



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 12, 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 August 8, 2018	3-10

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
18S-09 & 18V-01	Dennis & Ruth Ann Dunton – Request for Special Use Permit to allow Accommodations, Vacation Rental and Variance for off-street parking requirement at 407 South Bench Street.	11-15

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
18HCO-01	Straka Johnson Architects & Galena Unit School District #120 – Request for Highway 20 Development Permit to construct a bus parking area, maintenance facility and associated site improvements.	16-22
18S-10	Ken Stoppa & Elizabeth Collazo – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 429 Harrison Street.	23-28
18S-11	Deborah Penney – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 334 Franklin Street.	29-33
18S-12	Bruce & Nanette Glasgow - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 200 North Main Street.	34-38

18S-13	125 N Main LLC - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 125 North Main Street.	39-43
18S-14	RAL Realty Management - Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 107 North Main Street.	44-48

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. October 10, 2018	6:30 P.M.	City Hall, 101 Green Street

Posted: September 7, 2018 at 4:00 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 8, 2018**

CALL TO ORDER:

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:37 PM on Wednesday, August 8, 2018 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

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 Baranski to approve the July 11, 2018 minutes.

Motion carried.

UNFINISHED BUSINESS

Cal. No. 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 Special Use Permit to allow small scale dining and Accommodations, Vacation Rental.

MOTION: Jansen moved, seconded by Cook to approve the recommendation for Cal. No. 18S-04.

As Roll Call was:

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

Motion carried

Cal. No. 18S-08, Applicant and Owner: Craig Martin, 425 Franklin Street, Galena, IL 61036. Location: Parcel: 22-100-342-00, Lot 54, North side of Franklin Street, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 425 Franklin Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

MOTION: Cook moved, seconded by Holman to approve the recommendation for Cal. No. 18S-08.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

The Board agreed to move to agenda item 18WS-01 as the applicant for 18S-09 & 18V-01 was running late.

18WS-01 PV Solar Arrays Discussion – Highway 20 Corridor

Oldenburg said at last month’s meeting the Board determined the language in the Highway 20 Corridor Design Manual did need to be modified regarding alternative energy. The current language would seem to prohibit solar due to screening requirements. The Board expressed an interest in promoting green energy sources. Oldenburg devised language to be added to the Highway 20 Corridor Design Manual – Service Areas; Utility Equipment: Preferred - “Alternative energy equipment integrated with building design.” Discouraged – “Alternative energy equipment that is not harmonious or integral to the site and /or building form.” Preferred materials or elements are handled by city staff for approval. Discouraged materials are approved by the Zoning

Board. Things are always changing with alternative energy. Making the language change so it is adaptable would seem wise. You could even add that the element be integrated and in harmony with the site.

Baranski liked the lighter touch but was concerned about interpretation. Generally, the whole thrust of the guidelines is that they are not specific; there is interpretation.

Nybo said a representative had arrived for the Special Use and Variance requests and asked the Board if they should hear those agenda items.

The Board agreed.

Attorney Nack said it should be noted that the Board was stopping discussion on the solar panel worksession to go back to the agenda item for a Special Use Permit and Variance requests.

Cal. No. 18S-09 & 18V-01, Applicant and Owner: Dennis & Ruth Ann Dunton, 407 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-193-00, North ½ of the North 46 ¼ feet of the East ½ of Lot 16, West side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 407 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

City Attorney Nack swore in all those who wished to testify at this Public Hearing.

MOTION: Cook moved, seconded by Jansen to open the Public Hearing for Cal. No. 18S-09.

Motion carried by voice vote.

Adam Johnson, 211 Fourth Street Galena spoke on behalf of the property owners. Johnson said this is a smaller, historic home that would provide accommodations for no more than five persons. With a half bath on the main level and only one full bath on the second floor it may not be as appealing. Homes that are larger and have multiple baths usually mean multiple cars, so this rental doesn't seem as though it would create a parking issue.

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

MOTION: Cook moved, seconded by Jansen to close the Public Hearing for Cal. No. 18S-09.

Motion carried by voice vote.

MOTION: Baranski moved, seconded by Jansen to draft a positive Finding of Fact to allow a Special Use Permit for Cal. No. 18S-09.

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 consistent 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	Yes
Nybo	Abstain
Baranski	Yes
Bochniak	Absent
Cook	Yes
Rosenthal	Absent

Motion carried.

Cal. No.18V-01, Applicant and Owner: Dennis & Ruth Ann Dunton, 407 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-193-00, North ½ of the North 46 ¼ feet of the East ½ of Lot 16, West side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 407 South Bench Street, Galena, IL 61036. Variance request for off-street parking requirement.

City Attorney Nack swore in all those who wished to testify at this Public Hearing.

MOTION: Baranski moved, seconded by Cook to open the Public Hearing for Cal. No. 18V-01.

Adam Johnson, 211 Fourth Street Galena said his previous testimony for the special use permit would be applicable for the variance request.

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

MOTION: Jansen moved, seconded by Cook to close the Public Hearing for Cal. No. 18V-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Cook to draft a positive Finding of Fact to approve the Variance request for Cal. No. 18V-01.

Discussion: Baranski said this is a unique situation where one side of Bench Street is Medium Density Residential and the other is Downtown Commercial and there is a diverse mix of uses in this area. Conceptually it makes a parking variance okay.

Baranski reviewed the approval criteria.

Variance Approval Criteria & Recommendation:

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

- (1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code;
- (7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

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

As Roll Call was:

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

Motion carried.

WORK SESSION

PV Solar Arrays Discussion – Highway 20 Corridor

The Board continued their discussion.

Baranski said the criteria is prescriptive – it is telling you what we prefer but it doesn’t specify exactly what is to be used. It is open to interpretation by the designer, the city and the board. Compatible is open to

interpretation. In areas that overlap in the historic district those guidelines will determine what is allowed. The proposed language is consistent with the rest of the ordinance and is ample enough to make decisions.

Cook left at 7:20 due to a family commitment.

Oldenburg said anything in the historic district transitional zone would have to meet the guidelines and have HPC approval.

Nybo does have concerns about the historic integrity of Galena and he does not want this jeopardized by this type of progress.

Baranski said solar is a part of the future and to have a future you must recognize solar. There is a huge demand for solar installation in Illinois right now. The financial pay back on these systems has been reduced from 10, 12 and 15 years to 4 or 5 years. At some point we are going to have to look at people wanting to install these systems. It also doesn't have to be new construction – they can be installed on buildings that are already present. We have to determine how we want things to look.

Nybo asked if Oldenburg was getting requests for solar installation.

Oldenburg said yes. Galena Chrysler and the new wedding venue will both be built this year and have expressed an interest in solar.

Baranski thought it should include language or examples of what would be harmonious. It would be nice if there was an additional check in place to make sure things are done correctly.

Oldenburg said the bulk standards are also limiting. Maybe there is a way for something to be included here.

Nack said it could be limited to a certain size array.

Oldenburg said we could add items, such as windmills, to the discouraged list and as such they would need Zoning Board approval.

Baranski said that might make sense.

Jansen said as the industry changes the laws and guidelines can be changed.

Oldenburg said the type of alternative energy and the density of the area could also be an issue.

Baranski said access to the sun, bulk standards and setbacks should protect the neighbors.

Oldenburg said he could include a limit on the number of panels allowed.

Nybo asked if we should have another worksession so we could get input from Rosenthal and Bochniak.

Oldenburg said he will continue to work on this.

Baranski wondered if graphics would help define what is allowed or discouraged.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Jansen moved, seconded by Baranski to adjourn the meeting at 7:47pm.

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-09 & 18V-01

APPLICATION BY: Dennis & Ruth Ann Dunton, 407 South Bench,
Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District and Variance request for off-street parking requirement.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on August 8, 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. This dwelling unit is part of a duplex along South Bench Street near the Galena ARC.

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

Number of Guests: Maximum occupancy load for this dwelling unit is four (4) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1). In this case, the two bedrooms can each sleep two guests. The limiting factor for guests is the availability of off-street parking, which will require a variance for on-street parking.

Lot Capacity: The lot size is 2,525 square feet, or 0.06 acres. The structure is nestled against the rising topography and the property has access to South Bench Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The parking regulations require one (1) off-street space per four (4) guests. There is no available space to fit an off-street parking area, therefore there is a physical hardship due to the building existing the entire width of the lot. If a variance is granted for one vehicle to be parked on-street, the maximum guest occupancy of the unit is four (4) guests. Potentially, this variance of one on-street parking space could reduce the impact of parking for the property as regular tenants could have multiple vehicles per unit.

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

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

Staff recommends approval of this request.

Land uses surrounding the property include residences, indoor institutional and commercial uses.

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:

SPECIAL USE PERMIT

- **Adam Johnson, 211 Fourth Street, Galena,** spoke on behalf of the property owners. Johnson said this is a smaller, historic home that would provide accommodations for no more than five persons. With a half bath on the main level and only one full bath on the second floor it may not be as appealing. Homes that are larger and have multiple baths

usually mean multiple cars, so this rental doesn't seem as though it would create a parking issue.

