R.24.08

Passed and Approved this 26th Day of August 2024 by the City Council.

AYES:	NAYS:	ABSENT:
Westemeier, Wienen, Johnson, Kieffer, Tegtmeyer, Renner	None	Bernstein

Terry Renner
Mayor

ATTEST:

Mary Beth Hyde
City Clerk

CITY OF GALENA, ILLINOIS

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

Resolution No. R.24.08

ZONING BOARD OF APPEALS

DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER:	Cal. No. 24A-02
APPLICATION BY:	Robert and Cherish Criswell, 606 S. Prospect St., Galena, IL 61036.
FOR:	Request for Zoning Map Amendment to Rezone from Neighborhood Commercial to Low Density Residential.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on August 14, 2024. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad that was available to the general public between 15 and 30 days prior to the hearing. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed, and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a map amendment to rezone the parcel at 606 S. Prospect from Neighborhood Commercial to Low Density Residential. The current use of the property is the Avery Guest House Small Inn. In 2017, the previous owners of the guest house requested the rezone of the property in order for the Inn to be permitted to be innkeeper occupied rather than owner occupied. The current owners of the property are in the process of trying to sell the Inn. At this time, the owners would like to rezone the property to Low Density Residential to allow the possibility of the Inn to be sold as a single-family residence. Single-family residence is not permitted in Neighborhood Commercially zoned parcels. The land use of the Small Inn would still be allowed in the Low-Density Residential district but would be required to be owner occupied. The current owners operate the Inn from the home.

The property is bordered to the North by Spring St., the South by Low Density Residential, the West by Medium Density Residential, and the East by Low Density Residential. The areas in the

immediate vicinity of the Inn include numerous single-family homes, a grandfathered apartment building, 2 vacation rentals, a museum/office, and 2 other Inns.

Staff recommends approval of this map amendment as it is in character with the neighboring properties. The only significant change is that the Inn will no longer be permitted to be innkeeper occupied and will be permitted to be used as a single-family residence again.

The ZBA conducted the public hearing on the Rezoning (Map Amendment). The ZBA voted to recommend approval of the map amendment to the City Council.

Testimony Presented on Behalf of the Applicant:

Cherish L Criswell, 606 S Prospect St. Requesting rezone of Avery Guest House from neighborhood commercial to low density residential so they can sell as a single-family home.

Baranski asked if she considered doing a text amendment instead of a map amendment to help if future sale of property. It would take longer.

Criswell said that she appreciated his information, but she just wanted to move forward as is since it is for sale now.

No further testimony was presented in support of, or in opposition to, the proposal.

Motion: Motion to close the Public Hearing.

Motion carried on voice vote.

Motion: Baranski made a motion, seconded by Monahan to forward a positive finding of fact to the City Council on the request to rezone 606 S. Prospect St. from Neighborhood Commercial to Low-Density Residential.

Discussion: None.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section 154.005 through 154.008 sets forth the Purpose, Separability and Non-Liability, Abrogation and Rules of Interpretation of the Zoning Ordinance.
- Article 2, Section 154.201(B) describes the standard Residential Zoning Districts.
- Article 2, Section 154.201(B)(2) describes the definition and description of the Low-Density Residential District.
- Article 2, Table 154.207.1 lists the Intensity Standards for Residential uses.
- Article 4, Table 154.403.1 lists the land uses permitted by right or by special uses for each zoning district.
- Article 9, Section 154.914 lists and describes the elements for Site Plan Review
- Article 9, Section 154.918 and Table 154.918.1 set forth the procedure for Required Non-Administrative Development Review.

- Article 9, Section 154.919 lists and describes the Non-Administrative Development Review Common Elements of Procedure.
- Article 9, Section 154.920 sets forth the purpose, applicability, approval criteria, decision-maker, and application and review procedures for Rezoning.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Robert and Cherish Criswell to rezone 606 S. Prospect St. from Neighborhood Commercial to Low Density Residential be approved for the following reasons:

Zoning Map Amendment - In determining whether the proposed zoning map amendment shall be approved, the following factors shall be considered:

1. Whether the existing text or zoning designation was in error at the time of adoption; *NA*

2. Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *No*

3. Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *YES.*

4. Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *YES.*

5. Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *YES.*

6. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *YES.*

7. Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *YES.*

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by Robert and Cherish Criswell to rezone 606 S. Prospect St. from Neighborhood Commercial to Low Density Residential should be approved.

PASSED AND APPROVED this 14th day of August, A.D. 2024, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson