

**MINUTES
ZONING BOARD OF APPEALS
MAY 14, 2014**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, May 14, 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
Cook	Present
Holman	Absent
Nybo	Present
O'Keefe	Absent
Rosenthal	Present

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Cook to approve the minutes from the April 9, 2014 meeting.

Motion carried on voice vote.

OLD 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.

MOTION: Baranski moved, seconded by Bochniak to approve the Findings of Fact for a Special Use Permit to allow Tour Home as an accessory residential land use in a Low Density Residential District for Cal. No. 14S-02.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Absent
Nybo	Abstain
O’Keefe	Absent
Rosenthal	Yes
Baranski	Yes

Motion carried.

NEW BUSINESS

Cal. No. 14S-03, Applicant: Kelly Johnson, Owner: Kelly Johnson & Steven Hickie, 9676 US Highway 20 W, Galena, IL 61036. Location: Parcel: 06-500-147-00, Unit 2 of “The Plantation Townhouses”, located in a part of the North half of the Southwest quarter of Section 21, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, East Galena Township, Jo Daviess County, Illinois. Common address 9676 US Highway 20 W, Galena, IL 61036. Request for Special Use Permit to allow Major Home Occupation as an accessory residential land use in a Medium Density Residential District.

Rosenthal asked that the record show that notice of this agenda item was properly published and surrounding property owners were notified per city ordinance.

MOTION: Baranski moved, seconded by Nybo to open the Public Hearing on Cal. No. 14S-03.

Motion carried on voice vote.

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

Kelly Johnson, 9676 US Highway 20W, Galena said she is requesting the Special Use Permit so she can operate a single chair salon in her home. For twenty three years she has operated a multi chair salon from her business in Galena Square, but now she is downsizing. There is off street parking for five vehicles at the proposed location. She anticipates hours of operation to be from 9AM to 5PM and believes only one or two vehicles would be there at a time. Their personal vehicles will be in the garage during operating hours. When speaking to the neighbors about the proposed business there has been only positive feedback. Currently there are already commercial businesses in the neighborhood. They are planning no exterior modifications.

Bochniak asked Johnson if she was going to have a single chair.

Johnson said yes.

Bochniak asked what would happen if she wanted to expand her services to manicures or pedicures. Would she need to come back before the Board to have additional services?

Johnson said no – hair service only.

Oldenburg said if they were going to install any specialized equipment they would need staff approval. This would still be considered a Major Home Occupation.

Rosenthal asked about additional services such as a tanning bed.

Oldenburg said if it increased the intensity then it would have to be looked at.

Johnson said she does not have tanning beds. She has a mystic tanning bed, but she is not going to have that anymore. She has no desire or inclination to do nails or tanning. She is only doing hair and she is the only employee.

Rosenthal asked about the parking.

Johnson said two cars can park to the side and two in front of the garage for a total of four.

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

Anne Holmes, 9672 US Highway 20 W, Galena said she lives in the other half of the townhouse next to Johnson. She is perfectly happy with the request.

Steve Hickie, 9676 US Highway 20 W, Galena said he supports his partner and her proposed business.

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

No one did.

MOTION: Baranski moved, seconded by Cook to close the Public Hearing on Cal. No. 14S-03.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Cook to approve the Special Use Request as written for Cal. No 14S-03.

Discussion: Baranski said it is consistent with the ordinance to have these types of businesses.

Baranski reviewed the Approval Criteria:

- (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 § [154.405](#);
- (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.

Baranski felt the request met all the criteria except # 4 which he seemed not applicable.

Nybo said he is in favor of the request. It is compatible in keeping with the small business nature of that area.

Rosenthal said this type of home business is not new. There have been many other home salons operating in Galena over the years.

As Roll Call was:

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

Motion carried.

Cal. No. 14S-04, Applicant & Owner: Daniel Balocca – 125 South Prospect Street, Galena, IL 61036. Location: 6 Parcel: 22-100-565-00 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 allow a Small Inn Accommodations land use, with 7 rooms, in a Low Density Residential District.

Rosenthal asked that the record show that notice of this agenda item was properly published and surrounding property owners were notified per city ordinance.

Nybo asked to be recused from this agenda item. Chairperson Rosenthal granted the request.

Nybo left the Board table.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 14S-04.

Motion carried on voice vote.

