



# City of Galena, Illinois

## AGENDA

### ZONING BOARD OF APPEALS

WEDNESDAY, JANUARY 14, 2026  
6:30 P.M. – CITY HALL 101 GREEN STREET

The public may also view the meeting live (no public comment) on the  
City of Galena YouTube Channel at:

<http://www.youtube.com/@cityofgalena1826>

ITEM	DESCRIPTION
25Z-2001	Call to Order by Presiding Officer
25Z-2002	Roll Call
25Z-2003	Establishment of Quorum
25Z-2004	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker

### APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
25Z-2005	Approval of the Minutes of the Regular Meeting of December 10, 2025.	1-10

### UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
25S-03 & 25V-10	<b>FINDING OF FACT:</b> Reading of the finding of fact on a request for a Special Use Permit to allow a Small Inn at 401 Elk St. and a variance to allow that Small Inn to be innkeeper occupied.	11-17

### NEW BUSINESS

None.

### OTHER BUSINESS



ITEM	DESCRIPTION	PAGE
25Z-2006	Adjournment	

**CALENDAR INFORMATION**

<b>BOARD/COMMITTEE</b>	<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>
Zoning Board of Appeals	Wednesday, Feb. 11, 2026	6:30 P.M.	City Hall, 101 Green St.

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	<b>Network = CityOfGalena_Guest</b>  <b>Password = guestwifi!</b>	
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**MINUTES FOR THE ZONING BOARD OF APPEALS MEETING OF  
DECEMBER 10, 2025**

**25Z-2001: Call to Order**

Zoning Board of Appeals Meeting for December 10, 2025 was called to order by Rosenthal at 6:32pm in the Board Chambers at 101 Green Street.

**25Z-2002: Roll Call**

**Roll Call:** AYES: Branski, Spivey, Behlke, Monahan, Tonne, Einsweiler, Rosenthal  
ABSENT: None

Also present were Jonathan Miller and Joe Nack

**25Z-2003: Establishment of Quorum**

Chairperson Rosenthal announced a quorum of board members were present to conduct city business

**25Z-2004: Public Comments**

None

**APPROVAL OF THE MINUTES**

**25Z-2005: Approval of Minutes of the Regular Meeting of October 8<sup>th</sup>, 2025**

**Motion:** Einsweiler moved, seconded by Tonne to approve the minutes of the regular meeting of October 8, 2025.

**Discussion:** None

**Roll Call:** AYES: Branski, Spivey, Behlke, Monahan, Tonne, Einsweiler, Rosenthal  
NAYS: None  
ABSTAIN: None  
ABSENT: None  
The motion carried

## UNFINISHED BUSINESS

### **25V-09: Finding of Fact: Reading of the finding of fact on a request for a variance to reduce the rear setback to allow the construction of an elevated deck at 116A S. Bench St.**

Rosenthal read the conclusion, determination, and decision to approved from the finding of facts in the agenda.

**Motion:** Tonne moved, seconded by Behlke to approve the variance for item number 25V-09.

**Discussion:** Staff confirmed that written approval from neighbors has not yet been received. The Board agreed approval could proceed with the contingency in place

**Roll Call:**                   AYES: Spivey, Behlke, Monahan, Tonne, Einsweiler, Rosenthal  
                                  NAYES: None  
                                  ABSTAIN: Baranski  
                                  ABSENT: None

## NEW BUSINESS

Nack swore in those wishing to testify

Rosenthal reminded all to sign in if they wished to speak at any of the public hearings.