VARIANCE

- **Adam Johnson, 211 Fourth Street, Galena,** said his previous testimony for the special use permit would be applicable for the variance request.

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.
- Section 154.925 sets forth the Purpose, Applicability, Approval Criteria, Decision-Maker and Application and Review Procedures for Variances.

CONCLUSIONS

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

1. The subject property is located in the Low Density Residential District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:
 - a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Low Density Residential District.
3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.
4. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Low Density Residential District.
5. The property is meets the detailed regulations for a vacation rental, except for the off-street parking requirement.

6. There is no physical room on the property for an off-street parking space. Therefore, there is a physical hardship that was not created by the owner.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Dennis & Ruth Ann Dunton 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.

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Dennis & Ruth Ann Dunton for a Variance to exempt the off-street parking requirement, for Accommodations, Vacation Rental in residential districts, should be approved for the following reasons:

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.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Dennis & Ruth Ann Dunton for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District and Variance request for off-street parking requirement should be approved.

SPECIAL USE PERMIT: PASSED AND APPROVED this 8th day of August, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 2 absent, 1 abstain, 0 recused.

VARIANCE: PASSED AND APPROVED this 8th day of August, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 2 absent, 1 abstain, 0 recused.

William Nybo, Acting Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 7, 2018

RE: Cal. No. 18HCO-01, Applicant: Straka Johnson Architects, 3555 Digital Drive, Dubuque, IA 52003 and Owner: Galena Unit School District #120, 1206 N Franklin Street, Galena, IL 61036. Location: Parcel: 22-200-194-00, James P. Soulard's 3rd Add. Lots 13 - 19 & Part of Lots 20, 21 & 22 & Part of Vacated Soulard Street D.O.R. Docket No. 87-43-64 Primary School, Galena, Jo Daviess County, Illinois. Common Address is 219 Kelly Lane, Galena, IL 61036. Request for Highway 20 Development Permit to construct a bus parking area, maintenance facility and associated site improvements.

Project Summary:

The applicant is requesting approval of a Highway 20 Development Permit to construct a bus parking area, maintenance facility and associated site improvements. The property is currently zoned as Low Density Commercial and the land use is established as General, Indoor Institutional and Public Services. The new, 3,120 SF structure will be situated into the hillside, mostly out of view from the highway with access off-of Irvine Street. Two sides of the building will be exposed toward the South and West and will be comprised of a brick facade. The other two sides of the structure will face into the hillside and will be a metal siding material.

A new paved parking area will be placed at the site, which is approximately 25,000 square feet and will contain parking spaces for 11 buses on the West side of the lot. There will also be 14 parking spaces for driver vehicles around the periphery of the lot on the South and East sides. The proposed structure will have two large bays to store and maintain an additional 2 buses and also office, restroom and breakroom facilities.

A site plan review was conducted and it was determined that the request meets all criteria listed in §154.914(C). This request satisfies all adopted policies and plans and supports the goals of the Comprehensive Plan. It also meets the bulk and intensity standards, the standards for the Zoning District, land use regulations; natural resource protection standards; parking, lighting and landscaping standards; performance standards and quality site design standards. Additional storm water generated from new impervious area will be handled by integrated storm drains and a large detention pond at the Southeast corner of the parcel; capacity will be verified by the Building Dept. The request also meets the Highway 20 Design Manual criteria listed in the section below with my comments.

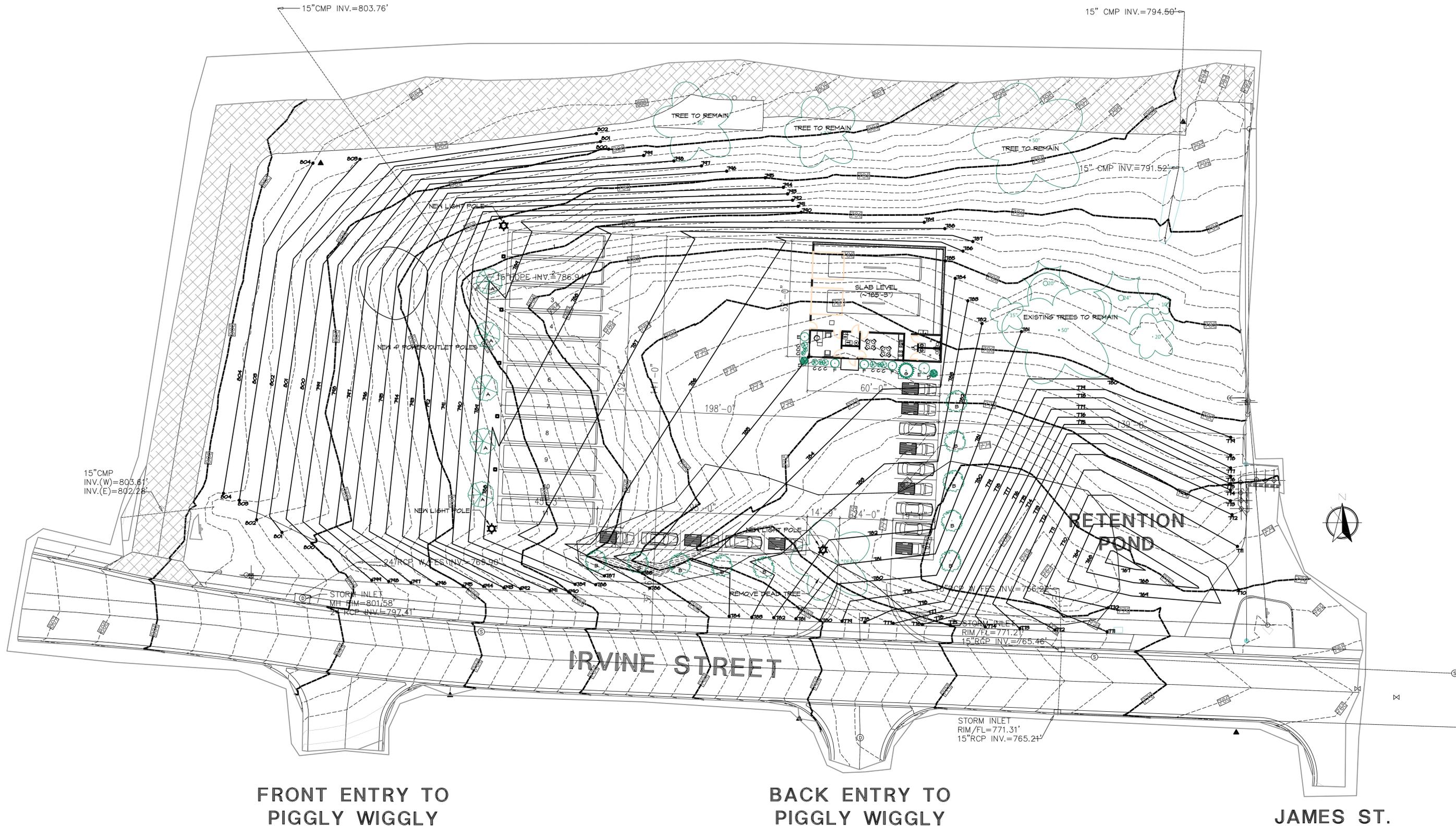
Staff has made a site visit and the following comments are included as part of the record to ensure compliance before a building permit is issued: One ADA parking space is required for this facility. Proposed lighting and landscaping is adequate to provide safe travel by foot and safe circulation of vehicles. The landscaping improvements meet the requirements of the Code with plantings within 10 feet of the parking area to provide a visual break at the front of the parking area as well as appropriate landscaping along the East side to create a buffer yard and screening from adjacent residential property.

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 structure and site improvements support the goals of the Design Manual.*
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual;
- (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 District by: New, infill and redeveloped industrial and commercial; coordinated access and design; integration with topography; design unity through use of materials; preservation of views and historic structures; potential redevelopment of underutilized properties.*
- (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 is integrated into the topography and sits well below the viewshed from the Highway. Wall materials are high-quality.*
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. *Landscaping points are met and placement is adequate to create buffer between development and adjacent residential land uses. Storm water improvements and capacity will be verified at Building permit level and are expected to improve the existing condition of the entire Primary School site which will protect the watershed downstream.*

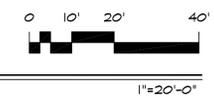
The Zoning Board of Appeals can approve, conditionally approve, or deny all applications for a Highway 20 development permit.



FRONT ENTRY TO
PIGGLY WIGGLY

BACK ENTRY TO
PIGGLY WIGGLY

JAMES ST.



The use of these drawings shall be restricted to the original site for which they were prepared. Any other use without the express written consent of the architect is prohibited. Reproduction, publication or re-use of these drawings by any method in whole or in part, is prohibited. If in these drawings, conflict with the architect without written contact with these plans shall constitute prima facie evidence of the acceptance of these restrictions.

