



VILLAGE OF WINNEBAGO

ZONING BOARD MEETING MINUTES

Tuesday, September 30, 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

The meeting was called to order at 6:02 PM

2. ROLL CALL

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

ABSENT: Riley Pitney

GUESTS: Attorney Gaziano, Village Administrator Joey Dienberg, Deputy Clerk Kellie Symonds, Shannon DeWitt, Tim Aurand, Everett Lemke, Tamara Sanders

3. DISCLOSURE OF ANY CONFLICT OF INTEREST

No conflict of interest was disclosed.

4. PUBLIC COMMENT- None.

5. APPROVAL OF MINUTES

a. Public Hearing Minutes of July 1, 2025

Motion to approve made by Chairman Emmert, Seconded by Booker. Voting Yea: Booker, Chairman Emmert, Koning. Voting Abstaining: Martin. Motion passed.

b. Zoning Board Minutes from July 1, 2025

This item was tabled until the next meeting.

c. Minutes from September 2, 2025

Motion made by Chairman Emmert to approve the minutes as corrected. (No second was made)

KONING stated that he had a clerical correction for the dates of the public hearing and regular meeting, in the approval of minutes section.

Voting Yea: Booker, Chairman Emmert, Koning, Martin

6. DISCUSSION

a. Zoning Change for 9714 Cunningham Road (PIN 14-16-200-003)

CHAIRMAN EMMERT stated that he had concerns following the public hearing, expressing his opposition to the property being annexed under Limited Agriculture zoning and based on Mr. DeWitt's reasoning for requesting the change being that he was denied by the county the ability to construct an accessory building as tall as he wanted. He noted that zoning decisions must consider not only the current applicant's intended use, but also all possible uses permitted under the requested zoning classification in the future as well.

CHAIRMAN EMMERT stated that while other zoning classifications have clear restrictions, such as minimum lot sizes, setbacks, and building height restrictions, the Limited Agriculture classification lacks any similar defined limits. He noted that the property in question is used primarily as a residential property at this time and is currently surrounded by residential zoning as well. CHAIRMAN EMMERT commented that this could raise the potential for conflicts with the neighboring parcels. He stated that his concern was with giving free-reign to the owner to do what he pleases, with the example of spreading manure, which is allowed per the Limited Agriculture section of the UDO, and other agricultural practices not compatible with residential areas.

CHAIRMAN EMMERT noted that his second issue with the application was an exception listed, 6.08.02 District No 7 (Limited Agriculture District) 4. Exemptions/ Abatements a.iv., in that this section stops abruptly and does not give the full information on what that exception all entails. He expressed that the Zoning Board should not approve an application without full knowledge of the extent of the exceptions they are approving. CHAIRMAN EMMERT commented that the Village would also be giving up a potential revenue source to the County if it was zoned as Limited Agriculture, rather than residential. He stated that if the owners did want to keep beehives, that this would be an allowed use under the Residential District 1 Zoning classification, however he noted that Mr. DeWitt expressed that he would not want to be annexed into the Village under a Residential Zoning classification.

CHAIRMAN EMMERT continued by stating that Mr. DeWitt's only interest in being annexed in and having the zoning classification changed was so that the owner can build an accessory building as large as he wants to. CHAIRMAN EMMERT stated that the application should not be approved, but if the Zoning Board was inclined to approve it, he recommended that they wait at least until the section is updated and completed, and then annexing Mr. DeWitt's property as residential because that would

still allow the owners to keep bees, while addressing his other concerns. CHAIRMAN EMMERT clarified that under Limited Agriculture zoning, that he was not sure that the accessory building would be able to be erected anyways, due to reasons listed within the UDO, including that the building would be required to be relevant and necessary to the agriculture.

BOOKER questioned if the owner would be taxed differently under Limited Agriculture. CHAIRMAN EMMERT stated yes, that if the property was annexed in under Residential, the Village would collect those property taxes, but if the property was annexed under Limited Agriculture, the property tax would then be as if the property was still in the unincorporated county. Mr. Dienberg commented that the Village would still collect the taxes but then would have to pay them back out to the county. CHAIRMAN EMMERT then stated, "Which doesn't do the Village any good". BOOKER stated his confusion and asked for clarification. Attorney Gaziano explained that this deal was set a while ago because at that time, the Village was interested in expanding their borders. This agreement allowed the Village to do so, while making sure that an annexed agricultural property would not need to pay into the Village.