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

Dan Balocca, 125 S Prospect Street, Galena said he is requesting the Special Use Permit so he can add a two sleeping room unit to the current five rooms at the Felt Manor. He has developed a more detailed site plan for the request. The ordinance has been modified to allow him to seek a Special Use Permit where previously it was not possible to seek a Special Use Permit to operate a Small Inn in a residential district – even if you had a large historically significant home. Some of the improvements he is planning include changes to the parking. The site plan designates eight off street parking spots: seven guest spots, one which is ADA compliant, and one for the innkeeper. This has been done to minimize and hopefully eliminate the negative impact on High Street parking. There are 160 points of landscaping to protect and shield the privacy for the neighbors. The retaining wall has been pushed back to allow vehicles the necessary space to back out of the parking lot. There is also a 15 minute drop off space in front of the ice house – this is not one of the eight previously mentioned parking spots. Essentially, for High Street property owners, the parking will not be visible due to the slope of the land and the landscaping. He is trying to save the historic carriage house and this plan makes it more viable. The double doors on the carriage house, installed in 1939,

will be removed and the building restored to its pre-1939 appearance with appropriate carriage house doors. At some point the run off from High Street pushed the foundation out about twelve inches so that the first floor deck has been pushed out like a drawer. The building has been and continues to be shored up, but at street level it does not look its best.

Baranski asked Balocca how he was going to get that many parking spaces and a 15 minute unloading space in. It looks as though cars in spaces 1- 5 can maneuver easily, but what about 6-8.

Balocca said there currently is no room for cars in spaces 2-5 to turn and go back to the exit so space has been provided. There is a lot of room at the drop off space - about 20 feet or so. The building itself is not ADA compliant so that space may be available for turning around and then they can drive out.

Baranski asked how people exit in their vehicles now.

Balocca said the majority of them maneuver around in the current space and then back up the driveway and out onto the street. The goal is to provide space for people to turn around and drive out rather than back out.

Rosenthal asked Balocca if the plan was for a total of seven rooms after the renovation was complete – five in the home and two in the carriage house.

Balocca said the carriage house is really one large space with two sleeping rooms. The space in the carriage house is larger and it will have two sleeping rooms in the rental unit. City ordinance requires it be called two units, but it will be a single rental as far as they are concerned when booking reservations.

Oldenburg said it needed to be identified by the number of sleeping guest rooms.

Rosenthal asked where staff would park.

Balocca said there is a space for him. Other staff are working during the day when guests are not there. The Felt Manor is not always full so parking is usually available.

Baranski asked about the change from Bed and Breakfast, owner occupied, to Small Inn status with the room increase. Is it Balocca's intention to still live there?

Balocca said he plans to continue to operate as he currently does. It will still be his residence. If he did decide to have an innkeeper he would want someone who knows the business and is a benefit to the property and its guests.

Baranski asked if someone was hired would that person stay at the Felt Manor.

Balocca said yes. If he was not there the innkeeper would be. There would be no reason to have the innkeeper there when he was on site. There is one parking space for the owner or innkeeper if one would be hired.

Oldenburg said parking requirements state there should be a space for each guest room and one for the manager or owner.

Barnaski asked if there were any plans for business expansion.

Balocca said no. He is not planning on obtaining a liquor license or serving any other meals. They only offer breakfast and they serve only their guests as the ordinance dictates.

Rosenthal asked those in favor to come forward and testify.

Adam Johnson, 211 Fourth Street, Galena has worked with Balocca and Oldenburg on this project.

Baranski asked if Johnson has worked out the geometry of the parking.

Johnson said they had. It is tight but it can be worked out.

Chris Baxter, 215 S Prospect Street, Galena said she is passionate about historic preservation. This building is not just a garage as portrayed by an elected official. The conversion will have little to no impact on the neighborhood. Very few of these outbuildings have been preserved and it would be a shame to lose this one. This is a great example – maybe the best – of a carriage house that shows how these buildings served the wealthy families that owned the properties. It just doesn't make a lot of sense to lose this contributing structure over two guests.

Baranski said the change from five to seven rooms affects the building requirements and zoning classification. From a day to day operational standpoint does Baxter see or predict changes that would occur with the increase from five to seven rooms.

Baxter said she is no expert, but her sister works for the City and collects the Hotel Motel taxes. She knows that the Felt Manor is rarely fully occupied.

Baranski said if it became a fully occupied Small Inn what impact would that have.

Baxter said the neighbors would hardly see the proposed parking. This plan will actually improve the look for the neighbors. Parking was not ideal – this will greatly improve the situation.

Janet Checker, 115 S High Street, Galena said she lives right next door to the Felt Manor. Balocca has always been a great neighbor, but she is concerned about the parking. The proposed retaining wall will have a huge drop off. Will there be potential for cars to back over the wall onto her property. Even guests who are walking at the Felt Manor may not know of the significant drop off.

