



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, MARCH 14, 2018
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
18Z-2001	Call to Order by Presiding Officer
18Z-2002	Roll Call
18Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
18Z-2004	Approval of the Minutes of the Regular Meeting of February 14, 2018	

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
18S-03	Ann Williams – Request for Special Use Permit for Guest Accommodations, Vacation Rental at 1002 Park Avenue. Ratification of Findings of Fact.	

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
	None	

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
18Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
18Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wed. April 11, 2018	6:30 P.M.	City Hall, 101 Green Street

Posted: March 9, 2018 at 4:30 p.m. Posted By: Matt Oldenburg

DECISION

**ZONING BOARD OF APPEALS
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBER: 18S-03

APPLICATION BY: Ann Williams, 1002 Park Avenue
Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation Rental
in a Neighborhood Commercial District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on February 14, 2018. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a map amendment to rezone from Low Density Residential to Neighborhood Commercial to facilitate an Indoor Sales and Service Land use. The applicant also requests a Special Use Permit to operate as a one-dwelling unit vacation rental in a Neighborhood Commercial District, contingent upon approval of rezoning.

The attached site plan indicates removal of the garage at the rear of the site to facilitate additional parking. Razing the garage will need approval from the HPC / Building Department in order to facilitate this option. The applicant is considering keeping the garage – if so, this would reduce the available parking by one space and will then require a reduction in occupancy for the vacation rental request. Rather than 5 guests allowed in the vacation rental, it will be reduced to 4 guests by parking necessity.

The applicant submitted the following narrative explaining the proposed use:

“The nature of the proposed use of the 1002 Park Avenue property is to establish a low intensity sales and service center that offers design and installation of reclaimed barn wood products, restored mid-century stoves and refrigerators, and hand-crafted home decor items to the public. We note that the property will serve as a showroom and design center for custom products that are built or restored off-property, and will operate primarily on a by-appointment basis with open-to-the-public hours as feasible. On the second level, we plan on offering a vacation rental unit that will utilize up to three viable bedrooms and a

commons area. We also plan on building a small dedicated parking area on the property to relieve limited public parking on the Park Avenue cul-de-sac, with enhanced landscaping around the building.

The proposed use is necessary to establish a new business in Galena, one that will have several positive effects on our community. There is no other business in Galena that offers reclaimed barn wood as a primary product or restored mid-century stoves and refrigerators. These products add intrigue and interest to the broad array of other businesses that attract visitors to our city. The proposed use is also necessary to utilize the existing upstairs rooms (there are three viable bedrooms) as a vacation rental that will provide visitors to Galena with additional short-term lodging options that is in the interest of the public convenience. Our plan is in alignment with the essence of Galena that values antiquity, reclaiming quality aspects of yesterday, and offering a haven for guests via the vacation rental. We aim to attract a year-round customer base that is interested in home improvement projects. The proposed use is in the interest of the public convenience in that it will provide a new interesting array of products and services, provide additional dedicated parking to reduce limits on public parking spaces, increase property values, improve the beauty of the neighborhood and of Galena, bring in new tax revenues to the City, and provide a new point of interest for residents of and visitors to Galena.

We note that this property was first built in 1838, one of the earlier grand homes in Galena. At one time in history, it was a boarding house. When we purchased this property in 2018, it had been vacant for over ten years and on the real estate market for several years. The building was in a state of disuse and disrepair and required extensive interior restoration. We wish to restore and re-purpose this historic brick building to be a successful business - just like the other businesses on the Park Avenue cul-de-sac - and save it from demise. Our plan includes building a small parking lot on the east side of the property to relieve public parking limitations for our good neighbors. The original neighborhood setting of the home has also changed to a commercial setting with two thriving businesses (The Annie Wiggins Bed and Breakfast, and The Belvidere Mansion) with no single family homes on the south Park Avenue cul-de-sac, and a six-apartment building across busy Route 20 as its forward-flanking neighbors. The property faces the Galena River. The proposed use will contribute to the general welfare of the neighborhood and the Galena community by saving and restoring an important historic property.”

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. Excepting the parking area improvement (with landscape screening requirement), all exterior development is existing and no further development is needed.

Number of Guests: **Vacation Rental:** Maximum occupancy load for this dwelling unit is four (4) to five (5) guests, depending on the final parking configuration. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 7,450 square feet, or 0.17 acres. The structure is situated along Park Avenue and Highway 20. The site is already properly landscaped with well-established vegetation and lighting. The lot can absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The proposed off-street parking can accommodate up to five vehicles, including one ADA stall. The parking regulations require one (1) off-street space per four (4) guests for a vacation rental, totaling 2 spaces; and 1 space for every 300 square feet of space utilized for the indoor sales area, totaling 3 spaces.

