

The Zoning Board held a Public Hearing on March 4, 2025, at 5:45 p.m. at the Village Hall 108 W Main Street, Winnebago, Illinois to hear input on the proposed variance for Park Hills Church.

The NOTICE OF PUBLIC HEARING RE: VARIANCE APPLICATION FOR PARK HILLS CHURCH was published in the February 13, 2025, edition of the local newspaper, The Gazette.

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

GUESTS: Attorney Gaziano, Village Administrator Joey Dienberg, Rich Graham, John Pierson, Mike Reinders, John Rowley, Anna Silberman, Jason Silberman, Dan Herr, Lorisa Herr

EMMERT: Ok, this is a scheduled public hearing regarding a request by Park Hills Church for a variance with respect to parking at its location at 500 W. Winnebago Street in the Village. Ah present are myself, Bill Emmert, Brian Martin, and Irv Koning, constructs the zoning board. Ah, the peop-ah the citizens in attendance are, we'll start with the, my right front row.

MR. GRAHAM: So I'm not a citizen of Winnebago, so does that-?

EMMERT: Do- do you plan on speaking?

MR. GRAHAM: Uh, yeah.

EMMERT: Ok. Identify yourself please.

MR. GRAHAM: Rich Graham.

EMMERT: And you plan on speaking?

MR. GRAHAM: Yes please.

MR. PIERSON: Johnathan Pierson

EMMERT: Do you- do you plan on speaking? – You don't know. Ok.

MR. REINDERS: Mike Reinders. Probably not.

EMMERT: Can you spell your last name?

MR. REINDERS: R-E-I-N-D-E-R-S

EMMERT: Ok.

MR. ROWLEY: John Rowley

MS. SILBERMAN: Anna Silberman

MR. SILBERMAN: Jason Silberman

EMMERT: Ok. Mary, uh, was public notice of this public hearing given?

GAZIANO: Yes. Public uh, notice was given as well as a notice to all the property owners within 250ft.

EMMERT: Ok. With respect to the publication, was that in a newspaper between 15 to 30 days prior to today's hearing?

GAZIANO: Yes.

EMMERT: With respect to the mailed notice, uh, you mailed a notice. Do you have a record of who you sent the notice to by any chance?

GAZIANO: Yes. Uh, yeah, we can incorporate into the record, I got the information from the, uh, Winnebago County Recorder's Office. Um, they did not have one WinGIS hadn't been updated for Four Rivers Sanitation Authority, uh, because they're having an issue with- they were having an issue with getting their PIN from the county. But we knew that was part of it so we included them.

EMMERT: Ok. And uh, you can put in the record later who notice was mailed to?

GAZIANO: Yeah. I mean, we can list the- certainly we can put the names and can attach a copy of the notice that's been provided by the Village.

EMMERT: Ok. I was advised by Kellie that the notice was a little defective. That the notice provided, that this public hearing was going to be, I think on Wednesday, March 4. So, the Wednesday was wrong; it's actually Tuesday. Uh.

GAZIANO: Corrected notice was sent to each of the property owners within 250ft-

EMMERT: By mail though?

GAZIANO: By mail.

EMMERT: Ok. Joey, do you know- I'd asked Kellie to call all the people or to drop a notice at their house to make sure everybody within the 250ft knew that tonight was the meeting. Was that done?

DIENBERG: I spoke with Kellie and, and- to make those phone calls, yes.

EMMERT: Ok, so she made phone calls?

DIENBERG: Yes.

EMMERT: To each of the people, get you in a second, ok? Uh, did the Village deliver by hand, at least to their door, the notice?

DIENBERG: No, it it was mailed, but the Village did receive our copy as we are also neighboring land- um, property owners. And we did receive our notice, uh, I believe on Monday.

EMMERT: Cuz' my concern with that is, it was mailed what? Like on Friday last week?

GAZIANO: As soon as we discovered the error.

EMMERT: As soon as you discovered the error. But, the way the mail gets to Winnebago at times, it very well might not have been served, prior to today. So that's why I'd asked for

personal service or calls. Uh, two more people have shown up. Would you please identify yourself?

MR. HERR: Uh, my name is Dan Herr, this is my wife Lorisa. We are members of Park Hills Church.

EMMERT: Can you spell your last name please?

MR. HERR: H-E-R-R

Emmert: Uh, Rachel. Did you get that?

MRS. WINDGASSEN: Yes I did.

GAZIANO: I didn't catch her name, I'm sorry. The first-

MR. HERR: Lor-Lorisa.

GAZIANO: L-O-R-I-S-

MR. HERR: -S-A

GAZIANO: Alright.

EMMERT: Hey John, did you have a statement or question about the notice?

MR. ROWLEY: I was just gunna say I received my correction yesterday by mail.

EMMERT: Ok, thank you. So at least one of um got there by mail, so reasonably, the others did.

GAZIANO: The other thing we had planned to do, just as a extra safe guard, and I understand that action is taken tonight, but we- because we have a Village Board meeting tomorrow night anyway, we were going to open up the-just in case anybody showed up.

EMMERT: Ok, I just trying to make the records clear as I can with respect to notice and such.

GAZIANO: And just to be clear as well, there was a- another place that the date was listed and the date was correctly listed in both places. Meaning- March 4th. It was listed as to when they, they wanted to get something in the record, that they would have it here by, before the meeting.

EMMERT: Right, and the notice had March 4th, just had the wrong day of the week and my concern was that somebody might look at it and recognize Wednesday, more than March 4th.

GAZIANO: Yep

EMMERT: So we did send out the extra notices, that's good. Ok, uh, with respect to this public hearing, the applicant, Park Hills, uh, do you have anyone here to testify with respect to uh the variance, what you need and why you need it?

MR. GRAHAM: Sure, I can- I can do that.

EMMERT: And your name for the record?

MR. GRAHAM: Rich Graham.

EMMERT: Ok

MR. GRAHAM: I'm the executive pastor at Park Hills.

EMMERT: Ok, go ahead

MR. GRAHAM: Yeah, so we appreciate the, the board taking a look at the, at the variance request. Uh, we realize that, uh, we were kind of caught, when the building was originally built and then plans for the expansion, this is before the UDO, the current UDO came out and would fit in that particular space per the requirements back then, when it was, uh, planned originally. And then in between times Park Hills, uh, Church in Freeport we, ah, merged with the Winnebago Church that has been here since the, I would say late 70's. Ah, and then we realized there was a discrepancy at that point when the UDO was updated, with the the location of parking. Um, our intention is to do everything we can to blend into the surroundings and the neighborhood. We are, uh, a church that cares about our-

EMMERT: Can I interrupt you, just for a second?

MR. GRAHAM: Yes

EMMERT: Uh, Park Hills Church purchased the property in question on, uh, December 9, 2019, I believe.

MR. GRAHAM: Yes

EMMERT: Is that correct?

MR. GRAHAM: Yes, that is correct.

EMMERT: And when you said when the church was originally built you were talking about when it was built by Winnebago Evangelical Congregation Church?

MR. GRAHAM: Yeah, Congregational. Yep.

EMMERT: And, uh, I have a record showing that that church bought the property in 1987.

MR. GRAHAM: Ok

EMMERT: Is that?

MR. GRAHAM: I would have to ask the historian about that.

MR. ROWLEY: It was bought from my dad and it was paid for by that date.

EMMERT: By that date. Ok

MR. GRAHAM: I think the date I may have quoted might have been when the church started. They might have-

EMMERT: No, that that's- I'm just trying to get any record in case this goes somewhere else. Ok, sorry for interrupting.

MR. GRAHAM: So, anyways, our goal is to be good neighbors and to integrate into the neighborhood, um, in that regard. If we had had the opportunity to actually move the parking lot, it would fit in a very, we would you know, it would, uh uh, be a discussion. As we said, you know, we went through all three of the options and this is really the only option I think we have uh to meet the other requirements for parking for uh allowing congregants to actually get to the front of the building and then meet with the whole requirements with the water and the creek that's back there, so. Um, so that's why we're requesting the variance. Uh, we did go through the process of looking at other zoning options but that actually created other issues with setbacks- we were still going to have to come for other variances at the same point and it seemed like that was going to be less effective than just trying to apply. Uh, we think that in general, we're we're even fitting with the the church that is just 800 and some feet down the road where they've got parking that's relatively um, in the, in the neighboring area. I know that was constructed at a time, we're trying to keep with the neighborhood, um, in that regard, so. That, that's all we're trying to do, um, we intend on being good neighbors, we hopefully we've been good neighbors and uh, I try to make sure everything fits and meets the requirements, but that, that's our goal in a nutshell, that's it (inaudible).

EMMERT: Uh, I have a couple more questions but if you want to go to some of the other issues, you're free to do so.

MR. GRAHAM: Nope.

EMMERT: Are you familiar with what Winnebago Evangelical, correction, Congregations Church was. What it's intent was to build and how they use, going to use that property when they acquired it in 1987 or finish the payments.

MR. GRAHAM: Um, so, my understanding because I've seen there was a drawing at one point, that when you look at the church building you've got the front door, there's like a almost like a octagon, then you've got the church spire that's on top. To the left of that and the left so- east side of the church is a non-brick wall. And that non-brick wall was designed, that's where the expansion would go.

EMMERT: So it would expand to the east.

MR. GRAHAM: The same direction that we're currently expanding and parking would then continue further to the east, just as it was, uh, in general it's the same location for what we're planning right now.

EMMERT: Ok, uh, at the time this land was purchased, Winnebago Evangelical Congressional Church purchased Lot 2, which is where this church is located but it also purchased the northern portion of Lots 1 and 3. Do you have any knowledge as to why the northern portions of Lots 1 and 3, which I presume would be on either side of Lot 2, were purchased at the same time as Lot 2?

MR. GRAHAM: I'd have to probably suggest-

MR. ROWLEY: It was supposed to be a possible, um, pastor's site for a house.

GAZIANO: So parsonage.

EMMERT: So-

MR. ROWLEY: But we never built one-

EMMERT: Ok, um, I'm sorry, I got a little bit ahead of myself. I'm gonna have to do something first. Would you please raise your hand, ah, Mr.-

MR. GRAHAM: Um, Rich Graham.

EMMERT: Rich Graham. Ah, do you swear to tell the truth under the penalties of perjury?

MR. GRAHAM: Yes, I do

EMMERT: And Mr. Rowley, do you swear to tell the truth under penalty of perjury respect to questions or statements you may make.

MR. ROWLEY: I do

EMMERT: Ok. John, you seem to have some knowledge of what happened and why the lots were purchased by Winnebago Evangelical Congression Church. Would you please tell us what that is.

MR. ROWLEY: Well, this for the site for a building.

EMMERT: Ok so this, is it fair to say that they needed more space than just Lot 2? That they needed space on either side to build what they wanted to build eventually?

MR. ROWLEY: Well, that land in effect, my dad wanted to sell everything he had beyond where I live, and so it was all included.

EMMERT: Ok they could buy everything or nothing, is that how it was?

MR. ROWLEY: Well I think that, that's the conclusion.

EMMERT: Ok. – Ok Rich, uh, specifically what variances is the church requesting us to grant?

MR. GRAHAM: Uh, we're requesting a variance that would allow for parking ah, for our church to be not placed in the back, which is part of the residential zoning, it says parking should be in the back of the properties. So the variance would be to allow us to put the parking where its drawn on the, on the drawing, which is to the ah, side yard um, of the new building. It would be in towards the front of the property.

EMMERT: Ok, with respect to that drawing, how far is the eastern line of the parking lot from the western property of the property immediately adjacent to the east?

MR. GRAHAM: Uh, my eyes aren't great to see that so I'm pulling it up from my own drawing.

EMMERT: And I can't see it. Mine's a lot smaller yet.

MR. GRAHAM: Yeah. Umm, the the the north-east corner it is 13 and a half feet from the edge of the parking to the the next property line. On the south it is 14.9, 14 feet, 9 inches.

EMMERT: Ok, and we talked about these two points right?

MR. GRAHAM: Yes, yep. It's just a little bit narrower at the, uh, (inaudible).

EMMERT: You're aware of various findings that this board will have to make in order to be able to grant a variance, is that correct?

MR. GRAHAM: Yes

EMMERT: And you have previously submitted in letter in writing, where you address each of those ah, elements correct?

MR. GRAHAM: Correct, yes.

EMMERT: And that's contained in Park Hills Church Request for Variance - January 31, 2025?

MR. GRAHAM: That is correct

EMMERT: Do you have anything that you'd like to add to the responses you have listed in that application request in said option 3?

MR. GRAHAM: Uh, I have no changes.

EMMERT: I'm going to pause this, is there anybody in the audience that would like to ask Mr. Graham any questions? Anybody objecting to this variance? Yes.

MR. SILBERMAN: What would this-

EMMERT: Please identify

MR. SILBERMAN: Jason Silberman. Uh, my concern is, is what would this variance entail? Would it be changing our property taxes from residential to commercial or?

EMMERT: It's, uh, a request. The current zoning has certain restrictions with respect to parking and the location of a parking lot on the land and they're asking one thing for a variance that would allow them to put part of the parking lot in the front yard on the east side, on on the west side of the church.

MARTIN: That'd be the east side.

EMMERT: East, east, east, east side is correct. So what they're wanting, here is the existing church, here is the proposed addition, they want to put a parking lot here, and the current zoning does not allow parking in the front yard. So they're asking for a variance to be able to put it in the front yard. The front yard being defined as, uh, as the front of the building to the property line out to-the property line by the street.

MARTIN: Your question was are we going to change the zoning in that area from residential to something else?

MR. SILBERMAN: That's what my main concern is, yes.

EMMERT: That's not- yeah, he's not asking for that. He's just asking right now, zoned ah single family, residential and the village ordinances allow for churches to be in single family residential

MR. SILBERMAN: Ok.

EMMERT: So, there is not a request before us right now to change the zoning.

MR. SILBERMAN: Ok.

EMMERT: And, going through the required sub-text, it's my interpretation of the Village ordinance that not only are you- with respect to your plan, your plan has the parking in the front yard. So that you'd have to have a variance with respect to that but paragraph number 3 no parking space on land zoned or used for multi family or non-residential activity, which to me, the church is non-residential activity. You're required to, you can't be in the front yard but you'd have to have a 20ft, you cannot be, you have to be more than 20ft from the side lot line. So if you're 13 and 14, you're going to need a variance for that or going to have to push the parking lot 20ft away from the lot line.

MR. GRAHAM: And that's different than what I understood. During the ordinance-

EMMERT: This is just something I was reading the ordinance today to see what I thought of your request for the variance.

MR. GRAHAM: And I think my request for the variance was to because I was concerned there may be other little changes because this hadn't been fully, like developed in the ordinance. My request was to place this parking lot where it is drawn and presented so there is no-

EMMERT: So you would want a variance from that.

MR. GRAHAM: Yeah, I think that's the request that I that I made in the letter was to allow the parking lot to be as drawn uh I believe was the phrase I used, rather than saying, you know, giving the specific paragraphs that we're looking for variance on. So-

EMMERT: Ok, and that's also my reading of the required setbacks in the Village ordinance that uh, you, the section sev- or paragraph 7 states within residential zoning districts no motor vehicle shall be permitted to be parked anywhere in the lot except upon the driveway so you would need a variance from that also, to be able to put it where you want to, in my reading of the ordinance.

MR. GRAHAM: Ok

EMMERT: Is there anything else in the ordinance that you need a variance for? For example, there's fairly specific landscaping requirements. Are you able to meet all of the landscaping requirements as they're contained in the village's ordinance?

MR. GRAHAM: Yes, we've already contacted, and we're in contact with two landscape uh, designers who are gonna, I've given them the ordinances and said we need to meet the requirements here. So even just looking at the distances we should be good.