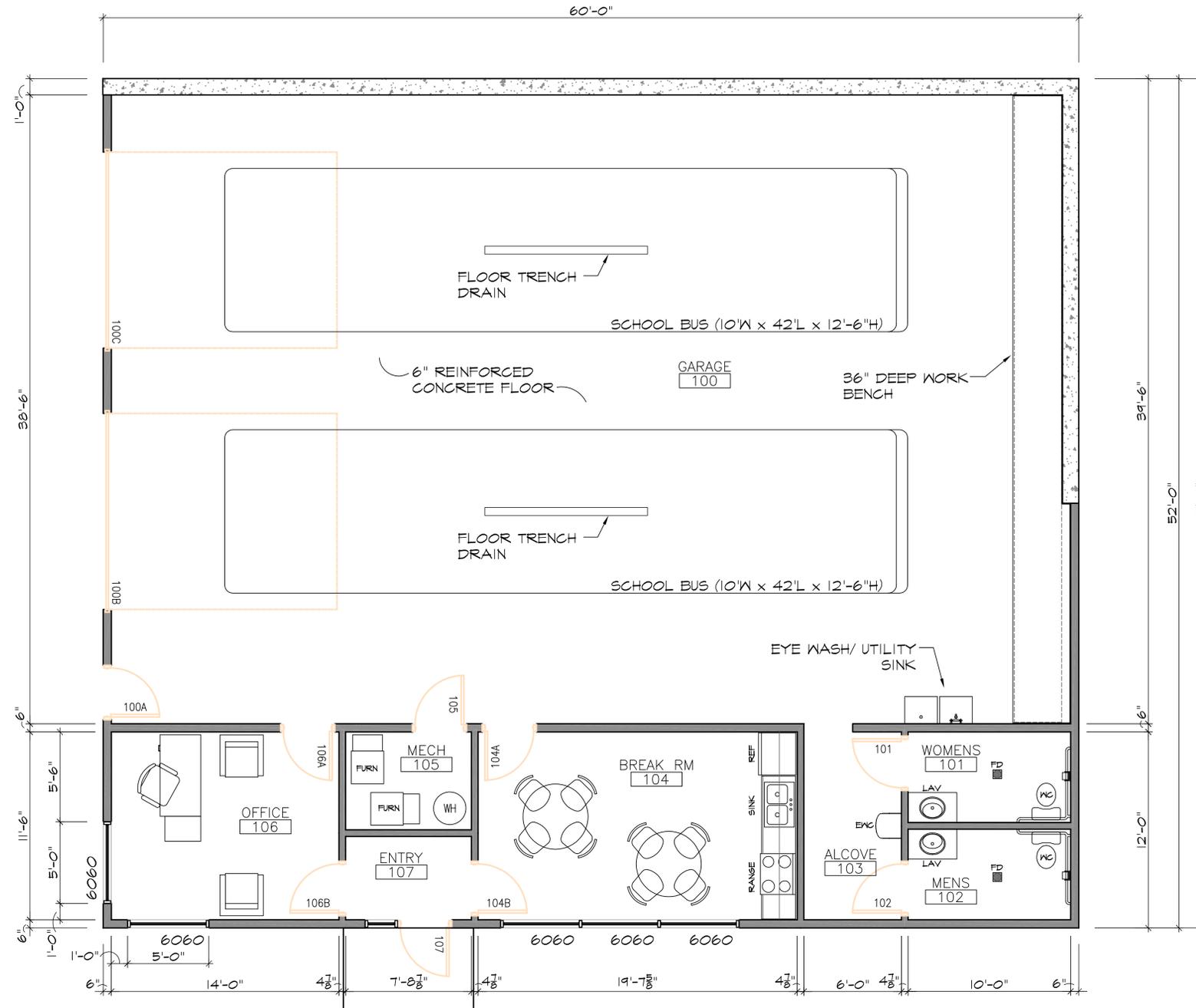
Revision
08/21/18

Date
08/15/18

Drawn By
J.M.

Project Number
18010.C

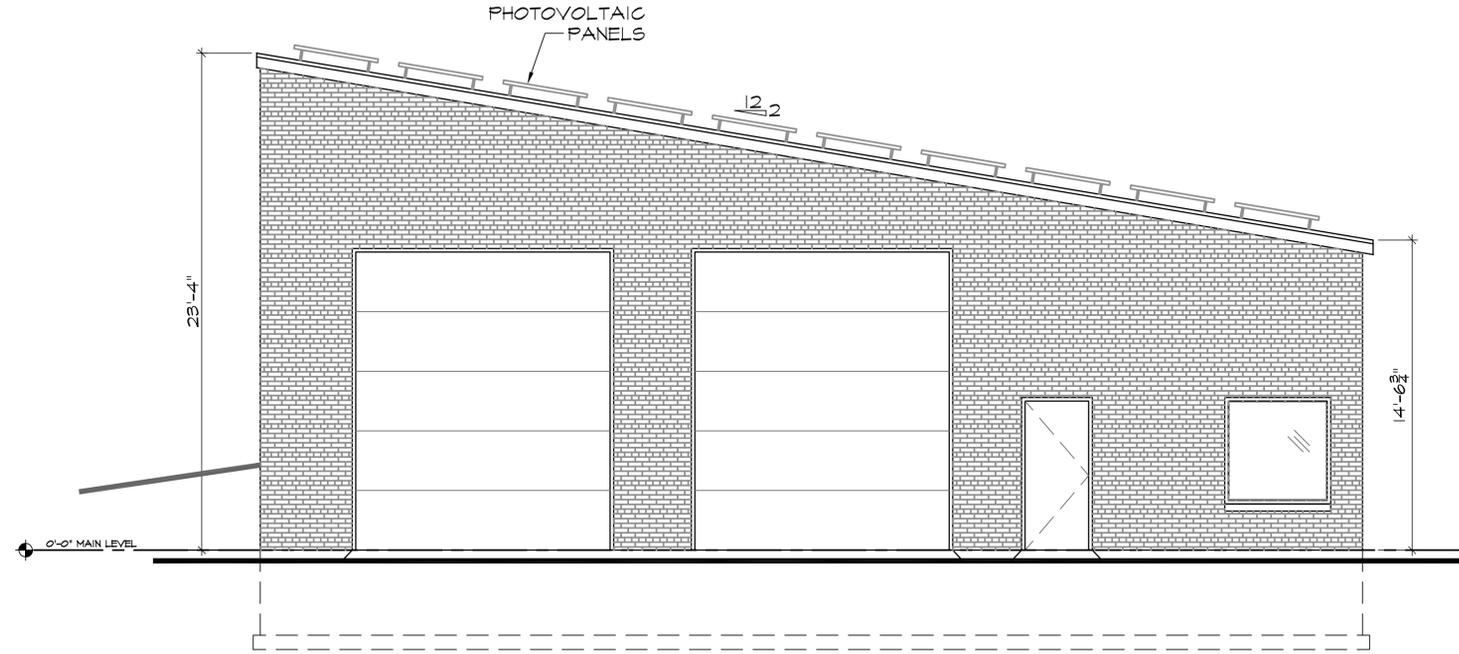
Sheet Number



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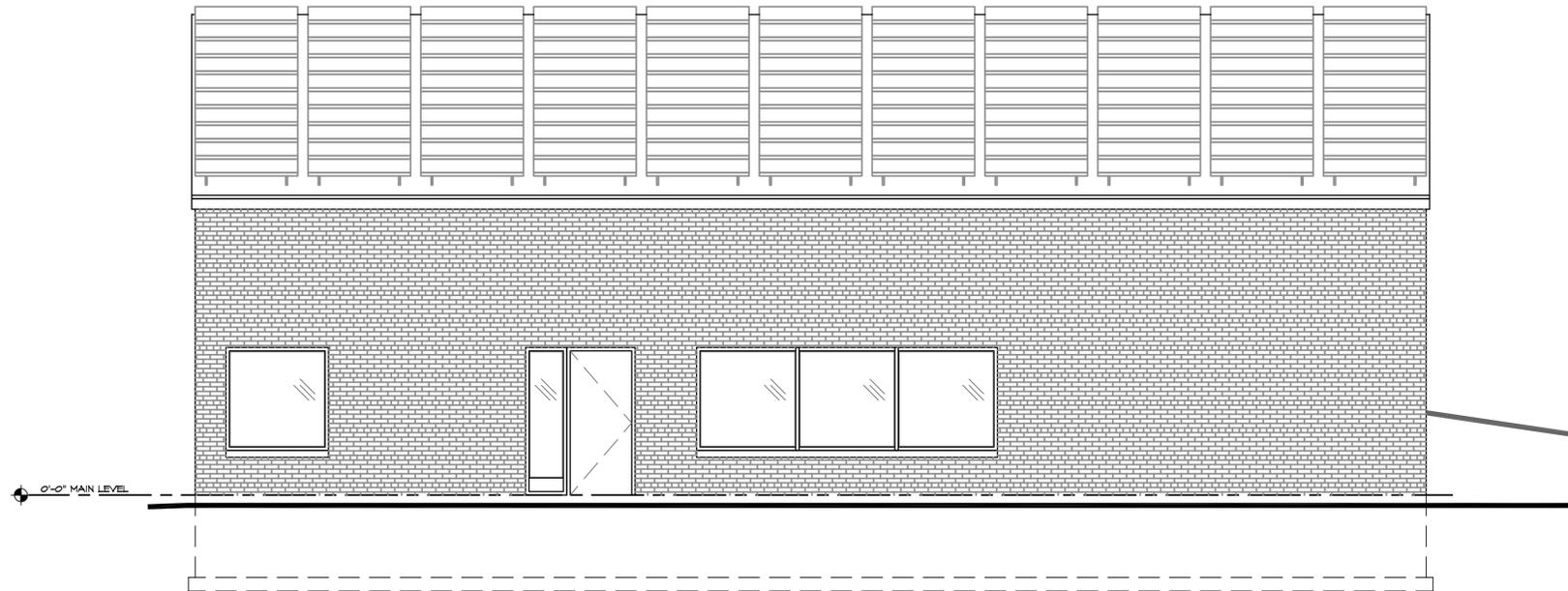
GALENA SCHOOLS BUS PARKING AND GARAGE
 SCHOOL DISTRICT NO. 120
 JO DAVIESS COUNTY
 GALENA, ILLINOIS