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

Staff recommends approval of this request. Land uses surrounding the property include residences, guest accommodations and tourist attractions.

PUBLIC SUPPORT AND/OR OBJECTIONS

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

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

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

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

- **Ann Williams, 417 Franklin Street , Galena** said she hopes to get rezoning for 1002 so that they can operate two kinds of businesses. One would be a sales and service type use that offers the residents and visitors with an opportunity to purchase reclaimed barn wood, panels and handmade furniture from local artisan craftsman and have samples on site. The second product in that floor would be restored mid-century appliances for purchase as samples. The appliances would be restored in Elizabeth at another site and then delivered directly to the customer's home, so there would not be a large turnover of appliances at the Park Avenue site, only samples. These are very high end products. The upstairs, they hope to turn into a vacation rental. The building didn't have anyone living in it for the past 10 years, so they hope to add to the other two thriving businesses on the cul-de-sac.

Baranski asked if she owned the business next door? Williams said she did not.

Baranski asked if the guest accommodations portion would have the check-in process done by the staff from the first floor operation. Williams stated yes.

Baranski also asked if the store hours would be regular hours and accept walk-ins or will it totally be by appointment only? Williams said that it will mostly by appointment only, but they may have Friday through Sunday with public hours. They want to focus their attention to potential customers due to the high-end nature of their product, so they do not want to run full-time hours and take away from their focus.

Bochniak asked about the garage in the back – it will need approval from HPC to be removed to facilitate 5 parking spaces. If this is not approved, how will it affect their off-street parking plan? Williams stated that her architect can answer that question.

Marty Johnson, Architect, stated that as Ann mentioned, the Neighborhood Commercial district is related to her type of request where it lends to her transitory type of needs. This property is in a very

exposed type of area and attached to an Inn and across from a six-plex with more intense use. The blending of this along with a vacation rental blends with the store for an appropriate parking solution. If the garage removal is denied, then the parking space count goes down to four parking spaces and we reduce the square footage on the second floor for vacation rental space. They'll create an ADA parking stall, walkway in and ADA bathroom to accommodate the first floor. Overall, they feel a vacation rental and store at this site is in furtherance of the Comprehensive Plan and the intent of our ordinances.

Baranski asked whether the house next door is currently a B&B. Johnson stated that it was one of the first inns in town. Baranski also asked whether the Belvidere is a tour home? Johnson stated that it is a daily tourist attraction. Oldenburg stated that it is.

- **Michelle Dieter, 314 Third Street, Galena** – she stated that this is a win-win for Galena. It fixes an old home that needs restoring. It's by appointment only, so it's not going to be disruptive to the immediate area. The vacation rental is good because we want more people to come to Galena. She approves it.
- **Glen Gutmann, 609 South Prospect, Galena** – he wants to reiterate what Michelle said. They're taking an old building and fix it up. It's going to be minimal hours and minimum disruption to the neighborhood. Nybo stated that that would be for the store, but not for the vacation rental. Gutman said, yes, but he works at the Felt Manor and they do not have disruption that he is aware of and they are an inn. There's a lot of B&B's and it's not going to be the end of the world. We have a lot of visitors here.
- **Tiffany Higgins, 9203 Saturn Lane, Galena** – she stated that the property is in very poor condition, so the thought of restoring it and bringing more visitors is a good thing. What Ann is selling meets the values of what we're looking for. The restoration barn wood matches what she's proposing with restoring the house. The cul-de-sac has businesses already and that the proposal would not disrupt the neighborhood.

Testimony Presented in Opposition to the Proposal:

- **Bill Heiken, 1004 Park Avenue, Galena** – they're in the same structure as 1002 Park Avenue. He's lived here with his wife for 20 years, and had a 25 year career as a forestry ecologist with the US Forestry Service and worked with landscape architects on view shed planning. He is not in favor of rezoning for a number of reasons. This proposal appears to circumvent the limit of 20 licenses on vacation rentals in residential districts, which are all taken. This lot is not suited to a retail operation. The parking on Park Ave. will be impacted. A retail operation selling used appliances will require a loading zone. The property does not conform to residential bulk standards and is a nonconforming lot – it cannot be changed to a more intensive use. Minimum dwelling separation is 12 feet, these structures are attached in the rear. Fire safety requires wired smoke detectors – since they are connected, two systems would need to be connected so his house can be notified. Removing the garage and adding parking would make a 7 car parking lot, the largest on the East side in the historic district. This would take away from LDR character. He is not in favor, it would have a negative impact on his guest house. There would no longer be a barrier if the garage was removed.
- **Wendy Heiken, 1004 Park Avenue, Galena** – is opposed to the change of zoning for a number of reasons. To change the zoning forever changes the neighborhood. If she changes her plan or sells, they have very little to say what takes place on that site and how it impacts their guesthouse. She has been in the house – the location and size makes it unsuitable for retail. It does not compliment the stately

homes on that site and neighborhood. She has concern for our community – Galena is facing a housing shortage due to vacation rentals. She has recently become aware of four displaced families due to vacation rentals being converted. Galena may soon become a place where residents may no longer have housing. To allow one persons wishes to override the wishes of others in the neighborhood is sad. She asks that we follow our ordinances and deny the request.

