City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, AUGUST 14, 2019
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
19Z-2001	Call to Order by Presiding Officer
19Z-2002	Roll Call
19Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
19Z-2004	Approval of the Minutes of the Regular Meeting of July 10, 2019.	3-11

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
19S-08	Michael Garbo – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 229 South Main Street. **Ratification of Findings of Fact.**	12-15
19S-09	Diane Checchin – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District at 421 South Main Street. **Ratification of Findings of Fact.**	16-19
19S-10 & 19V-04	Kate & Doug Freeman – Request for Special Use Permit to allow Accommodations, Bed & Breakfast with two guest rooms in the Low Density Residential District; Variance request to allow smaller minimum lot size at 603 South Bench Street. **Ratification of Findings of Fact.**	20-24

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
19A-03, 19S-11 & 19S-12	Alan Trebian – Request for Rezoning from Low Density Residential District to Neighborhood Commercial District; Special Use Permits to allow Accommodations, Vacation Rental and Removable Outdoor Display in the Neighborhood Commercial District at 624 Spring Street.	25-32

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
19Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
19Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wednesday, September 11, 2019	6:30 P.M.	City Hall, 101 Green Street

Posted: August 9, 2019 at 4:00 p.m. Posted By: Matt Oldenburg

MINUTES
ZONING BOARD OF APPEALS
JULY 10, 2019

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 10, 2019 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Calvert moved, seconded by Cook to approve the June 12, 2019 minutes.

Motion carried.

UNFINISHED BUSINESS

Cal. No. 19S-06, Applicant and Owner: RAL Realty Management, 105 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-150-00, 19' 3" of Lot 26, East Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 105 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Jansen moved, seconded by Cook to approve the Finding of Fact for Cal. No. 19S-06.

As Roll Call was:

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

Motion carried.

Cal. No. 19S-07, Applicant and Owner: Raechelle & Ikhlas Ahmed, 219 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-043-00, 23' of Lot 31, Lots between Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 219 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Baranski moved, seconded by Cook to approve the Finding of Fact for Cal. No. 19S-07.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

Cal. No. 19S-08, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Michael Garbo, 229 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-037-00, S 44' of N 52' of Lot 28, Lots Between Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 229 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Baraski moved, seconded by Jansen to open the Public Hearing for Cal. No. 19S-08.

Motion carried on voice vote.

Nack swore all those in wishing to testify at any of tonight's public hearings.

Michael Garbo, 229 South Main Street Galena said he is requesting a permit for vacation rentals at 229 South Main Street. He will start with the empty units and convert the others as they vacate. He will manage the properties and he also owns Chocolat 229.

Adam Johnson, 211 Fourth Street Galena said the plan meets the building standards.

No other persons spoke in favor of or in opposition to the request.

MOTION: Baranski moved, seconded by Calvert to close the Public Hearing for Cal. No. 19S-08.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Baranski to approve the request for Cal. No. 19S-08.

Discussion: Jansen 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.

As Roll Call was:

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

Motion carried.

Cal. No. 19S-09, Applicant and Owner: Diane Checchin, 421 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-022-10, Part of Lot 18, West Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 421 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Calvert moved, seconded by Jansen to open the Public Hearing for Cal. No. 19S-09.

Motion carried on voice vote.

Diane Checchin, 421 South Main Galena said she is looking to operate a vacation rental on the second floor of the building she owns at 421 South Main Street. She lives on the third floor and has a business on the Main Street level. She will manage the property when they are here during the late spring, summer and early fall. When they are away she will have someone local to assist her.

Calvert asked about fire egress from the second floor.

Checchin said there is a deck on the second floor.

Oldenburg said the life safety requirements would have to be satisfied before a license would be issued.

Adam Johnson, 211 Fourth Street Galena said the request does meet the building code standards.

No other persons spoke in favor of or in opposition to the request.

MOTION: Baranski moved, seconded by Cook to close the Public Hearing for Cal. No. 19S-09.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Calvert to approve the request for Cal. No. 19S-09 as written using the same approval criteria as Cal. No. 19S-08.

As Roll Call was:

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

Motion carried.

Cal. No. 19S-10 & 19V-04, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owners: Kate & Doug Freeman, 603 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-179-00, Part of Lot 2, West Side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 603 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Bed & Breakfast with two guest rooms in the Low Density Residential District; Variance request to allow smaller minimum lot size.

MOTION: Calvert moved, seconded by Cook to open the Public Hearing for Cal. No. 19S-10.

Motion carried on voice vote.

Kate Freeman, 5377 South Tower Road Elizabeth said the building has been vacant for at least five years and has greatly deteriorated. It was built in 1842 and is an example of federal style architecture. She wants to return it to its original condition. She has been in the lodging business for about 30 years and decided if she could have two really nice suites on the second floor and a manager-owner suite on the third floor they could afford to bring the house back to what it should be.

Baranski asked about the partner- owner.

Freeman said they are still interviewing potential candidates. They are at least six months away from opening so there is time to find the right person.

Baranski asked about off street parking.

Oldenburg said the parking spaces are not on the neighboring property but some of the parking is on the city right of way.

Adam Johnson, 211 Fourth Street Galena said the condition of the house is a good example of why we have the bed and breakfast ordinance. It definitely needs some helping getting back on its feet. The request would benefit the community by bringing the home back to use.

Jim Anderson, 611 South Bench Street Galena lives two homes south of 603 South Bench. It has been six years since anyone has lived there and the exterior of the home is certainly in need of repair. When he moved here all the homes in the neighborhood were occupied full time, but now the neighborhood has several properties that are secondary homes. Having a permanent occupant here is very welcome.

No other persons spoke in favor of or in opposition to the request.

MOTION: Jansen moved, seconded by Cook to close the Public Hearing for Cal. No. 19S-10.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Jansen to approve the request for Cal. No. 19S-10 as presented.

Baranski said this would be a good use for the property which is wonderful example of federal style architecture. From the testimony given it seems it would be good for the city and the neighborhood to have the home renovated and to have a full time occupant.

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.

(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.

As Roll Call was:

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

Motion carried.

MOTION: Cook moved, seconded by Baranski to open the Public Hearing for Cal. No. 19V-04.

Motion carried on voice vote.

Adam Johnson, 211 Fourth Street Galena said the variance they are requesting is due to a hardship that was not created by the owner but by the lot size and how the home was located on it. The way the street is paved and how it has been used over the years this should not cause any future problems.

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

MOTION: Calvert moved, seconded by Baranski to close the Public Hearing for Cal. No. 19V-04.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Baranski to approve the request for Cal. No. 19V-04 as presented.

Discussion: Jansen reviewed the approval criteria:

Approval Criteria & Recommendation for Variance:

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics

that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

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

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

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

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

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

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

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

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

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

As Roll Call was:

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

Motion carried.

Cal. No. 19A-03, 19S-11 & 19S-12, Applicant: Alan Trebian, 3379 S. Girot Road, Hanover, IL 61041 and Owner: Larry Aschebrook, 624 Spring Street, Galena, IL 61036. Location: Parcel: 22-101-016-00, N Part of E ½ of Lot 1, N Part of W 180' of Lot 2, Lots 1, 2 and N 17' of Lot 3 in the Subdivision of the West ½ of Lot 1, Block 59, Original Lots of Galena, Galena, Jo Daviess County,

Illinois. Common Address is 624 Spring Street, Galena, IL 61036. Request for Rezoning from Low Density Residential District to Neighborhood Commercial District; Special Use Permit for Accommodations, Vacation Rental in Neighborhood Commercial District; Special Use Permit for Removable Outdoor Display in Neighborhood Commercial District.

Rosenthal said this agenda item was being postponed to a later date.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Jansen moved, seconded by Calvert to adjourn the meeting at 7:05 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: 19S-08

APPLICATION BY: Michael Garbo, 229 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 July 10, 2019. 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 nine vacation rental units in the Downtown Commercial District. This property is located in the 200 block of South Main Street between Main & Bench Streets.