Baranski asked if a barrier would help her concerns.

Rosenthal said if a fence was installed would this affect Checker's visibility.

Checker said no.

Oldenburg said the proposed landscaping will create more of a buffer.

Rosenthal and Baranski asked if the proposed landscaping would improve the existing conditions.

Checker said it might.

Bochniak asked Checker where they parked.

Checker said they park in their coach house and then walk down to their home.

Baranski said other than parking does Checker anticipate a negative impact of increasing from five to seven rooms?

Checker said she does feel that this would negatively impact the area.

Baranski asked if Checker were in favor of or opposed to the request.

Checker said she was opposed.

Baranski asked what would be impacted by the two rooms.

Checker said the increased amount of people coming to High Street.

Rosenthal asked how the addition of two sleeping rooms would increase the traffic.

Checker said it is the parking that is her biggest concern.

Baranski said if the parking is all off street how would that be a problem.

Checker said she is not sure the plan will work. There are issues with backing out onto High Street.

Baranski said the proposed plan should eliminate that.

Rosenthal asked that any other persons in favor of the request come forward.

Anna Hemm, 226 S High Street, Galena said she lives at the other end of High Street – across from the Victorian Mansion. They have more guest rooms than proposed at the Felt Manor. She also lives very close to Galena Green and experiences traffic and parking increases due to guests who visit there. She said she does not have a problem with the increase – everyone is very respectful. When she purchased her home it was pointed out to her that she lived in a high traffic area, but she rarely hears anything. She is in favor of

Balocca renovating the carriage house and will be proud to see the improvements rather than driving by and thinking how much longer will the building be standing.

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

Rick Pariser, 113 S High Street, Galena said he has been here before. The public notice goes to all those parties within 250 feet, but it really only directly affects five or six people. They live on a very historic street in a residential neighborhood even though there are four guest houses and a church on this one block. Lots of people drive by to look at the homes. The neighbors would like nothing more than to see the building rehabilitated. Since 2009 the property has been an eyesore and in disrepair. It is now a safety issue; it is in bad shape and needs to be fixed. The responsibility is with the homeowner to maintain the structure as needed rather than let it deteriorate. The owner has said that the property has generated millions of dollars of revenue for the city. There should have been funds available for maintaining the carriage house. He is not sure that saving this building should depend on increasing the number of guest rooms which in return increases the revenue. His opposition has always been for the increase in traffic as well the noise from vehicles coming and going. The language in the request says the property should support the cost of reconstruction. This is supposed to be a home that is owner occupied and not a commercial operation, but that is what it is. The owner works in Seattle and presumably lives in Seattle. Balocca owns the property but it is not owner occupied – it is being run as a commercial enterprise. The property is for sale and has been for quite some time. In Balocca's opinion the reconstruction of the coach house is necessary to sell the property. Pariser feels this is and should be a residential property that is owner occupied. The submitted graphics lack details. There are no dimensions for the existing carriage house. This is not a conventional two room B and B unit. The Board can agree to anything but when twenty guests stay here instead of the preferred four enforcement will be an issue. This is something new to Galena. He does not think this will be beneficial to his neighborhood. He feels that property values would decrease rather than increase as the applicant states. The City should not be pressured into approving this just to save the historic structure. That onus is on the property owner. Several years ago there was a settlement between the City and Balocca. The Board should know the details of this settlement before a decision is made. He said again that he does not see the proposed increase as a benefit. He has concerns about how the Bed and Breakfast is currently being managed. Are there any adjacent property owners who feel the increased rooms would be advantageous to the neighborhood?

Rosenthal said the request is for an additional two sleeping rooms. What are Pariser's objections.

Pariser said two years ago another guest house presented a parking plan for the increased number of rooms. This was passed by the Zoning Board. There is no enforcement of that plan. Promises can be made, but who enforces that the guests do not park on the street. The parking in this area is already congested. And the noise is an issue. What times of the day and night do these people come and go. The past weekend there were an additional thirteen cars parked on the street. They were all guests of the Felt Manor.

Rosenthal asked if this happened every weekend.

Pariser said no, but who is to say what will happen if the increase is allowed.

Baranski asked Pariser how he knew the additional cars were due to the Felt Manor.

Pariser said he watched people come and go from the Felt Manor as did the neighbors. He does not think this is the way to save the carriage house. It is the owner's responsibility just as with any other home.

Baranski asked Pariser if his complaint was with the City for its lack of enforcement toward the parking issues at another Bed and Breakfast. Does he feel the request should be denied because it may not operate as planned?

