

The Zoning Board of the Village of Winnebago met by remote meeting via GoToMeeting with Chairman Charles R. Van Sickle presiding and calling the meeting to order at approximately 7:08 p.m. Atty. Gaziano stated the Zoning Board was able to continue to meet remotely since all conditions were met to conduct remote meetings according to the Executive Order by Gov. Pritzker allowing remote meetings during the COVID-19 pandemic.

ROLL CALL: VAN SICKLE– BOOKER –EMMERT- EUBANK – KONING – MEDEARIS - MCDUGALL – all present

Guests present: Attorney Mary J. Gaziano, Attorney Aaron Szeto, Jason Ackerman, Terry Sitton, and Sara Sitton (Sittons joined virtually at 7:16 p.m.)

CHANGES TO 3/22/21 MINUTES

MR. EMMERT made the motion to amend the Minutes of the March 22, 2021 Zoning Board meeting to read, in reference to the motion setting the public hearing for March 22, 2021, as follows: “Mr. Emmert made the motion to approve Resolution Setting of the Public Hearing to effect a Zoning Map Text Amendment for the property located at the southeast corner of Swift and Main Streets in the Village of Winnebago from District No. 2 to District No. 3 with a Special Use allowing for Self-Storage Warehouse/Mini Warehouse, seconded by Mr. Koning. Approved by a roll call vote of those present.” There was discussion regarding the clarification, as it was worded a bit differently in the advertisement, but with the same intent. A motion was made by Mr. Koning to approve the Minutes as corrected and seconded by Mr. Booker. Motion approved by unanimous roll call vote.

CONFLICT OF INTEREST

MR. VAN SICKLE asked if any Zoning Board Member had a conflict of interest. It was determined there was no conflict of interest after MR. BOOKER disclosed Jason Ackerman recently completed tree work for him that was agreed upon and started last November, stopped for the winter, and completed in April of 2021, and with MR. EUBANK reminding the Board he had brought up before he had represented the Ackermans on an unrelated matter in the past.

PUBLIC COMMENT

There was no Public Comment submitted.

(New callers Terry Sitton and Sara Sitton joined the meeting at this point which was 7:16 p.m.)

ZONING CHANGE—PROPERTY LOCATED AT SOUTHEAST CORNER OF SWIFT STREET AND MAIN STREETS IN VILLAGE OF WINNEBAGO

MR. VAN SICKLE started the discussion on the potential zoning change for the property located at the Southeast corner of Swift Street and Main Streets in the Village of Winnebago, which property is currently owned by Jason Ackerman and Teresa Ackerman, from District No. 2—Two-Family Residential to District No. 3—General Business District with a Special Use Permit for self-storage/mini warehouse. MR. VAN SICKLE indicated the Board heard some comments in the public hearing immediately preceding this meeting regarding items that should be considered as conditions of any Special Use Permit granted.

INITIAL GENERAL DISCUSSION

MR. EMMERT questioned Dick Medearis, Village Building Official, as to whether he had previously thought it would be a problem if the fence height required was higher than 6 feet. MR. EMMERT stated he thought some potential issue with an 8-foot fence is why this Board previously said the lights on the storage facility buildings had to be at least a foot below the height of fence, and that with a 6-foot fence there would still be blocking of headlights, such that it would stop the lights from being visible on other side of fence (namely, on Sitton property).

Dick Medearis indicated an 8-foot fence must meet the wind load requirement of the International Building Code, which would mean the fence would have to sustain a 3 second burst of wind between 90-100 mph. MR. EMMERT asked if putting an 8-foot fence on the south property line could practically be done, and Dick Medearis responded in the affirmative.