### **25A-05: Public Hearing: PUBLIC HEARING: Owner and Applicant: William H. Evans. Request for a map amendment to rezone the property at parcel ID# 22-100-916-00 from Limited Agriculture to Low-Density Residential.**

Applicant Statement: **Willaims H. Evans**, 5300 Riverview Circle, Thompson: The applicant has owned the mostly unattended property since 1984. After his home burned on June 19, he plans to sell the parcel—offered as a single piece unless buyers request smaller portions—and does not intend to subdivide or harvest trees. The land is surrounded by residential uses and is not suitable for agriculture. He is requesting Low-Density Residential zoning. Access historically came from West Street and the Wan Street right-of-way, which he recently cleared for vehicle access. A new survey confirms the 2012 survey boundaries, and the Branch Street right-of-way remains intact

#### **Statements from the Public neither in opposition to, or in favor or, the application:**

**Dan Kirschner**, 915 North Dodge: Mr. Kirschner, who lives near the Wand Street right-of-way, noted that no road currently exists where the ROW enters the woods and expressed concern about how future access might affect his property. He believed an older access route had been

vacated, but the Board clarified it had not and that any future owner would need a driveway license similar to a neighbor's. He asked for confirmation that all ROWs remain intact, which staff affirmed.

-Discussion: The Board discussed access and maintenance responsibilities, noting that the property owner would maintain the driveway under a licensed agreement, while the city could choose to open, maintain, vacate, or license the street. They also emphasized the city's goal of supporting infill housing rather than expanding into remote areas and found the proposed rezoning consistent with that strategy. In reviewing rezoning criteria, the Board identified no zoning errors, noted only gradual area changes, confirmed compatibility with surrounding uses and the comprehensive plan, and concluded that public facilities can be accommodated, land supply is adequate, and the rezoning would benefit the community

**Motion:** Baranski moved, seconded by Monahan, to forward a positive recommendation to the City Council for approval of the map amendment.

Baranski read the approval criteria for a map amendment

**Approval Criteria & Recommendation for Map Amendment:**

- (1) Whether the existing text or zoning designation was in error at the time of adoption; *N/A*
- (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 change. This area has slowly filled in.*
- (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, it is.*
- (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; *It most definitely is.*
- (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; *There are, but it would likely be well, septic, with driveway in right of way.*
- (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; *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.*

**Roll Call:** AYES: Baranski, Spivey, Behlke, Monahan, Tonne, Einsweiler, Rosethal  
NAYES: none  
ABSTAIN: none  
ABSENT: none

**25S-03: PUBLIC HEARING: Owner and Applicant: 401 Elk St., LLC. Request for a Special Use Permit to allow an 8-room Small Inn at 401 Elk St.**

**Motion:** A motion was made to open the public hearing by Tonne, seconded by Monahan. Motion was carried by voice vote.

**Applicant Presentation: Paul Orzeske.** The project proposes converting the existing school and rectory buildings into an 8-room inn with an on-site innkeeper. Plans include 11 new parking spaces (including ADA), an ADA ramp, and three EV chargers, with a long-term license agreement being discussed for use of the public right-of-way for parking. Both buildings require substantial restoration, with historic tax credits under consideration. Site features include an emergency generator, refuse areas, terraces, and landscaping. Access will be from Elk Street, and an elevator that will serve all floors except the attic. Architectural plans call for a standing seam roof on the rectory, a shingle roof on the school as recommended by the state, and new iron and limestone fencing with lighting and handrails. Parking design addresses slope and drainage using catch basins and underground piping, with potential adjustments for turning radius. The north and northeast terraces are intended for quiet use—reading and outdoor enjoyment—with only occasional wine-and-cheese service, no hard alcohol, and no music or events. Deliveries will be limited and scheduled, using the innkeeper’s parking spaces.

**Discussion:** The Board reviewed stormwater plans, confirming that catch basins and drainage measures will manage runoff without increasing current levels. They discussed parking dimensions and delivery access, with the applicant noting the layout and the potential impact of a potential future High Street opening. The applicant reiterated that terrace use will remain quiet and low-impact, with no bar service and only private alcohol consumption by guests. The Board also emphasized historic preservation and architectural integrity, and the applicant confirmed continued coordination with the city, the Historic Preservation Commission, and the fire marshal.

**Public Comments (In favor):**

**Sue Simmons:** 102 N High St.: Simmons expressed support for the proposed guest house and restoration of St. Mary’s property, noting that an eight-room inn would not negatively impact the

neighborhood. She raised questions about delivery logistics, road and sidewalk conditions on High Street, and parking and lighting. She supported reopening High Street despite drainage and city approval challenges, highlighting the benefit for pedestrian access. She also shared historical context, noting the building has been vacant since 1974 and emphasized its restoration.

### **Public Comments (In Opposition):**

**Dave Hansen**, 350 Franklin Street: Mr. Hansen expressed concerns about the proposed building renovation, questioning the total square footage, unit layout, potential addition of bedrooms, and adequacy of the 11 parking spaces (including 1 ADA) for up to 16 guests. He raised safety concerns for parking on narrow streets and potential impacts on neighbors, including emergency vehicle access. While he found the drawings aesthetically pleasing, he felt they lacked sufficient detail and stated that, although he supports restoration, the building's size and scope make a feasible use uncertain.

-Discussion: A board member clarified that the ordinance limits the inn to eight guest rooms with a maximum of 16 guests. Parking requirements are determined by the ordinance (one parking space per room per two guests). Scenarios such as visitors or deliveries were acknowledged, but illegal parking in Galena is not anticipated. The board acknowledged that Elk Street is narrow, but noted it has historically accommodated parking limitations. The board expressed appreciation that the building is being considered for restoration after years of vacancy.

**David Albee**, 320 Elk Street: Mr. Albee, a nearby long-term resident, strongly opposed the proposed hotel/inn, citing the building's poor condition, unsanitary and vermin-infested state, and structural deficiencies. He argued the project is incompatible with the single-family neighborhood, would increase traffic, noise, and lights, and contradicts the city's comprehensive plan favoring affordable housing. He noted that existing streets cannot safely handle additional traffic or service vehicles. From a historical and legal perspective, he stated the building has no historic significance, qualifies as a public nuisance, and he is willing to pursue legal action for abatement. He prefers demolition and replacement with trees or a single-family home.

-Discussion: Board members inquired about past legal actions or conflicts of interest. Mr. Albee indicated he had not filed a lawsuit in the past and reiterated his position on demolition and green space. No further questions were posed by board members.

**Rick Peraser**: 113 South High Street: Mr. Peraser, a longtime resident, expressed concerns on behalf of himself and neighbors regarding the proposed development north of his home. He noted that half the structures on his block have become Inns or B&Bs, creating more transient bedrooms than residential ones. He questioned the developer's depiction of green space,

feasibility, and financial capacity. He raised traffic and safety concerns due to narrow, curved streets and requested a traffic study before project approval. Regarding the building's future, he suggested demolition might be preferable for safety and neighborhood impact, without prioritizing historic preservation. He emphasized the project's scale and potential neighborhood disruption.

**Jim Digman:** 408 Elk Street: Digman, a longtime Elk Street resident, raised questions and concerns about the proposed bed and breakfast/small inn. He clarified the differences between vacation rentals, B&Bs, and small inns, noting the applicant seeks a variance for an on-site innkeeper. He highlighted potential neighborhood impacts, including traffic on narrow streets, access challenges for large vehicles, drainage issues, and increased vehicle traffic from events. While supportive of historic preservation, he emphasized a preference for minimal traffic and quiet use. He also questioned the applicant's funding, though the board noted their focus is on zoning compliance rather than financial feasibility. Digman also preferred demolition.

#### **Applicant Rebuttal:**

**Paul Orzeske** addressed the High Street building project, emphasizing its vacancy and the goal of historic restoration and adaptive reuse. He noted plans for additional lighting and staffing, acknowledged runoff and narrow street concerns, and stated that project feasibility depends on reopening High Street. The proposal includes seven new parking spaces and compliance with historic preservation rules. Residential multifamily use was deemed economically unfeasible, and funding is expected but will be finalized at the permit stage.

-Board Discussion: Clarification requested on collaboration with the city for street improvements, parking, and stormwater management. Applicant confirmed intent to coordinate with city agencies regarding water runoff, underground drainage, gas, electricity, telephone, and fiber utilities. Discussion emphasized that the project would not fund improvements to existing city property.

#### **Further Public Comments (In Opposition):**

**Dave Hanson:** 350 Franklin Street: Raised concerns about stormwater runoff during heavy rains, citing flooding onto sidewalks. Requested clarification on unit sizes and total renovated square footage. Orzanski responded that the unit sizes approximately 650 sq. ft., as indicated on drawings. Drainage is being addressed in coordination with the city.

**David Albee:** 320 Elk Street: Detailed observations of erosion along High Street, drainage pipe conditions, and runoff from Elk Street to High Street, including potential impact on playground areas. Emphasized the large volume of water requiring mitigation.

No further cross-examination of the applicant was requested by members of the public.

A motion was made to close the public hearing for item: 25S-03 by Tonne and seconded by Einsweiler. The motion was carried by voice vote

**Motion:** Baranski moved, seconded by Spivy to draft a positive finding of fact for Item number 25S-03.

-Discussion: Board members acknowledged the challenging nature of the property and commended the applicant for the plan's responsiveness to site constraints. Concerns were raised regarding the intersection of High Street and Elk Street, specifically regarding access for deliveries and general traffic flow. It was clarified that access issues were primarily aesthetic rather than traffic-related, and trucks historically navigate the intersection successfully. Discussion concluded that traffic flow is adequate and the board's purview does not extend to broader traffic management. Parking access and licensing from the city were identified as conditions to address before final approval.

Special Use Permit Approval Criteria & Recommendation:

The application shall demonstrate that the proposed development will comply with the following:

(1) *Site plan review standards.* All applicable site plan review criteria in §154.914. *Yes, existing.*

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

(3) *Specific standards.* The land use regulations established in §154.406; *Yes*

(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. *All good.*

(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;  
*Is nothing new*

(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. *Yes, per neighbors.*

(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. *All exist*

**Amendment to the Motion:** Baranski amended the motion, seconded by Spivey to make the approval contingent upon obtaining a license from the city for parking in the Elk St. right of way.

**Roll Call on Amended Motion:**

AYES: Baranski, Spivey, Behlke, Monahan, Tonne, Einsweiler, Rosethal

NAYES: none

ABSTAIN: none

ABSENT: none

**Roll Call on Original Motion:**

AYES: Baranski, Spivey, Behlke, Monahan, Tonne, Einsweiler, Rosethal

NAYES: none

ABSTAIN: none

ABSENT: none

**25V-10: PUBLIC HEARING: Owner and Applicant: 401 Elk St., LLC. Request for a Variance to allow the proposed Small Inn at 401 Elk St. to be innkeeper occupied rather than owner occupied.**

-Discussion: The Chair announced that the next public hearing concerned 25V-10, a request for a variance to allow the property to be innkeeper-occupied rather than owner-occupied. The Chair noted that there had been no prior testimony on this matter.

**Motion:** A motion was made by Monahan, seconded by Einsweiler to open the public hearing. Motion was carried by voice vote.

There was no testimony in favor of, or in opposition to, the request.

**Motion:** Tonne moved, seconded by Einsweiler to draft a positive finding of fact on the request to allow the proposed Small Inn at 401 Elk St. to be innkeeper occupied.

**Approval Criteria & Recommendation for Variance:**

1. *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property; *Not self-inflicted.*

2. *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district; *It does not.*

3. *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant; *They would.*

4. *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance; *Yes.*

5. *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures; *yes*

6. *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code; *Yes.*

7. *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; *Yes.*

8. *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. *Yes.*

**Roll Call:** AYES: Baranski, Spivey, Behlke, Monahan, Tonne, Einsweiler, Rosethal  
NAYES: none  
ABSTAIN: none  
ABSENT: none

**Other Business**

**25Z-2006: Adjournment**

**Motion:** A motion was made to adjourn the December 10, 2025 meeting by Tonne and was seconded by Einsweiler. Motion was carried by voice vote.

Respectfully Submitted,

Samantha Hoftender  
Administrative Assistant and Receptionist

# CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



## DECISION

### ZONING BOARD OF APPEALS OF THE CITY OF GALENA

#### REGARDING

#### CALENDAR NUMBERS:

25S-03 & 25V-10

#### APPLICATION BY:

401 Elk St. LLC, 726 Drury Ln., Gurnee, IL 60031.

#### FOR:

Request for a Special Use Permit to allow an 8-room small inn at 401 Elk St. and a Variance to allow that small inn to be innkeeper occupied rather than owner occupied.

## FINDINGS OF FACT

### PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 10, 2025. 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 seeks approval of a Special Use Permit to allow the conversion of the vacant St. Mary's School, located at 401 Elk Street, into an eight-room small inn. In conjunction with this request, the applicant petitions for a Variance to permit the inn to be innkeeper-occupied rather than owner-occupied, as otherwise required by ordinance.

The proposed redevelopment consists of a comprehensive renovation of the existing structure to provide eight guest rooms and a separate unit for the innkeeper. Site improvements will include the creation of outdoor amenities and upgrades to the building itself. To satisfy parking requirements, the applicant will pursue a license agreement with the City of Galena. Off-street parking is proposed within the Elk Street right-of-way, but outside the traveled portion of the street. One parking space will be provided for each guest room, with an additional space reserved for the innkeeper.

Pursuant to ordinance, small inns located within low-density residential districts must be owner-occupied. The applicant requests a variance to allow innkeeper occupancy in lieu of owner occupancy. The

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innkeeper's unit and parking space will be provided in the same manner as if the property were owner-occupied.

Floor and site plans submitted by the applicant indicate that the lower level will contain the innkeeper's unit, one guest room, and a flex space. The main floor will accommodate three guest rooms, together with the lobby and reception area. The second floor will contain the remaining four guest rooms. The plans further provide for installation of an elevator and appropriate egress. The principal entrance will be located on Elk Street, with additional exits on the east side of the building.

Staff has reviewed the proposal and conducted multiple site visits. It is the opinion of staff that the proposed use will have minimal impact on adjoining properties. Adequate infrastructure exists in the vicinity, and the renovation will be subject to review by the building department and fire inspector to ensure compliance with all applicable building, electrical, ADA, and life safety codes.

Staff concludes that the conversion of St. Mary's School into a small inn represents an appropriate and beneficial reuse of a historic structure. Staff recommends approval of the Special Use Permit and further recommends approval of the requested Variance to allow innkeeper occupancy.

Should the Zoning Board of Appeals approve the Special Use Permit, such approval should be expressly contingent upon subsequent authorization by the City Council of a license agreement permitting use of the Elk Street right-of-way for required parking.

## **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 and Variance. 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 for Calendar Number 25S-03:**

Applicant Presentation: **Paul Orzeske**. The project proposes converting the existing school and rectory buildings into an 8-room inn with an on-site innkeeper. Plans include 11 new parking spaces (including ADA), an ADA ramp, and three EV chargers, with a long-term license agreement being discussed for use of the public right-of-way for parking. Both buildings require substantial restoration, with historic tax credits under consideration. Site features include an emergency generator, refuse areas, terraces, and landscaping. Access will be from Elk Street, and an elevator that will serve all floors except the attic. Architectural plans call for a standing seam roof on the rectory, a shingle roof on the school as recommended by the state, and new iron and limestone fencing with lighting and handrails. Parking design

addresses slope and drainage using catch basins and underground piping, with potential adjustments for turning radius. The north and northeast terraces are intended for quiet use—reading and outdoor enjoyment—with only occasional wine-and-cheese service, no hard alcohol, and no music or events. Deliveries will be limited and scheduled, using the innkeeper’s parking spaces.