Pariser said there has been no enforcement at the previously mentioned guest house. His concern is that there will be a repeat of that if this request is approved.

Burt Mall, 306 Washington Street, Galena has lived in part time here for 28 years. His house is four or five away near the Washington Street intersection. There is a difference between a Bed and Breakfast and a Small Inn. An inn is broader in scope and the larger space allows for larger events which lead to additional traffic and noise. The issue of the City keeping on top of things is very hard to do. When a recommendation is made there are a lot of details and policing all these details becomes difficult. In looking at the basics jumping from a B and B to a Small Inn is problematic. Over the years the property could have other requests approved and before you know it we've crept away from the original intention of the Zoning Board. He has mixed emotions as he really wants the carriage house preserved, but he is not sure expansion is the answer.

Baranski asked what the impact of increasing from five to seven rooms would be.

Mall said the biggest ramification would be the parking although he is not sure how big this increase would be.

Baranski said if the parking issues are handled by an off street parking plan what other problems are anticipated.

Mall said if parking were handled as presented it would have some impact but not a significant one.

James Wirth, 121 S High Street, Galena said his home is directly across from the carriage house. He wants this structure preserved and rehabbed so that it is historically correct. Zoning Board administrator Oldenburg references the specific standards for the land use regulations established in §154.405. What about §154.406? This section asks for a detailed site plan and floor plan. The reality is that this structure was not primarily used for people, but for animals. Detailed floor plans would show what modifications would be necessary. Maybe it should be rehabbed as a coach house. The historical integrity may be jeopardized by the renovations. If this were to move forward there are a multitude of issues. Enforcement – does the number of rooms indicate how many guests are on the property? Wirth contacted a City Alderperson last weekend concerning the twelve cars that were associated with the property.

If there are more cars than guest rooms enforcement needs to happen and the SUP should be revoked or suspended. The Historical Board needs to see these plans and zoning approval should be contingent upon the Historic Board's approval. He is also concerned with the removal of a garden wall. Is this providing structural support for the carriage house? He has seen the engineering studies done by Greg Stauder, the applicant's engineer. The City should be reassured of this engineering and consult with Stauder. Wirth does not feel it is appropriate that parking is allowed on the dirt and grass in front of the carriage house. This seems inappropriate and looks horrible as parking is not allowed on unimproved surfaces. Would this be allowed to continue? If this area is counted as a parking space a Variance should be required as it is in the High Street right of way. He is also concerned that a Bed and Breakfast which requires owner occupancy but a Small Inn can have an innkeeper. Didn't the new ordinance require owner occupancy?

Nack said the newly approved ordinance does require owner occupancy.

Wirth asked about the past weekend's activities. Who was in charge or responsible for the guests. It was supposed to be owner occupied. This request should not be approved if it is not going to be owner occupied. He wants the building preserved – in a historically correct fashion.

Rosenthal asked Balocca if he wished to address the neighbors' concerns.

Balocca said the Felt Manor was not open to guests over the past weekend. It was a family celebration to honor his Mother's 75th birthday and Mother's Day. It is also his private residence and as such he can have this type of gathering. In answer to the number of cars on premise equaling the number of guest rooms many times guests for two rooms come in one car. He is asking for two additional sleeping rooms – potentially two additional cars. The property is Commercially Zoned and has been for thirty years. He does not hold weddings. The last one held was in the 1990's and there were about 15 guests. Carriage houses, such as the one at 216 S High Street (Marc McCoy's) have been converted to housing structures. This carriage house was home to Lester, a freed slave and later the stable boy lived here. The retaining wall was actually a rubble wall that he converted to a retaining wall where he planted peonies. Balocca said he is willing to add whatever is necessary to improve the retaining wall that will run along John and Janet Checker's property. As for the income earned from this property. All money earned from the Felt Manor goes right back into it for maintenance, loans, staff payroll, taxes etc. It is his responsibility to take care of the property. The renovation of the carriage house is projected to cost around \$200,000.00.

Oldenburg said the floor plan was submitted. It is the same one that was presented at the October 9, 2013 ZBA meeting. If approved Balocca has one year to pull a building permit and would need to have building and fire approval for all plans.

Rosenthal said Balocca would not be able to implement the SUP until the carriage house was completed.

Oldenburg said he would have to continue with five rooms until an occupancy permit was issued for the two rooms in the carriage house. City staff will monitor all stages of the rehabilitation.