MR. EMMERT indicated his next question was for Attorney Szeto, the attorney for the Sittions, as he believed Attorney Szeto had said at the public hearing that access for the Sittions was along the south property line, but MR. EMMERT thought that area was all owned by the Ackermans. MR. EMMERT indicated he never thought it was a right-of-way or access from Swift St. going east along the southern boundary of the Ackerman lot. MR. VAN SICKLE said the Sittions (owners of the property to the south) have a gate in their fence that allows them to go from Swift St. into their rear yard. MR. EMMERT asked if that was public right-of-way, or if they have an easement, or if the Sitton fence is in far enough so that they can come out of the fence area and still go out of their property over to Swift Street. MR. EMMERT stated if that is the case, if a fence is built along the southern lot line of the northern lot (Ackerman lot) the Sittions would still have the same access. MR. VAN SICKLE stated the Sittions are able to go directly from their property onto Swift St.

MR. EUBANK stated one of the exhibits provided shows the diagram of the layout of the Ackerman property and from their drive is a driveway that goes out. MR. EUBANK believes

that is the entrance where the cement was poured that now goes to the south onto Swift a little farther than it used to go, and that it is on the Right-of Way approaching the roadway.

ENCROACHMENT ISSUE AND GRAVEL/RETAINING WALL ISSUE

Attorney Szeto said he understands the Sittons have access along their north property line which meets the south property line of the subject parcel. Their gate is on Swift St. so the Sittons have direct access onto Swift Street. The fence is on the Sitton property. The concrete poured by the Ackermans got poured over into the area that is the property of the Sittons without permission. Attorney Szeto also stated there is another portion of the Sitton property in front of the gate that used to be gravel up to gate so they could get onto their property, and that portion has now had dirt put down and seeded by the the Ackermans. Attorney Szeto said his clients want that area back to its original condition.

Mr. Ackerman stated the Sittons are not going onto the Ackerman property, but rather going directly over the public Right-of-Way onto Swift St. When Mr. Ackerman poured the concrete approach that ties into Swift Street he created an angle that goes further south on Swift St. and the north line of the Sitton property would be extended west. MR. VAN SICKLE indicated he and Attorney Gaziano looked at the area a couple weeks ago, and the effect of driving over that concrete now is a level drive directly into the Sitton's gate, but it is not gravel, but rather only dirt. MR. VAN SICKLE does not see a problem with the concrete, if 3-4 inches of gravel were put in to prevent the Sitton vehicles from getting stuck in the mud when they go into their gate.

MR. EMMERT confirmed with Attorney Szeto that the Ackermans encroached on the Sitton property with the work the Ackermans did, and asked if they were going to do something about it. Attorney Szeto said he believed there was conversation between property owners. Mrs. Sitton said they only spoke to the Ackermans about the fence on the east side, but not about about encroachment with the cement because they are deferring to the Village. Mr. Sitton said he asked Mr. Ackerman a few times for the gravel to be put back. Mr. Ackerman said did not take anything out of that area, and that he has photos of the area as grass, but is willing to put gravel in. MR. EMMERT said he sees it as a matter between the property owners and if there is an encroachment then maybe the Ackermans have to get the cement out of there or make the Sittons happy.

Mr. Ackerman said the Village approved Ackerman's engineering print with the flare on it. There was initially comment that there was no encroachment on the Sitton property because the flare is in the public Right-of-Way, the Village would handle how the property would be restored and that it is not on the Sitton property, but rather it is in the Right-of-Way. Attorney Gaziano explained that the Right-of-Way area is typically not owned by the municipality, but largely controlled by the municipality, and would be legally owned by the Sittons, not the Village. She

explained generally the landowner still owns the land, but is very limited in what the landowner can do on that portion of the property because the municipality has certain control based on different services that might be in there (e.g. cannot put trees because the Village would need access for utilities, etc.). Unless the Village has somehow acquired that Right-of-Way area, the Village does not own that Right-of-Way area, but certainly has control over what is done in that Right-of-Way area.

MR. EUBANK indicated it was his understanding that Mr. Ackerman spoke to Village Public Works Director, Chad Insko, and Chad approved of the way the area was currently reseeded and the dirt placed there. Mr. Van Sickle said that gravel has been talked about for a month and he has an e-mail from Chad saying when he spoke to Mr. Ackerman on April 27, 2021, Mr. Ackerman agreed to put gravel in there. Mr. Ackerman said he was waiting for Chad to say how much and where to put it. Attorney Gaziano stated she had reached out to Chad to ask his understanding of the gravel area, and he told Attorney Gaziano he was surprised the area was dirt, as he had intended it to be gravel. Mr. Ackerman agreed to put gravel in there, and will meet with Chad in next day or so to get the above gravel requirements clarified. Mr.

Ackerman said no one told him that in the beginning, but that he is okay with going with gravel because then the turn in will be more solid.

MR. EMMERT asked if we are talking about Right-of-Way land for access to the Ackerman property, and if some of that land is owned by the Sittons. Attorney Gaziano indicated the Ackermans would be going over Right-of-Way land to get access to their property. MR. EMMERT said he understands the Village has control over the Right-of-Way land, but inquired if the Village can use the Right-of-Way on the Sitton property to give access to the Ackermans. Certain area of the Right-of-Way property to the north is on the Ackerman property. The Right-of-Way is not owned by the Village, but the Village has certain control in regard to that property so that is why the property owners are limited as to what they can do on the property. Attorney Gaziano confirmed that Mr. Emmert's question is whether the Village can, even though the property is in the public Right-of-Way area, allow another property owner to do something in that area that is not for a Village purpose. MR. EMMERT confirmed that was his question. MR. EMMERT indicated the Sitton property should not be part of Right-of-Way access to the Ackerman property because that is an encroachment even though the Village has control over it. Attorney Gaziano confirmed that interpretation. The Ackerman access and egress should be solely on the Ackerman property unless the Sittons agree. Attorney Szeto said it appears if someone were to try to enter the storage facility they may have to go over the corner of the Sitton property in front of their gate in order to get into concrete apron, and that would be an encroachment.

Mr. Ackerman said the Village okayed where he put ingress/egress apron (flare), and it is on the prints. Mr. Emmert asked Attorney Gaziano to look into the same because if so he sees that as a problem. Mr. Emmert said he wants to know if the Ackermans are actually encroaching on the Sitton property with that access lane. Attorney Gaziano said from personally being out at the property and being shown by Mr. Sitton where the pin was on his property, it appears there is an area that going onto the Ackerman property would be going over the Sitton property. Attorney Gaziano stated when she says the Village has certain control over that Right-of-Way, it is not total control. The Sittons can still use property, but if the Village needs to get access, the Village may do so for its municipal purposes. Attorney Gaziano said it also has to be determined how far that right of way goes and explained that typically the telephone poles indicate the beginning of the Right-of-Way area, but there are no telephone poles on that side of the street.

MR. EMMERT asked Attorney Szeto if there is anything the Sittons would be satisfied with that would give them access to their gate. Attorney Szeto said they just want that area returned to gravel, as it was before in front of their gate. MR. EMMERT indicated he wonders if we can get a meeting of minds because he sees an encroachment issue, and wonders what the Village had to do with the problem (e.g. if Village okayed plans). MR. EMMERT said the Village needs to look into the issue unless the Ackermans and Sittons can resolve the matter between themselves.

Mrs. Sitton said they also want access on other side of their property so they can fix their big fence, and then want to be left alone by the Ackermans. Mr. Sitton said their property sits higher than the Ackerman property.

MR. EUBANK said it sounds as if this matter is resolved between the parties with gravel being put back down. MR. EMMERT asked if the concrete has to be taken out because it would be on the Sitton property. (Attorney Gaziano showed a photo she had taken, a copy of which is attached to these Minutes.) MR. EMMERT indicated it looks as if it is at about a 45-degree angle as it flares to south. MR. EMMERT asked how far the Sitton property goes north of the fence. MR. EMMERT asked if the gate was at the northwest corner of the lot and fence, and that was affirmed. MR. EMMERT asked how much of the flare goes onto the Sitton property. Mr. Sitton guesstimated it was between 4-6 feet, but MR. EMMERT said it looks from the photograph that it is more like a foot, and Attorney Gaziano agreed. Mr. Sitton said he said can live with the cement, but it is the gravel and the retaining wall that holds the gravel up that need to be fixed. He said the cement trucks destroyed that area because it is washing the gravel down the drain so it has to be fixed. Mr. Ackerman agreed to fix the retaining wall. MR. EUBANK said it then appears there is an agreement the cement could stay, and the gravel needs to be restored and the retaining wall elevated so it will not continue to degrade. MR. EUBANK asked if that provision can be put in the Special Use Permit, and Attorney Gaziano said any legal

provision desired may be a condition in a Special Use Permit. MR. EUBANK indicated he wants to add that provision to the conditions of the Special Use Permit.

MR. BOOKER asked if the addition of the above language in the Special Use Permit would be in lieu of an agreement between the parties. MR. EMMERT said in a Special Use Permit the Village cannot bind the Sittons to anything so there needs to be an agreement between the Ackermans and the Sittons. The Village can put something in the Special Use Permit that the Ackermans have to do something, but that would not prevent the Sittons from complaining about encroachment. MR. BOOKER agreed it needs to be an agreement between the Ackermans and Sittons with the terms to show they have come to an agreement about the encroachment issue. Attorney Gaziano said it can be put in the Special Use Permit what is required of the Ackermans, but the Ackermans and Sittons would need to come to a written agreement and then bring that agreement back to the Village.

Attorney Szeto asked the Sittons if they are okay if the gravel is put back in front of the gate and the retaining wall is fixed, with the concrete kept in place even though it appears to encroach onto the Sitton land. Mr. Sitton said that would be okay as long as the Ackermans knows that is on the Sitton land. Mrs. Sitton said that would be okay, but they want no more encroaching or trespassing, and the Sittons want to be left alone. MR. EUBANK said there would need to be language in the agreement that the Ackermans have access for that specific purpose only.

Upon inquiry from Attorney Szeto, the Sittons indicated they do not have problem if a customer of Ackermans drives across the Sitton gravel to get to the Ackerman property. Attorney Szeto asked if it would be satisfactory if the agreement could just be part of the Special Use Permit as an additional signatory line whereby it stated the conditions to which the Sittons agree. Attorney Gaziano indicated those terms need to be part of a separate agreement, but the Village can put in the Special Use Permit what actions the Ackermans have to take. Attorney

Gaziano said that written agreement needs to be recorded so it runs with the land and can be binding in the future.

MR. EMMERT suggested the Zoning Board delay the vote on recommendation to the Village Board of the zoning change with a Special Use Permit for a month or so until the signed agreement between the Sittons and Ackermans is received by the Village. Attorney Szeto will draft that agreement for review by the Ackermans. Upon Mr. Ackermans inquiry, it was also confirmed this would be a one-time agreement, and that there would not be a continuing obligation for the Ackermans to make improvements on Sitton's land, or maintain the Sitton property.

FENCE ISSUE

There was then discussion if the requirement should change from requiring a 6-foot fence, as previously discussed, to an 8-foot fence. MR. EMMERT asked if there are any 8-foot fences in the Village, and Mr. Sitton said there is an 8-foot fence on the east side of the Sitton property. Attorney Gaziano then showed the Board a photograph of the fence being discussed (see copy of the photograph attached to these Minutes). It is an 8 foot chain link fence with metal privacy slats. Mrs. Sitton stated someone could potentially look over a 6 foot fence. Mr. Emmert asked Mr. Ackerman if he would agree to an 8-foot fence. Mr. Ackerman said he would have been okay with the same, but he thought that issue had previously been resolved at 6 feet and has already purchased the 6 foot fence which is ready to be put up. Mr. Ackerman inquired what he is then to do with the 6-foot fence and that it is going on 2 years since he had been trying to get this matter handled. Mr. Ackerman confirmed it would be a wood fence and that JULIE is coming this week to mark the area and then he planned to put the fence up.

