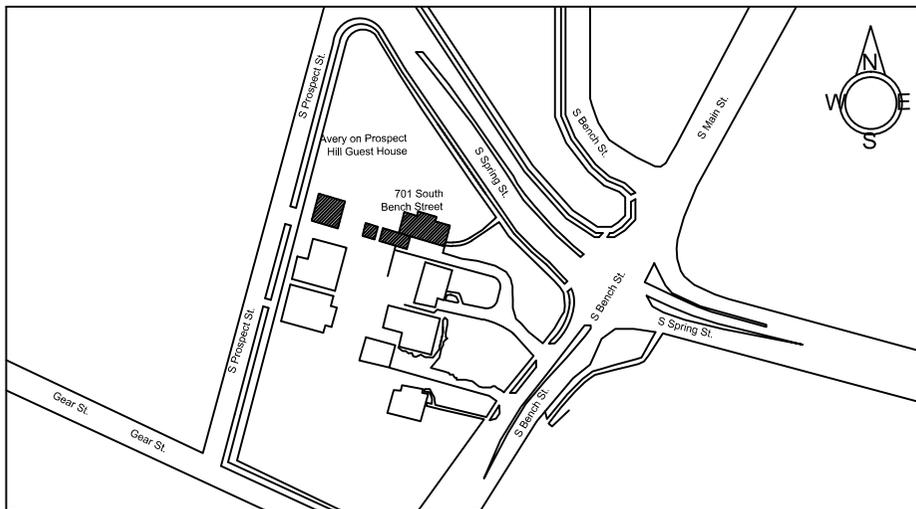
OWNER:  
 MARY

ARCHITECT:  
 GEORGE SIMOULIS

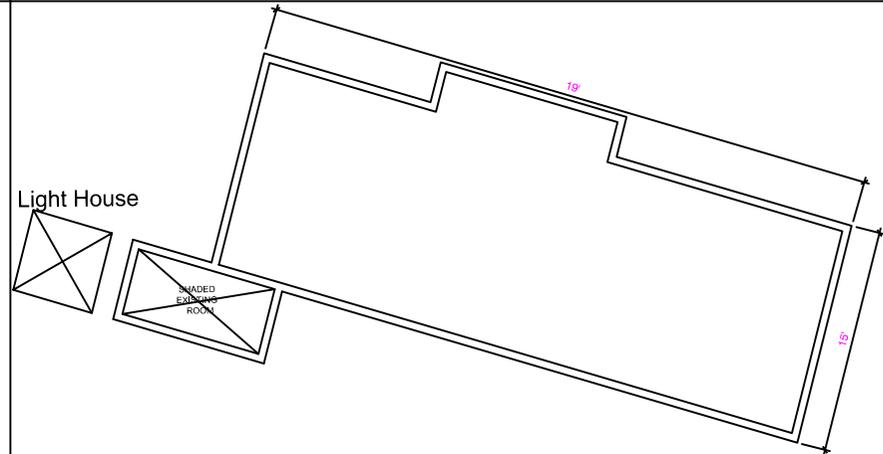
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 3/16"=1'-0"  
 DRG. NO.  
 A1



EXISTING KITCHEN



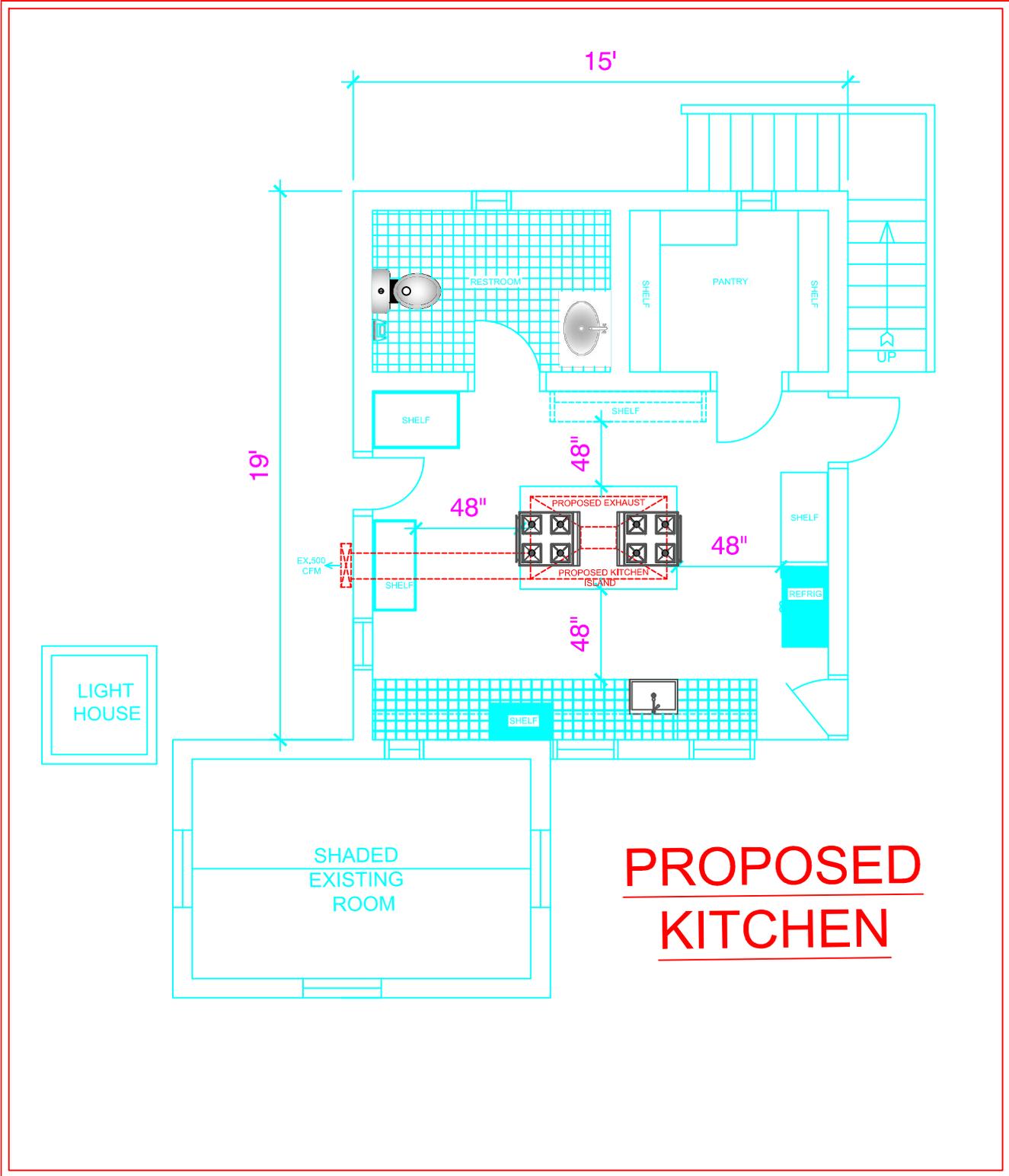
Site Plan



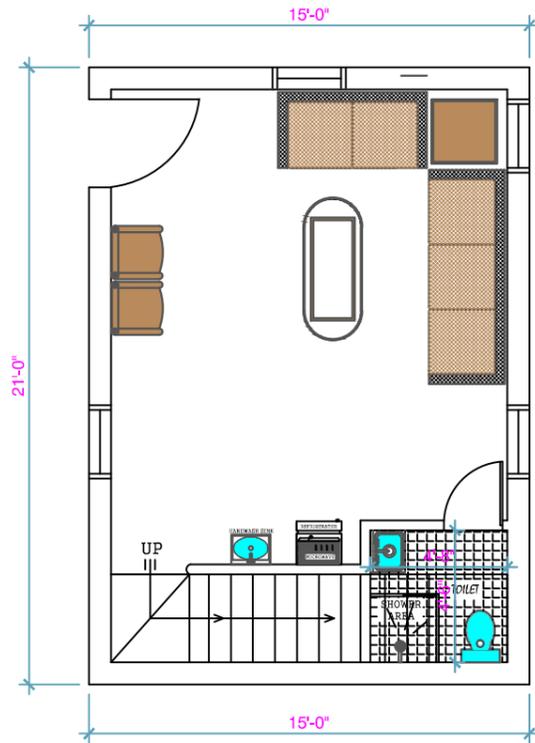
Floor Plan



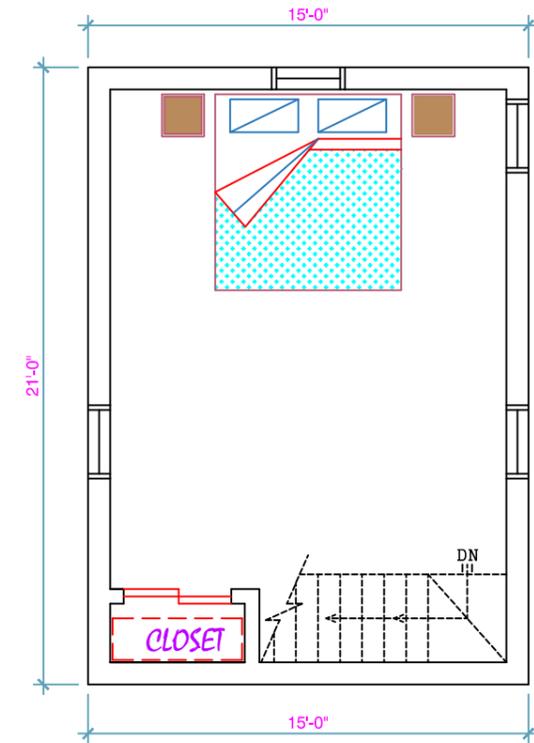
701 South Bench Street



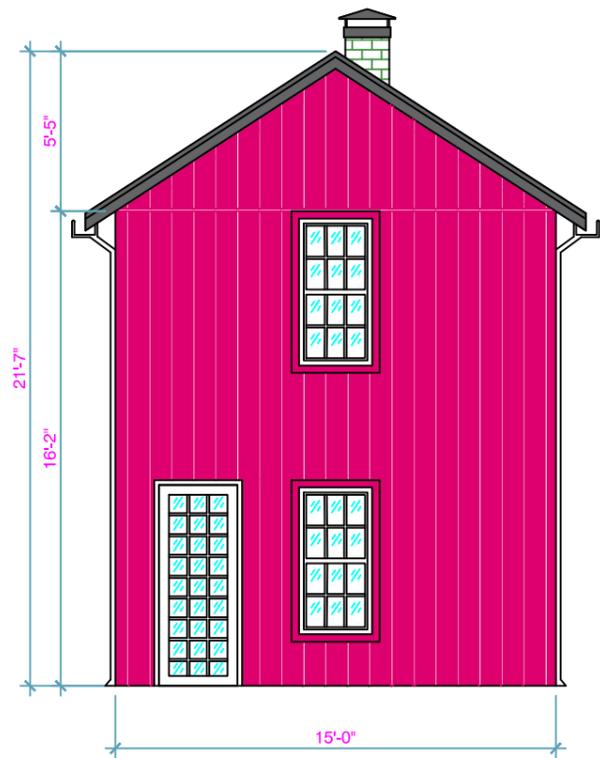
**PROPOSED**  
**KITCHEN**



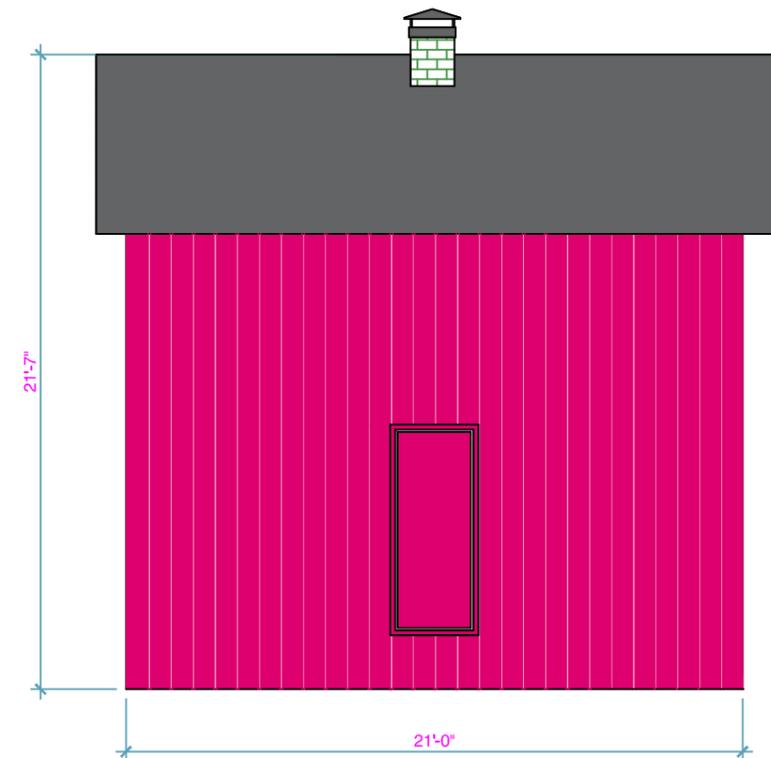
PROPOSED 1st FLOOR PLAN



PROPOSED 2nd FLOOR PLAN

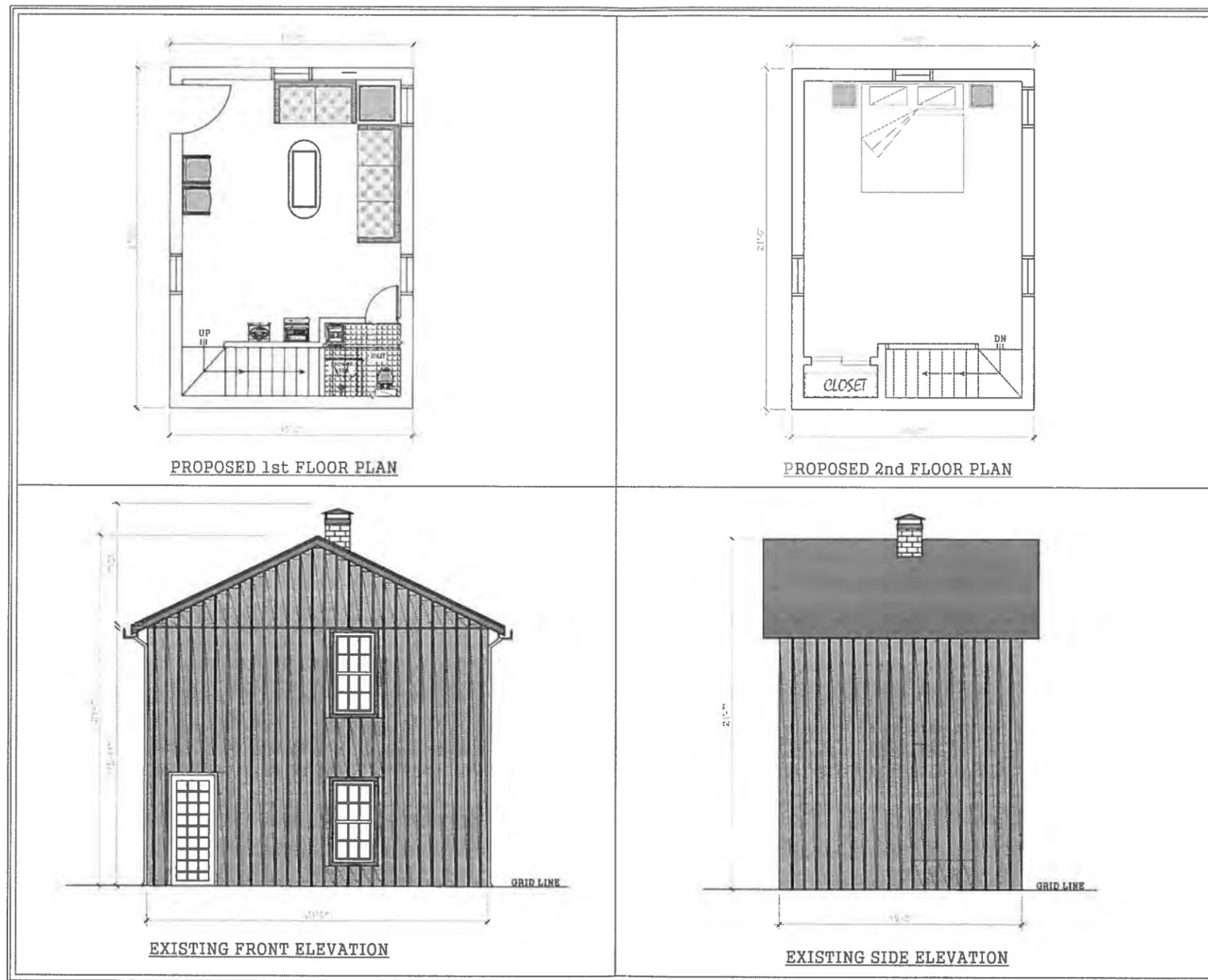


EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION

**701 South Bench Street, GALINA ,IL**



**ADDCC** ALL DESIGN DEVELOPERS CORPORATION  
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 2104 WEST PETERSON AVENUE, CHICAGO, IL 60659  
 OFFICE: 773 381 7300; CELL: 773 297 1938



101 S BENCH STREET  
 GALINA IL - 61036