Johnson said he wanted to clarify a parking concern. There is a curb cut in front of the carriage house. This must have been approved when the curb was poured. These spaces would have been grandfathered in. In his experience streets in Galena do not run down the middle of the right of way. When the street is really off parking is usually allowed from the street rather than from the right of way.

Rosenthal said the measurement is nineteen feet from where?

Johnson said the nineteen feet is one foot from the building and one foot from the street. There is plenty of room for one parking space.

Oldenburg said staff was okay with parking in front of the carriage house.

Rosenthal said there are many homes in Galena where the driveway is in the right of way.

MOTION: Cook moved, seconded by Bochniak to close the Public Hearing on Cal. No. 14S-04.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to approve the Special Use Permit to allow Small Inn Accommodations land use, with 7 rooms, in a Low Density Residential District based on the approval criteria for the carriage house for Cal. No 14S-04.

Discussion: Baranski appreciates all the feedback everyone has provided. In looking at the request he tries to look at its current use and the proposed use. Adding two rooms means adding two cars. This impact is not going to be detrimental to the neighborhood. He can't make the leap that two rooms with two cars will cause that many problems. The Zoning Board does not handle enforcement, but looks at applications based on merit as they relate to the ordinance. Other city components enforce the Board's decision. The City handles complaints as they are reported. The building department will make sure the permits are pulled, codes are followed, inspections performed etc. The architects will make sure the building does not fall down. He has a comfort level with the request. It is consistent with many of the things the zoning board tries to do.

Rosenthal wondered if the building had already undergone rehabilitation would the request meet the requirements for approval. The applicant has addressed the parking issue. He is willing to work with the Checker's to alleviate their concerns. As far as traffic is concerned no one can control it. The request meets the criteria for approval and as such the Board should approve.

Bochniak said this proposal and the one previously brought before the Board are different. This application shows on paper what the plans are and should work.

Baranski reviewed the Approval Criteria:

(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 § [154.405](#);

(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 Board determined that the request met all components of the approval criteria.

As Roll Call was:

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

Motion carried.

Nybo returned to the table.

Cal. No. 14HCO-02, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: James L. Miller – 402 Fourth Street Galena IL, 61036. Location: Parcel: 13-001-078-59 Lot 9 Chains and Links Subdivision, common address 11401 A Street, Galena IL. Request for Highway 20 Development Permit to construct a storage unit building in the Second Phase of the Galena Climate Controlled Storage plan.

MOTION: Cook moved, seconded by Bochniak to open the Public Hearing on Cal. No. 14HCO-02.

Motion carried on voice vote.

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

Adam Johnson, 211 Fourth Street, Galena said the proposed third building follows the site plan and the design would be similar to the first two buildings. This building would have exterior access only and would be “L” shaped. This will be for storage only.

Rosenthal said it appears this building would sit behind the main – original – building.

Johnson said it would.

Baranski said it is pretty well tucked in behind the other units.

Rosenthal asked all those either in favor of or in opposition to the request to come forward and testify.

No one did.

MOTION: Baranski moved, seconded by Cook to close the Public Hearing on Cal. No. 14HCO-02.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Nybo to approve the request as written for Cal.No. 14HCO-02.

Discussion: Baranski said this type of structure has previously been approved for this site. The proposed structure is very similar to the two already on site. The exterior complies with previously approved construction.

Bochniak noted it would be difficult to see the garage doors or any of the activity from the highway.

The Board reviewed the approval criteria.

- (1) All applicable site plan review criteria in § [154.914](#);
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual;
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual;
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual;
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual;
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; and
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual.

The Board agreed that the request met all the approval criteria except numbers three and five which were not applicable.

As Roll Call was:

Nybo	Yes
O’Keefe	Absent
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Absent
Rosenthal	Yes

Motion carried.

Cal. No. 14S-05, Applicant & Owner: James Wirth – 121 South High Street, Galena, IL 61036. Location: Parcel: 22-100-573-00 Lot Sixteen (16) in Block Number Four (4) 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 121 South High Street, Galena, IL 61036. Request for Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District.

Rosenthal asked that the record show that notice of this agenda item was properly published and surrounding property owners were notified per city ordinance.

MOTION: Cook moved, seconded by Bochniak to open the Public Hearing on Cal. No 14S-05.

Motion carried on voice vote.

