



VILLAGE OF WINNEBAGO

ZONING BOARD MEETING AGENDA

Tuesday, June 03, 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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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCLOSURE OF ANY CONFLICT OF INTEREST**
4. **PUBLIC COMMENT**

It is recommended that a written request to address the Village Board by non-members should be submitted via mail, hand delivery, or the Village Website to the Village of Winnebago Office located at 108 West Main Street, Winnebago, Illinois, 61088, by 12:00 Noon on the day of the meeting scheduled by the Village authorities in which the speaker would like to participate. Alternatively, speakers may fill out the form at the meeting to sign up for public comment. Each speaker is limited to three (3) minutes. A maximum of thirty (30) minutes shall be allowed for public comment at each meeting.

5. **APPROVAL OF MINUTES**

- [a.](#) Public Hearing Minutes from May 6, 2025

- [b.](#) Minutes from May 6, 2025

6. **DISCUSSION**

- [a.](#) Proposed Text Amendment to Fence Requirements to Unified Development Ordinance

7. **NEW BUSINESS**

8. **EXECUTIVE SESSION**

9. **ADJOURNMENT**

Posted: May 30, 2025 at 1:15 p.m. at 108 W. Main Street, Winnebago, IL
and online at www.villageofwinnebago.com Tel 815.335.2020 | Fax 815.415-8491

The Zoning Board held a Public Hearing on May 6, 2025, at 5:50 p.m. at the Village Hall 108 W Main Street, Winnebago, Illinois to hear input on the proposed special use permit for a body art establishment at 126 S. Benton St.

The NOTICE OF PUBLIC HEARING RE: PROPOSED SPECIAL USE PERMIT FOR TATTOO PARLOR AT PROPERTY LOCATED AT 126 S. BENTON STREET was published in the April 17, 2025, edition of the local newspaper, The Gazette.

PRESENT: A quorum of the Zoning Board members was present. Chairman Emmert, Mike Booker, Irv Koning ABSENT: Brian Martin, Riley Pitney

GUESTS: Attorney Gaziano, Village Administrator Joey Dienberg, Assistant Deputy Clerk Rachel Windgassen, Chandra Cearn, Brooke Starry, Lisa Smith, Ross Thompson, Janice Thompson, Hope Rynders, Siri Drogsvold

EMMERT: Ok, uh, can you take roll please?

Mrs. Windgassen: Ah, yes. Um, Bill?

EMMERT: Yes

Mrs. Windgassen: Mike?

BOOKER: Yes

Mrs. Windgassen: Irv?

KONING: Yes

Mrs. Windgassen: Brian? And Riley?

EMMERT: Ok and there's three of us here so we do have a quorum. Ah, this is the public hearing that was scheduled for ah, 5:50. This is a public hearing regarding the request for a special use permit to conduct a body art, uh, establishment.

Ms. Cearn: Yes

EMMERT: Ah, who's going to speak?

Ms. Cearn: Uh, I can, yes

EMMERT: Ok, can you identify yourself please?

Ms. Smith: She will, she knows more about her business than-

EMMERT: What's your name?

Ms. Cearn: Chandra Cearn.

EMMERT: And did you get-?

Mrs. Windgassen: And I do have a sign-in sheet that everyone signed in

EMMERT: So you got- you got the spelling?

Mrs. Windgassen: I've got the spelling here. Yep.

Ms. Cearn: Yeah

EMMERT: Ok you going to speak too?

Ms. Cearn: She might

Ms. Smith: Well, yeah, yeah.

EMMERT: Ok

Ms. Smith: Yep, Lisa Smith, owner of the building.

EMMERT: Ok, do you both swear to tell the truth?

Ms. Cearn: Yes

Ms. Smith: Yes

EMMERT: I'm supposed to swear people in.

Ms. Smith: Yes

EMMERT: Ok

Ms. Cearn: Yes, I swear to tell the truth

EMMERT: Ok, uh, it's your request or application for a special use permit to operate the body art establishment at- what's the-?

Ms. Smith: 126 South Benton

EMMERT: 126 South Benton

Ms. Smith: Yes

EMMERT: Ok, can you tell us why that's a good idea to have that business at that location?

Ms. Cearn: Um, I really like the storefront and I like the little town, downtown atmosphere here. So, um, I-

Ms. Smith: It gives a variety

Ms. Cearn: Yeah, a variety of businesses. It's something new to the area

Ms. Smith: (inaudible)

EMMERT: Ok, for the record, because we were having issues with that before, if we can just speak one at a time.

Ms. Smith: Oh, ok

Ms. Cearn: Ok

EMMERT: Ok, it was Chandra right?

Ms. Cearn: Yeah

Ms. Smith: Yeah

EMMERT: Chandra is speaking right now.

Ms. Cearn: Yep. I just- I just think it's going to help bring a little bit more of a something new to the area and help bring some other business and traffic to the area. I have- I have a lot of people that drive up two, three hours to come to see me and it just helps bring some more business to town too. So.

EMMERT: Ok and I'm sorry your name again?

Ms. Smith: Lisa.

EMMERT: Lisa. Lisa, why do you think that that is a good location for a body art that a special use should be given to conduct that business in that location?

Ms. Smith: I-It's a diverse- you know, it's a diversity to have different things in the area you know and that brings people and you know people go back to Pec(atonica) to to get tattoos because there's none. It would be the first one in Winnebago. So I think it would be, it would be good for the, for the area.

EMMERT: Ok

Ms. Smith: So-

EMMERT: Ah, you're from Winnebago, right?

Ms. Smith: Yeah. (inaudible)

EMMERT: Ok. What is, what property use is directly north of your building?

Ms. Smith: Directly-? Oh North. So- there's the town hall and then there's, there's Bud's Autoshop and then there's the hairdresser um, Kelly um, and then...

EMMERT: Then we get further down the block, we'd have the preschool, right?

Ms. Smith: Yeah. Yeah.

EMMERT: But then, you uh, then on the north side of the preschool is a state farm.

Ms. Smith: Oh, a state farm, yes.

Ms. Cearns: I'm being educated right now.

EMMERT: And then if we cross the street going north, we have a park little kids play in, right?

Ms. Smith: Right, right.

EMMERT: Across the street to the west of your building.

Ms. Smith: Yes.

EMMERT: What's in that corner building?

Ms. Smith: The dentist, um.

EMMERT: Are they still there?

Ms. Smith: I think so. I think he's got one on Perryville, but I think he does that two, two days a week. Yes-

EMMERT: Oh, Ok, so it's still operated as a dental office.

Ms. Smith: Oh yes. Yes. Yeah, so-

EMMERT: Oh-Ok, an-and then the next property.

Ms. Smith: The Post.

EMMERT: to the north would be a...

Ms. Smith: Well..

EMMERT: Well, it used to be a small house, right?

Ms. Smith: Right.

EMMERT: But now it's operated, what, I'd say? A guy who runs his computer repair business out of it?

Ms. Smith: Oh, yes. Yep. Yep. Yes.

EMMERT: And then going, the next what?

Ms. Smith: Yes, is Post.

EMMERT: And the Post is what?

Ms. Smith: It's a bar, and, um, they have, uh, they have game- gaming in there, too.

EMMERT: Ok.

Ms. Smith: And, yeah, so-

EMMERT: And then we go further north.

Ms. Smith: We have, um, a, a restaurant, that res-restaurant, it used to be, it's run by Kim. Um, yeah- so the next one-

EMMERT: Ok, and then the next property-

Ms. Smith: Cimino's

Ms. Cearns: Cimino's

EMMERT: Ah, don't we have the-

Ms. Smith: Oh!

EMMERT: Some pub there? I'm trying to think..

BOOKER: Is there?

EMMERT: The knight- is it..?

BOOKER: Masons?

EMMERT: The Masons!

KONING: No, no, they aren't there.

Ms. Smith: Oh, ok.

EMMERT: They aren't there anymore?

KONING: No.

EMMERT: Ok.

Ms. Smith: Ok.

EMMERT: So then the next one you'd have, Cimino's, which is a restaurant/bar correct?

Ms. Smith: Right.

EMMERT: And they have gaming in their front.

Ms. Smith: Mhmm. Yes.

EMMERT: And then the next part of that would be....

Ms. Smith: Scoops

EMMERT: Scoops, which is what for the record?

Ms. Smith: Right. Ice cream.

Ms. Cearns: Ice cream.

EMMERT: Ice cream. And we jump back over to the other side of the street, the east side of the street. Uh, there is a gaming establishment there, correct?

Ms. Smith: Kelly's, yeah.

EMMERT: And Kelly's is just south- Is it south or north of...the preschool?

KONING: No, it's between the preschool and the insurance office.

Ms. Smith: Yeah, yeah it's-

EMMERT: Ok

Ms. Smith: It's in between there, yeah. Yes.

EMMERT: Now, if we go south from your building, a block south, we go, complete block to the south, we have the Winnebago Elementary School, right?

Ms. Smith: Right, right. Yes. Yeah.

EMMERT: Ok, I think that's... Do you have any questions for her, Mike?

BOOKER: Do you, do you operate other, uh, tattoo parlors?

Ms. Cearn: No, not currently, just this one. Well, maybe.

BOOKER: Ok. You have experience in-

Ms. Cearn: Yes

BOOKER: -in working in or running that?

Ms. Cearn: Yep. Yep, I've, I've been tattooing for almost 11 years now. So-

BOOKER: Ok.

Ms. Cearn: Yeah, and I had, I had my one shop for a while, um, and then, um, I had a small shop up in Wisconsin too for a while.

BOOKER: Do you- do you have a, a business plan currently?

Ms. Cearn: No, it's just-I guess, like, what do you mean, like, business plan? It's all, it's all-

BOOKER: How many hours of operation do you have?

Ms. Cearn: Oh, yeah, yeah, so I already have my hours. Um, well, I'll be operating from 11 a.m. to 9 p.m.. On great occasion, I might, um 11 a.m. to 9 p.m. Sometimes I don't get out of there until 10, because if I'm finishing up a tattoo at 9 o'clock and I got a half an hour left on that, I'm going to finish it before I leave for the night. So-

BOOKER: And then right now, how many days a week do you put in?

Ms. Cearn: Um, right now, four to five days a week is what we plan to be open.

BOOKER: Ok

Ms. Cearn: So-

EMMERT: Which days?

Ms. Cearn: Um, Monday Tuesday, wait- Tuesdays I'm going to be closed, Sundays I'm going to be closed. So it'll be Mondays, Wednesdays, Thursdays, Friday, Saturday- so that way then I get some days at home with my kids.

BOOKER: And do you, uh, plan to have other tattoo artists working with you?

Ms. Cearn: Yep, my daughter is apprenticing right now, and a couple of my artists that used to work at my other shop have been begging for their jobs back. So I have to make a decision on that.

BOOKER: Ok

EMMERT: Are you going to do tattooing? Are you also going to do body piercing?

Ms. Cearn: Yep, yep. Yeah, we'll be licensed for tattooing and body piercing.

EMMERT: Anything else other than those two things?