Discussion: The Board reviewed stormwater plans, confirming that catch basins and drainage measures will manage runoff without increasing current levels. They discussed parking dimensions and delivery access, with the applicant noting the layout and the potential impact of a potential future High Street opening. The applicant reiterated that terrace use will remain quiet and low-impact, with no bar service and only private alcohol consumption by guests. The Board also emphasized historic preservation and architectural integrity, and the applicant confirmed continued coordination with the city, the Historic Preservation Commission, and the fire marshal.

**Public Comments (In favor):**

**Sue Simmons:** 102 N High St.: Simmons expressed support for the proposed guest house and restoration of St. Mary’s property, noting that an eight-room inn would not negatively impact the neighborhood. She raised questions about delivery logistics, road and sidewalk conditions on High Street, and parking and lighting. She supported reopening High Street despite drainage and city approval challenges, highlighting the benefit for pedestrian access. She also shared historical context, noting the building has been vacant since 1974 and emphasized its restoration.

**Public Comments (In Opposition):**

**Dave Hansen,** 350 Franklin Street: Mr. Hansen expressed concerns about the proposed building renovation, questioning the total square footage, unit layout, potential addition of bedrooms, and adequacy of the 11 parking spaces (including 1 ADA) for up to 16 guests. He raised safety concerns for parking on narrow streets and potential impacts on neighbors, including emergency vehicle access. While he found the drawings aesthetically pleasing, he felt they lacked sufficient detail and stated that, although he supports restoration, the building’s size and scope make a feasible use uncertain.

-Discussion: A board member clarified that the ordinance limits the inn to eight guest rooms with a maximum of 16 guests. Parking requirements are determined by the ordinance (one parking space per room per two guests). Scenarios such as visitors or deliveries were acknowledged, but illegal parking in Galena is not anticipated. The board acknowledged that Elk Street is narrow, but noted it has historically accommodated parking limitations. The board expressed appreciation that the building is being considered for restoration after years of vacancy.

**David Albee,** 320 Elk Street: Mr. Albee, a nearby long-term resident, strongly opposed the proposed hotel/inn, citing the building’s poor condition, unsanitary and vermin-infested state, and structural deficiencies. He argued the project is incompatible with the single-family neighborhood, would increase traffic, noise, and lights, and contradicts the city’s comprehensive plan favoring affordable housing. He noted that existing streets cannot safely handle additional traffic or service vehicles. From a historical and legal perspective, he stated the building has no historic significance, qualifies as a public nuisance, and he is willing to pursue legal action for abatement. He prefers demolition and replacement with trees or a single-family home.

-Discussion: Board members inquired about past legal actions or conflicts of interest. Mr. Albee indicated he had not filed a lawsuit in the past and reiterated his position on demolition and green space. No further questions were posed by board members.

**Rick Peraser:** 113 South High Street: Mr. Peraser, a longtime resident, expressed concerns on behalf of himself and neighbors regarding the proposed development north of his home. He noted that half the structures on his block have become Inns or B&Bs, creating more transient bedrooms than residential ones. He questioned the developer's depiction of green space, feasibility, and financial capacity. He raised traffic and safety concerns due to narrow, curved streets and requested a traffic study before project approval. Regarding the building's future, he suggested demolition might be preferable for safety and neighborhood impact, without prioritizing historic preservation. He emphasized the project's scale and potential neighborhood disruption.

**Jim Digman:** 408 Elk Street: Digman, a longtime Elk Street resident, raised questions and concerns about the proposed bed and breakfast/small inn. He clarified the differences between vacation rentals, B&Bs, and small inns, noting the applicant seeks a variance for an on-site innkeeper. He highlighted potential neighborhood impacts, including traffic on narrow streets, access challenges for large vehicles, drainage issues, and increased vehicle traffic from events. While supportive of historic preservation, he emphasized a preference for minimal traffic and quiet use. He also questioned the applicant's funding, though the board noted their focus is on zoning compliance rather than financial feasibility. Digman also preferred demolition.

