



VILLAGE OF WINNEBAGO

ZONING BOARD MEETING MINUTES

Tuesday, March 18, 2025 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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The online meeting access code was provided on the agenda. No one attended remotely.

1. CALL TO ORDER

The meeting was called to order at 6:07 p.m.

2. ROLL CALL

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

GUESTS: Attorney Mary Gaziano, Village Administrator Joseph Dienberg, Assistant Deputy Clerk Rachel Windgassen; and from Park Hills Evangelical Church: Rich Graham, Mike Reinders, Chris Stukenberg, Jonanthan Pierson.

3. DISCLOSURE OF ANY CONFLICT OF INTEREST

There was no conflict of interest noted.

4. PUBLIC COMMENT

No request for Public Comment to address the board was noted.

5. APPROVAL OF MINUTES

There were no minutes for approval.

6. DISCUSSION

a. Park Hills Church Variance Request

Chairman Emmert read into the record proposed findings of fact.

1. Notice of the March 4, 2025, Public Hearing concerning Park Hills Evangelical Free Church's ("PHEFC") request for a zoning variance for its property located at 500 W. Winnebago Street was duly given by (a) publication and (b) by mailing notice to the owner(s) of each property within 250 feet of the subject property. Additional notice was given by village clerks calling the aforesaid owner(s), and the village attorney mailing a second, amended notice on February 27, 2025.

Mr. Graham of PHEFC hand delivered an invitation to those who were within 250-foot radius of 500 W Winnebago Street to come to the church if they had any questions. He stated that there were no attendees.

Due to the mailing having the date noted as Wednesday, March 4, 2025, in error, Attorney Gaziano informed those present that the corrected notice stated the date as Tuesday, March 4, 2025. Reasonable attempts were made to contact property owners, as well as opening the Village office on Wednesday, March 5, 2025, and the online meeting link provided in their notice at the earliest Public Hearing time of 5:30 p.m. should anyone intended to be present for the meeting. There were no online participants, and no one arrived in person.

2. No one filed with the Village office an objection to PHEFC's variance request prior to the Public Hearing, nor after the Public Hearing.

Chairman Emmert verified with the staff that there were no objections received at the Village office.

3. No one stated any objection to PHEFC's variance request at the Public Hearing.

4. The subject property located at 500 W. Winnebago Street is currently and has been at all times since sometime prior to March 6, 1987, zoned as District No. 1 - One-Family Residential District.

5. Since at least 1957, places of religious worship and uses attendant and subordinate thereto, and public and parochial educational uses, have been permitted uses in a District No. 1 - One-Family Residential District.

Chairman Emmert stated this fact can be found to exist, based on the wording in the 1957 Zoning Ordinance, which the committee can take notice of under the doctrine of judicial notice. *(Judicial Notice allows for the recognition of certain facts as true without requiring a party to present evidence to prove them, or facts that are generally known or easily verifiable)*

6. Churches and schools need numerous parking spaces to accommodate the relatively large number of people who attend these facilities, as compared to the needs of the owners of single-family dwellings.

Chairman Emmert noted that the importance of this is that the Village ordinance does not have provisions for churches' and schools' parking needs, and that more parking is needed for churches and schools.

7. On March 6, 1987, Winnebago Evangelical Congregational Church ("WECC") purchased the subject property with the intent to construct and operate a church on the property. WECC subsequently built the church which is currently situated on the property. At the time it built the church, WECC was already planning to, in the future, expand the church building and add a parking lot for its parishioners on the front and eastern side yards of the subject property.

Chairman Emmert expressed that this fact is based on testimony given at the Public Hearing held on March 4, 2025.

8. On September 5, 2019, WECC conveyed the subject property to PHEFC. At the time PHEFC purchased the subject property PHEFC knew about WECC's plans to expand the church and add a parking lot, and PHEFC intended to implement those plans once the church's congregation grew to the point that an expansion was necessary.

Chairman Emmert noted that this fact is based on testimony given at the March 4, 2025, Public Hearing.

9. Prior to December 9, 2019, the Village of Winnebago's Zoning Ordinances did not prohibit either WECC nor PHEFC from constructing a parking lot on the front and eastern side yards of the subject property.

Chairman Emmert commented this is relevant since, at the time WEFC conveyed the property to PHEFC, there was no rule preventing the parking lot should PHEFC choose to expand the church.

10. Prior to March 6, 1987, the First Presbyterian Church ("FPC") located at 208 W. Winnebago Street had, and still has, a parking lot on the front and eastern side yards of the property on which the church is situated. The lot upon which the FPC is situated is, and for many years prior to March 6, 1987, has been, zoned as District No. 1 – One-Family Residential District.

Chairman Emmert commented this fact can be found to exist under the doctrine of judicial notice.

11. On December 9, 2019, the Village of Winnebago enacted the Village of Winnebago Unified Development Ordinance ("UDO").

Chairman Emmert commented that this fact can be found to exist under the doctrine of judicial notice.

12. The UDO prohibits motor vehicle parking on the front and side yards of a lot zoned as District No. 1 – One-Family Residential District with the sole exception that parking is permitted upon, and only upon, a driveway on the lot. [Sections 12.14.2 and 7.]

Chairman Emmert stated that this is his interpretation of reading the UDO.

13. The UDO requires churches and schools to have one parking space for every three seats in their buildings.

Chairman Emmert noted that this is in the chart contained in the UDO.

14. The UDO is, as a practical matter, deficient in that it permits churches and schools to be located in District No. 1 – One-Family Residential District and requires churches and schools to have multiple parking spaces, but at the same time does not permit parking lots to be located on property zoned as District No. 1 – One-Family Residential District.

Chairman Emmert noted this is a deficiency in the UDO, and the problem PHEFC is now facing.

15. From the time it purchased the subject property, it has always been the intention of PHEFC to expand the size of the church to accommodate a congregation of 150 persons, which according to the UDO would require 50 parking spaces.

Chairman Emmert stated this was testimony given at the Public Hearing. Mr. Graham added this was also provided in the application submitted at the February 4, 2025, meeting.

16. A substantial portion of the rear yard of the subject property is being used as a detention pond to accommodate 100-year flood conditions as required by the UDO.

There is not sufficient space in the rear yard to build 50 parking spaces and still be compliant with the UDO 100-year flood requirements.

Village Administrator Dienberg commented that this is noted in the submitted application, and in the response provided by Village Engineer.

17. The only space on the subject property upon which a 50-space parking lot can be located is in the front and side yards of the property.

18. The size of the congregation of PHEFC's Winnebago church has grown to the point that PHEFC needs to expand the size of the current church building to able to accommodate any additional future growth.

Chairman Emmert noted this was testimony provided by Mr. Graham at the Public Hearing.

19. Given the growth that PHEFC's Winnebago church is presently experiencing, PHEFC will have to consider moving out of the current church, and relocating, if it cannot get a variance to allow for constructing a parking lot on the front and side yards of the subject property.

Chairman Emmert remarked this was testimony provided by Mr. Graham at the Public Hearing.

20. The current trend for churches is larger churches with larger congregations.

Chairman Emmert stated this was testimony given at the Public Hearing.

21. If PHEFC has to relocate from its current Winnebago church location so it can accommodate its growing congregation, PHEFC will have a difficult time selling the subject property for a reasonable amount due to [a] the current trend of churches wanting larger buildings to accommodate larger congregations and [b] the fact that except as being used as a place of worship, there are not many other uses for a church building. Selling the subject property for residential use would not yield a reasonable return to PHEFC because of the major renovations the purchaser would have to make in order to turn the current church building into a single-family residence.

Chairman Emmert pointed out that the trend information came from testimony at the Public Hearing by Mr. Graham. Chairman Emmert added that this is based on testimony and logic on the use of the property as a residence. Attorney Gaziano clarified that value is not in and of itself a determination, but a fact to be considered.

22. Two baseball diamonds, one of them lighted, are across the street from the front yard of the subject property (to the north).

Chairman Emmert noted this fact can be found to exist under the doctrine of judicial notice.

23. The east yard of the subject property is adjacent to the rear yards of single-family dwellings.

Mr. Graham remarked that this was included in the application and public hearing testimony.

24. Since the church on the subject property was built, the parishioners who congregate at PHEFC's Winnebago church have been parking along the street and across the street in the grass. Having off-street parking for the church's parishioners will significantly reduce on-street parking congestion in the neighborhood and improve the neighborhood's overall view/feel.

Chairman Emmert commented that this is in the application submitted by PHFEC. Mr. Booker added that he has personally observed the current parking situation.

25. The UDO required landscaping for parking lots, which will have to be installed if a parking lot is built on the subject property, will improve the neighborhood's overall view/feel in the vicinity of the subject property.

Chairman Emmert stated this was provided in the application. He also commented on the positive impact the improvement of the landscaping would have, noting that the property is currently not landscaped. Attorney Gaziano stated that the UDO landscaping requirements are comprehensive.