Ms. Cearn: Um, that's pretty much it. My sister was, she might wanna come in do nails once or twice a month. Um, and I've been looking into the licensing for, for that so it just kind of depends about what happens. She currently works at the salon in Monroe and she's been there for two years so that's one thing she was, we were talking about. She might want to come in and do that a couple times a month for clients.

BOOKER: Any retail sales?

Ms. Cearn: Yes. Um, it's just basically like body jewelry, um, t-shirts, um, sometimes we have some like little knickknacks and stuff or paintings that we put up for sale, but that's pretty much about it. For retail.

EMMERT: Anybody questions there? Uh, let the record show, nobody's appeared by zoom correct Joey?

DIENBERG: Correct

EMMERT: Uh, anything else?

Ms. Smith: I think it would be great.

Ms. Cearn: I know, I was like, I can't think of anything else. It's, it's pretty basic.

Ms. Smith: It's better than an empty building, you know?

EMMERT: Ok, uh-

Ms. Cearn: And I do like to get involved with the community, too. So, if there's any special things, I do love doing some of that. So-

EMMERT: Ok, there being no further testimony, I'll close the public hearing.

DIENBERG: We do have members of the public as well, in attendance.

EMMERT: Uh, I guess they were here before.

Mr. Thompson: Well, we came because we own property on the street, and we received a notice from an attorney that was sent to all property owners on that street and either side of it, and so we came out of curiosity.

EMMERT: Ok, I apologize. I thought I'd ask if anybody was gonna speak to it. You- you- you have a right to speak for or against the special use if you want to.

Mr. Thompson: Right, I-I don't really have an opinion. I came out of curiosity.

EMMERT: Ok, and ma'am?

Mrs. Thompson: And also t-to learn what special use and also to learn about business. We have an open lot which is right between the uh, hair salon, Reflections-

Ms. Smith: Yep

Mrs. Thompson: And also the preschool. So we're thinking, in the near future, to sell that lot and we want to have an idea of what businesses were coming in.

Ms. Smith: Right, yeah.

EMMERT: Ok Rachel, you have their names?

GAZIANO: Yeah, and can we get on the record their names?

Mrs. Windgassen: Yes. Uh, Ross and Janice, correct?

Mrs. Thompson: Uh-huh.

GAZIANO: What's the first, what's the last name?

Mrs. Windgassen: Uh, Thompson. T-h-o-m.

Ms. Smith (speaking to other attendees): I didn't know who-(inaudible)

GAZIANO: And did you say Janice?

Mrs. Windgassen: Yes.

EMMERT: Ok, do you have- does, does anybody have anything else they want to talk about with respect to the special use permit application?

GAZIANO: An-and just for clarification, you got that notice from me as the village attorney and that's because you are located within 250 feet of the subject property and by state law when there is a special use that is being requested, the owners within 250 feet of the

subject property have to be notified of the public hearing so they have an opportunity to come and speak in favor or against or just to listen.

Mrs. Thompson: Could you define special use? I mean, is ah, Cimino's and also the preschool having to answer to you in terms of special use?

GAZIANO: Yeah. No, what a special use is, it's- there's two types of uses. It's a permitted use, or a special use within the zoning district. So like in a given commercial district, they will allow normal types of businesses. Well, in our um, zoning and unified development ordinance, which have been combined together, there wasn't any provision for a tattoo parlor so- or a body art establishment. So therefore, the first thing that had to be done was saying, all right we're going to allow that in this zoning classification. We would allow a body art establishment or a tattoo parlor. Then it's a matter of, ok are we going to allow that as a permitted use, which means if you're that, you just can do it and you don't have any special conditions that might, emphasis on the word might, be imposed on you. Or is it going to be a special permitted use, such that if it is granted, uh, for you then there could be conditions put on it. That's the difference.

Mr. Thompson: Also- so if this is granted does that mean that you now allow this type of establishment within your zoning or is it just for this specific use?

GAZIANO: It is, they have to come, anybody who wants a tattoo parlor or body art establishment has to come and ask for that special permitted use because they have to look at all of the various factors. What is the location, you know, what's the business going to be doing? What's in the area? Does it fit within the confines of the area? That's why when you do a special permitted use there is more leeway to regulate as a Village; what, where, and how tha-that business is operating.

EMMERT: And this special use is only for the property in question.

Mr. Thompson: Yeah. Ok yeah, so-

EMMERT: So if she gets a special use permit, it's only for that property

Mr. Thompson: Right.

EMMERT: She would not be able to operate her tattoo business anywhere else in the Village unless you got a special use for that piece of property too.

GAZIANO: An-and nor would anybody else-

EMMERT: Right.

GAZIANO: -be able to go somewhere in that zoning district and say, "Oh I'm ok she, she got it, I get to have it."

Mr. Thompson: Right, that's what I.

DIENBERG: It stays with the property.

GAZIANO: Correct.

Mr. Thompson: I have one other question, and that is, uh, where could one find out what uses are already permitted?

DIENBERG: It, um, it's in our Unified Development Ordinance and that is on the Village website.

Mr. Thompson: On the website?

DIENBERG: Yeah.

GAZIANO: And it's done by, um, district so when you have general business district it would look under there and then you would be able to see what the permitted uses are, um, and then there's a table for special permitted use.

Ms. Cearn: I- I have something, um, for my signage I just got like these big window clings ordered to put on the windows so that I didn't have to worry about signage. I was just hoping that was Ok.

Ms. Smith: Because Kellie was asking if there was going to be any signs.

EMMERT: Signs, right.

Ms. Smith: And the chance of putting, like, it in the window. Like, decals.

EMMERT: Yes

Ms. Smith: So-

Ms. Cearn: They make it easy

EMMERT: What- this is just the hearing-

Ms. Smith: Ok

EMMERT: -with respect to what facts exist and why that- this would be a good place for a, ah, tattoo parlor. I- if there was anybody opposed to it, we would hear why they're opposed and their reasons and try to incorporate that into the special use if we thought their objections were reasonable. If they were very reasonable, we could, uh, we could deny the special use. But nobody said anything against it, so.

Ms. Cearn: Ok

EMMERT: Ah-

Ms. Cearn: Well, thank you.

EMMERT: Yeah, ok. So-

Ms. Cearn: Thank you. I just figured I didn't know if I needed to bring that up because I was like, I'm stressing about it.

GAZIANO: Well they-they will, I mean in the sense that now when they go into their meeting over this

Ms. Cearn: Yeah

GAZIANO: It will be discussing it and they can discuss if they wanted to impose any conditions or restrictions and could ask you questions-

Ms. Cearn: Ok

GAZIANO: -about what you plan to do.

Ms. Cearn: Yep, nope. That's perfect.

GAZIANO: But right now this is just hearing from the public, pro and con, about this particular use at that particular location.

Ms. Cearn: Thank you.

GAZIANO: And then we have two new people that are part of this. Can we identify them?

Ms. Cearn: It's just my daughter.

Mrs. Windgassen: Yes. Um, it's.. and I can always, I can get a copy of this too.

GAZIANO: Yes, that's fine, but I just want it on the, I want it on the audio.

Mrs. Windgassen: But, Hope Rynders?

Ms. Rynders: Rynders.

Mrs. Windgassen: Rynders. With an I?

Ms. Rynders: With a Y.

Mrs. Windgassen: A Y.

GAZIANO: Hope Rynders, and what's the other person?

Mrs. Windgassen: Ah, Siri, and I'm going to butcher your last name.

Ms. Drogsvold: Drogsvold

GAZIANO: Can you spell both of those?

Ms. Drogsvold: S-I-R-I, last name is D-R-O-G-S-V-O-L-D.

GAZIANO: O-L-D. Ok. Ross- Ross Thompson and Janice Thompson.

EMMERT: Ok. Ross, if you go to the internet, ah, to get the UDO, it's on the Village website right?

DIENBERG: Mh-mm, that's correct

EMMERT: Look for something in... section or article 6, there's a table 6.2 and it lists all the different types of uses and it tells you if it's a special use or permitted use.

Mr. Thompson: Ok

EMMERT: So that would give you, you know, there- there's hundreds of uses. That'd be the first place. If I were you, I would look just to see what's allowable in each particular district.

Mr. Thompson: Are there existing special uses already granted?

GAZIANO: I don't believe there's anything in that immediate area that has requested or needed a special use, based you know, the restaurants, things like that. Those are normal things that are going to be used.

EMMERT: We've-we've had some special uses in the past. Ah-

GAZIANO: But within that block, in that immediate area?

EMMERT: Well, we've got where D & J Feed used to be and now, the village offices used to be, and then right across the street where we have the, what used to be a car wash. I think that the D & J feed building got a special use years ago, but if they, if you get a special use or one particular use and then you quit using it for that, the special use would go away then. So I don't know that there's a special use in place, do you know what I'm talking about the D & J food, I mean the- D & J feed building?

Mr. Thompson: I'm not sure. Is it kind of back over there?

EMMERT: It's that-no. It's just north, north across the street from the abandoned car wash.

Mr. Thompson: A carwash.

EMMERT: You've got a hairdresser and then to the side of it to the West you've got that, it used to be a white brick building

Ms. Smith: Yes, yeah.

EMMERT: And D & J feed were in it years ago and it's been various things. I think years ago we gave a special use for that and we may have given a special use to Mark Miller to operate his, uh, auto repair business because I remember we put some restrictions on where he could keep things outside.

GAZIANO: Yeah, I was talking about in this immediate, I know this, the next block.

EMMERT: Well Mark would be that same block.

KONING: Next to the townhall.

GAZIANO: Oh, ok.

EMMERT: Yeah and the other buildings right across the street from her property.

GAZIANO: The other thing too with a special use permit, just for your general information, and it's a little bit different here because they're not like building a building and asking for a special use permit but there's a provisional in our ordinance that if you don't begin, if you don't operate it within a certain period of time, then you have to come back to the board. So it's not like someone can say, "I want a special use for a tattoo parlor" and then five years later, opens a tattoo parlor.

Ms. Smith: Sure, yes.

GAZIANO: So that's, or any bus-, any--anything that's got a special use for it, so it can regulate what's going forward.

EMMERT: Ma'am, do you have a question?

Mrs. Thompson: Yeah, I-I-I have a question, uh, because I- I really don't know much about, um, tattoo art, but I do know that Dr. Benassi, I believe, Dennis, had to make special provisions for um, effluence, you know, because he was dealing with bodily fluids, uh, whatever. I just wondered if there was also a provision for tattoo artists since they are, it is, uh, ink to skin.

Ms. Smith (speaking to other attendees): (inaudible)

EMMERT: There's some- there's some state laws that she would have to apply-abide by outside of the special use permit.

Ms. Cearns: We-we have to have a locked garbage can that we put all of our trash in, and then the dumpster company picks it up.

Mrs. Thompson: Yeah. Because I know you said (inaudible) Wisconsin and I know Illinois is different.

Ms. Cearn: Yep. Yeah, and then all of our, all of our needles have to be in a, I always forget what they call it, but its the closed containers and then, um, I have to take it to the hospital and have it disposed from at the hospital.

