

**MINUTES
ZONING BOARD OF APPEALS
APRIL 9, 2014**

CALL TO ORDER:

Acting Chairperson Baranski called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, April 9, 2014 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present (arrived at 6:32)
Cook	Present
Holman	Present
Nybo	Absent
O'Keefe	Present
Rosenthal	Present (arrived at 6:37)

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Bochniak to approve the minutes from the February 12, 2014 meeting.

Motion carried on voice vote.

MOTION: O'Keefe moved, seconded by Bochniak to approve the minutes from the March 12, 2014 meeting.

Motion carried on voice vote.

OLD BUSINESS

None

NEW BUSINESS

Cal. No. 14S-02, Applicant and Owner: Wendy Heiken, 1004 Park Avenue, Galena, IL 61036. Location: Parcel: 06-500-144-00, Original Town East of Galena River, Block 23 comprised of part of Lot 11. Common address 1004 Park Avenue, Galena, IL 61036. Request for Special Use Permit to allow Tour of Home as an accessory residential land use in a Low Density Residential District.

City Attorney Nack swore in all those who wished to testify at tonight's Public Hearing.

MOTION: O'Keefe moved, seconded by Cook to open the Public Hearing on Cal. 14S-02.

Motion carried on voice vote.

Wendy Heiken, 1004 Park Avenue, Galena said she plans to have the home open on weekdays Monday thru Thursday, possibly Friday but not on weekends when she is busy with overnight guests. She is concerned about parking. Looking at the map the Board can see that there are six parking spots in front of her property. It is rare that she has weekday overnight guests so running the tour during the week would not impact the parking. She plans to have tours at 11:00AM and 2:00PM. The afternoon tour would be over before any overnight guests would arrive. Two tours are allowed by the recently passed zoning text amendment.

O'Keefe asked if Heiken was okay with the recommended fifteen person limit including tour guides.

Heiken said she was.

Cook asked if she would ever want to use the 6:30PM tour time.

Heiken said maybe during the off season say in November.

Baranski asked about the parking. When looking at the extended property lines it seems parking spaces one and six do not totally fall onto Heiken's property. Really there are four legitimate parking spaces in front of her property.

Heiken said there is room for two to four vehicles at the back of her property also.

Baranski asked where her overnight guests park.

Heiken said she has seven guest rooms and they all park in front of the house.

O'Keefe asked if there are parking requirements for this SUP.

Oldenburg said no only as it applies to the guest house.

Rosenthal asked if parking would be allowed across from the guest house on the river side.

Oldenburg said not really. It is a two way street, but it is really not complete on that side. There are people who do park there.

O'Keefe said he didn't think the police ticketed persons who parked there.

Baranski asked those persons wishing to testify in favor of the request to come forward.

No one did.

Baranski asked those persons wishing to testify against the request to come forward.

John Cox, 906 Third Street, Galena said he is the attorney for the owner of the neighboring property. He said it is important to remember that this home is not a Bed and Breakfast but a Small Inn and as such can have up to seven guest rooms. The current ordinance would not allow this use in a residential district; Small Inns are allowed only in commercial districts. They have been grandfathered in and the SUP is in perpetuity unless the Inn ceases operation for twelve months at which time the permit would be invalid. Tonight's request is for a second SUP. His client has no objection to the tour home if the SUP for the Small Inn is revoked. The dilemma here is parking. The Special Use is valid, but there must be a reason the City decided to no longer allow Small Inns in residential districts. His client has not called complaining about ongoing parking problems here. If a second business is opened parking problems will only increase. They understand there will not be tours on the weekends, but there is nothing stopping them from renting guest rooms during the week when there are tours. The guests often park horizontally which impacts the parking even more. In the past the parking issues have been worked out to make both the Small Inn and the Belvidere successful. His client is not objecting to the tour home or the Small Inn use but the approval of two SUP's for this property.

O'Keefe asked if the Belvidere has a license or permit.

Cox said he did not as he too is grandfathered in as commercial property. The Board is required to look at the SUP criteria that must be met for approval. The applicant has to assure the neighbors that the new use will not be injurious to adjacent properties.

O'Keefe asked if the parking in front of the Belvidere was on City property.

Cox said it was.

Baranski asked if there was a SUP for the Small Inn or was the use just grandfathered in.

Oldenburg said there was a SUP.

Baranski asked Cox if there were any other issues besides parking.

Cox said there were none. All the concerns are parking related. Both property owners have to work together and adding another business here would make working together difficult. If

Burlingame would sell the property the tour home is grandfathered in and could continue with a new owner so the parking concerns will persist.

Baranski asked how many cars park at the Belvidere during the busiest times of the day/season. Do his customers park in front of Heiken's property?

Cox said he thought this probably happened. Most often if you go to the inn you park and stay. If you go for the tour you park and then leave. They have no objection to one or the other – in fact the tour home would have less impact on the parking than the Small Inn.

O'Keefe said there is a third business that impacts the area and that would be the trolleys.

Rosenthal asked if the ordinance allows multiple SUP's.

Nack and Oldenburg said more than one is allowed.

Cox thought one Special Use Permit was appropriate.

Bochniak asked what if the Small Inn was busy seven days a week. Has anyone ever complained about the parking problems?

Cox said there is a cleared space at the end of Park Avenue that is used for over flow parking for both businesses. There really is nothing that can be done about the current parking issues. Their objection is that adding an additional use to the area will increase the parking problems and make it difficult to continue working these issues out.

Richard Burlingame, 1008 Park Avenue, Galena said he operates a tour home at 1008 Park Avenue. He is not against tour homes – without these Galena would not be what it is today. He feels adding another use would devalue his property because of the increase in traffic. He does accommodate the Small Inn by opening by 11:00AM. He has his employees assist the guests with angle parking. The parking is awful on the weekends. Heiken's personal visitors as well as guests with motorcycles have parked on his property by the alley on more than one occasion. He does not call the police to complain, but he cannot tolerate this anymore.

Rosenthal asked whose garage was pictured in the packet materials.

Burlingame said it was Heiken's.

O'Keefe asked Burlingame is he has any objections to the request other than parking.

Burlingame said no.

Rosenthal asked how many parking spots Burlingame has in front of his business.

Burlingame said probably five or six.

Rosenthal asked if Burlingame if his business was only a tour home.

Burlingame said yes. Nothing is sold – only tours are given.

Baranski asked how frequent his tours were.

Burlingame said about every fifteen to twenty minutes. Only twelve persons are on each tour and the tour takes about thirty minutes. He sometimes has two tours going in the home at one time – up to twenty four person in the home at one time.

Rosenthal asked where those people park.

Baranski asked what percentage of persons touring his home actually park at the Belvidere.

Burlingame said many of his customers will walk or arrive via the trolley.

Rosenthal wondered if many of the same people who tour one home will then tour the next make it a win for both properties.

Baranski asked Heiken if she wished to address any of the opposition's comments.

Heiken said she was not aware of the parking problems in the alley or on Burlingame's private property. She cannot control who parks or how they park in the public parking areas.

Holman asked if there were problems with cars blocking Park Avenue so traffic could not continue past the Belvidere.

Heiken said she was not aware of any.

Oldenburg said there is a sign indication no parking.

Oldenburg said the objectors could now question Heiken.

Cox asked Heiken if she was aware that her relatives had been parking on Burlingame's property.

Heiken said she did, but she did not know about the motorcycles.

Burlingame said there have been other times that this occurs. Heiken is not there to know what goes on.

MOTION: Rosenthal moved, seconded by O'Keefe to close the Public Hearing on Cal. No. 14S-02.

Motion carried on voice vote.

MOTION: O’Keefe moved, seconded by Holman to approve the SUP request for Cal. No. 14S-02 with the condition that the SUP be reviewed in one year to examine any difficulties between the two properties.

Discussion: O’Keefe said parking is always a problem. It is a public street. Many businesses in Galena have parking on public city streets. The requested use may or may not generate additional traffic. Let’s approve it and see how things work out for the first year.

Rosenthal asked that the applicant police the alley to make sure no one is parking on Burlingame’s property so as to alleviate this issue.

Holman said if the police or City Hall need to be notified of a problem so be it.

Baranski agrees with O’Keefe. The review is a good idea. Parking is organic and it will always be an issue in Galena. The Board will review this in a year to see if the problems are there or if they work themselves out like they have other times.

O’Keefe said often times what seems like a big deal at the Public Hearing never materializes at the one year review. He also asked if the limit on the number of persons per tour would be part of the recommendation.

Oldenburg said he would include this in the Conditions of the Finding of Fact.

O’Keefe asked if the City notified the surrounding property owners of the one year review.

Nack said he did not think we had ever done that.

O’Keefe asked if this could be a condition. It seems it would be fair for people to know when the review is happening.

Nack said this would put the burden on the City to notify. At that time you are only reviewing you are not rescinding the permit.

O’Keefe said previously there were persons that wished they had been notified of the review.

Baranski asked if a one year license could be approved so that if there were problems the permit could be revoked.

Nack said he is not in favor of a one year review. There are review criteria that are very specific. The Board should approve or deny based on the criteria. When the SUP is approved it goes with the land.

Rosenthal said if there are problems people can bring these to City Hall where staff will address the issues. The SUP can always be revoked even without Board review.

Baranski said parking is not a condition to revoke the permit.

Rosenthal said the City owns the parking in front of these two businesses – you can't control who parks there.

Nack said there are specifics such as the numbers of people on each tour, days and hours that the tours will run. Violation of these would be grounds for revoking the permit.

Cook asked about the hours. Who set these?

Oldenburg said the Zoning Board set these when the text amendment was requested by the City. The maximum number of tours per week is 17 during the peak season and 9 during the off season.

Holman said he is concerned about persons parking and blocking the thru traffic with concern to emergency vehicles.

Nack said the Police would be responsible for keeping this open.

Oldenburg said he would address this with the Police Chief.

Baranski asked the Board to examine the review the Approval Criteria and Recommendations:

- (1) *Site plan review standards.* All applicable site plan review criteria in § [154.914](#).

The Board agreed this met the criteria.

- (2) *District standards.* The underlying zoning district standards established in §§ [154.201](#) through [154.209](#) including the defining characteristics of the district;

The Board felt that the request met the standards for the residential district.

- (3) *Specific standards.* The land use regulations established in § [154.405](#);

The Board said the application met the requirements for House Tour use.

- (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.

The Board said it is a complementary use as there is an operational tour home next door.

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

The Board said the use is compatible with the neighboring tour home. It also may be complementary as persons may visit both homes. Both homes are businesses and this will not change.

- (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 Board said the requested use is for inside the home on her property. Nothing will change on the exterior. Whatever privacy there was will continue – it will not diminish the neighboring privacy.

- (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.

The Board said the neighboring property is an existing tour home. Any person who tours the applicant's home or the neighboring home will derive enjoyment from said business.

- (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 Board said the property is already a Small Inn for public use. Nothing will change with that use. The structure is not changing – the request has no effect on this.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Nybo	Absent
O'Keefe	Yes
Rosenthal	Yes

Baranski Yes

Motion carried.

Rosenthal resume as Chairperson.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by O'Keefe to adjourn the meeting at 7:50pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary