

The Zoning Board held a Public Hearing on July 1, 2025, at 5:50 p.m. at the Village Hall 108 W Main Street, Winnebago, Illinois to hear input regarding a Zoning Ordinance/Unified Development Ordinance Text Amendment (On Fence Standards in Residential Districts). The Legal Notice of the Public Hearing was published in the June 13, 2025, edition of The Gazette with the remote attendance to the Public Hearing via the GotoMeeting Link, and the meeting telephone number with the access code were also provided.

Present: Chairman Emmert, Mr. Booker, Mr. Koning. Absent: Mr. Pitney and Mr. Martin.

Guests: Village Attorney Mary Gaziano, resident Michael Swartz, and Building Inspector Aaron Moore (arriving at 5:52 p.m.).

The Public Hearing was called to order at 5:50 p.m.

Chairman Emmert: Deputy Clerk Symonds, would you take the roll for the public hearing, please.

Deputy Clerk Symonds: Booker

Booker: Yes

Deputy Clerk Symonds: Emmert

Chairman Emmert: Yes

Deputy Clerk Symonds: Koning

Koning: Yes

Deputy Clerk Symonds: Pitney (no answer)

Deputy Clerk Symonds: Martin (no answer)

Chairman Emmert: Thank you. We do have a quorum for the Public Hearing. This is a public hearing regarding the proposed text amendment change to the Unified Development ordinance of the village, specifically dealing with fences. Is there anybody appearing remotely, Joey?

Mr. Dienberg: There is none at this time.

Chairman Emmert: There is one person here. Are you here to speak to that matter?

Mr. Swartz (guest): I am just here to observe.

Chairman Emmert: Would you like to speak to, ahh, any ordinance change with respect to the fences, on what you like or what you do not like, what you think it should have?

Mr. Swartz: Yeah, I think, should I state my name?

Chairman Emmert: Yes, if you want to speak, yes. I just wanted to know if you wanted to speak.

Mr. Swartz: Yeah, that is fine.

Chairman Emmert: Please state your name.

Mr. Swartz: My name is Michael Swartz.

Chairman Emmert: Ok, Mr. Swartz, ahh, what comments do you have about the village's fence ordinance?

Mr. Swartz: So basically, I am just trying to install a 6-foot privacy fence on my lot. My lot is one on a corner lot of Seward and Winnebago, and umm, because of the current ordinance, ahh, the side and rear yard had certain stipulations that won't allow me to put up a 6-foot privacy fence up to the 50% visual needed for that. Also, there is a requirement for no taller than 4 feet. My application was put in to see if we can amend that, to be able to install a 6-foot privacy fence around my entire lot, side, rear, and all the way around.

Mr. Moore arrived at this time

Chairman Emmert: Ok, when you say all the way around the front, would you have attached to the front of the house, or would it extend out towards the road on the front?

Mr. Swartz: Not to the road. It would just go to the middle of my house, which is the back door, that goes to the north of my lot, and that fence would then go from - connect to my house, to my lot line, down to the alley going east, then going south down the alley, and then going, coming back up to my garage, going west.

Chairman Emmert: Ok, and then would you be connecting from your garage to the house?

Mr. Swartz: Absolutely.

Chairman Emmert: At an angle?

Mr. Swartz: Be at a slight angle.

Chairman Emmert: A slight angle. You look, coming from the garage west, and then angle over.

Chairman Emmert: So, you requested the village look at modifying the fence ordinance to allow you to do that.

Mr. Swartz: Absolutely.

Chairman Emmert: Do you have anything else you would like to state?

Mr. Swartz: No, sir.

Chairman Emmert: And, I believe we have the Village Building Inspector (Mr. Moore).

Mr. Moore: Yes, sir.

Chairman Emmert: Ahh, do you have some comments you would like to make with respect to the proposed ordinance changes?

Mr. Moore: Umm.

Chairman Emmert: Well, first, yes, or no?

Mr. Moore: Which one are we talking about right now as far as which verbiage?

Chairman Emmert: Any changes to the current ordinance?

Mr. Moore: Currently, yes.

Chairman Emmert: Please state your name.

Mr. Moore: Aaron Moore.

Chairman Emmert: And you are the Village of Winnebago's Building Inspector?

Mr. Moore: And Code Official.

Chairman Emmert: And Code Official, and what comments do you have with respect to the changes that you think should be made to the village's, ahh, Unified Development Ordinance, with respect to fences?

