



VILLAGE OF WINNEBAGO

ZONING BOARD MEETING MINUTES

Monday, August 28, 2023 at 6:00 PM
108 West Main Street and Virtually

To access meeting from any device: <https://global.gotomeeting.com/join/777725485>

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1. CALL TO ORDER

The meeting was called to order at 6:01 p.m.

Guests present: Attorney Mary Gaziano.

There were no remote attendees.

2. ROLL CALL

PRESENT: Michael Booker, Chairman Bill Emmert, Irv Koning, Brian Martin

ABSENT: Riley Pitney

3. DISCLOSURE OF ANY CONFLICT OF INTEREST

No disclosure of conflict of interest.

4. PUBLIC COMMENT

No request for public comment.

5. APPROVAL OF MINUTES

a. Minutes from June 26, 2023

Motion made by Chairman Emmert, Seconded by Booker. Voting Yea: Booker, Chairman Emmert, Koning, Martin

b. Minutes from July 24, 2023

Motion made by Chairman Emmert, Seconded by Martin. Voting Yea: Chairman Emmert, Koning, Martin

Voting Abstaining: Booker

6. DISCUSSION

a. Variance Application for 213 S Benton - UPDATE

Chairman Emmert reviewed the status of the variance application for the property at 213 S Benton Street. Initially a variance application was submitted, but then later the applicant found in our definitions section of Article 3 in the UDO, the Building Height

for a gable roof is measured at the "mean" height (between eaves and ridge of a roof). So long as the mean height of this garage does not exceed fifteen (15') in height, a variance will not be required, as stated in an email from Casper Manheim, Village of Winnebago Building Official.

- b. Discussion of Pre-Annexation Recommendation of Zoning Classification for 1515 S Meridian Road, MDDGS Enterprises, LLC (Lawn Care By Walter).

Chairman Emmert provided a brief update of the public hearing held on May 22, 2023. Since there was not a quorum at the meeting that followed the public hearing a motion could not be made for the recommendation to the Village Board. The item was not included on the June 26, 2023 agenda, and at the July 24, 2023 meeting there was not a quorum. Mr. Koning made the motion to recommend to the Village Board to change from County Zoning IG-General Industrial to Village District No. 4 - General Industrial for the property located at 1515 S Meridian Road housing the commercial business of Lawn Care by Walter, Inc. There was no further discussion. The motion was approved unanimously by all those present.

- c. Discussion of the function and duties of the Zoning Board vs Planning Commission vs Zoning Board of Appeals

Chairman Emmert explained that the Unified Development Ordinance had a few inconsistencies regarding the duties and responsibilities of the Zoning Commission and Zoning Board of Appeals. Attorney Gaziano provided historical information of the creation of the Planning Commission and the Zoning Board. She explained that the Zoning Board and Zoning Board of Appeals terminology is interchangeable, and that in some communities the same members are on both the Planning Commission and Zoning Board of Appeals. Chairman Emmert prepared notes from the UDO of the duties and powers of the Zoning Board. Mr. Booker stated that there is no administrative process for the public when they have a grievance regarding a decision made by Code Enforcement, Building Official, department, Board or Commissions. This discussion will be continued at a later meeting.

- d. Special Permitted Use Certificate - suggestion to issue a "certificate" of an approved Special Permitted Use (found form in Chairman Van Sickle's files).

Chairman Emmert addressed the Special Permitted Use Certificate that was found in the files of Mr. Van Sickle, the previous Zoning Board Chairman. It was agreed that it

would be a good record to have, but more discussion is needed as to who would make the approval, whether it would be Zoning or the Village Board.

7. DISCUSSION

a. Hubbartt Property - 108 W Main Street - UPDATE

Chairman Emmert updated the members on the zoning matter of the Hubbartt property located at 102 S Benton Street. The property is noted as General Business on the Village Zoning Map, but is listed as residential on WinGis.gov. Mr. Booker it would be best to review the Village records to verify the change from residential to business. Attorney Gaziano referred to a recent email dated July 17, 2023 from Bruce Hubbartt regarding the zoning of the property as he is trying to sell the property.

b. Review of the Unified Development Ordinance/1957 Zoning Ordinance

The Unified Development Ordinance was discussed. Chairman Emmert pointed out the inconsistencies in the document. The board decided to review the UDO section by section over time.

c. Alley North of 108 W Main Street - UPDATE

The alley located north of 102 S Benton Street was discussed. It was decided that more research is needed to confirm that the alley was vacated. Attorney Gaziano and Deputy Clerk Symonds will look into the matter further. Other similar alleys will be addressed in the future.

d. Solar Ordinance

The Solar Ordinance was not discussed.

8. NEW BUSINESS

Mr. Booker asked about the landscaping variance at the property owned by Mr. Ackerman. Chairman Emmert stated he would contact Mr. Ackerman before the September meeting.

9. EXECUTIVE SESSION

10. ADJOURNMENT

A motion was made by Mr. Booker, seconded by Mr. Martin to adjourn. Meeting adjourned at 7:50 p.m. Motion carried on a unanimous voice vote of those present.

William D. Emmert, Chairman

APPROVED: SEPTEMBER 25, 2023