26. The additional parking spaces at the church would relieve congestion on the streets during ball games and activities at the park.

Mr. Reinders agreed that when there are Sunday games at the park, additional parking at the church would help alleviate parking issues at the ball diamonds during games since parishioners would not have to park along the roadway in front of the church as they do now. Mr. Dienberg discussed the plans that were submitted which show the parking spaces that are planned at the church and along Winnebago Street.

Chairman Emmert made a motion, seconded by Mr. Martin, for the Zoning Board to accept the 26 proposed facts as true findings of fact with respect to the variance in question. Motion carried on a unanimous vote all those present.

Chairman Emmert then addressed the statutory requirements for

Variances and Findings of Facts found on page 38 of the packet (page 3 of the Zoning Application) and pursuant to Article 15.03 of the UDO.

- a. That there are special circumstances, applying to the land or buildings for which the variance is sought, which circumstances are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity.**

Chairman Emmert stated that special circumstances are that both churches – Winnebago Evangelical Free Church and Park Hills Evangelical Free Church - could have done what they wanted with respect to installing a parking lot, when they purchased the property, but now they cannot due to the adoption of the UDO (Unified Development Ordinance). This situation is peculiar to this property. Mr. Booker also noted that Presbyterian Church is only three blocks away. A motion was made by Chairman Emmert, seconded by Mr. Koning, that based on the 26 factual findings made by the Board, Item a. has been met. The Zoning Board found by unanimous vote of all present, that the requirement found at Item a. and Section 15.03(3)a of the UDO for a variance has been met by the applicant.

- b. That said circumstances are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or buildings.**

Chairman Emmert stated that for Item b. the finding of fact supports a finding that this requirement has been met. The strict application of the UDO in Residential District -1 that parking can only be on a driveway would not work for the church to operate as a church. Mr. Booker noted that this would conflict with the requirement for the necessary 50 parking spaces as stated in the UDO. Chairman Emmert asked if anyone disagreed that the findings of fact do not support the finding of Item b. Chairman Emmert made the motion, seconded by Mr. Koning, that the findings of fact this Board has made support finding that this requirement contained in the UDO in sub paragraph b, 15.03(3) has been met. The Zoning Board found, by unanimous vote of all members present, that this requirement found in section 15.03(3) of the UDO for a variance has been met by the applicant.

- c. That the variance as granted by the Zoning Board of Appeals is the minimum variance that will accomplish the reasonable use of land or building in question.**

Chairman Emmert stated PHEFC cannot use the rear yard of the property as a parking lot because it is set off as a retention pond. Chairman Emmert added that if they have a

150-seat worship center, they will need a minimum of 50 spaces for parking. Mr. Dienberg stated that the Village Engineer reviewed the parking plans. Chairman Emmert stated that the church plans to have 52 or 53 spaces and to include required handicap parking. Mr. Graham nodded in agreement to this statement. Chairman Emmert made a motion, seconded by Mr. Pitney, that the Zoning Board find that this requirement set forth in the subparagraph c. of 15.03(3) comports with to the findings of facts made by the Board. The Zoning Board found, by unanimous vote of all members present, that this requirement found in section 15.03(3) of the UDO for a variance has been met by the applicant.

d. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Chairman Emmert made the motion, seconded by Mr. Martin, that the findings of fact this Board has made are sufficient to sustain the requirement of subparagraph d. of 15.03(3). The Zoning Board found, by unanimous vote of all members present, that this requirement found in section 15.03(3) of the UDO for a variance has been met by the applicant.

e. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.

Chairman Emmert commented that as churches grow and eventually outgrow their space, what can be done with the property afterward is an important consideration. Mr. Graham stated that the building's current physical constraints restrict growth. He stated growth will initially increase and then will decline due to the building's constraints. Chairman Emmert stated that monetary return or potential alternative use of the property, should be considered to fall within the phrase of "reasonable return". Chairman Emmert made the motion, seconded by Mr. Koning, that the findings of fact previously made by the Board, support a finding that this statutory requirement has been met. The Zoning Board found, by unanimous vote of all members present, that this requirement found in section 15.03(3) of the UDO for a variance has been met by the applicant.

f. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the petitioner.

Chairman Emmert stated that when PHEFC purchased the property, it could have done what it now wants to do. But after the fact, when the UDO was passed, it cannot do it now. Chairman Emmert stated that it is a deficiency of the UDO. The UDO requires the 50 parking spots. But if PHEFC can't have a parking lot on its property, how can it comply with the UDO? This problem was not caused by the petitioner but rather by the UDO and creates an extraordinary condition. Chairman Emmert made the motion that the Zoning Board find that based on the findings of fact previously made that Item f. has been met as required by statute, seconded by Mr. Pitney. The Zoning Board found, by unanimous vote of all members present, that this requirement found in section 15.03(3) of the UDO for a variance has been met by the applicant.

g. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.

Chairman Emmert made the motion that the Zoning Board find this provision has been met based on the finding of facts, previously made by the Board, seconded by Mr. Pitney. Attorney Gaziano made a point of clarification that findings of fact other than financial impact, be addressed as required by state statute. The Zoning Board found, by unanimous vote of all members present, that this requirement found in section 15.03(3) of the UDO for a variance has been met by the applicant.

h. The denial of the proposed variance will deprive the petitioner the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.

There was discussion on the use as church property compared to the use of residential properties in the immediate area. Chairman Emmert made the motion that the Zoning Board find that the findings of fact previously made by the Board support a finding that Item h. has been met as required by statute, seconded by Mr. Pitney. The Zoning Board found, by unanimous vote of all members present, that this requirement found in section 15.03(3) of the UDO for a variance has been met by the applicant.

i. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.

Chairman Emmert commented that the church size is reasonable for the area and the UDO allows churches in residential areas. Chairman Emmert made the motion that the Zoning Board find that the findings of fact previously made by the Board support a finding that Item i. has been met as required by state statute, seconded by Mr. Koning. The Zoning Board found, by unanimous vote of all members present, that this requirement found in section 15.03(3) of the UDO for a variance has been met by the applicant.

Mr. Dienberg stated that he has confirmed with the village engineer that the proposed plans meet the requirements specified in the UDO. Chairman Emmert asked about the height of the lighting and whether the lighting is reflected downward. Mr. Graham responded by saying that they submitted a photo-metric study and that with the use of side panels the lighting will meet the lighting specifications and provide the necessary safety needs. There was concern about the lighting illumination in the area. Mr. Pitney commented that the neighbors in the area are accustomed to the lights at the diamonds during evening games.

Chairman Emmert made the motion to grant a variance from restrictions contained in paragraphs 12.14.2, 3 and .7 of the Village of Winnebago Unified Development Ordinance for the property located at 500 W. Winnebago Street, to allow for a parking lot and parking spaces to be constructed in the front yard and eastern side yard of that property. The locations of the parking lot and spaces shall be as depicted in the layout page of the site plan of proposed church addition for Park Hills Church-Winnebago Campus dated June 25, 2024, sheet number 3 of 7, and parking lot shall be at least 13 feet 5 inches from the eastern lot line of the subject property, seconded by Mr. Pitney. Chairman Emmert discussed the granting of the variance and reasonable restrictions.

Mr. Graham pointed out that in a corner section of the parking lot there is a 12 foot 9" inch distance from the eastern edge of the property. Mr. Dienberg confirmed the date of the recent drawings, which only reflected minor changes, the dimensions were the same.

Chairman Emmert amended his previous motion by striking out the 13 feet 5 inches, the amended motion is as follows: Motion to grant a variance from restrictions contained in paragraphs 12.14.2, .3 and .7 of the Village of Winnebago Unified Development Ordinance for the property located at 500 W. Winnebago Street, to allow for a parking lot and parking spaces

to be constructed in the front yard and eastern side yard of that property. The locations of the parking lot and spaces shall be as depicted in the layout page of the site plan of proposed church addition for Park Hills Church-Winnebago Campus dated June 25, 2024, sheet number 3 of 7, seconded by Mr. Pitney.

Motion carried by a unanimous roll call by all members present. Chairman Emmert called for a roll call vote: Booker – Yes Koning – Yes Martin – Yes Pitney – Yes Emmert – Yes
MOTION CARRIED

Attorney Gaziano asked if the board would be in favor of her to draft a variance document to be recorded. The Zoning Board members were in agreement.

Mr. Graham, on behalf of the church, was very appreciative of the due diligence taken by the board members.

7. NEW BUSINESS

No discussion

8. EXECUTIVE SESSION

No Executive Session needed.

9. ADJOURNMENT

Chairman Emmert made the motion to adjourn, second by Mr. Booker. The meeting was adjourned at 7:26 p.m.

APPROVED 5-6-25

Kellie Symonds, Deputy Clerk