The first floor has a mercantile occupancy, the second, third, fourth and fifth floors have apartments. The owner requests the use of Accommodations, Vacation Rental in the second, third, fourth and fifth floors.

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

Number of Guests: Maximum occupancy load is the following: 2nd floor units – 10 guests; 3rd floor units – 11 guests; 4th floor units – 11 guests; 5th floor units – 3 guests; total is 35 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 3,600 square feet, or 0.083 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:

- **Michael Garbo, 229 South Main Street, Galena** said he is requesting a permit for vacation rentals at 229 South Main Street. He will start with the empty units and convert the others as they vacate. He will manage the properties and he also owns Chocolat 229.

- **Adam Johnson, 211 Fourth Street, Galena** said the plan meets the building standards.

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 Accommodations, Vacation Rental, with nine units, 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 Michael Garbo 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 Michael Garbo 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 10th day of July, A.D. 2019, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 1 absent, 1 abstain, 0 recused.

_____
John Rosenthal, Chairperson

DECISION

ZONING BOARD OF APPEALS
OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 19S-09

APPLICATION BY: Diane Checchin, 421 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 July 10, 2019. 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 three vacation rental units in the Downtown Commercial District. This property is located in the 400 block of South Main Street between Main & Bench Streets.

The first and second floors have a mercantile occupancy, the third floor has an apartment. The owner requests the use of Accommodations, Vacation Rental in the second and third floors.

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

Number of Guests: Maximum occupancy load is the following: 2nd floor units – 5 guests; 3rd floor units – 8 guests; total is 13 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 4,228 square feet, or 0.097 acres. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

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

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

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

- **Diane Checchin, 421 South Main, Galena,** said she is looking to operate a vacation rental on the second floor of the building she owns at 421 South Main Street. She lives on the third floor and has a business on the Main Street level. She will manage the property when they are here during the late spring, summer and early fall. When they are away she will have someone local to assist her.

  Calvert asked about fire egress from the second floor.

  Checchin said there is a deck on the second floor.

  Oldenburg said the life safety requirements would have to be satisfied before a license would be issued.

- **Adam Johnson, 211 Fourth Street, Galena,** said the request does meet the building code standards.

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 Accommodations, Vacation Rental, with three units, 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 Diane Checchin 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 Diane Checchin 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 10th day of July, A.D. 2019, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 1 absent, 1 abstain, 0 recused.

_____

John Rosenthal, Chairperson

DECISION

ZONING BOARD OF APPEALS
OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 19S-10 & 19V-04

APPLICATION BY: Kate & Doug Freeman, 603 S. Bench Street, Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Bed & Breakfast, with 2 guest rooms, in a Low Density Residential District and Variance request to allow smaller minimum lot size.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 10, 2019. 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 2-room Bed & Breakfast. The house and the property have the capacity to absorb this land use. The B&B will require three off-street parking spaces: one for each guest room and one for the owner; there are three off-street parking spaces at the rear of the property that take access from Magazine Street. The B&B code allows two sleeping guests per room, so there will be a total of four guests on the property at any given time.

A variance is needed because the minimum lot area required for a 2-room B&B, according to Table 154.406.1, is 5,000 SF; this property is existing and has 2,909 SF. There is a physical hardship as there is no land available to acquire on either side and it is bound by two streets. This is the nature of older, denser development. Staff recommends approval of the variance as the house could handle a 2-room B&B if it were on a compliant lot elsewhere.

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 Building Department and Staff will ensure that the room improvements meet current building, electrical, plumbing and life safety codes. 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, the Galena Public Library and Downtown Commercial.

