



VILLAGE OF WINNEBAGO

ZONING BOARD MEETING MINUTES

Tuesday, March 31, 2026 at 6:00 PM

108 West Main Street and Virtually

1. CALL TO ORDER

Meeting was called to order at 6:02 p.m.

2. ROLL CALL

PRESENT: Chairman Bill Emmert, Michael Booker, Irv Koning

ABSENT: Brain Martin

GUESTS PRESENT: Attorney Mary Gaziano, Village Administrator Dienberg, and Village Intern Kyle Okubo.

There were no guests attending remotely.

3. DISCLOSURE OF ANY CONFLICT OF INTEREST

No conflict of interest was noted.

4. PUBLIC COMMENT

No one requested to address the board due to no members of the public.

5. APPROVAL OF MINUTES

a. Minutes from Month February 3, 2026

Chairman Emmert noted that minutes for February 03, 2025, should state that Chairman Emmert and Mr. Booker asked Mr. Dienberg to clarify the Village Board's reasoning for not referencing the Zoning Board's recommendation in the Village Board's annexation ordinance. Chairman Emmert made a motion to approve the minutes of the February 3, 2026, meeting as orally amended by tonight's meeting. The motion was second by Mr. Booker. The motion carried unanimously, hearing no objection.

6. DISCUSSION

a. Proposed Text Amendment to Light Industrial District 6.07.02(3)

Village Administrator Dienberg provided a brief overview of the item, stating that an interested party was interested in a unit for the property at 102 N Elida St formerly known as Angel Treasures. The property is currently zoned as light industrial which does not allow commercial and office use, despite the property being used as such for

the last thirty years. The ordinance changing the property from commercial to light industrial had not yet been found but handwritten notes from the March 24th, 1997, Zoning Board meeting were located. These handwritten notes show that the owner of the property, Mr. Whitehead, requested a zoning change as he wanted light industrial on the western side of the building and commercial on the eastern side. There is also proof that a public hearing did occur.

Mr. Koning asked about intent of the zoning given to Mr. Whitehead at the time as he was given a zoning category that would have prohibited commercial use. Mr. Dienberg responded by saying that his inference from the notes at the time is that it was assumed that the uses would be allowed, but under the zoning classification of light industrial the uses wanted by Mr. Whitehead would not have been allowed at that time and that this is not an issue of the UDO retroactively prohibiting a use.

Mr. Dienberg then stated that due to multiple properties in the Village being listed as light industrial any change to the zoning would affect properties beyond the property currently being examined. This was brought to the attention of the Committee of the Whole, and that they were comfortable with forwarding a potential text amendment of light industrial to the Zoning Board for recommendations.

Mr. Booker then asked if we know what action the Village Board took despite not having the ordinance. Mr. Dienberg replied by stating that they have records of the name which reflect the changing of the property from commercial to light industrial along with a change in zoning maps during that time period reflecting the change in zoning and that they are currently still looking for the ordinance.

Mr. Dienberg continued with that the primary action at this time is whether the Zoning Board would or would not recommend a change to the code for the light industrial district to allow for general business in light industrial.

Chairman Emmert clarified that the intent of the Zoning Board at that time was for the light industrial district to allow for older buildings continued use if their use would not be seen, heard, or smelled by those outside the property. While the ordinance for the light industrial differs, the original intent of the Zoning Board was to allow for the continued use of older buildings.

Chairman Emmert and Mr. Koning then asked what properties were currently zoned under the light industrial district. Mr. Dienberg replied that there are two properties currently zoned under that classification. With one being located on

Westfield Road South Cunningham Road and the other being on Pecatonica Road just North of the Pecatonica Prairie Path.

Chairman Emmert stated that he is not opposed to the idea of allowing commercial use in light industrial for the property brought to the board at but is concerned about how the other light industrial areas could impact their areas if they're used for business.

Chairman Emmert stated he would like the permitted uses in general business to be classified as special use in the light industrial district, with the business special uses continuing to be prohibited in light industrial to prohibit potential nuisances to neighbors.

Chairman Emmert summarized that the possible options were either allowing all general business use in the light industrial with the possible exemption of special uses due to their potential to be nuisances to neighbors, or only allow general business permitted uses as special uses in the light industrial district to protect adjacent properties from nuisance. Chairman Emmert continued in that he did not see splitting the property into multiple zoning categories as an option. Mr. Booker agreed with the assessment of Chairman Emmert and asked Mr. Dienberg on any thoughts proceeding forward.

Mr. Dienberg stated that they could bring both options before the zoning board and have them review more options in depth.

Attorney Gaziano stated that she wasn't against the idea of having general businesses permitted uses being special uses in light industrial but was concerned over the impact on existing businesses.

Mr. Booker suggested waiving fees to the businesses at the property as a form of relief. Chairman Emmert stated his concerns over the potential of waiving fees as while the businesses may not have intended to violate the zoning ordinance they were still in violation of it and waiving fees could cause issues in the future as someone may go point back to this to try and get their fees waived for something that was ultimately the responsibility of the business and not the village.

Mr. Koning asked whether any property has requested to be zoned light industrial since this request. Attorney Gaziano replied she cannot recall a property asking to be rezoned with Chairman Emmert adding that no property annexed to the village has been zoned light industrial. Mr. Koning then asked if it would be unlikely to zone any

property in the future as light industrial. Chairman Emmert replied that it was unlikely to occur.

Mr. Dienberg asked for clarification on whether the owner of the property would have to apply for special use permits individually or if they could be handled under one special use permit. Attorney Gaziano responded that they could not make one special use permit for every business and that the property owner would have to have a special use permit for every business there. It was also noted that the occupant looking at the property would not be eligible to have a fee waived as they know they cannot use the property for their wanted use and haven't acquired the property.

Chairman Emmert asked if the Village had told the property owner anything that could imply that they could have used their property as is due to due to the mistake of detrimental reliance. Attorney Gaziano stated concern over the notes as it indicated that Mr. Whitehead told the village that he intended to have the property have both commercial and light industrial functions despite being prohibited at that time, and due to that she was in favor of waiving the fee.

Mr. Dienberg expressed concern about the potential of one of the businesses currently there being forced to leave. Attorney Gaziano noted that there weren't any complaints about the businesses currently on the property and did not feel that the issue would occur.

Mr. Dienberg asked the zoning board whether they would like the two options presented as mentioned earlier. Attorney Gaziano stated that she would like to get the consensus of the zoning board first regarding the text amendment and asked if the zoning board was leaning towards having the principal permitted uses of general business be a special permitted use in light industrial which Chairman Emmert affirmed.

Chairman Emmert stated that he would be willing to have the property owner get three special permitted use permits for one permit fee in this instance, while having any future business use at that location require a special permit use for any use that is not already permitted.

b. Unified Development Ordinance (UDO) Table 6.2

Administrator Dienberg asked the board if they would like to start on the UDO table now or push it back to next month as there's nothing time sensitive on the UDO. Intern

Okubo brought up an issue he saw regarding gun clubs and gun ranges as gun clubs, but it was decided it could be discussed later.

7. NEW BUSINESS

a. Resignation of Riley Pitney

Mr. Dienberg stated that Riley Pitney has officially resigned from the Zoning Board.

8. OLD BUSINESS

2. 9714 Cunningham Road Annexation

No further discussion was needed.

9. EXECUTIVE SESSION

No Executive Session was needed.

10. ADJOURNMENT

Chairman Emmert made the motion to adjourn, seconded by Mr. Booker. Meeting adjourned at 7:07 p.m.

UNAPPROVED

Prepared by Kyle Okubo, Intern