Revision	08/21/18
Date	08/15/18
Drawn By	J.M.
Project Number	18010.C
Sheet Number	A.I.I



WEST ELEVATION

1/4" = 1'-0"



SOUTH ELEVATION

1/4" = 1'-0"

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 Reproduction, publication or re-use of these drawings by any method in whole or in part, is prohibited.
 Title to these drawings remains with the architect without prejudice. Visual contact with these plans shall constitute prima facie evidence of the acceptance of these restrictions.

GALENA SCHOOLS BUS PARKING AND GARAGE

SCHOOL DISTRICT NO. 120
 JO DAVIESS COUNTY
 GALENA, ILLINOIS

Revision
 08/21/18

Date
 08/15/18

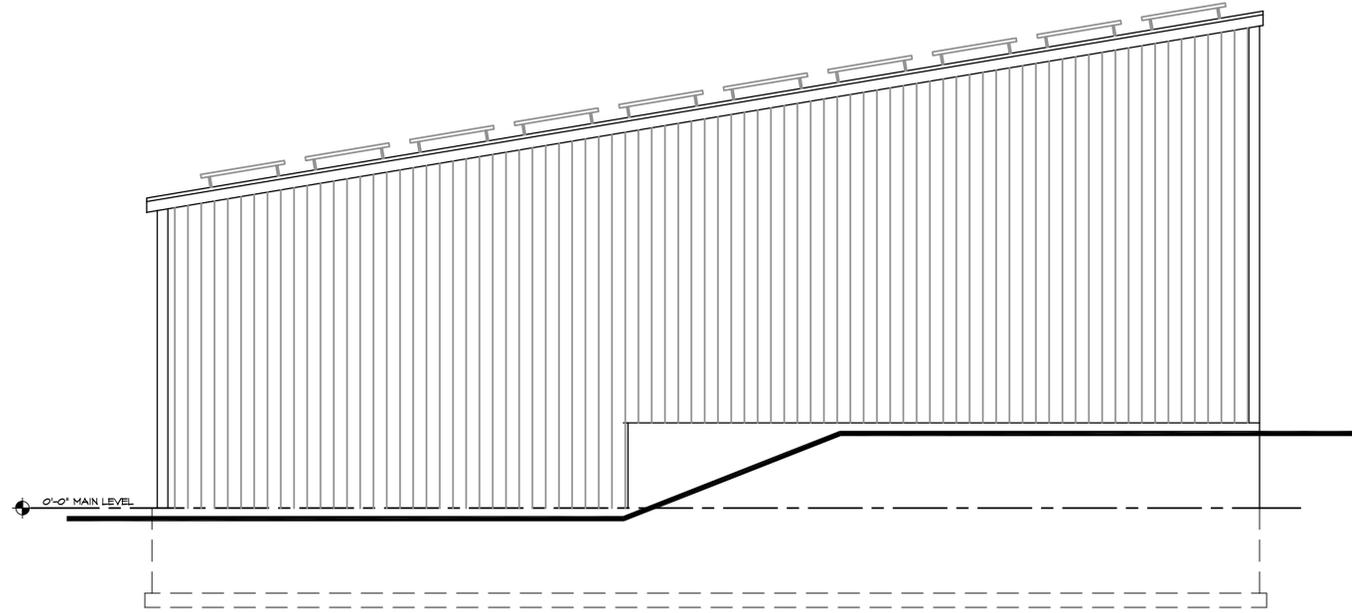
Drawn By
 J.M.

Project Number
 18010.C

Sheet Number

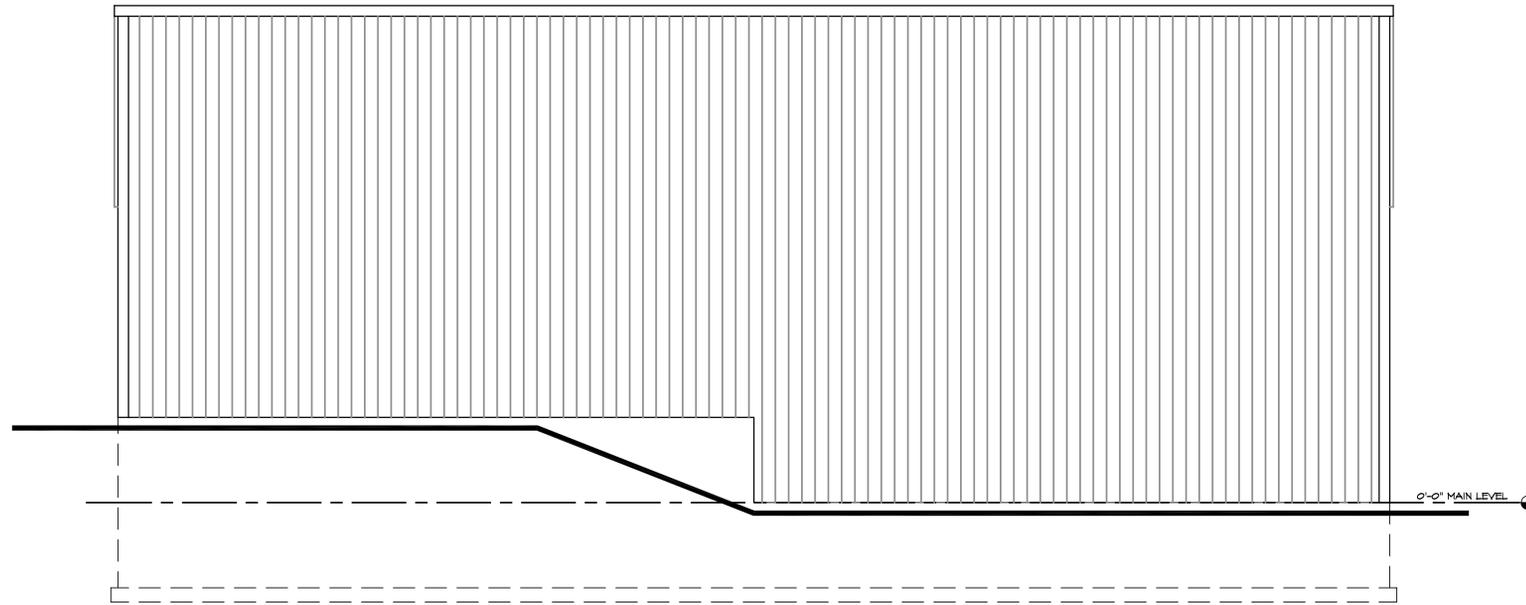
A2.1

of



WEST ELEVATION

1/4" = 1'-0"



SOUTH ELEVATION

1/4" = 1'-0"

Straka Johnson Architects, P.C.
 3555 Digital Drive
 Dubuque, Iowa 52008
 Phone (563) 556-8877
 Fax (563) 556-0367

The use of these drawings shall be restricted to the original site for which they were prepared and shall not be used for any other project without the written consent of the architect.
 Reproduction, publication or re-use of these drawings by any method in whole or in part, is prohibited.
 Title to these drawings remains with the architect without participation. Visual contact with these plans shall constitute prima facie evidence of the acceptance of these restrictions.

GALENA SCHOOLS BUS PARKING AND GARAGE
 SCHOOL DISTRICT NO. 120
 JO DAVIESS COUNTY
 GALENA, ILLINOIS

Revision	08/21/18
Date	08/15/18
Drawn By	J.M.
Project Number	18010.C
Sheet Number	A2.2

of

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 7, 2018

RE: Cal. No. 18S-10, Applicant and Owner: Ken Stoppa & Elizabeth Collazo, 429 Harrison Street, Galena, IL 61036. Location: Parcel: 22-100-439-03, W 1/2 of S 47' Lot 58, W 1/2 Lot 59 & W 1/2 Lot 60, W. Side of Broadway, Galena, Jo Daviess County, Illinois. Common Address is 429 Harrison 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 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 15,000 square feet, or 0.344 acres. The structure is situated along Harrison 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 site can accommodate up to four (4) vehicles off-street in the existing garage and the 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.