- **Crystal Mason, 3454 N Ford Road, Galena** – she fully agrees with the Heiken’s to deny the request. Although she does not live within the City Limits, it is the character of Galena that drew her to move to the area. It is where we shop, play, volunteer, worship and worked. Having a building and zoning code was a big factor in their decision to move here. With a zoning code in place, one could be relatively assured that there is some stability. However, she is seeing more cases where one entity, wanting to open a business through a zoning change or special use permit can compromise the neighbors that are already there. This appears as a way to get around the limitation on vacation rentals. She is sure this limitation was taken into consideration when the rules were made. By changing this to accommodate the vacation rental, it is setting a dangerous precedent.
- **Susan Steffan, 334 Spring Street, Galena** – she wants to emphasize the importance of the parking concept. When you approach the town from the East, you see all of the historic structures and now you will see a parking lot. It will be disruptive of the view. She doesn’t want a parking strip blocking the view. She wasn’t aware of the loading requirements and the structure shares a wall with the other structure. To zone them separately is absurd. The fire systems would be difficult to coordinate with a shared wall building. Also, there is a big waitlist for residential properties that are hoping to be designated as a vacation rental. They will all start to try to rezone to work-around the limit. She is purchasing a home for their daughter because there is already a limit of available living space in Galena. When you make this change, it doesn’t get undone. She likes the business proposed, but doesn’t like it at this location.

Baranski questioned how the buildings were connected.

Heiken stated that they are connected approximately half of the length of the building.

Baranski asked if there was some kind of space between the two for the rest of it.

Heiken stated that it is a paved area about 5 feet wide.

Baranski asked about when he was referring to the view shed, what he meant.

Heiken stated that the view shed is from the highway.

Baranski asked if the issue was specifically about the parking lot, not the building itself?

Heiken said the parking lot is one of the biggest impacts.

Baranski asked about the garage – how many spaces do the Heiken’s have behind their property?

Heiken stated that there are two parking spaces behind the garages.

Williams stated that she appreciated hearing the comments and they’re committed to being the best neighbors that they can. She can answer that the appliances will be about 4 or 5 total in the home on rollers as samples. What then happens, is that if someone wants to buy an appliance, it will be from a stock in Elizabeth and will be restored and delivered from there. It will never come back to the Galena shop.

Johnson wanted to add that the intensity of use and that Neighborhood Commercial is meant to be a low intensity which has high restrictions on use. We feel it is appropriate zoning as it matches the other intensity of uses nearby.

Bochniak asked whether 7 or 5 parking spaces are proposed.

Johnson stated that there are 5 on the site plan.

Oldenburg clarified that Mr. Heiken was referring to 7 spaces if the 5 proposed were combined with his 2 spaces behind his property if the garage was removed.

Baranski asked Johnson about the type of separation between the two structures.

Johnson stated that he believes it is 2-3 wythes of masonry brick. The building is separated at the front with a 3.5-4 foot strip. In the rear where they are attached, there is a staircase that winds down from the second floor. The wall is plaster coated over the masonry.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (3) provides a definition and description of the Neighborhood Commercial District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Neighborhood Commercial District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:
 - a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Neighborhood Commercial District.
3. The Neighborhood Commercial District is intended to permit small-scale commercial development which is compatible with the desired overall neighborhood community character of the area in general, and with adjacent residential development in particular. The desired neighborhood community character of the development is attained through landscape surface area ratio (LSR) requirements, and by restricting the maximum building size (MBS). Significant areas of landscaping are required in this district to ensure that this effect is achieved.

4. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Neighborhood Commercial District.
5. The property meets the detailed regulations for a vacation rental.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Ann Williams for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Neighborhood Commercial District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Neighborhood Commercial District and is appropriate to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental land use.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Ann Williams for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Neighborhood Commercial District should be approved with the following condition:

This approval is contingent upon approval of rezoning the property from Low Density Residential to Neighborhood Commercial.

PASSED AND APPROVED this 14th day of February, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 3 ayes, 1 nays, 2 absent, 0 abstain, 1 recused.

William Nybo, Acting Chairperson