MR. EUBANK said the concern the Zoning Board had previously had with the Ackermans putting in a 6 foot vs. an 8-foot fence had to do with concerns regarding light going onto any neighboring property, and the Zoning Board had talked to the Ackermans at length over several meetings regarding how to address this issue. There had been discussion about different types of light fixtures, where the lights are to be put on the facility, and that the lights are to be placed 1 foot below or lower than the fence height so the illumination from the lights on the buildings or beam from car headlights would not typically go over a 6 foot fence. He stated it was never discussed that someone 6 ft 5" tall would be able to look over the fence. MR. EUBANK does not think it is the Village's concern to prevent people from looking over someone else's property. The idea is what is the purpose of the fence and that possibly it is to keep sound out.

MR. EMMERT added that when he was talking about the lighting previously, one of the current proposed restrictions of the Special Use Permit is to have traffic coming in from Swift Street to avoid headlight beams going onto the Sitton property so there never should be headlights hitting the fence. The headlights should be coming in parallel to the fence and heading north. MR. EMMERT stated right now there is no fence so someone could look onto the Sitton property anyway, and the Sittons could always put up a fence if they did not want someone looking onto their property. MR. EMMERT said he is still comfortable with the 6-foot fence previously discussed by the Zoning Board as being required as long as the lights have to be at least a foot below the fence height, and traffic has to leave the property via Main Street not Swift Street.

Attorney Szeto remarked he sees the privacy issue involved here as different than if it was just another house going in on the property which he would see as an issue between neighbors. However, he sees this situation as different because something is being brought before the Village for approval so the Village has a say in the matter. The proposed use is a commercial use next to a residence. MR. EMMERT agreed it is a different use, but it is just a storage unit

facility, not a business, such as an ice cream shop, where people congregate. Mr. Emmert believes the Village has looked at the Sittons' condition, by requiring the fence the Village has addressed the privacy concerns, and that the Village has made reasonable requirements given the circumstances. It is not any type of business that can be in there, but rather is a storage unit facility where people come and go and do not congregate there.

Mrs. Sitton alleged people are coming and going all hours, and that based on the placement of their master bedroom they would now have to have shades if just a 6 foot fence is required. Mr. Sitton mentioned that they have now noticed sound bouncing off the walls since the construction of the storage facility. Mrs. Sitton stated they have lived at the property for several years and did not ask for this facility. She stated that if they had had a reasonable time at the beginning, they would have worked to try to put the kibosh on this project. Attorney Gaziano stated that just like the notice of the public hearing conducted earlier tonight was provided to all property owners within 250 feet of the subject property, which included the Sittons, that same notice was previously provided when the prior public hearing was previously held on this same issue (the notice, advertising, and public hearing had to be redone because there has been a misinterpretation of what provisions had been in the UDO at the time of the initial public hearing and the UDO had to first be amended to accommodate this Special Use being requested under District No. 3). No member of the public showed up for comment at that prior public hearing.

Attorney Szeto asked that the Village look at the practical implications on a resident's life. He said one of the benefits of a Special Use Permit is to allow the Village to look at things on a case-by-case basis and impose conditions based on that particular situation. He does not think an 8 foot privacy fence is unreasonable in this situation, based on the lay of the land, to minimize impact. He said there is a very small buffer and the units are pretty much right there on the property line. MR. EUBANK stated the Zoning Board still has hours of operation to discuss in this situation where there is a residential neighborhood bordering on a General Business so that may address the concern expressed by Attorney Szeto.

HOURS OF OPERATION ISSUE

Discussion was then had on the hours of operation issue. MR. MCDOUGALL asked how hours of operation are practically going to be set unless there is a padlock on the property to restrict access during certain times. MR. EMMERT said it would need to be part of the lease agreement the Ackermans have with their unit tenants and could be enforced as a term of the lease. MR. EMMERT said he does not think there would be a problem with time restrictions because he doubts many people are going to use the facility between Midnight and 7 a.m. MR. MEDEARIS said as part owner of a storage unit facility near Winnebago Corners, where the zoning is not residential, they have very little traffic after dark in and out, on their 7 days a week operation.

Various hours of operation time were discussed, as well as the number of days per week. It was also confirmed by Mr. Ackerman that he is not putting in an access gate.

Attorney Szeto asked if it would be a condition of the Special Use Permit that if the Ackermans did not follow through with enforcement it would be considered a violation of the Special Use Permit. There was discussion of whether a complaint about after-hours customer activity on the Ackerman property would be made to the Ackermans or the Village Police Department. Attorney Gaziano suggested that from a police preservation of time point of view she would at least like to see the Sittons, or anyone else with a complaint, contact the Ackermans to register such complaint and, only if ignored, to then call the Village Police Department. It was also discussed that it needs to be a condition of the Special Use Permit that the Ackermans need to respond to such complaints and enforce the hours of operation restrictions. Mr. Ackerman stated at some point he may need to put in cameras to monitor the situation. It was also discussed that if there were allegations that the Ackermans were not responding to complaints and enforcing the hours of operation restrictions that there would be a hearing to determine if the Ackermans were repeatedly and willfully allowing people to patronize the facility outside of allowed hours of operation. If so, that would be in violation of the terms of the Special Use Permit, and could result in suspension or revocation of the Special Use Permit. It is not intended that a single violation would result in suspension or revocation of the Special Use Permit.

MR. EMMERT stated that the hours violations requiring enforcement by the Ackermans as a condition of the Special Use Permit would have to be of Ackerman unit tenants. If someone else was on the premises outside allowed hours, he would expect the Ackermans to consider that person as trespassing, and then that could be a matter for Village Police Department involvement.

MR. EUBANK made a motion to require as a condition of the Special Use Permit that the hours of operation of the storage unit facility be 7:00 a.m.-10:00 p.m., Monday through Sunday, the motion was seconded by MR. EMMERT. Motion carried by roll call vote, with all members voting “Yes”, except for MR. MEDEARIS who voted “No”.

CURRENT PROPOSED SPECIAL USE PERMIT RESTRICTIONS

There was then discussion on the previously distributed proposed Special Use Permit restrictions 1-9 (see copy attached to these Minutes).

MR. MCDOUGALL asked about the procedure for zoning reversion if a structure other than a storage unit facility/mini warehouse were to be placed on the premises. Attorney Gaziano explained that the Village could revert the zoning back to its prior designation, or another designation deemed appropriate, after a public hearing was held to consider what would be the most appropriate designation taking into consideration the complexion and circumstances of the area at the time of such reversion.

MR. BOOKER asked for clarification of the wording in #8 of the proposed restrictions dealing with traffic flow on the site. There was extended discussion about where traffic markings should be required to be placed, and whether the Ackermans, as the property owners, would need to follow such restrictions resulting in prohibiting them from exiting the subject property onto Swift Street. Mr. Ackerman indicated he needs at certain times to exit from the adjacent property he owns to the east by going through his storage unit facility property and exiting onto Swift Street based on the size of certain of his commercial vehicles. There were differing thoughts on means of egress

for someone who owned the property to the east of the subject property (which eastern property is currently also owned by the Ackermans). MR. EUBANK indicated he believed the focus should be on what are the restrictions required on the property owners of the subject property sought to be rezoned in order to achieve the intended purpose of the Special Use Permit, but beyond that we should allow them to go around their own property. MR. EMMERT opined that zoning should be a general principle, not zoning for a particular individual's needs, and he could see a future owner of the easterly adjacent property having the same egress issues as the Ackermans currently have in exiting the eastern property they own. MR. MCDUGALL said the issue is that we do not want any traffic going south. He said if the Ackermans are using the subject property for east or west travel, there would not be any light shining onto the Sitton property. Mr. Medearis and Mr. Ackerman mentioned snowplowing issues in reference to directional travel.

MR. BOOKER then made a motion to modify #8 of the previously proposed conditions of the Special Use Permit to strike the phrase on the 4th line "pavement markings on the property" and replace it with "place appropriate signage and traffic markings at point of ingress and egress so it would be reflected on the concrete aprons rather than throughout the property". MR. EUBANK seconded the motion and it passed by a unanimous roll call vote.

With the above modification the second sentence of #8 shall read "The property owner must place appropriate signage and traffic markings at a point of ingress and egress so it would be reflected on the aprons rather than throughout the property, which meet, as near as practical, all size and structural requirements of similar signage and traffic markings as described in the Illinois Vehicle Code."

MR. EUBANK then made a motion that #8 of the restrictions be further amended to incorporate the concept that all tenants of the property would have to obey the one-way coming in from Swift Street requirement, and the one-way direction to the north, but the property owner would not be restricted to that one direction of travel, such that the pavement arrow markings are only there to determine the traffic flow for those customers. Motion carried on a roll call vote, with all Members voting "Yes", except Mr. EMMERT who voted "No".

Attorney Gaziano will draft a revised restriction to confirm with the above idea.

MISCELLANEOUS

MR. VAN SICKLE asked Mr. Ackerman to provide an updated site plan to incorporate the above ingress and egress requirements and remove unnecessary directional markings, and to make the dimensions easier to read. Mr. Ackerman will obtain the same from his engineer and deliver the documents to the Village, as well as provide a 8-1/2 x 11 .pdf of the revised site plan. Attorney Gaziano indicated that in addition to 8-1/2 x 11 size, she would like a couple of larger size ones to have at the Village for easier reading should interpretation questions come up in the future. The 4 copies already provided do not have corrected or updated information to show direction of travel. It was agreed that although the UDO requires 14 sets of the plans to be delivered to the Village, and due to a misinterpretation there were only 4 previously provided, at this point only 4 of the revised sets will be required, provided the electronic version is also provided. MR VAN SICKLE also remarked that in the proper process those 14 copies are supposed to go to Zoning Board first. The four that had been previously provided by the Ackermans had gone to Chad Insko, the Fire Department, Dick Medearis, and the Village Office.

The matter of formal recommendation of #1-9 for the Special Use Permit will be on hold until the signed agreement is received from the Sittons and the revised draft Special Use Permit conditions document is received from Attorney Gaziano.

Attorney Gaziano will provide the Zoning Board Members with a copy of the Minutes packet she previously put together based on copies of all Minutes addressing the Ackerman rezoning issue starting in Feb 2020, that she had asked Kellie Symonds to provide for Attorney Gaziano's review.

MR. VAN SICKLE indicated the previously proposed variances will need to be discussed in the future.

MR. BOOKER raised the issue of how the restriction on hours of operation will affect the owner in dealing with his property. MR. BOOKER mentioned the owner may want to plow early in morning or clear out the unit of someone who defaulted on his or her lease, which could be outside of the 7:00 a.m.-10:00 p.m. hours. MR. EMMERT opined he did not see those hours applying to the property owner because those action of the owner are seen as dealing with maintenance of his business not operation of the storage units. MR. EUBANK agreed and likened the situation to someone early plowing his or her driveway because that individual has to get to work, which may cause noise outside the allowed hours.

MR. EUBANK make a motion to lay over to the next meeting the matter of making a zoning change recommendation to the Village Board. MR. EMMERT seconded the motion and it unanimously carried on a roll call vote.

May 24, 2021
Page 12 of 12

Attorney Szeto was provided contact information for the Ackermans for purposes of providing the proposed written agreement between the Sittons and the Ackermans for review.

Attorney Szeto was also provided with the next Zoning Board meeting date of July 28, 2021 at 7:00 p.m.

It was confirmed for Mr. Ackerman there has been no change in the Zoning Board position for requirement of a 6 foot fence as a condition of the Special Use Permit.

NEW BUSINESS

There was no new business discussed.

MR. EUBANK made a motion to adjourn, which was seconded by MR. VAN SICKLE. The motion carried on unanimous roll call vote, and the meeting was adjourned at 9:13 p.m.

.

APPROVED: JULY 26, 2021

Charles R. Van Sickle, Chairman

Prepared by:

Attorney Mary J. Gaziano
Village Attorney