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

James Wirth, 121 S High Street, Galena said he is the owner of this property. He wanted to mention that he is the director of a 501C3 IRS tax approved not for profit. His proposal will comply with the city recommended ten persons per tour. He would like to sell tickets for these tours off site – for example at the visitor’s center. He wants to encourage persons to use shuttle type transportation, such as the trolley, cabs or the workshop’s transit bus so there would be little impact on the High Street traffic. There is a fire hydrant in front of the home which allows for immediate unloading or loading, but not long term parking. In the past the house was a very popular stop on house tours. The support for tours during Boy Scout weekend has always been strong. As most know this was the house that Grant was residing in when he was called to war. The National Park Service would like to have the home elevated to national landmark status. In 1954 Galena was visited by the National Trust, a relatively new organization, and given national recognition as a tourist destination. The spokesperson said Galena represented the nineteenth century just as Williamsburg did the colonial period in the settlement of this country. The home on High Street, as well as the home on Fourth Street that Wirth will speak of in the next agenda item were two of the five homes showcased when the National Trust visited Galena in 1954.

Baranski said many people know about this house.

Wirth said the trolleys do stop on their route to talk about the house.

Baranski asked Wirth how he would deal with people who stopped at the house and wanted to purchase tickets on site for a tour. Would he direct them to the off site location?

Wirth said it is possible that people will just come to the site. He would like to have a sign, but is told that the ordinance does not allow for one. A sign would be able to direct visitors to the site selling tickets. The tour times will be set as he is only allowed a certain number per day.

Rosenthal asked how many tours he was allowed.

Oldenburg said he is allowed seventeen tours per week during the busy season and nine tours per week during the off season. This means he can have two tours each day before dinner and three days a week he can have an evening tour.

Rosenthal asked about the use and the impact on High Street traffic.

Wirth said the trolley already goes by here and stops to talk about the history of the home. There are many people who already drive by to see the house.

Rosenthal said the street narrows in this area – it will probably add to the traffic somewhat.

Wirth said he hopes that some of the drive by traffic will be eliminated as these persons will take the shuttle to the site for the tour. He does not want to increase the traffic in the

neighborhood. He wants to be considerate of his neighbors and allow them the quiet enjoyment of their property.

Rosenthal asked if the Board could put a limitation on the SUP that allows tours only to persons who have arrived via the shuttle.

Nack said he did not recommend that.

Wirth said he thought utilizing the old train depot as a ticket hub would provide tourists an area to relax and use the restrooms prior to the tour.

Bochniak asked what Wirth would do when this facility was closed. Would he be closed then too?

Wirth said that would need to be worked out. Maybe an alternative site could also be used.

Bochniak asked Wirth if he would be giving the tours.

Wirth said he would, but he has had inquiries from college students interested in that aspect too. He believes that would be allowed.

Bochniak asked where they would park.

Wirth said he does have two parking spaces in front of his home that could be utilized.

Baranski asked how Wirth would publicize the tour. As this increases so would the drive by traffic of those interested.

Wirth said there is already a great deal of that.

Rosenthal asked those in favor of the request to come forward. No one did.

Rosenthal asked those opposed to the request to come forward.

Burt Mall, 306 Washington, Galena asked the Board if the ordinance stated the maximum number of persons per tour.

Oldenburg said staff determines that number on a case by case basis. The applicant requested 18 persons per tour, but staff used the NFPA regulations and determined that an appropriate number of persons allowed per tour was 10 - excluding the tour guide.

Mall said his concern is the amount of traffic in this area.

Baranski asked if people walk up from downtown.

Mall said they do. There are lots of people who walk around the neighborhood and many who drive in the area and park on people's yards. All of these issues are small but if you add them up and then add tours to the mix it does have a combined larger impact.

Baranski asked if the benefits of the historic structure offset the detractions the tours would bring.

Mall said that is the only thing that could. He understands what Wirth is trying to do, but there comes a point when you just have to say no.

Janet Checker, 115 S High Street Galena, IL said her concern again is parking. From her home all the way to the Hellman Guest house at the end of the block there is no parking on her side of the street. On Wirth's side of the street there are two garages and a fire hydrant almost directly across from her property. She is concerned about the impact this will have on her neighborhood.

Baranski asked if the shuttle brought those interested in taking the tour would this help alleviate some of her concerns.

Checker said it would some, but the shuttle itself could create some problems just as the trolleys do.

Dan Balocca, 125 S Prospect Street, Galena said he is in favor of the home being opened up for tours, but is concerned with the number of shuttle stops per week. There would be the potential for thirty four additional stops at this house. What would happen with walk up business?

Rosenthal asked Wirth if he wished to address the presented concerns.

Wirth said that in consideration of his neighbors he would be okay with a conditional approval from the Zoning Board. If there were continued issues the permit could be revoked. Whether or not a tour home permit is issued people will come to this neighborhood and site. Even if you try to conceal it people will find it. Wirth said he could certainly investigate using a ten person van to transport people to the site rather than a trolley or shuttle.