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.



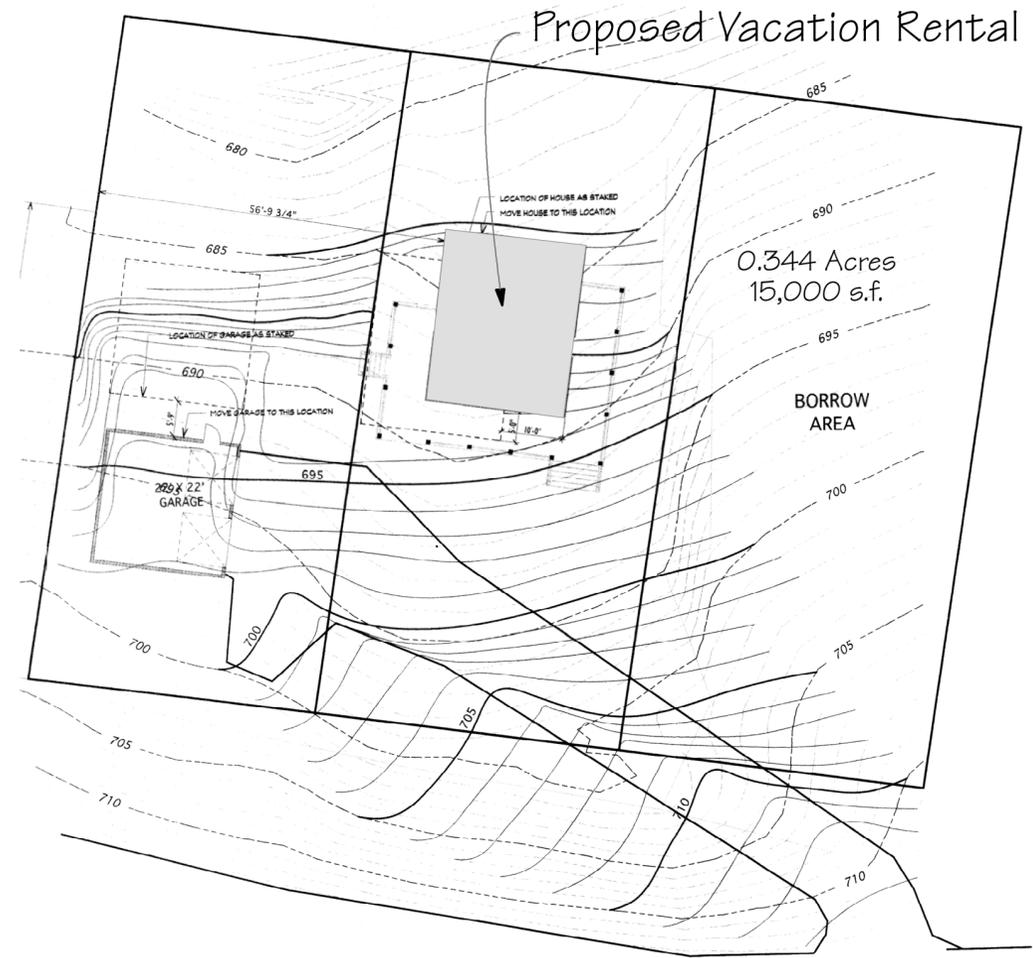






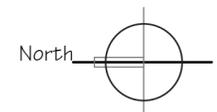
429 Harrison St.

Location Map



Site Plan

1" = 20'-0" 0 5' 10' 20'

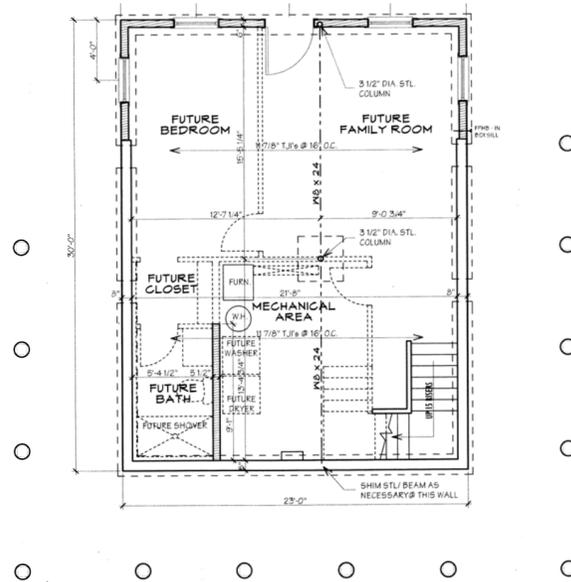


Vacation Rental Unit
 2 Bedroom, 2 1/2 baths
 1,935 sq ft in Low Density Residential
 with Parking for two cars
 9 guests allowed

Building Classification
 Zoning LDR Low Density Residential, Vacation Rental Special Use permit
 Construction Type V A, 2 stories, 1,935 sq. ft. gross
 Occupancy Change East Apartment from R3 to R1
 Project type: Change of occupancy from R3 to R1
 No alterations

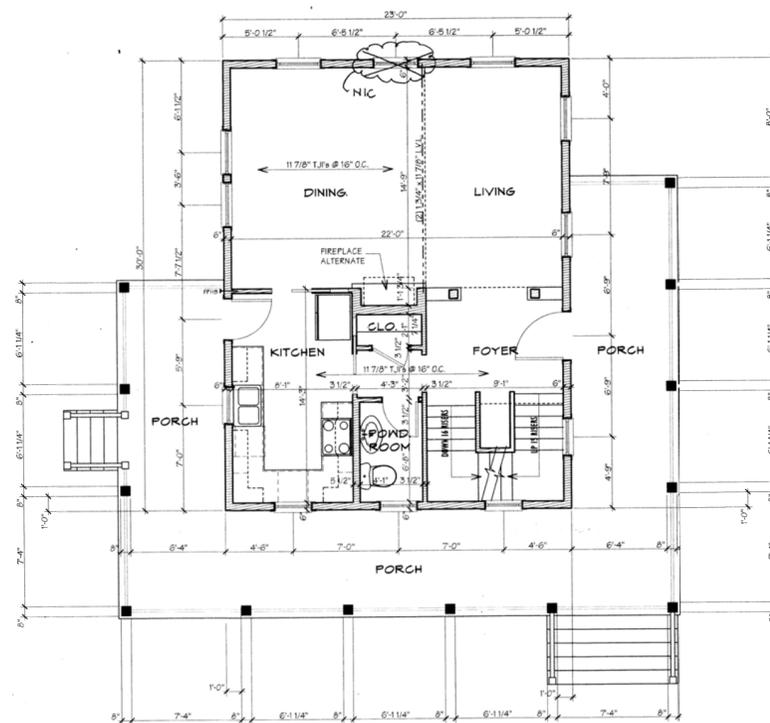
General Notes
 1. Existing conditions for bedrooms to be grandfathered.
 Electrical
 1. Verify existing Smoke Detectors and provide new as needed throughout all areas, within each new bedroom, with in 15' of each bedroom door, & carbon monoxide detector within 10' of bedroom. Hardwire all new detectors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

Note
 House Plans & Site Pan provided by City of Galena from original construction plans by Baranski Humbert + Associates, dated 10/6/98



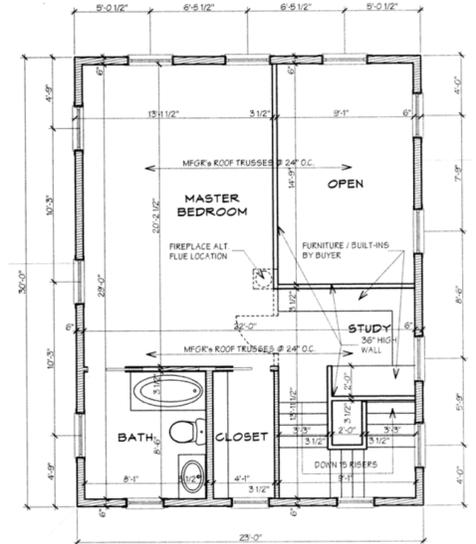
Basement Plan

1/8" = 1'-0"



First Floor Plan

1/8" = 1'-0"



Second Floor Plan

1/8" = 1'-0"

Permit Plans for Vacation Rental Accommodations
429 Harrison Street
 Galena, Illinois 61036

8/28/18 revisions:

sheet
A1
 of 1

Certification Statement:
 I certify that these plans were prepared by me and to the best of my knowledge conform to Local, State, & National Codes.
 Adam Johnson
 Licensed Architect
 001-044696C
 11/20/2018
 Drawings remain the sole property of the Architect, reproduction & use by permission only.