PUBLIC SUPPORT AND/OR OBJECTIONS

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

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

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

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

- **Kate Freeman, 5377 South Tower Road, Elizabeth,** said the building has been vacant for at least five years and has greatly deteriorated. It was built in 1842 and is an example of federal style architecture. She wants to return it to its original condition. She has been in the lodging business for about 30 years and decided if she could have two really nice suites on the second floor and a manager-owner suite on the third floor they could afford to bring the house back to what it should be.

  Baranski asked about the partner-owner.

  Freeman said they are still interviewing potential candidates. They are at least six months away from opening so there is time to find the right person.

  Baranski asked about off street parking.

  Oldenburg said the parking spaces are not on the neighboring property but some of the parking is on the city right of way.

- **Adam Johnson, 211 Fourth Street, Galena,** said the condition of the house is a good example of why we have the bed and breakfast ordinance. It definitely needs some helping getting-back on its feet. The request would benefit the community by bringing the home back to use.

- **Jim Anderson, 611 South Bench Street, Galena**, lives two homes south of 603 South Bench. It has been six years since anyone has lived there and the exterior of the home is certainly in need of repair. When he moved here all the homes in the neighborhood were occupied full time, but now the neighborhood has several properties that are secondary homes. Having a permanent occupant here is very welcome.

Testimony Presented in Opposition to the Proposal:

- No persons spoke in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines a Guest Accommodation, Bed & Breakfast.
- 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) (7) defines and outlines the regulations for Bed & Breakfasts.
- 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 Bed & Breakfasts as follows:
   a. Guest Accommodations, Bed & Breakfast 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 a 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 Bed & Breakfast with 2 guest rooms as a principal commercial land use in a Low Density Residential District.
5. Adequate off-street parking is provided for the owner and guests.

6. The property is existing density and character within the block; the proposed use will not impact the character.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Kate & Doug Freeman for a Special Use Permit to allow a Bed & Breakfast with 2 guest rooms as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Low Density Residential District and is consistent with the defining characteristics of the district.
3. The request meets the detailed land use regulations established for a Bed & Breakfast 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 Kate & Doug Freeman for a Variance to allow a smaller minimum lot size, 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 Kate & Doug Freeman for a Special Use Permit to allow a Bed & Breakfast with 2 guest rooms as a principal commercial land use in a Low Density Residential District and Variance request for smaller minimum lot size should be approved.

SPECIAL USE PERMIT: PASSED AND APPROVED this 10th day of July, A.D. 2019, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 1 absent, 1 abstain, 0 recused.

VARIANCE: PASSED AND APPROVED this 10th day of July, A.D. 2019, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 1 absent, 1 abstain, 0 recused.

_____
John Rosenthal, Chairperson

CITY OF GALENA, ILLINOIS

101 Green Street · P.O. Box 310 · Galena, Illinois 61036

MEMORANDUM

TO: The Zoning Board of Appeals

FROM: Matt Oldenburg, Zoning Administrator

MATT

DATE: August 9, 2019

RE: Cal. No. 19A-03, 19S-11 & 19S-12, Applicant: Alan Trebian, 3379 S. Girot Road, Hanover, IL 61041 and Owner: Larry Aschebrook, 624 Spring Street, Galena, IL 61036. Location: Parcel: 22-101-016-00, N Part of E ½ of Lot 1, N Part of W 180' of Lot 2, Lots 1, 2 and N 17' of Lot 3 in the Subdivision of the West ½ of Lot 1, Block 59, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 624 Spring Street, Galena, IL 61036. Request for Rezoning from Low Density Residential District to Neighborhood Commercial District; Special Use Permit for Accommodations, Vacation Rental in Neighborhood Commercial District; Special Use Permit for Removable Outdoor Display in Neighborhood Commercial District.

Summary:

The applicant is requesting a map amendment and Special Use Permits to rezone from Low Density Residential to Neighborhood Commercial to facilitate the use of the existing barn as a produce / farmer market, including Indoor Sales & Service and Removable Outdoor Display land uses and to operate the house as a one-dwelling unit vacation rental in a Neighborhood Commercial District, contingent upon approval of rezoning.