DIENBERG: And I wanna- want to just add for the record that the village engineer has wh-wh-what initiated this process was the village engineer began their site plan review and through their interpretation this was ah, their analysis of the plans as presented. This was the only variance that was called out in the letter that our-the village engineer at Fehr Graham sent to the petitioner.

EMMERT: Right. and then when I was reading, I was just, the le- I looked at the letter and I was saying paragraph number two and then I ran into three and seven also so I wanted to make sure that they the applicant has looked at everything in the village's ordinances and is getting a variance on everything that they do need.

MR. GRAHAM: An-and that was my, that's why I think I, I had a statement letter based on where that's located because I assume we were just gonna put some complexities since it hadn't been completely delineated that we may have to go through (inaudible).

EMMERT: Right and if we were to grant the variance, our findings would have to apply to each of those and we'd have to vary from them. I think, I think we'd have to specifically grant variances for each of these. And that's why I want to make sure there's nothing else that is being missed out on.

GAZIANO: And as to number three, um, I see exactly how it literally reads. I don't know that that was actually what's intended but sometimes we're stuck with the way that it's written.

EMMERT: I agree with you.

GAZIANO: Wh-wh-what, what I'm getting at is that where mass references or land used for multifamily or non-residential activity. So a church is allowed as in essence in a residential district. I know it's not the activity itself, it's not acting as a residence, but I think that's what the intent probably was but again I understand the language having been, having that pointed out by Bill right before the meeting and then also same concept with number seven that it does say within the residential zoning districts that they can't go anywhere than upon a driveway but uh, because we allow churches in a residential district it would make no sense that they can only have driveways, they can't have a parking lot.

EMMERT: Right. And-and I agree with that. And that's, you know there's the two ways of going if you get the variance or I still think it's probably more appropriately something the village needs to look at with respect to our ordinance and have a change in ordinance but we're going on the variance right now so if in fact there's, or, there's a vote for a variance, we need to address these other issues. Ah, what happens if the variance is not granted?

MR. GRAHAM: The variance isn't granted, um, and I would say if the ordinance is not adjusted then we would not be able to build the expansion based on the other requirements. Um, just because with the parking requirements that we have we have to have at least 50 spaces based on the building so there's no way we can make a smaller parking area. Uh, we couldn't really move

it to the back because again because of water and mitigation. Uh, at that point, our expansion is, i-is not possible. Um, the next downstream after that is we would have to look for a new location, probably, because our church is growing, we intend on trying to grow in the community, and right now we are, if we're landlocked, as far as just with the geography of the land and the building as it's laid out, uh, we'd probably have to look for some other, other way to, to minister that in the village, so.

EMMERT: And what use would you be able to make of the church as it sits right now?

MR. GRAHAM: I don't know. Yeah, I'm not sure because it's not really set up for residence. It could maybe be offices for somebody. But not, it wouldn't be useful for us as a church, so-

EMMERT: So you're saying it wouldn't be useful for church purposes?

MR. GRAHAM: Correct. Maybe a very small church. We haven't been in existence for a long time in that area. But, uh, you'd have to be for another very small congregation, so.

EMMERT: Is there much of a market for that small of a church these days?

MR. GRAHAM: I don't think so. I think, unfortunately, there's a lot of, ah, small buildings, church buildings like that, that are available in different areas, but.

EMMERT: If you make the addition as planned, how many seats will you have in the ultimate building, being the existent, existing building plus the addition?

MR. GRAHAM: Ah, so the new building is where all the worship would be, that's set for 150 seats.

EMMERT: 150 seats.

MR. GRAHAM: Yes, the rest of the building would be youth ministry so that's the it's part of the, ah, just basically they're coming in the same cars as the ones in the (inaudible).

EMMERT: With respect to your, ah, proposed parking lot, how many spaces are in there?

MR. GRAHAM: 52.

EMMERT: There are 52?

MR. GRAHAM: Yeah.

EMMERT: When I counted them, I thought I only saw 36.