Adam Johnson Architecture
 211 Fourth Street, Galena, Illinois 61036-2400
 ©adamizso333@gmail.com 815/281-1577



MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 7, 2018

RE: Cal. No. 18S-11, Applicant and Owner: Deborah Penney, 334 Franklin Street, Galena, IL 61036. Location: Parcel: 22-100-305-00, SE 28' of Lot 20, Franklin Street, Galena, Jo Daviess County, Illinois. Common Address is 334 Franklin 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 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). The structure can handle up to nine (9) guests, however, they are limited by the two off-street parking spaces.

Lot Capacity: The lot size is 4,404 square feet, or 0.09 acres. The structure is situated along Franklin 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 site can accommodate up to two (2) vehicles off-street in the 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.

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.



03/10/2010

NO
PARKING
THIS SIDE
OF
STREET





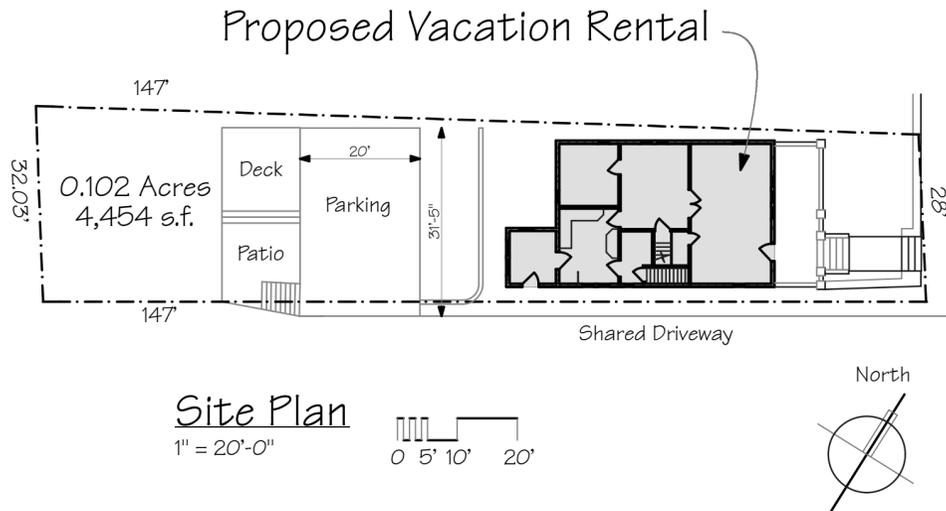
334 Franklin St.

Location Map

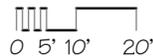
Vacation Rental Unit
 4 Bedroom, 2 baths
 1,864 sq ft in Low Density Residential
 with Parking for two cars
 9 guests allowed

Building Classification
 Zoning LDR Low Density Residential, Vacation Rental Special Use permit
 Construction Type V A, Historic Building, 2 stories, 1,864 sq. ft. gross
 Occupancy Change East Apartment from R3 to R1
 Project type: Change of occupancy from R3 to R1
 No alterations

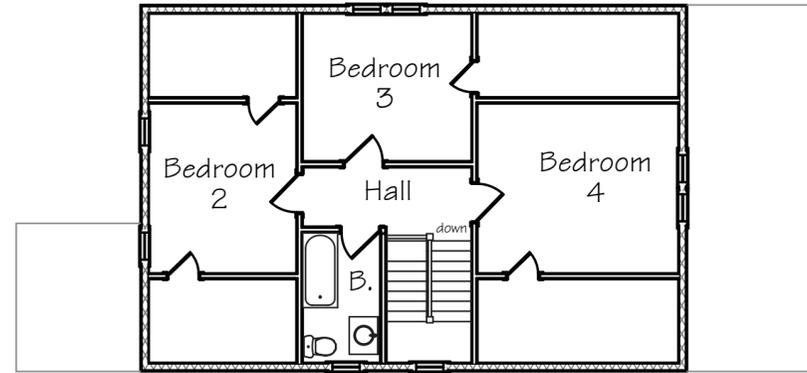
General Notes
 1. Existing conditions for bedrooms to be grandfathered.
 Electrical
 1. Verify existing Smoke Detectors and provide new as needed throughout all areas, within each new bedroom, with in 15' of each bedroom door, & carbon monoxide detector within 10' of bedroom. Hardwire all new detectors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



Site Plan
 1" = 20'-0"

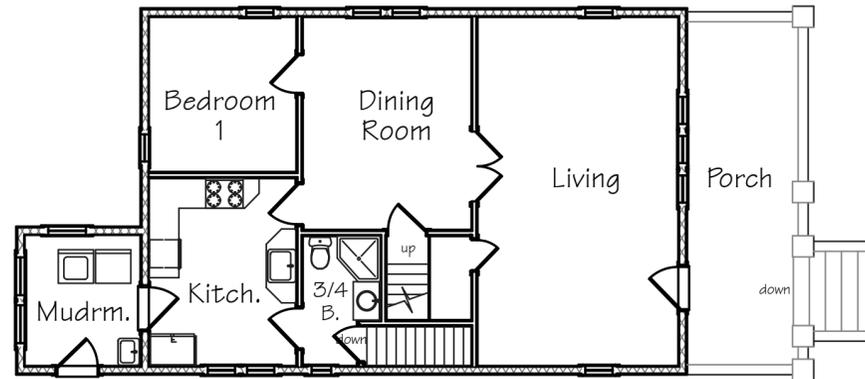


Franklin Street



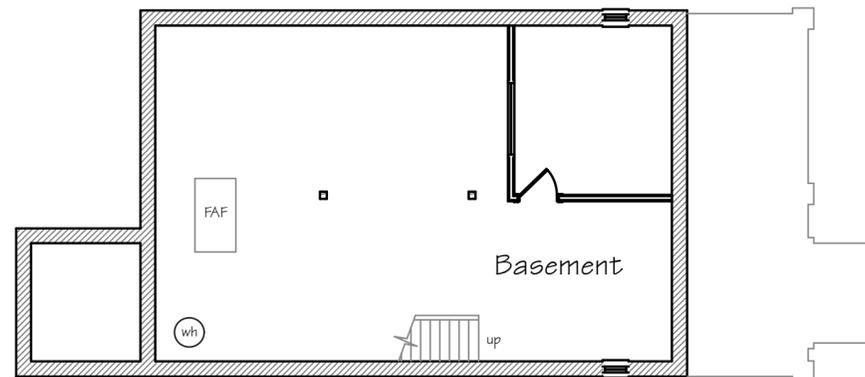
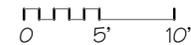
Second Floor Plan
 1/8" = 1'-0"

gross s.f.
 A: 891 sq ft



First Floor Plan
 1/8" = 1'-0"

gross s.f.
 A: 973 sq ft



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

gross s.f.
 A: 890 sq ft



Certification Statement:
 I certify that these plans were prepared by me & to the best of my knowledge conform to Local, State, & National Codes
 Adam C. Johnson
 Licensed Architect
 001-014692C
 Illinois license number:
 11/2012/019
 expiration date:

8/24/18
 revisions:

sheet

A1

of 1

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 7, 2018

RE: Cal. No. 18S-12, Applicant and Owner: Bruce & Nanette Glasgow, 200 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-099-00, Part of Lot 54, West Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 200 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit for vacation rental units in the Downtown Commercial District. This property is located at the intersections of North Main and Perry Streets, the building that currently has Victory Cafe in its retail space.

The upper stories of the building contains four apartments. The owners wish to convert one of the apartments on the third floor into a vacation rental unit in the near future and the remaining units will convert as they become available. I recommend approval for the four apartments and Staff can require a floor plan by an architect before licensing each 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.

Number of Guests: Maximum occupancy load for the first unit is 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 4,000 square feet, or 0.092 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.

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.*

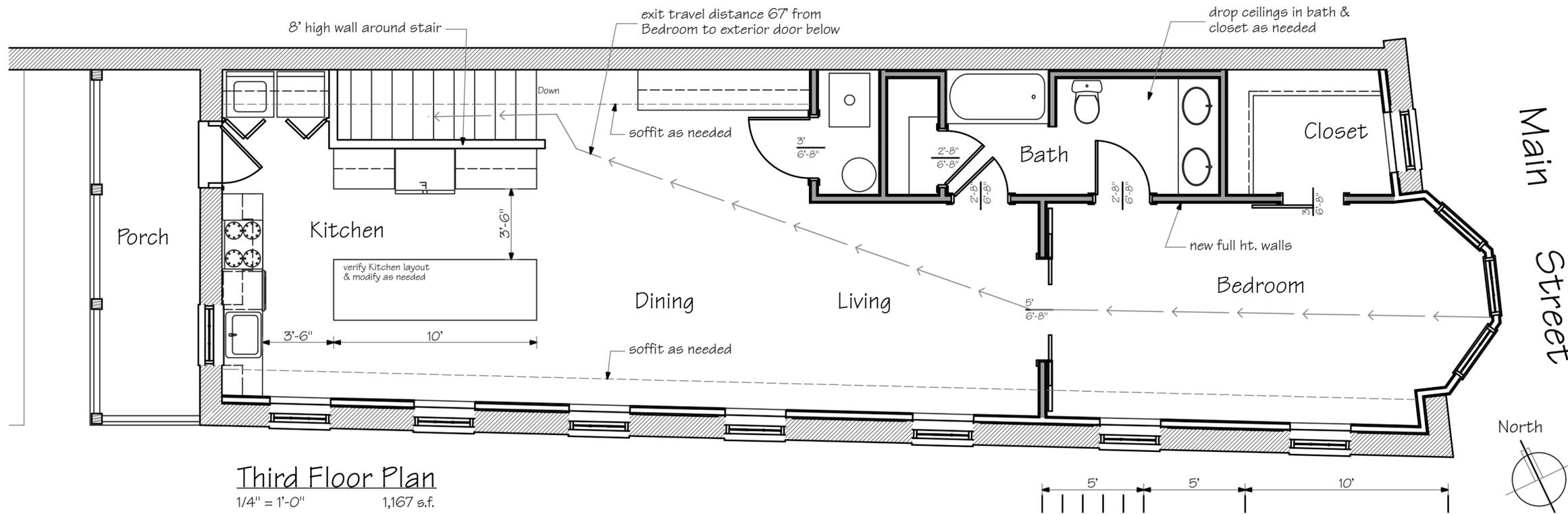
(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