The applicant is employed by the property owner as caretaker. The single family dwelling on the property recently underwent a full rehabilitation and addition and is suitable for a vacation rental when the owner is not using it personally. The owner also has a farm near Galena and wishes to sell some of their produce out of the barn, along with some removable outdoor display racks against the barn structure.

The vacation rental and removable outdoor display uses require a Special Use Permit in the Neighborhood Commercial district. The Indoor Sales & Service land use is allowed by right in the NC district.

The applicant proposes to operate the produce market only during daytime hours. There is adequate parking space available adjacent to the barn area on the North side, which the owner will construct a parking area suitable for the market use when they are ready to proceed. Adequate parking for the vacation rental currently exists for three vehicles on the driveway and slab between the house and barn.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. Aside from the barn parking area, all exterior development is existing and no further development is needed.

Number of Guests: **Vacation Rental:** 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 38,445 square feet, or 0.88 acres. The structure is situated along Spring Street and the unimproved South Division Street ROW. 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 use, a total of three (3) spaces are needed. The market use requires three (3) additional spaces, which are available to the North of the Barn, yet to be installed.

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 other Neighborhood Commercial, office and residentail.

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 field 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.

Application for Proposed Map Amendment August 9, 2019
Adam Johnson

624 Spring Street, Galena, Illinois

The property owner is applying for a map amendment to allow the commercial use of the barn and the use of removable display. The owner would like to use the house for a vacation rental and the barn as a market space for the sale of farm produce with removable display. These two uses are allowed under Special Use in Neighborhood Commercial zoning but are not allowed in Low Density Residential zoning.

The proposed map amendment would meet the criteria under Zoning Amendment & Rezoning, 154.920 It was not an error at the time of adoption but now the neighborhood has changed in character and is moving to more commercial uses along the highway. Not many properties north this of site along the highway remain residential, if any. The rezoning would not have a negative impact on the surrounding area and would be compatible to adjacent uses. Recent work on the site has improved the site conditions and I have not made an attempt to sum up the recently installed landscaping in points, but it seems more than adequate. The site will continue to be improved once the highway work is accomplished and the final conditions can be evaluated.

The proposed map amendment would be in conformance with the comprehensive plan and other policies of city regulations and guidelines. The application supports the comprehensive plan goals for the city in many ways. It supports economic development by protecting a historic structure and creating a new use in an existing building. It supports the goal of historic preservation by maintaining and improving a historic property. It helps to diversify the economy and improved tourism. The proposed map amendment would provide for the commercial use of the property and the development of a unique business that does not now existing on the highway, a market for local farm fresh produce. This would be a further expansion of the local grown agricultural community and strengthen Galena's market and tourist business. It will has and will create jobs in the community.

The proposed map amendment would be supported by adequate community services and the property has adequate area to more than meet the bulk density, parking, and landscaping requirements and standards. The site will be served by two entries onto the highway, which will ease circulation on the site. A great deal of the site will remain undeveloped to the rear. It is good to have this commercial use be developed before the highway work so that the new business can coordinate with the highway work and improve the success of the business and the integration into the new highway improvements.

The property will meet the building codes for the proposed uses. The barn may require some work for code compliance, but nothing that would be major. The outdoor display and any new signage will meet zoning requirements and be reviewed before installation. The hours of operation for the market will be during the daylight hours and will not require exterior site lighting.

This application meets all the criteria for rezoning review and furthers the goals of the comprehensive plan and so should be approved.

