



# VILLAGE OF WINNEBAGO

## ZONING BOARD MEETING MINUTES

Tuesday, February 03, 2026 at 6:00 PM

108 West Main Street and Virtually

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### 1. CALL TO ORDER

Meeting called to order at 6:00 PM.

### 2. ROLL CALL

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

ABSENT: Riley Pitney

Other Guests present: Attorney Mary Gaziano, Village Administrator Dienberg, and Village Intern Kyle Okubo.

### 3. DISCLOSURE OF ANY CONFLICT OF INTEREST

None Noted

### 4. PUBLIC COMMENT

No one requested to address the board.

### 5. APPROVAL OF MINUTES

#### a. Approval of Zoning Board Meeting Minutes of January 06, 2026

Chairman Emmert questioned the comment noted by Mr. Koning in the January 6, 2026 meeting minutes regarding 126 S Benton Street. Mr. Koning affirmed that he did inquire about the business at 126 S Benton Street. Chairman Emmert made the motion to approve the minutes as drafted, seconded by Mr. Koning. The motion carried unanimously, hearing no objection.

### 6. DISCUSSION

#### a. Continued Discussion of UDO Table 6.02

Mr. Dienberg explained that staff has been working on UDO Table 6.2 in accordance with prior direction regarding how to organize and present the data. Community Development Intern Kyle Okubo then explained how the UDO Table was organized, noting that land uses were divided into six categories, each corresponding to a highlighted color.

Attorney Gaziano noted that UDO Table 6.2 contains issues, as it includes land uses that are not zoned or mentioned in the UDO. Attorney Gaziano added that greater specificity would be recommended for the land uses desired by the Village.

Mr. Brooker asked Attorney Gaziano why the unzoned residential uses were placed in a separate category rather than included with the zoned residential uses.

Attorney Gaziano replied that the unzoned residential land uses were likely separated from the zoned residential categories because during the drafting of the UDO, the Board of Trustees may have been unsure how to classify them at the time and planned to address the matter after passing the ordinance.

The Zoning Board directed staff to review the portion of UDO Land Use Table 6.2 categorized as "Not Mentioned" and to provide recommendations regarding the land uses within that category.

Attorney Gaziano noted that the chart should indicate whether each land use has a definition in the UDO and that staff should clearly identify which land uses have definitions and which do not.

Attorney Gaziano asked for clarification on the meaning of "Mentioned in UDO but Not Zoned." Community Development Intern Kyle Okubo responded that this category includes land uses that are referenced in the UDO but are not assigned to a specific zoning district.

## **7. NEW BUSINESS**

No New Business noted.

## **8. OLD BUSINESS**

1. Update on the previous recommendations -9714 Cunningham Road  
Old Business was announced by Chairman Emmert after it was determined that no discussion on New Business was necessary. Mr. Booker stated that he had contacted Village Administrator Dienberg regarding the Cunningham Road annexation and was seeking additional clarification, noting that the property had not met county or village zoning requirements.

Chairman Emmert asked Mr. Booker to clarify his concern, and Mr. Booker explained that the county had not issued a permit. Chairman Emmert responded that although the property was zoned agricultural by the county, it had been treated as rural residential, and the county was viewing it as a residential property.

Chairman Emmert stated that under county zoning regulations, the maximum height of an accessory building is limited to either the height of the primary structure or 20 feet, whichever is less. Mr. Booker asked whether the county would have permitted the project at the proposed height, and Chairman Emmert explained that this limitation was a primary reason the Cunningham property was annexed and zoned Limited Agriculture, allowing the property owner to construct an accessory building at the desired height.

Chairman Emmert noted that the Zoning Board had taken two votes regarding recommendations for the Cunningham property. The vote regarding zoning the property as Limited Agriculture resulted in a 2–2 tie. A motion to recommend zoning the property as residential passed by a vote of 3–1. He further noted that only the Limited Agriculture designation was reflected in the annexation ordinance and questioned why both votes taken by the Zoning Board were not mentioned in the annexation ordinance.

Chairman Emmert stated that the ordinance did not reference both recommendations made by the Zoning Board and emphasized that it is the Zoning Board's role to provide recommendations on such matters. He added that the Zoning Board's recommendation had been to zone the property as residential, and that this recommendation was not mentioned in the annexation ordinance adopted by the Village Board.

Chairman Emmert then asked Mr. Dienberg to clarify the Village Board's reasoning for not following the Zoning Board's recommendation. Mr. Dienberg responded that the Village Board believed the residential recommendation was not consistent with the petitioner's annexation request.

Mr. Booker expressed concern that the outcome felt inconsistent, noting that the primary use of the property appeared to be residential rather than agricultural. He added that, in his view, projects should align with the requirements of the zoning ordinance and Unified Development Ordinance (UDO), rather than the ordinance being adjusted to accommodate a specific project. Chairman Emmert commented that adherence to the UDO is important to maintain its purpose and integrity, and Mr. Booker agreed.

Chairman Emmert requested copies of the recordings from the three meetings related to the annexation. Attorney Gaziano asked for clarification regarding which

meetings he was referencing. Chairman Emmert specified the meeting at which no action was taken, the public hearing, and the Village Board meeting during which the ordinance was adopted. Mr. Dienberg stated that the recordings would be provided electronically and, if necessary, due to file size, distributed via flash drive.

**9. EXECUTIVE SESSION**

No Executive Session was Needed.

**10. ADJOURNMENT**

Chairman Emmert motioned to adjourn the meeting, second by Mr. Booker. The motion carried unanimously, hearing no objection. Meeting was adjourned at 7:03 p.m.

UNAPPROVED

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Prepared by Kyle Okubo, Intern