GAZIANO: There are actually pretty stringent requirements by the state of Illinois regarding.

Ms. Cearn: Yeah. And then we even send it over by jewelry piercing, gets sent out every now and then to get tested to make sure it's good, staying sterilized. Lots of fun stuff.

EMMERT: Anybody else have any comments about the special use application? Ok. Now I would move to close the public hearing.

GAZIANO: Did you get- did you get- did you get the Thompsons' (inaudible)

Mrs. Windgassen: Uh, no.

GAZIANO: We got them identified but, not sworn right?

EMMERT: Uh, Mr. and Mrs. Thompson, is that correct?

Mr. Thompson: Yes, right.

EMMERT: Uh, is everything you said truth, truthful?

Mr. Thompson: Oh, yes. We didn't swear in did we?

EMMERT: No. I'm swearing in after the fact, but I don't know, myself- if you had more questions, I think, than actual testimony.

Mrs. Thompson: That's right.

DIENBERG: I just-

EMMERT: Mary had a good point that I should have sworn you in before-

Mr. Thompson: Sure

EMMERT: -Uh, I let you speak but, you know, I didn't- I let it get maybe too informal. But it's not going to hurt our process.

DIENBERG: And I just wanted to speak into the record just with the video recording I got up and handed some documents. I handed the Thompsons my card, in regards to some of the questions they were asking and the, uh, petitioners when they asked about the sign code. I actually had prepared copies of the sign code and I gave that to them. (inaudible).

EMMERT: Ok.

Ms. Cearn: Can I- can I ask a question? So if I'm doing the window clings, I probably-I still need to come get a sign permit, right?

DIENBERG: Um, we-I don't have, I...we can talk about that afterwards.

Ms. Cearn: Ok, all right. Nope, that's fine. I'm just (inaudible).

DIENBERG: No worries.

GAZIANO: But again, that's putting the cart before the horse at the moment. We're at the public hearing and the board, the zoning board, hasn't discussed at its regular meeting which will follow this-

Ms. Cearn: Ok

GAZIANO: -Whether or not signs are going to be allowed, or if they're going to be recommended or whatever-.

EMMERT: Or if the special use is going to be permitted.

Ms. Cearn: Alright

EMMERT: We first have to, vote on that.

Ms. Cearn: Ok, I understand.

GAZIANO: And whether that will have any conditions.

Ms. Cearn: Alright.

EMMERT: Ok. Anything else?

KONING: Did we get a motion?

EMMERT: Yes.

KONING: I'll second.

EMMERT: Ok. Anybody opposed? Ok, motion to close the meeting is passed by unanimous vote of all members present. So we'll close the public hearing.

UNAPPROVED

Rachel Windgassen, Assistant Deputy Clerk



VILLAGE OF WINNEBAGO

ZONING BOARD MEETING MINUTES

Tuesday, May 06, 2025 at 6:00 PM
108 West Main Street and Virtually

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

Or by (Toll Free): 1 877 309 2073 | Access Code: 777-725-485

1. CALL TO ORDER

The meeting was called to order at 6:25PM

2. ROLL CALL

PRESENT: Chairman Bill Emmert, Michael Booker, Irv Koning

GUESTS: Village Administrator Joey Dienberg, Village Attorney Mary Gaziano, Assistant Deputy Clerk Rachel Windgassen, Chandra Cearns, Brooke Starry, Lisa Smith, Ross Thompson, Janice Thompson, Hope Rynders, Siri Drogsvold

ABSENT: Brian Martin, Riley Pitney

3. DISCLOSURE OF ANY CONFLICT OF INTEREST-

There was no conflict of interest noted.

4. PUBLIC COMMENT-

No request for Public Comment was received. There was a sign in sheet for the members of the public in attendance.

5. APPROVAL OF MINUTES

a. Minutes from March 4, 2025 Public Hearing- Body Art

Motion made by Chairman Emmert to approve the minutes, seconded by Mr.

Koning. Voting Yea: Chairman Emmert, Koning. Motion carried by unanimous voice vote of those present, with Mr. Booker abstaining as he was not present at the March 4, 2025 public hearing.

b. Minutes from March 4, 2025 Public Hearing- Park Hills Church

Motion made by Chairman Emmert to approve the minutes, seconded by Mr.

Koning. Voting Yea: Chairman Emmert, Koning. Motion carried by unanimous voice vote of those present, with Mr. Booker abstaining as he was not present at the March 4, 2025 public hearing.

c. Minutes from March 4, 2025

Motion made by Chairman Emmert to approve the minutes with the discussed grammatical change, seconded by Mr. Koning. Voting Yea: Chairman Emmert, Koning. Motion carried by unanimous voice vote of those present, with Mr. Booker abstaining as he was not present at the March 4, 2025 meeting.

d. Minutes from March 18, 2025

Motion made by Chairman Emmert to approve the minutes with the discussed changes, seconded by Mr. Koning. Voting Yea: Chairman Emmert, Koning. Motion carried by unanimous voice vote of those present.

e. Minutes from April 1, 2025

Motion made by Chairman Emmert to approve the minutes with the discussed changes, seconded by Mr. Booker. Voting Yea: Booker, Chairman Emmert, Koning. Motion carried by unanimous voice vote of those present.

6. DISCUSSION

a. Special Use Permit for Body Art Establishment

Chairman Emmert stated that he believes a special use permit is appropriate at 126 S. Benton Street. He requested that a restriction be placed on the special use permit so that the act of tattooing or piercing from within the business would not be visible from the sidewalk outside, providing the rationale that there are a preschool, a park, and an elementary school all within the immediate vicinity, in which families and children could walk past the window.