Mr. Moore: Yeah, I do not have the verbiage in front of me, but the restriction of having it 50% see through when it abuts a street, umm or it is 10 feet back, and go up 6 feet (hand motion indicating height) seems like it might be more restrictive than it needs to be compared to other towns. We still have a 30-foot sight triangle. Thank you, Joey. (Mr. Dienberg provided Mr. Moore a copy of the verbiage for the proposed amendment) We still have a 30-foot sight triangle setback that would remain in intersections. So, where streets and alleys intersect, you still measure back 30 feet for a sight triangle where the fence, or nothing above 2 1/2 feet, like shrubs or anything like that. They can't be in that sight triangle. We are out of that; it does not interfere with the ability to see left or right when you are making a turn. Umm, and also some clarification on is an alley considered a street or not. To me, it seems like a street, but I could be wrong. So that could change some things on the fences, or typically people's back yards are that they would like to be privacy, that are currently not allowed to be umm, unless they are 10-foot off the back of the property line.

Attorney Gaziano: If I could just make a clarification for the record. Aaron Moore actually works in conjunction with Casper Manheim, who currently is the individual with whom the Village has a contract with, and is the Village Building Official and Code Enforcement Officer, and things are either with him or his designee. This is his son, and they work in conjunction. So, I just wanted to make sure the record was clear, that Casper is still the official of record.

Chairman Emmert: And you were not the Building Official when the UDO was passed, correct?

Mr. Moore: Correct.

Chairman Emmert: But you are an inspector for a number of villages in Illinois?

Mr. Moore: Yes, yup.

Chairman Emmert: With respect to the requirement that no fence greater than 4 feet in height should be constructed in a front yard, my take on that is, it is more of open or green space issue. They would not want a privacy fence to, like, build a fort around the house. Would you agree with that?

Mr. Moore: Yes, I agree, most towns have a 4-foot restriction as well as it being chain-link or split-picket in, past the front of the house to allow visibility. They do not allow solid, privacy or 4-foot or otherwise.

Chairman Emmert: The visibility is more of a green space, how it looks, right?

Mr. Moore: Yes, for in the front yards.

Chairman Emmert: And would you come up here for a second, please. (Mr. Chairman Emmert provided a catalog to Mr. Moore.) This is a catalog that I got from Dach Fence. I am in the process of trying to get a fence, and they have a number of fences here which do have, they call it, spear tops.

Mr. Moore: Ok.

Chairman Emmert: Do you see that?

Mr. Moore: Yeah,

Chairman Emmert: That, as an inspector, do you see anything really dangerous or unsightful about that type of a fence?

Mr. Moore: Personally, they will have verbiage that you cannot have blunt ends on the top, umm, but these are kind of milled over so they are not sharp like a barbed wire would be.

Chairman Emmert: Right.

Mr. Moore: Umm, I do not see too many issues with this. I have not seen a lot of these installed lately.

Chairman Emmert: But, as a building official, you would not have a problem with this type of a fence.

Mr. Moore: No, I wouldn't.

Chairman Emmert: This spear type.

Mr. Moore: Nope, most of these are designed by the manufacturer to not be harmful.

Mr. Booker: Yeah, that is what belongs in a front yard, I think, or street-facing side.

Attorney Gaziano: And Aaron you had a question, is an alley a street?

Mr. Moore: Yes.

Attorney Gaziano: Not as currently defined in the UDO.

Mr. Moore: Ok, so if it butts an alley, that is.

Attorney Gaziano: A street is a public right-of-way which affords the principal means of vehicular access to abutting properties, and whether designated as a freeway, expressway, throughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, cul-de-sac, arterial collector local or otherwise designated, but excepting an alley or driveway to building.

Mr. Moore: Ok.

Mr. Booker: So, an alley is not for the purpose of this specific fence ordinance is not considered the same as a street.

Attorney Gaziano: Correct. Because it is in the UDO, part of the definitions, and the definitions except it out.

Mr. Booker: Good.

Attorney Gaziano: Obviously, doesn't mean it can't change, but that is where it is, and then as long as we are talking about that and definitions, I know that Mr. Booker had raised a question about shrubs. Can they be considered a fence? Fence, as defined in the UDO, is a free-standing structure of metal, masonry, composition, or wood or any combination thereof, permanently installed by being partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes. So, it is either metal, masonry, composition, or wood, or any combination thereof.

Mr. Booker: Ok.

Chairman Emmert: Aaron, do you have anything else that you would like to add?

Mr. Moore: Ahh, no, not at this time.

Chairman Emmert: Has anybody appeared remotely yet, Joey?

Mr. Dienberg: No.

Emmet: Ahh, I think all the testimony we received has already been on, received tonight, I would look for a motion to adjourn the public hearing, then we can go into our Zoning.

Chairman Emmert: Motion by Irv (Mr. Koning),

Mr. Booker: Second.

Chairman Emmert: Seconded, any opposed to that motion?

There was no opposition to the motion.

Chairman Emmert: Please enter that the motion passed by a unanimous vote of all persons present. The Public Hearing is closed.

Meeting adjourned at 6:00 p.m.

APPROVED 9-30-2025

Kellie Symonds, Deputy Clerk
Prepared from Recording