Nybo asked Wirth If he was opposed to a one year conditional permit.

Wirth said he was not.

Cook asked if it was possible to have the trolleys drop off those interested in touring the home since they are already driving by.

Wirth said he has not looked into this. He has been approached by the Historic Society to see if he was interested in being on a tour with other historical homes. This is an opportunity to showcase something good and to highlight Grant's service to our country.

MOTION: Baranski moved, seconded by Cook to close the Public Hearing on Cal. No. 14S-05.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Nybo to approve the request for Cal. No. 14S-05.

Discussion: Baranski said of all the houses in Galena this is *the* house that should be a tour house. He understands the issues. It used to be open as a tour house years ago. Utilizing some form of shuttle service will help alleviate the traffic increase, but there are already cars visiting the neighborhood and locating this home.

Nybo said Grant's family spent more time in this home than the Bouthillier Street one. This is a privately owned home and would not have the limits as those that are operated by the State.

Bochniak said he doesn't know how the Board can talk about this even though it is a great idea. We can debate for several hours about adding one or two more cars to the guest home across the street and yet here there is the potential for thirty more cars. It astounds him that the Board and other neighbors are not expressing concern. That's his issue with the request.

Baranski said a tour home permit does not have a parking condition. The Guest Home matter does have parking requirements. The Board approved another tour home for Park Avenue.

Bochniak said just because this was previously a tour home should not make it okay to operate today. There just were not as many cars in the 1950's or 1970's.

Baranski said an Ordinance was passed to allow tour homes to operate. Each request is looked at and approved or denied based on its merit.

Rosenthal said anyone can ask for a permit, but not all will be approved. This home is more significant than the Grant home on Bouthillier Street. Unless you live in Indian Ridge you really don't have parking – it is part of Galena. A service shuttle will alleviate a lot of the parking problems. Will it be perfect, maybe not?

As Roll Call was:

O'Keefe	Absent
Baranski	Yes
Bochniak	No
Cook	Yes
Holman	Absent
Nybo	Yes
Rosenthal	Yes

Motion carried.

Cal No. 14S-06, Applicant & Owner: James Wirth – 121 South High Street, Galena, IL 61036. Location: Parcels: 06-500-170-00 & 06-500-174-03 both part of Lot One (1) in Block Number Twenty-nine (29), Original Town East of Galena River in the County of Jo Daviess in the State of Illinois, common address 901 Fourth Street, Galena, IL 61036. Request for Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District.

Rosenthal asked that the record show that notice of this agenda item was properly published and surrounding property owners were notified per city ordinance

MOTION: Cook moved, seconded by Baranski to open the Public Hearing on Cal. No. 14S-06.

Motion carried on voice vote.

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

James Wirth, 121 S High Street, Galena said the vacant lot and home at 403 Third Street have been in his family since his great aunt owned the property in the 1930's. Darryl Watson toured the home and remarked on how much of the home is original. It has virtually been unaltered since the late 1800's. The home used to be a very popular stop during scheduled home tours, but has not really been opened up for the public since the 1950's. The 1845 miner's cottage really represents Galena. It was a multiple family home – either a double or a four cottage home. The home and families who lived here depict life during Galena's peak lead mining days. At that time 80% of the country's lead was produced in the Galena area. The property itself is much like it was when the home was built. There has never been a paved street directly in front of the home. The ravine below the house has not been altered and nature surrounds the property on all sides. There is nothing like this home on tour. It will take about one year to rehab the grounds and perhaps this could be an opportunity for an Eagle Scout project as it relates to the land and its history. Indians and soldiers alike have occupied the property during different periods of history. General Grant drilled his troops on the grounds and the home is significantly located near Grant's Home and the Washburne House. The property has been identified by the state as one of great importance. It would seem logical to go from Grant's Home to this property and then on to the Washburne House. The parking lot at the Washburne House is underutilized – maybe it could be used by those who wish to tour the property. The property has frontage on Bouthillier and Lafayette Streets. The location is a short walk from the visitor's center. There could be a similar arrangement to that which he proposed for his High Street property. Parking doesn't seem to be as big of an issue due to the multiple street frontage associated with the property.

Rosenthal said the home has been vacant for years. How soon would the Special Use Permit be in operation?

Wirth said he thought it would take at least a year to get the home ready.

Rosenthal asked Wirth why he was interested in getting a SUP now.