(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.*

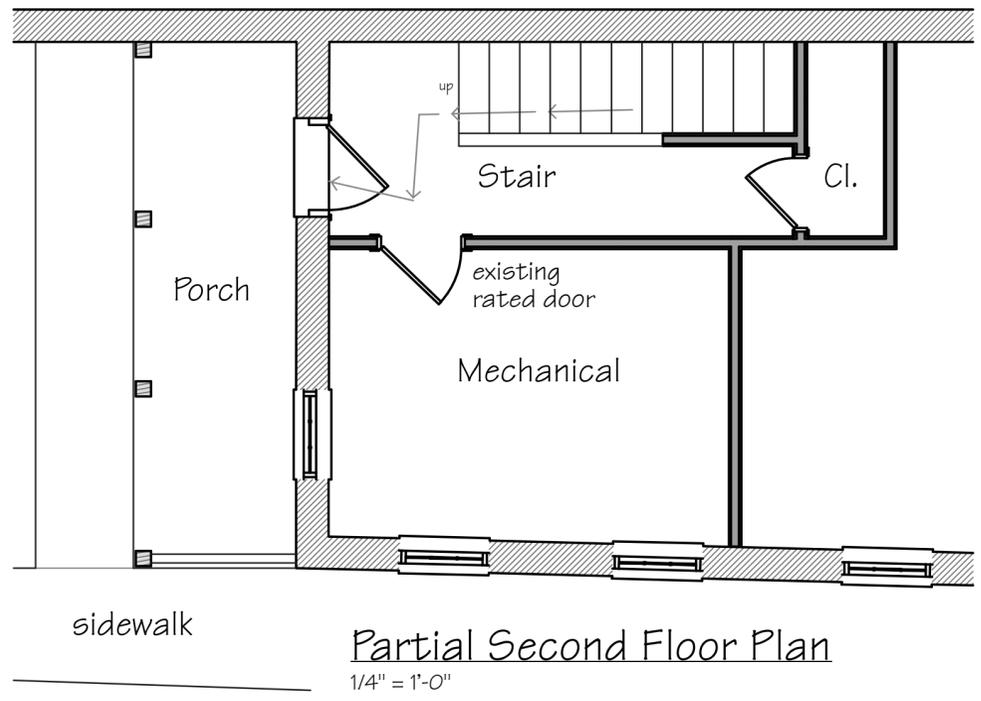
(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on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



Third Floor Plan
1/4" = 1'-0" 1,167 s.f.



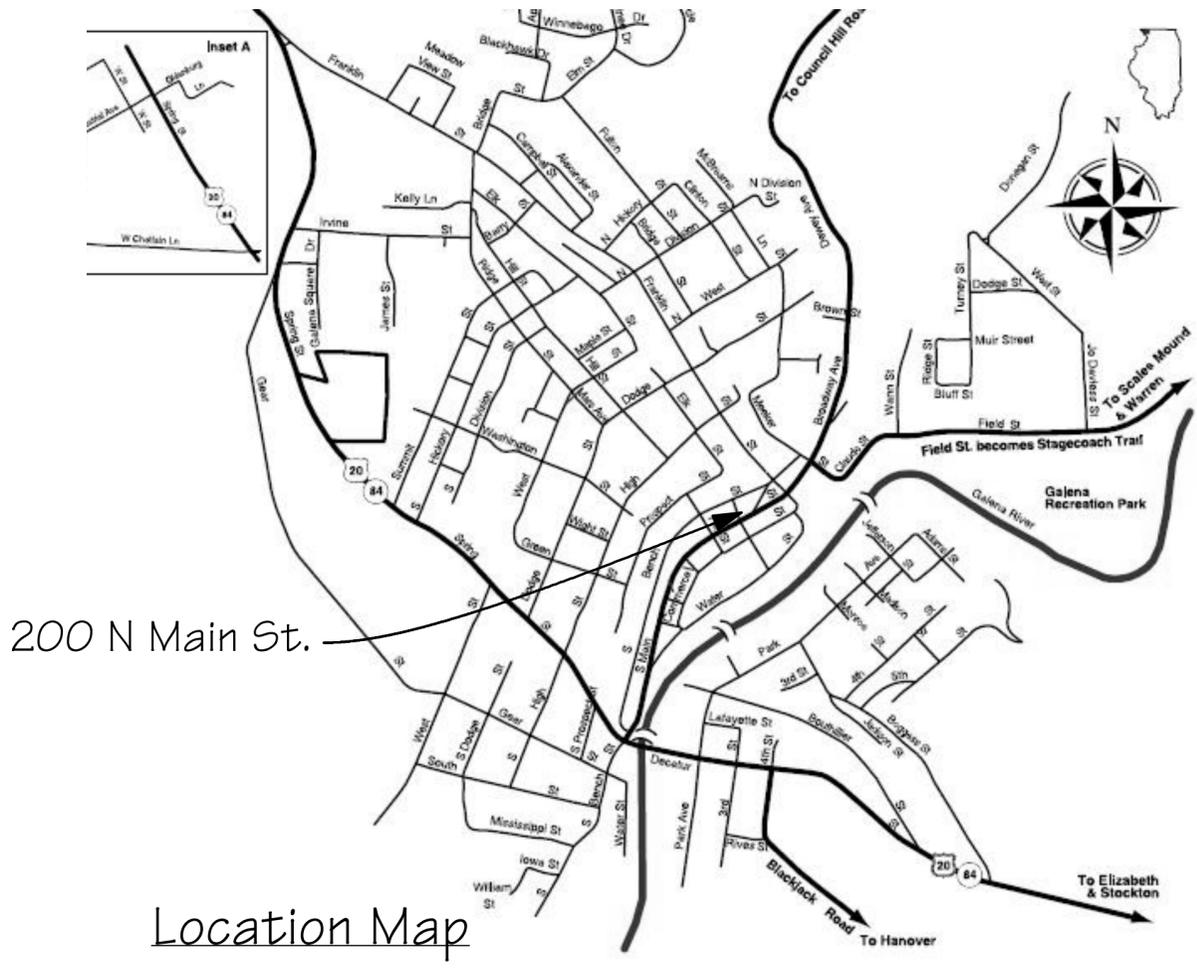
Partial Second Floor Plan
1/4" = 1'-0"

Vacation Rental Unit
1 Bedroom, 1 bath
1,167 sq ft - 5 guests allowed

No Parking requirement in Downtown Business District

Building Classification
Zoning Downtown Business District, Vacation Rental Special Use permit
Construction Type III A, 3 stories, 4,000 sq. ft. gross
Occupancy Change Apartment from R3 to R1
Project type: Change of occupancy from R3 to R1
No alterations

General Notes
1. Existing conditions for bedrooms to be grandfathered.
Electrical
1. 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.



Location Map

Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
©adamizso333@gmail.com 815/281-1577
Drawings remain the sole property of the Architect, reproduction & use by permission only.

Adam Johnson
Licensed Architect
Illinois license number: 001-014986
expiration date: 11/30/2015
date: _____
signed: _____

Permit Plans for Vacation Rental Accommodations
200 N. Main Street
Galena, Illinois 61036

8/28/18
revisions:
sheet
A1
of 1

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 7, 2018

RE: Cal. No. 18S-13, Applicant and Owner: 125 N Main LLC, 125 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-158-00, Lot 32, East Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 125 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit for vacation rental units in the Downtown Commercial District. This property is located at the intersections of North Main, Perry and North Commerce Streets, the building that currently has the Cornerstone and Ayalas in its retail spaces.

The upper stories of the building contains three apartments. The owners wish to convert two of the apartments into vacation rental units.

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 two units is seven (7) guests total; Unit A can have up to three (3) guests and Unit B can have up to 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 3,284 square feet, or 0.08 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.