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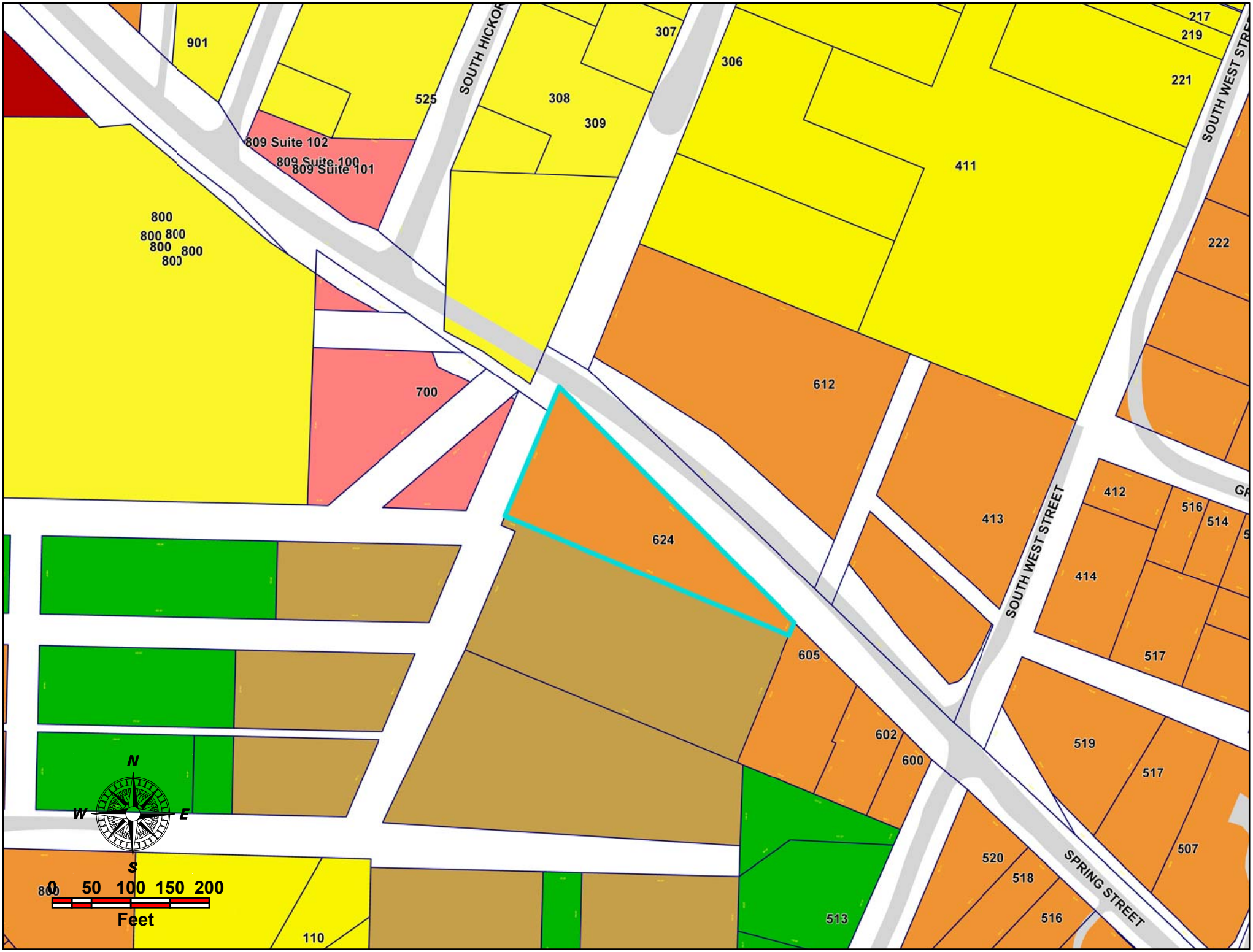
624