Mr. Koning questioned whether the window clings were black out clings to block the view into the business. Mr. Koning stated that he is hesitant to insist on restricting people from being able to see in the business at all but understands and supports the need for discretion. Ms. Cearns noted that she has half walls already purchased to block any accidental viewing of the act of piercing or tattooing. Chairman Emmert stated that his concern lies with people being able to see the “actual act of” tattooing or piercing from the street, rather than from inside of the business.

Attorney Gaziano questioned the window clings noted by Ms. Cearns, what was on the clings, and whether they may obscure the view into the business. Ms. Cearns stated that they would not obscure the view but state the name and phone number of the business on them.

Chairman Emmert questioned if the Zoning Board believed any other restrictions would be appropriate. Mr. Koning stated that he was initially concerned about the

hours of operation, but that Ms. Cearns had already addressed his concerns during the public hearing. Chairman Emmert questioned if the UDO had any restrictions on hours of operation for a business, to which Attorney Gaziano said there were none. Chairman Emmert then asked Mr. Koning if he would recommend any restrictions on the hours of operation because the hours given by Ms. Cearns would not be enforceable unless specifically noted in the special permitted use.

Mr. Koning questioned if normal business operations would cause any disturbances for the tenants upstairs.

Mr. Booker expressed concern about imposing limitations on the business, noting that the bar located across the street likely generates comparable noise without being subject to similar restrictions. Mr. Booker also raised the issue of potentially setting a precedent by applying such limitations.

Occupancy limits were briefly discussed with Mr. Koning questioning if restricting the number of people allowed at one time was something that the Zoning Board was comfortable with. Chairman Emmert stated that limits are determined by the fire marshal and that determining another occupancy limit based on fact, and not just arbitrary numbers, would prove difficult.

Attorney Gaziano questioned if any of the other establishments in the downtown area, that serve alcohol, have tenants residing above the business, at which point, it was noted that there are residents above Cimino's.

Chairman Emmert questioned if the Zoning Board was content with just the two restrictions on the special permitted use of restricting hours from 8am until midnight and restricting visibility of the act tattooing and piercing from outside the business. Attorney Gaziano clarified the rules and protocols for a public hearing versus during the meeting.

Chairman Emmert addressed the possibility of regulating the signage and possible depictions of drawings by stating that due to protections provided by the 1st Amendment, there is not a good way to regulate signs and pictures in the business's windows. He noted that there are state obscenity laws in place that may pose fines, but that he could not think of any "legally sustainable" restrictions to apply at this time. Attorney Gaziano noted that she believed it was beneficial to specifically notate that while there are no written restrictions on signs or drawings are being applied to the

special use permit, that the state obscenity laws can still regulate what is being placed on display.

Chairman Emmert mentioned that no objections were raised at the public hearing, and that this indicated general community acceptance. He stated that with the two restrictions mentioned, he would approve the special permitted use.

Chairman Emmert moved to recommend approval of the Special Use Permit for the body art establishment at 126 Benton St. with the following restrictions:

1. Tattooing or piercing shall not be visible from the sidewalk or street.
2. Hours of operation shall be limited to 8:00 AM to 12:00 AM.

Attorney Gaziano requested that the motion be amended to specify that this would be a recommendation to the Village Board to approve, seconded by Mr. Booker. Motion passed by unanimous vote of all those present.

Ms. Cearns thanked the board and stated that they should not be concerned with her business being a nuisance to the children in the area, since she focuses her business to be as “family-oriented” as possible.

Attorney Gaziano stated that she would update the draft ordinance with the restrictions approved by the Zoning Board to be approved by the Village Board at the following night’s meeting. She noted that if the Village Board wanted to override the Zoning Board’s recommendation to approve, under the UDO, they would need a supermajority (2/3) vote.

b. Text Amendment Application: UDO Fence Requirements

Mr. Dienberg provided an overview of the text amendment application and that in discussion with the building inspector, it was recommended that this should be a text amendment to the UDO Section 6.01.03. Chairman Emmert clarified that this request came from a resident, not the building inspector.

Chairman Emmert stated that he did not want to move forward with this request as is, since the application turned in was incomplete, and with the possibility of formal zoning application fees being added soon, he felt this was unfair. He further voiced concern that individual residents should not be driving amendment changes without going through proper channels, especially in the absence of a formal application fee. He suggested residents should approach the building inspector, Village staff, or the Village Board to initiate changes so that changes are made comprehensively.

Mr. Dienberg stated that fees do not currently exist, so there are no fees being waived. Attorney Gaziano clarified that the building inspector would not submit an application but would rather just make a recommendation to change the UDO.

Chairman Emmert stressed that while he did not believe this request was frivolous, he would like to avoid frivolous requests in the future. He emphasized that applications should be comprehensive and well organized, rather than piecemeal and that by adding a fee, it should reduce the number of requests received.

Mr. Dienberg questioned if the public hearing could continue as tentatively planned if the building inspector submitted the recommendation and the current application was rescinded. Chairman Emmert questioned if there was a reason the topic could not be held over until the following month. Mr. Dienberg replied that as this was a staff oversight, of no fault of the resident, that he didn't believe this should hold up the resident's project.

Chairman Emmert stated that he would like to officially start implementing the protocol that public hearings are not scheduled without finalized language in place prior. Mr. Booker noted that while not an ideal situation, he is fine with proceeding at this time. Chairman Emmert remained firm that public hearings should not be scheduled without finalized language, stating his concern that there will not be adequate time spent on this recommendation to make it a comprehensive change, while still falling within the tight timeline to have it published in the required amount of time, since it would need to be to the papers within the next 3 days.