MR. GRAHAM: So you've also got the front parking that's, ah...

EMMERT: Oh, you're including that?

MR. GRAHAM: Yeah, the parking that we have in the front because that's the whole capacity of our building.

EMMERT: Where are you talking about?

MR. GRAHAM: Right here.

EMMERT: These right here?

MR. GRAHAM: Yes.

EMMERT: You're not including both, right?

MR. GRAHAM: We're not. That was a concept that we talked with the village that we might engage, engage in a cooperative agreement where if we needed additional parking, we would basically build that on village property. It would be our expense to build, but then it would be available for the ball diamonds and, and people who are going to the games.

EMMERT: So I'm clear on it. These parking spaces right now, ah, in front of your existing church, also proposed parking lot will be over 50 spots.

MR. GRAHAM: Yes, 50 parking spaces. Correct, yes.

EMMERT: When Park Hills Church purchased this property from Winnebago Evangelical Congregation Church, had you looked into the village's ordinances?

MR. GRAHAM: We hadn't at that point, um, because we were just merging the two congregations together, but we had the plan at some point we were going to need to expand based on the original plan of the building.

EMMERT: So were you aware of the original plan of the building when you purchased this church?

MR. GRAHAM: Yeah, just because we've seen the, the pictures that have been hanging up in there where it was originally planned and designed for.

EMMERT: So when Park Hills Church purchased this property, this church, it had long-range plans of expanding the church and having parking?

MR. GRAHAM: Yeah.

EMMERT: Ok. Brian, do you have any questions?

MARTIN: The areas to the south and west are going to remain green space?

MR. GRAHAM: Yes, that is correct.

MARTIN: And your future expansion?

MR. GRAHAM: Yeah, the one, we'll call it green space, but we have to have a detention pond. But yeah, it's all going to remain green. We're going to try to preserve all of the trees we possibly can in the back because our goal is to try to tuck this building in the natural space.

DIENBERG: Uh, in regards to the point that was raised about point number seven, the UDO defines a driveway as an open area of land other than a street, sidewalk, or other public way, permitting ingress from a public street or alley or other public right of way or public or private property. The principal use of which is for the standing parking or loading of a motor vehicle. So as long as it's considered a driveway, things are able to be parked down there in accordance with UDO. Where I don't believe, as was presented, that that would need any form of variance because a drive- this would be considered a driveway in accordance with the definition of the UDO.

EMMERT: Well, this, this says.. I guess I disagree with that, but we (inaudible) because if it's a driveway you can't park, you'd have to park on the driveway, is what this is saying.

DIENBERG: Correct, and-.

EMMERT: And we don't want the parking in the driveway, we'd, the parking in the parking lot.

MARTIN: Is there a definition in the UDO of a parking lot?

EMMERT: Yes

GAZIANO: Parking area.

EMMERT: Parking area.

GAZIANO: It says an open hard-surfaced area of land other than a street of public way the principal use of which is for the storage or in parking closed front of passenger automobiles or commercial vehicles under three ton capacity by the public whether for compensation or not or as an accommodation to clients or customers. A residential yard shall not be considered an allowable parking area.

DIENBERG: And, yeah, again I just want to make it very clear for the record that that was not the interpretation of the Village Engineer when they sent this letter to Park Hills Church.

EMMERT: I would like to, Mary, according to the UDO, uh, its effective date is December 9th 2019, is that correct?

GAZIANO: Yes.

EMMERT: And you bought the property in September in that year, correct?

GRAHAM: Correct

EMMERT: Is there anybody else that wants to offer a testimony? Uh, let the record show nobody appeared by Zoom, correct?

DIENBERG: Ah, other than our village staff.

EMMERT: Irv, Brian, do you have questions?

KONING: No

EMMERT: Joey, do you have any comments you'd like to make for the record? Ok, uh, having no more testimony, anybody who wanted to testify, I declare the meeting, the uh, the hearing to be closed.

Chairman Emmert ordered the public hearing to a close at 6:19p.m.

Prepared by:
Rachel Windgassen, Assistant Deputy Clerk