Mr. DeWitt stated that he moved to the property 5 years ago and in that time has "done nothing but try my hardest" to make the property look good. He noted that he tore down anything that was falling apart on the property and planted trees around to make a nice natural barrier for the neighbors. Mr. DeWitt commented that he would not be building a "4-story building", that he is wanting to build this accessory building only 2ft taller than the county allows. He noted that everything he currently has in his outbuilding is for his wildflowers and his backyard, stating clearly that this building that he wants to put up is solely an agricultural building.

CHAIRMAN EMMERT stated that he wanted to clarify that the zoning committee is needing to look at all the possibilities of what a person COULD do at that property if zoned limited agriculture if the current owner were to ever sell. Mr. DeWitt notes that it is currently agricultural right now, but that the 2ft restriction for the building is his cause for concern. CHAIRMAN EMMERT clarified that since the property is currently located in the County, the Village has no say in it currently but if it were to be annexed in, the Village would have control.

Mr. DeWitt questioned why Limited Agriculture is a zoning option if there is all this cause for concern. He stated that he is merely looking to keep the zoning that he currently has. CHAIRMAN EMMERT voiced his agreement, that the Village should not have Limited Agricultural or Agricultural within the Village limits at all. He states he understands why the Village does, to increase the Village borders, but that it shouldn't be allowed within the town.

Mr. DeWitt questioned how the Village intends to expand to the East and if it is the Village's stance to make everyone residential. CHAIRMAN EMMERT noted that the Village has a long-range plan on how they intend to expand. Mr. DeWitt stated that the only way to expand the borders is to "lure them in" and commented that forcing everyone to change zoning to residential is not a good way to lure anyone in.

CHAIRMAN EMMERT stated that he wanted Mr. DeWitt and the Zoning Board to hear his reasoning and stated he doesn't "mean to overly attack you", as opposed to the actual zoning. CHAIRMAN EMMERT stated that he doesn't want the board "misusing" the Zoning by allowing a garage that isn't for agricultural purposes. Mr. DeWitt noted that conservation is agriculture and is stated as such in the Village's UDO.

MARTIN stated that in the past 5 years that Mr. DeWitt has been his neighbor, he has made significant improvements to the property and made the property not such an "eye-sore" and noted that he liked the wildflowers. MARTIN continued by stating that he had no issue with Mr. DeWitt coming into the village under limited agriculture. He commented that he understands CHAIRMAN EMMERT'S point about what future owners could do so they "need to balance that".

CHAIRMAN EMMERT stated that zoning is "to protect the neighbors". Mr. DeWitt noted that if the Zoning Board didn't do anything, that almost anything could be done to the property currently as it is under the County, with the exception of the height of the building and "you can't do a thing about it, it's just when I come in. That's the only difference. If you're not doing anything, it doesn't make any difference, right?" CHAIRMAN EMMERT responded that he thinks "it's a bad step to take" and reiterated that if there is an inclination by the Zoning Board to approve it, that they wait to do so until adjustments can be made to the UDO section on limited agriculture.

Attorney Gaziano stated that she has all drafts of the ordinance and is not sure if the section is missing based on a reprint or if it was wrong in the beginning. She also

notes that with zoning reclassifications, as opposed to a variance, it is a recommendation by the Zoning Board to the Village Board, who has the final decision on the zoning or re-zoning of a property.

CHAIRMAN EMMERT made a motion to table this application until the ordinance has been amended so "we know what it says". Seconded by BOOKER. CHAIRMAN EMMERT amended the motion to state that this is with respect to the limited agriculture.

BOOKER stated that until they have a full ordinance to consider, it may be best to wait. He questioned how this happened to which CHAIRMAN EMMERT gave examples of possible events that happened. CHAIRMAN EMMERT stated that an amendment to the ordinance will be needed either way since the version with a gap in it is what was originally passed.

Motion made by Chairman Emmert, Seconded by Booker.

Voting Yea: Booker, Chairman Emmert, Koning

Voting Nay: Martin

The motion passed on a majority vote of those present.

7. NEW BUSINESS

None

8. EXECUTIVE SESSION

None

9. ADJOURNMENT

Motion made by Chairman Emmert, Seconded by Booker.

Voting Yea: Booker, Chairman Emmert, Koning, Martin

Meeting was adjourned at 6:28pm

UNAPPROVED

Prepared by: Rachel Windgassen
From Recording

Reviewed by W.E 10/27/25., J.D. 10/21/25