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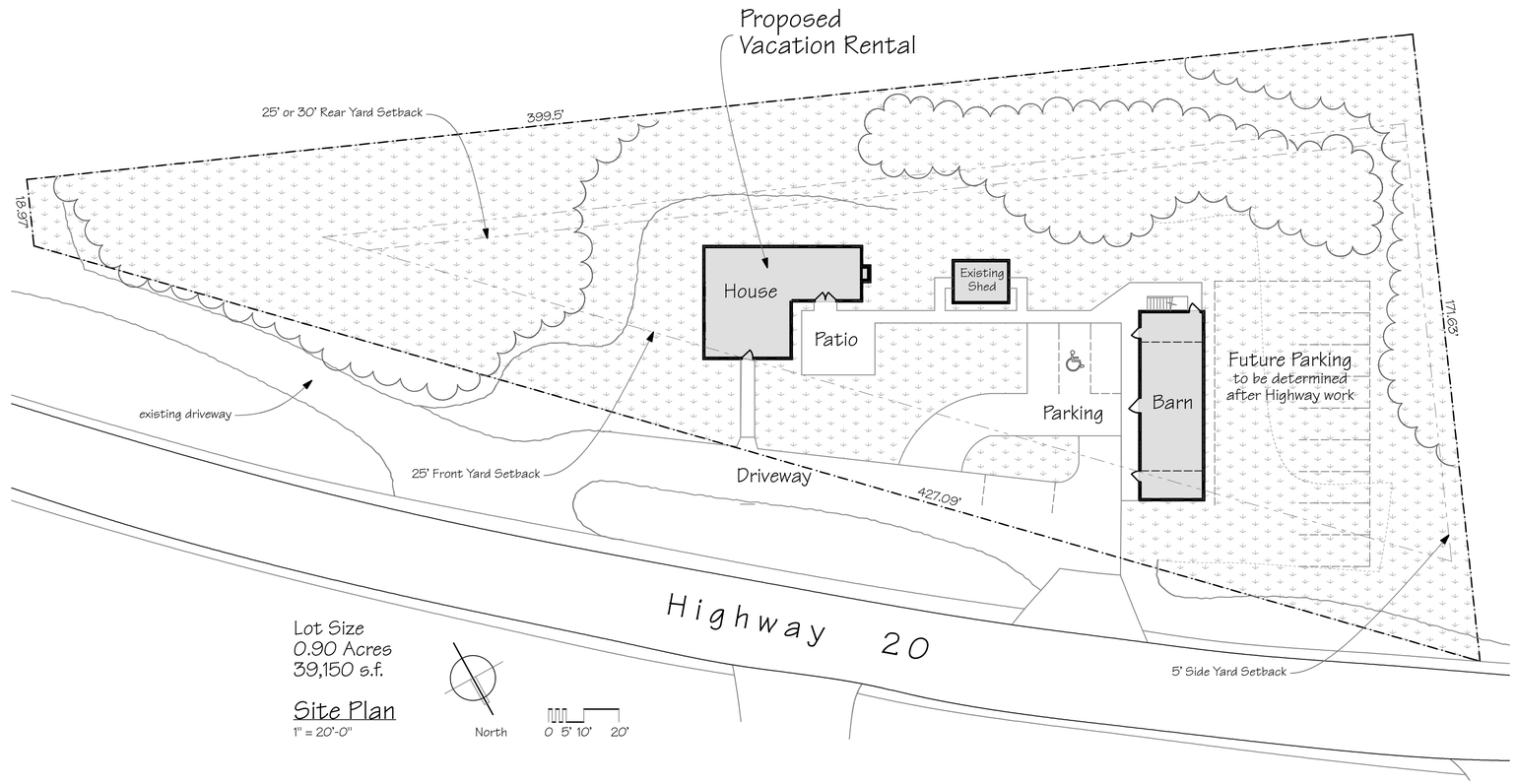
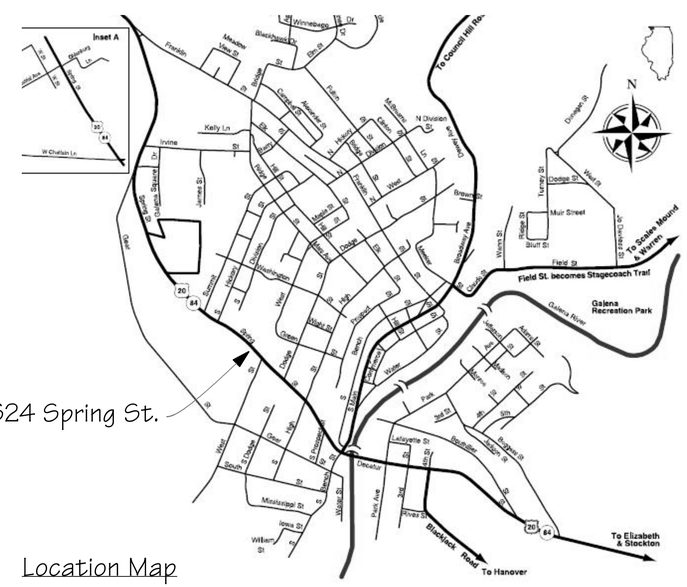


Site Plan

1" = 20'-0"



Location Map

Vacation Rental Unit
3 Bedroom, 2 Baths
1,970 sq ft in LDR, Low Density Residential
with 3 parking spaces
9 guests allowed

Building Classification

Construction Type	V A, Historic Building, 2 stories, 1,970 sq. ft. gross
Occupancy	Change from R3 to R1
Project type:	Change of occupancy from R3 to R1
	No alterations

Zoning Standards

Zoning: Change from LDR Low Density Residential to NC Neighborhood Commercial, Vacation Rental Special Use permit

Lot Size: 0.90 acres, 39,150 s.f., 9,000 s.f. required

Maximum Floor Area Ratio FAR = 25% = 9,788 s.f.

Existing buildings 2,363 s.f. existing (6%)

Minimum Landscaping 25% = 9,788 s.f., approx. 32,500 s.f. existing (83%)

2 Stories, 30' height allowed

Parking for Barn 1,450 s.f. @ 1 per 300 s.f. = 5 spaces required
+ 3 for VR = 8 spaces, 12 planned on site, 1 ADA

No exterior lighting required for day time only operation.

New freestanding sign to be designed in the future to meet Zoning ordinance for approval.

Landscaping Points

Paved Areas, 60 points per 10,000 s.f. new paving
No new paving area

Landscaping points shown = TBD

Buffer yard not required, no different adjacent zoning district.

General Notes

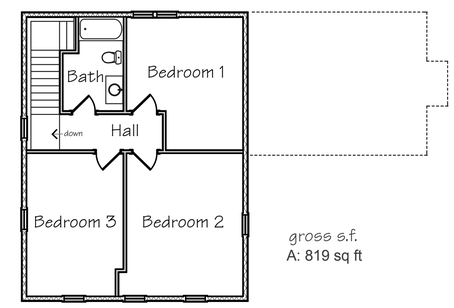
1. Existing conditions for bedrooms to be grandfathered.

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.
2. Provide new security surveillance systems as needed.

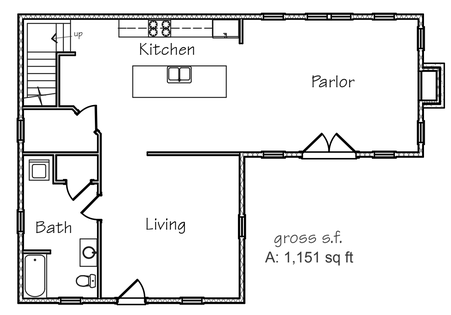
Sitework

1. Reconfigure existing paved area as indicated. Provide asphalt to match as needed.
2. Provide new landscaping as indicated. Provide new grass lawn as needed at areas of work.



Second Floor Plan

1/8" = 1'-0"



First Floor Plan

1/8" = 1'-0"

0 5' 10' North

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.

Certification Statement:
I certify that these plans were prepared by me, or under my direct supervision, and conform to Local, State, & National Codes.
Licensed Architect: Adam C. Johnson
Illinois license number: 001-020905
expiration date 11/30/2018
signed: date:

Zoning Application Plans for
624 Spring Street
Galena, Illinois 61036

8/9/19
revisions:

sheet
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of 1

2436 adamizso333@gmail.com