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.*

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Perry Street
RESTAURANT

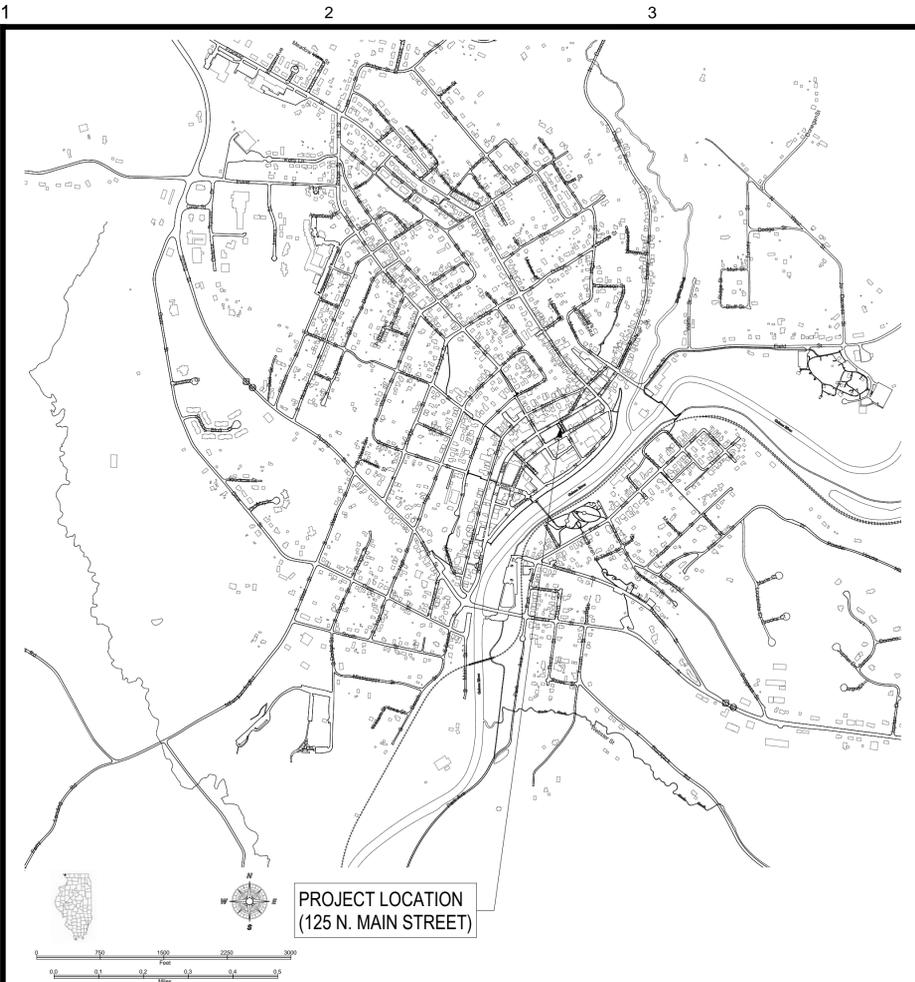
RANCE

THE CORNERSTONE

THE CORNERSTONE

ELKS





1 LOCATION MAP
SCALE: 1" = 1000'

VACATION RENTAL UNITS

UNIT A
2 BEDROOMS, 1 BATH
740 SF
3 GUESTS ALLOWED

UNIT B
2 BEDROOMS, 1 BATH
944 SF
4 GUESTS ALLOWED

1,684 SF TOTAL (TWO VACATION RENTAL UNITS) IN DOWNTOWN COMMERCIAL
WITH NO PARKING REQUIREMENT
TOTAL NUMBER OF GUESTS ALLOWS: 7

BUILDING CLASSIFICATION

ZONING: LDR LOW DENSITY RESIDENTIAL
VACATION RENTAL SPECIAL USE PERMIT

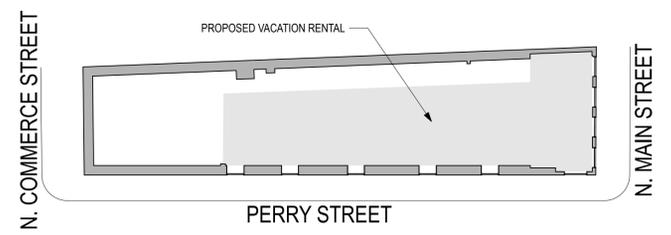
CONSTRUCTION TYPE: VA, HISTORIC BUILDING, 2 STORIES, +/- 6,700 SF

OCCUPANCY: CHANGE NORTH (MAIN STREET SIDE) APARTMENT FROM R2 TO R1
CHANGE EAST (PERRY STREET SIDE) APARTMENT FROM R2 TO R1
NO CHANGE TO SOUTH (COMMERCE STREET SIDE) APARTMENT

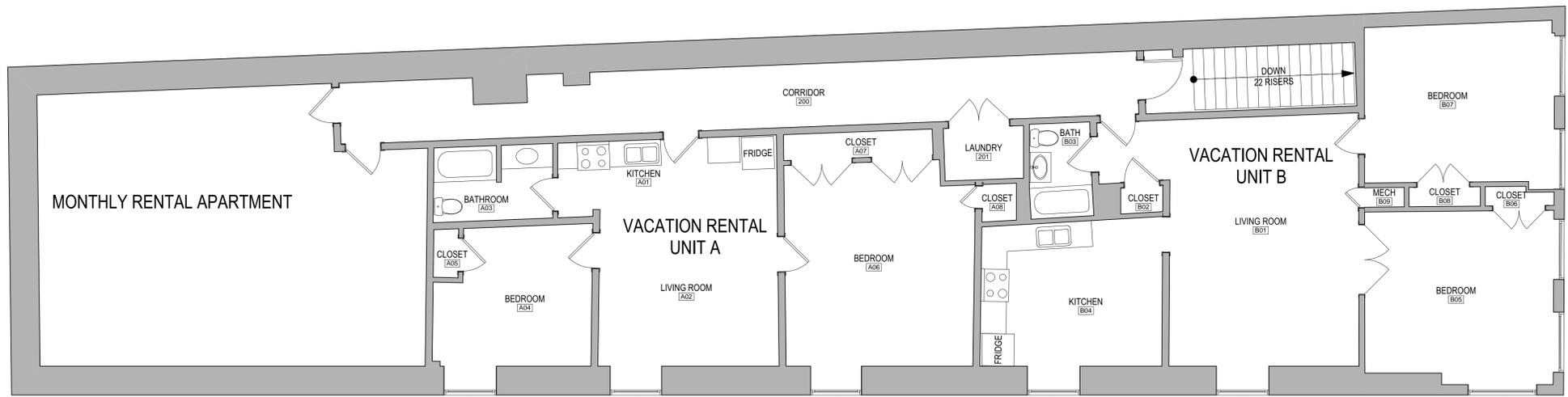
PROJECT TYPE: CHANGE OF OCCUPANCY FROM R2 TO R1
NO ALTERATIONS TO APARTMENT UNITS
ADDITION OF DOOR BETWEEN TOP OF STAIR AND SECOND FLOOR HALWAY

GENERAL NOTES

- EXISTING CONDITIONS FOR BEDROOMS TO BE GRANDFATHERED.
- VERIFY EXISTING SMOKE DETECTORS AND PROVIDE NEW AS NEEDED THROUGHOUT ALL AREAS, WITHIN EACH NEW BEDROOM, WITHIN 15 FEET OF EACH BEDROOM DOOR, AND CARBON MONOXIDE DETECTOR WITHIN 10 FEET OF BEDROOM. HARDWIRE ALL NEW DETECTORS WITH BATTERY BACKUP AS NEEDED.



3 SITE PLAN
SCALE: 1" = 20'



2 SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"

STAMP

PROJECT TITLE
**PERMIT PLANS FOR
VACATION RENTAL
ACCOMMODATIONS AT
125 N. MAIN STREET
GALENA, IL 61036**

MARK	DATE	DESCRIPTION
	09/05/18	PERMIT PLANS

PROJECT NO: 1816
DRAWING STATUS: PERMIT PLANS
SCALE: SCALE AS NOTED
DRAWN BY: WGB
CHK'D BY: JMB
COPYRIGHT
BARANSKI HAMMER MORETTA &
SHEEHY, 2018

SHEET TITLE
PERMIT PLANS

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 7, 2018

RE: Cal. No. 18S-14, Applicant and Owner: RAL Realty Management, 107 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-151-00, North 9' of Lot 26 & South 11' of Lot 27, East Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 107 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit for vacation rental units in the Downtown Commercial District. This property is located at the intersections of North Main, Hill and North Commerce Streets, the building that currently has Vignette's in its retail space.

The upper stories of the building contained open storage space and old abandoned apartments. The owners wish to convert this space into two vacation rental units.

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 two units is eleven (11) guests total; Unit 1 can have up to eight (8) guests and Unit 2 can have up to 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 5,300 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.

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.*

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VIGNETTES

of Indiana

107 N.

ading Supplies

VIGNETTES

VIGNETTES

LOVE