**PROPOSED FLOOR PLANS  
 & ELEVATIONS**

DRAWN BY: JNU  
 DATE: 03-13-2018  
 ISSUED:  
 REVISION 1:  
 REVISION 2:

OWNER:  
 MARY

ARCHITECT:  
 GEORGE SIMOULIS

SCALE:  
 3/16" = 1'-0"  
 DRG. NO. A2

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: June 15, 2018

RE: Work session regarding PV solar arrays in the Highway 20 Corridor

I would like to initiate discussion with the Board regarding interpretation of PV solar arrays within the Highway 20 Corridor. I would also like to clarify how to handle solar arrays for development requests.

Currently, the Highway 20 Design Manual requires screening of mechanical and utility equipment on buildings within the corridor. An interpretation of this could be that the solar arrays would need to be screened, which is impractical on most roof-top applications.

I propose that we consider allowing administrative approval of roof applications of solar arrays because they seem to integrate well with the roof line and are generally acceptable in aesthetics.

However, the application of ground arrays are sometimes unsightly. Therefore, I propose that we consider a non-administrative process for approval of these types by the ZBA if they are visible from the highway. This can be reviewed on a case-by-case basis with a Non-administrative Highway 20 Permit request.

Any feedback is welcome; if the Board wishes, I will draft a text amendment to adjust the language in the Design Manual appropriately for the July ZBA meeting based on the outcome of this discussion.