#### **Applicant Rebuttal:**

**Paul Orzeske** addressed the High Street building project, emphasizing its vacancy and the goal of historic restoration and adaptive reuse. He noted plans for additional lighting and staffing, acknowledged runoff and narrow street concerns, and stated that project feasibility depends on reopening High Street. The proposal includes seven new parking spaces and compliance with historic preservation rules. Residential multifamily use was deemed economically unfeasible, and funding is expected but will be finalized at the permit stage.

-Board Discussion: Clarification requested on collaboration with the city for street improvements, parking, and stormwater management. Applicant confirmed intent to coordinate with city agencies regarding water runoff, underground drainage, gas, electricity, telephone, and fiber utilities. Discussion emphasized that the project would not fund improvements to existing city property.

#### **Further Public Comments (In Opposition):**

**Dave Hanson:** 350 Franklin Street: Raised concerns about stormwater runoff during heavy rains, citing flooding onto sidewalks. Requested clarification on unit sizes and total renovated square footage. Orzanski responded that the unit sizes approximately 650 sq. ft., as indicated on drawings. Drainage is being addressed in coordination with the city.

**David Albee:** 320 Elk Street: Detailed observations of erosion along High Street, drainage pipe conditions, and runoff from Elk Street to High Street, including potential impact on playground areas. Emphasized the large volume of water requiring mitigation. No further cross-examination of the applicant was requested by members of the public.

**No further testimony was presented in support of, or opposition to, the proposal (25S-03).**

**There was no testimony presented on Calendar Number 25V-10**

### **APPLICABLE SECTIONS OF THE ZONING ORDINANCE**

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (B) (2) provides a definition and description of the Low-Density Residential Zoning District.
- Section 154.406 (D) (8) provides the detailed land use regulations for Public Accommodations, Small Inn.
- 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 a Special Use Permit.
- Section 154.925 sets forth the Purpose, Applicability, Review Criteria, Decision Maker, Application and Review Procedures, and Validity for Variances.

### **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 Low-Density Residential Zoning District on Elk St.
2. The applicant seeks a special use permit to allow an 8-room small inn at 401 Elk St.
3. The applicant seeks a variance to allow the small inn at 401 Elk St. to be innkeeper occupied rather than owner occupied.
4. The applicant will be required to seek a license agreement from the City of Galena City Council in order to have the required off street parking for the Small Inn located in the Elk St. right of way.

### **DETERMINATIONS**

#### **25S-03**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by 401 Elk St., LLC for a special use permit to allow an 8-room Small Inn at 401 Elk St. be approved for the following reasons.

1. The site plan review met the criteria for this request.
2. The request is compatible with the district standards for the Low-Density Residential zoning district and is consistent with the defining characteristics of the district.
3. The specific standards for the Low-Density Residential zoning district are met.
4. Complimentary uses are available.

5. The requests compatibility with adjoining properties through:
  - a. The protection of privacy is met;
  - b. The elements of the plan to have a minimal negative impact on the use and enjoyment of adjoining property is met; and
  - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

## **25V-10**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by 401 Elk St., LLC for a variance to allow the Small Inn at 401 Elk St. to be innkeeper occupied rather than owner occupied be approved for the following reasons.

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

1. *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property; *Not self-inflicted.*
2. *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district; *It does not.*
3. *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant; *They would.*
4. *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance; *Yes.*
5. *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures; *yes*
6. *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code; *Yes.*
7. *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; *Yes.*
8. *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. *Yes.*

**DECISIONS**

**Cal. No. 25S-03**

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by request by 401 Elk St., LLC for a special use permit to allow an 8-room Small Inn at 401 Elk St. be approved.

PASSED AND APPROVED this 10<sup>th</sup> day of December, A.D. 2025, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

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John Rosenthal, Chairperson

**Cal. No. 25V-10**

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by 401 Elk St., LLC for a variance to allow the Small Inn at 401 Elk St. to be innkeeper occupied rather than owner occupied be approved.

PASSED AND APPROVED this 10<sup>th</sup> day of December, A.D. 2025, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

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John Rosenthal, Chairperson