Wirth said there are many significant trees on the two lots. Getting the landscape shaped up and accessible would be beneficial even without the house ready for tours. You could see what the site meant to General Grant and Galena.

Nybo asked if approved when would he seek a building permit.

Wirth said he was not sure as it would be dependent upon financial backing.

Nybo said SUP approval means that a building permit needs to be sought.

Oldenburg said the permits are valid for one year. The Board could include guidelines relating to this.

Bochniak asked about the landscape tours. How soon is Wirth planning on giving tours?

Wirth said as soon as the property is ready he wants to move forward.

Bochniak asked if the SUP allows this.

Oldenburg said it did. The SUP approval could give guidelines for this. Without any specifics staff would default to the code.

Rosenthal asked if there would be a limit on the number of tours.

Oldenburg said yes. He also pointed out that there is a significant amount of work that needs to be done before tours could ever be given.

Baranski said the City would have to give final approval on the readiness of the grounds before tours are given.

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

No one did.

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

Jamie Loso, 908 Fourth Street, Galena passed out photos of Fourth Street. It is a narrow, dead end street with little space to turn to around. There is no outlet to Bouthillier Street. There is little to no space for parking – maybe enough for one to two small cars and this would make it even more difficult to drive on the street. Emergency vehicles would have a problem if they needed to respond to a call. People will be curious to find the house and see what it is about even if you tell them there is no available parking. There is already property damage on this street. Her mailbox has been hit three times in the last ten years.

Baranski asked Loso where she parks.

Loso said they have two off street parking spots in front of her home.

Ward Townsend, 904 Fourth Street, Galena said he lives in the last home on the street – a ranch house with a private drive. It is not uncommon for people to make their way up his drive and then end up having to turn around which can cause problems and damage. Foot traffic is also a concern. If people are walking from Grant's Home to Wirth's home that means they would likely be cutting through his property. There are no signs marking the path that runs in this area. If tours are allowed there should be no parking on Fourth Street – foot traffic only. Parking can be accommodated on Bouthillier Street, but there needs to be signs both for parking and for the path.

Cook asked who owns the path.

Oldenburg said it is a City plotted street.

Cook asked who is liable.

Rosenthal said the City would be.

Terry Miller, 117 Kelly Lane, Galena said he is in charge of the State of Illinois properties in Galena. The parking lots may be underutilized, but the parking lot is not available for Wirth to use. The dead end signs on Fourth Street really do not deter people from driving down there. The State used to maintain some of this area until Wirth sued them so their attorney advised them to not continue.

Rosenthal asked Wirth if he wished to rebut any of the opposition's comments.

Wirth said he shares the concerns about the narrow street. If this site were to open it would be an enhancement to the area and would keep tourists coming to Galena for the cultural heritage. The newness of getting this property back on tour would be an attraction in itself. Visitors to Galena are what we are all looking for. This would be something different. If there is a way to do this so people do not end up at Fourth Street he is all for helping eliminate congestion in the area.

Baranski asked Wirth if before the Board voted on approval if he wanted to develop a parking plan showing how people would be moved to and from the site so congestion on Fourth Street could be eliminated.

Wirth said he is concerned about the impact on the residents. He would be agreeable to continuing this to see what opportunities are available and agreeable with the neighboring residents.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 14S-06.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Cook to deny the request for Cal. No. 14S-06.

Discussion: Baranski said as with all Special Use Permits the Board needs to look at the merits of each individual request. Fourth Street is a problem for this request.

Rosenthal said not only the street but access to the property is a big issue.

Baranski said it is a very significant house, but there is no thru traffic and there could be issues with emergency vehicles access. The right of way here is wider than normal which could be of some help. The issues need to be ironed out in a very concrete way.

Rosenthal said this request is very different from Wirth's request for High Street. It is not safe to take vehicles down Fourth Street. This is a vacant home or vacant lot. Nothing has been done in preparation of the request.

Baranski said it is a great building and there is value in this as a tour home.

Nybo asked if rather than turning down this request the applicant could ask for a continuance so he could address Board's concerns.

Baranski said he was thinking that too.

Oldenburg said the applicant can ask for a continuance any time prior to a final decision.

Rosenthal and Oldenburg asked Wirth if he would like a continuance.

Wirth asked the Zoning Board to allow him to continue the agenda item for ninety days so he can address the Board's concerns.

Baranski said there needs to be a plan for safe and reasonable access that does not infringe on the neighbors.

MOTION: Baranski moved, seconded by Nybo to allow the applicant to withdraw his request and grant a ninety day continuance so the applicant could address issues such as access and safety.

As Roll Call was:

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

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 9:45 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary