

**MINUTES
ZONING BOARD OF APPEALS
August 14, 2013**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:45 PM on Wednesday, August 14, 2013 at City Hall, 312 ½ N. Main Street, Galena, IL.

Zoning Board Member Robert Carlisle submitted his notice of resignation to Mayor Renner on Monday August 12.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Holman	Present
Nybo	Present
O'Keefe	Present
Rosenthal	Present

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Baranski moved, seconded by Nybo to approve the minutes from the July 10, 2013 meeting.

Voice vote with Baranski, Bochniak, Nybo and Rosenthal voting to approve.

Holman and O'Keefe were not able to vote as they did not attend the meeting or listen to the entire recording of the meeting.

OLD BUSINESS

Cal. No. 13A-02, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Request for Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit. Returned by City Council for reconsideration.

Nybo asked to be recused as he is the owner of a Galena Small Inn.

Rosenthal granted the request.

O'Keefe noted the City Council will still have the final say on this agenda item.

Nack asked that the record reflect that Holman and O'Keefe had listened to the recording of the July 10, 2013 Public Hearing and were therefore able to participate in the discussion and possible action on this agenda item.

MOTION: Baranski moved, seconded by O'Keefe to approve the request for Text Amendment to Zoning Ordinance Table 154.403.1 *Permitted Land Uses* to amend Low Density Residential District to allow for Public Accommodations, Small Inns to operate by Special Use Permit.

Discussion: Baranski said he felt the Special Use process gives the Board and the City a great deal of control when looking to approve a request. Each application can be looked at on a case by case basis.

O'Keefe said it seems the City Council had concerns, but the controls could eliminate those concerns. He was concerned that by allowing Small Inns it does away with the owner occupied parameter that is in place for a Bed and Breakfast. The ordinance was originally developed so the cost of maintaining a larger home could be offset somewhat by allowing guests to stay in these homes.

Rosenthal said when the ordinance was written Small Inns were excluded from Low Density Residential districts.

Baranski said he was on the committee that wrote the ordinance and he didn't know that it was specifically excluded. There are many parameters that make it difficult to draw an exact line around areas where things would be or wouldn't be allowed. Over the last several years the Board has amended the Ordinance as it discovered areas that may have been overlooked or needed changing. The Board has controls that would allow it to approve or deny requests. This request is consistent with the Comprehensive Plan as it supports the preservation of historical properties. If this is not passed there is no way of hearing, on a case by case basis, whether a historic property would have a viable option of operating as a small inn in a Low Density Residential district.

Rosenthal said he still doesn't think this should change. The City Council can override our decision if they want. He doesn't feel the Zoning Board should make the decision.

Baranski has confidence in the Zoning Board when it looks at Special Use requests on a case by case basis. Just because we approve a request for one applicant does not mean we are under any obligation to approve another request. We would look at the merits of each request.

O'Keefe thought if the City Council gave final approval they should give guidance as to how the Special Use Permit should be administered.

Rosenthal called the question.

As Roll Call was:

Bochniak	Yes
Holman	Yes
Nybo	Recused
O'Keefe	Yes
Baranski	Yes
Rosenthal	No

Motion carried.

Nybo returned to the table.

Cal. No. 13S-04, Applicant: The Galena Farmers' Market Vendors (Ronald Ricke) – 123 North Commerce Street, Galena, IL 61036. Request for Special Use Permit to display a portable "sandwich board" sign at intersection of Main & Hill Streets to notify residents and visitors about the market location. The sign would be used from 6:00am to 10:00am on Saturdays while the market is open. Final consideration and ruling.

MOTION: Baranski moved, seconded by Bochniak to approve the Special Use Permit request.

Rosenthal called the question on those able to vote.

As Roll Call was:

Nybo	Yes
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

NEW BUSINESS

Cal. No. 13S-03, Applicant & Owner: Daniel Balocca –125 South Prospect Street, Galena, IL 61036. Location: Lot Fifteen (15) and Sixteen (16) in Block Number Three (3) in the City of Galena on the West side of the Galena River in the County of Jo Daviess in the State of Illinois, common address 125 S. Prospect Street, Galena, IL. Request for Special Use Permit to change the use of the Felt Manor from a 5-room Bed & Breakfast to a 6-room Small Inn in the Low Density Residential District, pending Text Amendment to allow Small Inns use in LDR by Special Use Permit.

Nybo asked that Chairperson Rosenthal allow him to recuse himself from the next agenda item due to his ownership of a Bed and Breakfast/Small Inn.

Rosenthal granted the request.

MOTION: O’Keefe moved, seconded by Baranski to postpone Cal. No. 13S-03 until the City Council has voted on Cal. 13A-02.

Discussion: O’Keefe said he feels the Board should wait until the City Council decides if they are going to approve the text amendment. If the Council puts parameters on the SUP we would have to start over. They have concerns with the liquor licenses, owner occupied . . . They should be the ones who determine if they want specific regulations on certain aspects for approval.

Baranski asked how the Council would do this.

Rosenthal said the Zoning Board has the power to approve a Special Use with specific do’s and don’ts.

As Roll Call was:

Holman	Yes
Nybo	Recused
O’Keefe	Yes
Baranski	No
Bochniak	No
Rosenthal	No

Motion denied.

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing for Cal. No. 13S-03.

Motion carried on voice vote.

Nack swore all those in who to testify at the Public Hearing.

Dan Balocca, 125 S Prospect Street Galena, the applicant, said he currently has a five room Bed and Breakfast that has been in operation since 1981. There have been no complaints while he has been owner for the last twenty years. The property is unique topographically as it sits on seven different levels over $\frac{3}{4}$ of an acre. The main building is 6,100 square feet and the historic building at the back is 1,900 square feet. The carriage house was built in 1850 and was added on to 1870 in. It takes a lot to maintain these types of properties. The ordinance, Section 154.406 details what is allowed. Amendments were made in December 2012. There are four small inns: Annie Wiggins, Stillman Inn, Victorian Mansion and Greenbriar Inn, in residential areas that are allowed for various reasons to operate. The Felt Manor property totals about 27,000 square feet. They have always provided off street parking for its guests. Currently they have six off street parking spaces and they will work with City Staff to provide the required number of parking spaces. He feels that not many others would come forward to apply for a SUP to operate a Small Inn in a residential district. There are only a few large historic residential properties that would potentially qualify for a Small Inn. He is not interested in applying for a liquor license – neither a Class P nor a Class M. The restoration of just the

shell of the building will cost around \$75,000.00 - \$80,000.00. This will bring back the exterior back. If he puts this money into the building he really can't just leave it as a garage. The bank needs to see a viable use such as a guest accommodation. A freed slave, Lester, as well as a stable manager has lived here. This would be converted to one large, 1900 square feet, luxury two bedroom space. They would keep the 1870's look as much as possible. In 1939 the carriage doors were removed and modified. They have found part of the 10 foot door and they will be returning it to the carriage house. He knows some of the neighbors are concerned that the carriage house will collapse onto their property. Balocca is trying to prevent this by converting it. The photos show the renderings of how the building will look. He will need to go before the Historic Preservation Commission to get approval for the exterior improvements. He really wants to save this historic structure.

Baranski asked how he controls that his guests use his off street parking.

Balocca said they speak to each guest about their location. Yes they have a Prospect Street address, but parking on Prospect Street would mean climbing seven flights of steep steps. When his guests check in he explains they need to use the off street parking provided near the Felt Manor.

Baranski asked if people use this parking all the time. Do they go out to dinner and then decide to park on the street. The parking lot is not the easiest to navigate. Do they just find it easier to park on the street instead of utilizing the lot?

Balocca said he finds that they use the driveway. He does park larger vehicles for some of his guests. With the new design they will be able to provide better options. They will have a deeper parking lot with a turn around and angled parking.

Baranski said he is concerned about the new parking configuration. It appears the only way to leave the Felt Manor would be to back out onto High Street. It appears there would be plenty of room for the number of required spaces, but it may not be very convenient for the guests.

Balocca said they would look for the best method and layout for the required parking.

Baranski asked about the Class M liqueur license.

Balocca said he is not interested in applying for a liquor license.

O'Keefe said the Council approves these and makes all policy concerning these.

Rosenthal said the Board could place a restriction on the SUP that no liquor license could be held.

Bochniak asked if the SUP goes with the building or the property. What if the building is found to be not viable? Can they build a new structure for guest accommodations?

Balocca said he has been through the building a lot; there are engineering studies on the structure. Greg Stauder is his engineer. They believe the building can be saved. They are

planning to install structural steel to support the rebuilding process. He has no plan to construct a new building.

Rosenthal said he thought Bochniak was asking if the Special Use Permit could be tied to the existing structure. If the building falls done does the SUP go away?

O'Keefe said no.

Bochniak said part of the SUP requirement is that the Small Inn be a large historic building.

O'Keefe thought the SUP was for a certain number of rooms. He could come back to the Board and ask for something else.

Rosenthal asked Balocca if he was only planning on putting one additional rental unit in the entire carriage house.

Balocca said correct. They have annual inspections to confirm that they are operating as the SUP dictates.

Oldenburg said Balocca would have to come back before the Board if he wanted to do anything other than what was approved for the Special Use Permit.

Rosenthal said he still has concerns about the parking.

Balocca said he does everything he can to ensure that his guests use the provided off street parking. He cannot totally control where people park.

Rosenthal asked if the request was granted conditionally for a year to determine what the impact on the neighborhood was and, if after one year there were numerous issues and complaints that leads to the SUP being revoked what would happen to the building.

Baranski said by right he is allowed a certain amount of off street parking due to the amount of street frontage that the property has.

Balocca said the High Street property width is 100 feet.

Rosenthal asked those in favor of the request to come forward and testify.

Char Carlson, 605 South Prospect Street, Galena is the owner of the Steamboat House Bed and Breakfast. She is in favor of the request. They came before the Board with a concept plan for a Small Inn in a Commercial/Medium Density district. They would have no problem with the parking requirements. They found that owning a Small Inn would mean they would need to comply with Fire Department regulations that the stairs be enclosed, that the entire property be sprinkled and that the doorways be widened. This is cost prohibitive. No matter what the Board decides there may be other factors standing in the way of converting this to a Small Inn.

Roth Weaver, 225 South Prospect Street, Galena said he lives not too far from the Felt Manor and his investment property is just a few doors from the carriage house. He has the utmost respect for those neighbors who are opposed to the request. His home is a block from the Victorian Mansion which is an upside for them. They enjoy seeing the pedestrian traffic which seems to lend vibrancy to the area. It does add value to their property and to the neighborhood. By all appearances this is a very successful business. There have been no problems with living so close to this Small Inn.

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

James Wirth, 121 South High Street, Galena said he lives directly across from the Carriage House. Shortly after the last meeting Wirth spoke at, he was in contact with the Carriage Association of America of Lexington Kentucky. They spoke about Grant's Home and the possibilities of the neighborhood. They are always interested in anything related to carriages. Further contact with them showed that they would like to do an article on Grant's Home and the Carriage House. He has no idea if they would be pursuing any other involvement with the Carriage House. Wirth pointed out the Comprehensive Plan shows that commercial growth is desired on the western edge of Galena. The zoning codes are in place to protect property and to avoid undesirable uses due to incompatibility. He said the assessor's office shows each of the three levels of the carriage house are 1,120 square feet. He feels the applicant has not provided a complete and thorough plan – everything is listed as concept. Does this fulfill the requirements of the Ordinance?

Rosenthal asked Wirth to give the Board his opinion as to why he is opposed to the request. The Board is not here to answer his questions, only hear his testimony.

Baranski asked Wirth what he thought would be the undesirable effects of adding one more guest room.

Wirth said he thought it would not be owner occupied at the point. You would have the needs of the extra visitors coming into the neighborhood – parking being a key factor. The City and the neighbors are interested in preserving the historic building. If converted the integrity of the interior would be lost. He also questioned the request for one additional guest room. The plan shows a two bedroom unit. This would sleep many more people than a one bedroom guest room. This would change the parking requirements.

Baranski asked if the Board required that the Small Inn be owner occupied would that alleviate some of his concerns toward the Commercial Use of the property.

Wirth said it would help.

Baranski said if the parking requirements for the SUP were such that they would accommodate the guests would that relieve some of his concerns.

Wirth said the two bedroom unit a shown changes the off street parking requirements. There is no variance request for parking, but the plan does not show enough parking for the new unit. With a variance others would certainly come forward asking for one also. The ordinance also

reads that a Small Inn has a limit of 6-8 guest rooms with no more than 16 guests. Will the Board put a specific control on the SUP as to how many guests can be accommodated at the Felt Manor at one time?

Rosenthal said Wirth was again questioning the Board.

Wirth said if approved the Board should stipulate how many persons can stay at the Felt Manor if the Carriage House is rented. He asked if handicapped parking would be required. He noted the Cloran Mansion is in Neighborhood Commercial after rezoning. They have more than enough off street parking to accommodate their guests. Wirth also noted that 154.405(H) said that only one principal residence would be allowed on one lot in a residential district.

Rick Pariser, 113 South High Street, Galena said there are twelve residences on that block. He is opposed to the request for one reason. The neighborhood is LDR. Approval of this request takes away from the flavor of the single family neighborhood. They have been through this kind of thing before. They are getting more and more crowded due to the four B and B's and the church in the block. He believes that the Felt Manor is only a part time business and is really not owner occupied. The parking congestion is severe and the Felt Manor does contribute to these problems. The proposal is to increase from five rooms to six rooms. This neighborhood is his home. The proposal is really not as room – it is huge. It could accommodate many persons. There is currently not enough parking so imagine how the new room will impact the area. He thinks entire families could end up using this space bringing more vehicles and congestion to the area.

John Checker, 115 South High Street, Galena, said Balocca is a good neighbor. Thirty five years ago there was only one Band B in the area – the Victorian Mansion. Now there is four in one block. He has problems with the definition of B and B and owner occupied as it applies to this property. He too feels it is only a part time business. He questions the size of the unit. It is more like an apartment or condominium. Two bedrooms, 2 ½ bathrooms, full facilities – this is not a room. The property has been for sale for quite some time. Approval of this request would definitely make the property more desirable. Would the small inn status pass immediately to the building or upon completion of the project?

Bill Fawell, 617 Ridge Street Galena, is in favor of the project. He is a licensed, independent managing broker in the state of Illinois. He has owned a demolition company as well as a renovation/rehabilitation company. He has had the property listing for the last few years. Fawell addressed rehabilitation of the building. They would need to work on the roof as well as the second floor at the same time in order to stabilize it. The entire north half of the building will be taken down right to the ground and then rebuilt. This involves hiring house movers to install permanent steel shoring to prevent the building's collapse. The process of installing the steel will cost \$35,000.00, but this must be done or they do risk the chance of the building collapsing into the driveway. The whole purpose of the project is to save the building. They are working with city Staff to comply with all the parking requirements. The Lexington Kentucky carriage association has contacted him. This group is very interested in getting a story on the building, but they do not have the financial resources to purchase and rehab the carriage house. They are also interested in another carriage house that is in mint condition located just down the street. Fawell said he really does not see the current parking problem.

With the new unit they would have seven off street parking spots, but they could have eight parking spaces. He doesn't see that then Felt Manor contributes to the congestion. The Felt Manor and the carriage house contribute to the flavor and character of the neighborhood and the City. When the City passed 154.406 they understood the necessity of saving and maintaining these properties. It is pricey to rehabilitate this property. It will likely cost around \$150,000.00 to \$175,000.00 to completely restore. It will be an asset to Galena as it will generate additional property and sales tax. He believes it will ultimately enhance the neighborhood. The alternative is demolishing the carriage house at a cost of \$10,000.00.

Rosenthal asked the applicant if he wanted to address the concerns of the objectors.

Balocca said he is willing to work with staff so the project has no impact on the neighborhood and a positive impact on saving the building. There is 1976 square feet of interior space as it is now it may be less after shoring up the building. It will be a luxury guest room accommodation.

Baranski asked how many rooms he is planning for. A guest room is defined as any sleeping room. The request is for a sixth room, but the plan shows two additional sleeping rooms.

Balocca said this had been previously discussed. Staff had thought that going from five to six rooms was the right request. He would be willing to request seven rooms and then provide eight off street parking spaces.

MOTION: O'Keefe moved, seconded by Bochniak to close the Public Hearing for Cal. No. 13S-03.

Motion carried on voice vote.

MOTION: O'Keefe moved, seconded by Holman to deny the request for a Special Use Permit to change the use of the Felt Manor from a 5-room Bed & Breakfast to a 6-room Small Inn in the Low Density Residential District, pending Text Amendment to allow Small Inns use in LDR by Special Use Permit as the parking plan does not satisfy the parking requirements and the application with respect to six rooms is not specified and clear enough to approve.

Discussion: O'Keefe said his opinion is, if you have to back out of that property, especially in the winter, you haven't satisfied the parking requirements no matter how many guest rooms you have. The request is for a sixth guest room but it is completely unclear as to what is being asked for.

Rosenthal has an issue with the parking. The owner can't control where people park. If we agree to allow an extra room or two we are inviting more parking problems. The size of this unit is larger than some houses. We can't control who comes to this location even if they are not an overnight guest.

O'Keefe said it really is a five room Bed and Breakfast with a two bedroom unit. The application as presented really isn't what they will have.

Baranski said the site plan really does not show how the parking will be situated and accommodated. Matching the plan to the application is not clear. The applicant really should be asking for seven rooms instead of six.

Oldenburg said that his only point of reference for the number of rooms would be the Ryan Mansion. They have a great deal more rooms than they are allowed to rent. They choose on the submitted floor plan which guest rooms they are going to rent as a guest sleeping room. . In the case of the Felt Manor they are applying for a sixth guest sleeping room. They would need to not allow the rental of the second bedroom.

Rosenthal said how we enforce this.

Oldenburg said this would be no different than what happens at the Ryan Mansion.

Rosenthal said if we can't police it why approve it.

Baranski said legitimate off street parking, that meets the specific requirements, will handle the parking issues. The plan as presented does not show this. The plan is also not clear as to whether the request should be for a sixth or a seventh room.

O'Keefe said there is nothing stopping the applicant from withdrawing his request before the Board reads the Findings at the next meeting and resubmitting an application.

Nack said the Board should look at the Review Criteria.

O'Keefe said the site plan does not meet the criteria.

Baranski said the drawing just does not contain enough information.

As Roll Call was:

O'Keefe	Yes
Baranski	Yes
Bochniak	Yes
Holman	Yes
Nybo	Recused
Rosenthal	Yes

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

MOTION: O'Keefe moved, seconded by Bochniak to adjourn the meeting.

Motion carried on voice vote.

Rosenthal adjourned the meeting at 8:45 PM.

Respectfully submitted by

Deb Price
Zoning Board Secretary