



VILLAGE OF WINNEBAGO

ZONING BOARD MEETING MINUTES

Tuesday, January 14, 2025 at 6:00 PM

108 West Main Street and Virtually

1. CALL TO ORDER

The meeting was called to order at 6:11 p.m.

2. ROLL CALL

PRESENT: Michael Booker, Chairman Bill Emmert, Irv Koning and Riley Pitney

ABSENT: Brian Martin

GUESTS: Attorney Mary Gaziano, Village Administrator Joseph Dienberg, Building Official Casper Manheim, Village Building Inspector Aaron Moore, and Win-Bur-Sew Fire Department Captain Charles Cunningham

3. DISCLOSURE OF ANY CONFLICT OF INTEREST – None noted.

4. PUBLIC COMMENT – No public present for input

5. APPROVAL OF MINUTES

a. Approval of Public Hearing Minutes from October 28, 2024

Motion made by Chairman Emmert to approve the minutes as modified, seconded by Mr. Booker. Voting Yea: Booker, Chairman Emmert, Koning. Motion carried by unanimous voice vote of those present, with Mr. Pitney abstaining as he was not present at the October 28, 2024, Public Hearing.

b. Approval of Zoning Board Meeting Minutes from October 28, 2024

Motion made by Chairman Emmert to approve the minutes with discussed grammatical changes, seconded by Mr. Koning. Voting Yea: Booker, Chairman Emmert, Koning, Motion carried on a unanimous voice vote of those present, with Mr. Pitney abstaining as he was not present at the October 28, 2024, meeting.

c. Approval of Zoning Board Meeting Minutes from November 25, 2024

Motion made by Chairman Emmert with grammatical corrections, seconded by Mr. Koning. Voting Yea: Booker, Chairman Emmert, Koning, Motion carried on a unanimous voice vote of those present, with Mr. Pitney abstaining as he was not present at the November 25, 2024, meeting.

6. DISCUSSION

a. Fire Suppression (Sprinkler) Unified Development Ordinance Text Amendment

A Public Hearing was held prior to the Zoning Board Meeting to hear input on the proposed Fire Suppression (Sprinkler) Unified Development Ordinance Text Amendment. There was no input from the public on the proposed ordinance. Chairman Emmert asked if there were any objections or changes to the proposed text amendment. There being none, Chairman Emmert made the motion to recommend the Village Board approve the ordinance amending the Unified Development Ordinance (Ordinance #2019-14) modifying the sprinkler requirements, seconded by Mr. Booker. Motion carried on a unanimous voice vote of those present to adopt the ordinance as written.

b. Zoning Verification to Operate a Tattoo and Body Piercing Establishment at 126 S Benton Street.

Chairman Emmert stated that he had a Zoning Verification request for a potential business owner who wants to lease 126 S Benton Street to operate a Tattoo and Body Piercing Establishment. Chairman Emmert stated that in reviewing the Unified Development Ordinance (Article 6.06.01) and Land Use Chart (Article 6.16.02) he did not feel comfortable signing the letter as the chart in the ordinance was not clear on the permitted or special permitted use.

The Retail/Services Section is listed twice and each had different uses. In one of the charts that does not list the Tattoo Parlor the boxes are completed with either a "P" for Permitted, or an "S" for Special Permitted Use, however the other chart where the Tattoo Parlor is listed the chart is blank.

Attorney Gaziano did look into the matter to find out if a Tattoo Artist is listed as a personal service profession. Attorney Gaziano spoke with the Illinois Department of Financial and Professional Regulation and a Tattoo Artist is not listed as a profession. Attorney Gaziano was also asked by Chairman Emmert if a license is required. She stated that in her research there is no license required in Illinois, but that does not mean a Tattoo artist is not a profession, but it is one indicator. The State of Illinois focuses on the business, the people themselves do not have to be licensed. The business does have to meet certain Illinois Department of Health requirements. Attorney Gaziano added there was not any case law regarding definitions we would consider in our language in the UDO (Section Article 6.06.01) of a "personal service professional".

Chairman Emmert made the suggestions to either recommend it as a Permitted Use or a Special Permitted Use in the Business District and the Village could amend the UDO by updating the chart.

Mr. Pitney stated that since the business would have to comply with Illinois Department of Health requirements, he does not have an issue with making it Permitted Use.

Chairman Emmert suggested getting more input from the staff to make the recommendation of whether a tattoo parlor should be Permitted Use or Special Permitted Use. Village Administrator Dienberg clarified what he interpreted the members expressing, in that since the language outside of the chart as a tattoo parlor could be considered as a Permitted Use and that the recommendation would be that staff make the adjustments to the charts. The Village Administrator added that to adjust the chart a public hearing would be required. Attorney Gaziano confirmed a public hearing would be required to make a text amendment change.

Chairman Emmert was uncomfortable with the ordinance as written that a Tattoo Parlor be a Permitted Use until it is made clearer. Mr. Booker had the same opinion.

Mr. Koning asked, in this particular case what would be the reasoning to make it Special Permitted Use? Chairman Emmert stated that certain restrictions could be placed to take care of any concerns. Chairman Emmert suggested a public hearing as soon as possible so that the property owner and the tenant can make their decisions.

Village Administrator Dienberg clarified that staff will prepare a draft with the two proposed options combined in one public hearing. He will also survey other municipalities as to any possible suggested restrictions for Special Permitted Use.

Kellie Symonds was tasked to inform the two parties about the needed hearings to make the recommendations to the Village Board. If there is no rush it would be scheduled for the March 4th Zoning Board meeting, to be recommended to the Board of Trustees at the March 5th meeting. Chairman Emmert stated that if a special Zoning Board meeting is needed that could be scheduled.

7. NEW BUSINESS - There was no new business discussed.

8. EXECUTIVE SESSION – None needed.

9. ADJOURNMENT

Motion to adjourn the meeting made by Chairman Emmert, seconded by Koning. Voting Yea: Booker, Chairman Emmert, Koning, Pitney. Motion carried on a voice vote of those present.

Meeting adjourned at 6:47 p.m.

APPROVED: FEBRUARY 4, 2025

Kellie Symonds, Deputy Clerk