Mr. Koning questioned whether the Zoning Board could initiate changes directly and asked for clarification on the process, which was provided by Attorney Gaziano. Mr. Koning then stated his agreeance that there is a bigger issue in the UDO to consider, but holding up a resident's project until the issue is corrected is a Village issue, not a resident issue. Mr. Koning questioned if the written changes, including a comprehensive examination of the UDO section in question, could reasonably be completed before the next Zoning Board meeting, and whether in turn, the resident could reasonably assume his project request would be done by the following month. Mr. Dienberg cautioned that the optics on holding off could be viewed as waiting until the fee schedule is in place, rather than wanting to verify that a comprehensive look at the UDO was occurring. Chairman Emmert noted that if the change recommendation

was coming from the Board of Trustees or staff, there would be no fees. Attorney Gaziano clarified that the Village does not take action on behalf of residents, but rather acts for the betterment of the Village.

Mr. Koning questioned if a motion was needed to end this discussion, which Chairman Emmert denied the need for.

Mr. Dienberg noted the building official will be attending the next meeting.

7. NEW BUSINESS

Mr. Booker cautioned that in his 40+ years of public service; he has noticed that treating people/situations differently can cause issues. He voiced his concern about the school development project that appeared to proceed without going before the Zoning Board, despite similarities to a previous church project that required extensive review. He stated that such inconsistencies, where staff may give perceived permission to a project, without formal Zoning Board input, places the board in a difficult position. Mr. Booker continued to note that staff and officials hired by the Village giving advice without consulting the board can leave staff isolated in their decision without board support. Chairman Emmert echoed the sentiment, stating that the absence of a designated zoning officer complicates compliance verification. Mr. Dienberg clarified the timeline of events; stating that the school received conditional approval last fall, while the church applied afterward. He also verified that the Village Engineers had reviewed the proposed work at the school and there was no concerns over the zoning, due to the school parking lot being on a separate parcel from the school. Attorney Gaziano stated that the Village has historically relied on expert recommendations to advance the Village.

8. EXECUTIVE SESSION- Not needed

9. ADJOURNMENT

Motion to adjourn was made by Mr. Koning, seconded by Mr. Booker. Motion carried.

Meeting adjourned at 7:45pm

UNAPPROVED

Rachel Windgassen, Assistant Deputy Clerk



Agenda Item Executive Summary

Item Name	PROPOSED TEXT AMENDMENT TO FENCE REQUIREMENTS IN THE UNIFIED DEVELOPMENT ORDINANCE	Committee or Board	Zoning
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BUDGET IMPACT

Amount:	N/A	Budgeted:	N/A
List what fund:	N/A		

EXECUTIVE SUMMARY

A text amendment has been proposed for Section 6.13.03(10) of the Village's Unified Development Ordinance (UDO), which governs fence standards in residential districts. The request originated from a property owner at 212 S. Seward who seeks to install a six-foot solid wood privacy fence in the rear yard. Due to the rear yard abutting a public alley, current UDO provisions classify it similarly to a front yard, thereby imposing restrictive standards on height, setback, and transparency that the proposed fence would not meet.

This situation revealed inconsistencies in the ordinance for properties with atypical configurations – specifically those with shallow rear yards or alley access that do not function as traditional front yards. The proposed amendment aims to rectify these inconsistencies and clarify fence standards in such cases.

Following initial review and procedural clarification, a public hearing will be scheduled for the July 1, 2025, Zoning Board meeting. Village staff supports this amendment as a means to improve ordinance applicability and fairness across varied lot types.

ATTACHMENTS (PLEASE LIST)

Staff Memo

ACTION REQUESTED

- ☒ For Discussion Only
- ☐ Resolution
- ☐ Ordinance
- ☐ Motion:

MOTION:

Staff: Joseph Dienberg, Village Administrator Date: 6/3/2025



VILLAGE OF WINNEBAGO

MEMORANDUM

Prepared By: Joseph Dienberg, Village Administrator

To: Zoning Board

Date: June 3, 2025

Subject: Proposed Text Amendment to Fence Requirements to Unified Development Ordinance

Background Information:

An application was submitted requesting a text amendment to the Village's Unified Development Ordinance (UDO) Section 6.13.03(10), which governs fence standards in residential districts. The applicant, the property owner at 212 S. Seward, seeks to install a six-foot solid wood privacy fence in the rear yard. However, current UDO provisions prohibit the requested fence due to the following restrictions:

1. Subsection (a) requires fences in front or street-side yards to be at least 50% open (semi-transparent);
2. Subsection (b) limits fence height in those areas to a maximum of four (4) feet;
3. Subsection (d) applies those same standards to rear yards that abut a public street or alley, effectively treating them as front yards. This subsection requires fences to be set back at least ten (10) feet from the right-of-way and to be no more than 50% visually obscured.

Because the subject property's rear yard directly abuts a public alley and the proposed fence would be located closer than 16 feet to the alley, the proposed installation does not conform to existing standards. The applicant has stated that this creates an undue hardship and highlights an inconsistency in the ordinance related to certain lot configurations—specifically those with shallow rear yards or alley access that do not function as traditional front yards.

This application was initially discussed at the May 6, 2025, Zoning Board meeting. At that time, it was discovered that the request did not conform with the procedural standards necessary to move forward under the UDO, and therefore a public hearing was not scheduled. Following further review and subsequent conversations between Village staff and the Building Official, it was determined that the issue merits formal consideration through the proper public hearing process.

A Public Hearing will now be scheduled for the regularly scheduled Zoning Board meeting on Tuesday, July 1, 2025. Village staff is recommending the proposed amendment move forward for consideration, not only to address the applicant's concerns but to evaluate potential broader changes to the UDO to better account for nontraditional lot layouts, particularly those involving rear yards abutting alleys or narrow public rights-of-way. The following definitions from the UDO are included here for context:

1. **Yard, Front.** A yard on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. As used in this ordinance the term "Front Yard" applies to principal buildings only.
2. **Yard, Rear.** A yard on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot. As used in this ordinance the term "Rear Yard" applies to principal buildings only.
3. **Yard, Side.** A yard on the same lot with the building situated between the building and the side line of the lot extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. As used in this ordinance the term "Side Yard" applies to principal buildings only.

The proposed text amendments to the Unified Development Ordinance are as follows:

- Text in blue is new language
- Text in red strikethrough is deleted language
- Text in black is included for reference

Unified Development Ordinance 6.13.03 Fences

In order to provide for maximum safety to the public and to ensure maximum enjoyment of the use of property, the following regulations for fences, walls, and similar structures shall apply.

1. No fence, including walls and similar structures, shall be constructed, erected, or replaced until a permit has been approved and issued by the Village Building Official.
2. The regulations set forth in this section shall not apply to fences erected within a railroad right-of-way.
3. No fence may be constructed within any public right-of-way.
4. No fence **permit may be granted by the Building Official for an area within, nor should any fence be constructed within** ~~may be constructed on~~ any public utility easement or drainage easement without the approval of the Director of Public Works. Such construction shall be at the owner's risk and liability and the Village shall not be liable for any damages which may occur as a result of such action. Furthermore, such fence shall not interfere with the provision of any utility

service or with natural or required drainage flow. It shall be the responsibility of the property owner to replace or restore any section of fencing which is removed or displaced in order to provide access to said easement.

5. No provision in this section shall be construed as a means of settling disputes between property owners regarding location of property lines or the maintenance of fences. Such disputes shall be considered entirely as civil matters and not as a violation of this section.
6. The height of a fence as permitted herein shall be measured at the existing or approved grade of a lot or parcel.
7. No fence may be constructed of barbed wire, spikes, or other sharp pointed instruments, except as provided for in this section, and may not be electrified.
8. On any corner lot or parcel, in the vision clearance triangle as determined in Article 6.05-04.05, no fence, wall, hedge, planting, or other object or material shall be constructed or maintained so as to obstruct vision ~~between a height of two and one half (2 ½) feet and ten (10) feet above the centerline street grades.~~
9. All fences shall be installed so that the finished side of the fence shall face outwards toward the adjoining property or street right-of-way.
10. Fences in Residential Districts. Fences in a residential zoning district shall comply with the following additional specifications:
 - a. Any fence erected in a required front yard ~~or side yard abutting a street~~, or between the front of a structure and the abutting street right-of-way, shall be at least fifty (50) percent open, i.e., no more than fifty (50) percent visually obscured.
 - b. No fence greater than four (4) feet in height shall be constructed in a required front yard ~~or side yard abutting a street~~, unless the principle structure encroaches into the required front yard or side yard abutting a street, in which case such a fence may be as close to the front or side lot line as the encroaching structure.
 - c. No fence greater than six (6) feet in height shall be constructed in a required rear yard or interior side yard.
 - d. Fences installed in a **front, side, or** rear yard abutting a street shall comply with the **vision clearance triangle as determined in 6.04.05.** ~~standards and specifications for a fence erected in a required front yard. Fences up to six (6) feet high located in a rear yard abutting a street may be approved by the Village Building Official set back a distance of at least ten (10) feet from the abutting street right-of-way and otherwise in compliance with this section.~~

- e. Any fence constructed along a rear or side lot line that directly abuts a public alley shall be set back a minimum of three (3) feet from the alley right-of-way line. This setback is required to ensure sufficient clearance for public utility access, refuse collection, drainage, and snow plowing and other municipal maintenance operations. The setback area shall remain clear of any obstructions and shall not be used for storage or parking. Fences placed within this required clearance may be subject to removal or damage during municipal maintenance activities, and the Village shall not be responsible for such damage or for the cost of restoration. Where a platted or recorded easement exists along the alley, the more restrictive of the setback or easement shall apply.**

11. Fences in Business and Industrial Districts. Fences in a business or manufacturing zoning district shall comply with the following additional specifications:

- a. Fences in a required front yard or side yard abutting a street, or between the principle structure and the abutting street right-of-way, shall be at least fifty (50) percent visually open, i.e., no more than fifty (50) percent visually obscured.
- b. No fence in excess of four (4) feet in height may be constructed in a required front yard or side yard abutting a street, unless the principle structure encroaches into said required yard, in which case the fence may be as close to the front lot line or side lot line as the encroaching structure.
- c. No fence greater than six (6) feet in height may be constructed in a required rear yard or interior side yard, unless the abutting property is zoned business or industrial, in which case a fence may have a height of up to eight (8) feet, except as provided for herein.
- d. A fence located outside of a required yard and not between the principal building and any abutting public street right-of-way, may have a height of up to eight (8) feet. However, any industrial or public utility hazard located outside of a required or established yard setback and not between the primary building and any abutting public street right-of-way shall be completely surrounded with a protective security fence or similar structure at least six (6) feet, but not more than twelve (12) feet in height.
- e. Fences in industrial districts that are least six (6) feet in height and not located within a required setback may have a barbed wire security top of up to but no more than six (6) inches.