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1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
 3)
 4)
 5 In the Matter of the Petition
 6 of
 7 FFP IL Community Solar, LLC and BME Ogle Farms, LLC
 8 Ogle County, Illinois
 9
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 30th day
 14 of August, A.D., 2018,
 15 before the Ogle County
 16 Zoning Board of Appeals
 17
 18 Present:
 19 Paul Soderholm
 20 Mark Hayes
 21 Cody Considine
 22 Dave Williams
 23
 24 Randy Ocken, Chairman
 Michael Reibel, Zoning Administrator

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1 MR. REIBEL: I'm sorry. I skipped right
 2 over the solar farm on the agenda. That was my
 3 bad.
 4 Yeah, we should probably take care of
 5 that. I intended to go in the order they were
 6 listed on the agenda. I just messed up.
 7 MR. OCKEN: We have, our first agenda item
 8 is actually a petition for a solar farm;
 9 however, the County Board has placed a
 10 moratorium on solar farm applications at this
 11 point. So I will entertain a motion to table
 12 13-18 Special Use Permit FFP Illinois Community
 13 Solar Farm until the moratorium is lifted.
 14 MR. CONSIDINE: Can we add 15 to that,
 15 too?
 16 MR. OCKEN: We'll do them separately.
 17 MR. CONSIDINE: I'll make a motion to
 18 table it.
 19 MR. WILLIAMS: I'll second.
 20 MR. OCKEN: Mr. Considine moves;
 21 Mr. Williams seconds to Table 13-18 SU.
 22 Any questions or comments from the Board?
 23 (No verbal response.)
 24 MR. OCKEN: All those in favor, please say
 In Totidem Verbis, LLC (ITV)

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1 aye.
 2 (All those simultaneously
 3 responded.)
 4 MR. OCKEN: Opposed?
 5 (No verbal response.)
 6 MR. OCKEN: Do we need roll call?
 7 MR. REIBEL: Yeah, we probably should.
 8 MR. OCKEN: We better do a roll call,
 9 okay.
 10 MR. REIBEL: Soderholm?
 11 MR. SODERHOLM: Yes.
 12 MR. REIBEL: Considine?
 13 MR. CONSIDINE: Yes.
 14 MR. REIBEL: Hayes?
 15 MR. HAYES: Yes.
 16 MR. REIBEL: Williams?
 17 MR. WILLIAMS: Yes.
 18 MR. REIBEL: Ocken?
 19 MR. OCKEN: Yes.
 20 (By voice vote five ayes.)
 21 MR. REIBEL: Five voted yes.
 22 (The hearing was concluded at
 23 6:16 p.m.)
 24
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1 Now on this 30th day of August, A.D., 2018, I
 2 do signify that the foregoing testimony was given
 3 before the Ogle County Zoning Board of Appeals.
 4
 5
 6
 7
 8 Randy Ocken, Chairman
 9
 10
 11
 12
 13 Michael Reibel,
 14 Zoning Administrator
 15
 16
 17
 18 Callie S. Bodmer
 19 Certified Shorthand Reporter
 20 Registered Professional Reporter
 21 IL License No. 084-004489
 22 P.O. Box 381
 23 Dixon, Illinois 61021
 24
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1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Graceland Cattle, LLC, by Douglas Glendenning,
 8 Scott Township
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 30th day
 14 of August, A.D., 2018,
 15 before the Ogle County
 16 Zoning Board of Appeals
 17 Present:
 18 Paul Soderholm
 19 Mark Hayes
 20 Cody Considine
 21 Dave Williams
 22 Randy Ocken, Chairman
 23 Michael Reibel, Zoning Administrator
 24

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 20 End 16
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 24 In Totidem Verbis, LLC (ITV)

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1 MR. OCKEN: Mr. Reibel, the next order of
 2 business.
 3 MR. REIBEL: The next order of business is
 4 to consider the request filed July 18th, 2018,
 5 of Graceland Cattle, LLC, care of Douglas
 6 Glendenning, 10477 East High Road, Davis
 7 Junction, Illinois, for a Special Use Permit to
 8 allow an agribusiness repair shop primarily for
 9 ag-related equipment in the AG-1 Agricultural
 10 District on property described as follows and
 11 owned by the Petitioner:
 12 Part of the Northeast Quarter of the
 13 Northwest Quarter and part of the
 14 Southeast Quarter of the Northwest Quarter
 15 of Section 17, T42N, R1E of the 3rd P.M.,
 16 Scott Township, Ogle County, Illinois,
 17 36.97 acres, more or less.
 18 On Property Identification Number:
 19 11-17-100-004.
 20 At the common location of 10477 East High
 21 Road.
 22 For the record, all adjoining property
 23 owners to the petition have been notified by
 24 certified mail of the hearing this evening and
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1 the specifics of the petition. A public notice
 2 was published in the July 30th, 2018, edition of
 3 the Ogle County Life notifying the public of the
 4 hearing this evening and the specifics of the
 5 petition, and a sign has been posted along the
 6 frontage of the premises to notify the public of
 7 the public hearing reference the subject
 8 property.
 9 Under the Staff Report, which is on file,
 10 the Board members have received, I will point
 11 out, under General Information, that the site is
 12 located at the southwest corner of the
 13 intersection of North Rothwell and East High
 14 Roads.
 15 Existing land use is agriculture.
 16 As far as surrounding land use and zoning,
 17 the site is located within a predominately
 18 agricultural area. All surrounding land is
 19 zoned AG-1 and is in agricultural use. There
 20 are three non-farm dwellings within a quarter
 21 mile of the site and 11 within a half mile.
 22 Zoning history, none.
 23 Applicable regulations, agribusiness is a
 24 listed Special Use within the AG-1 Agricultural
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Page 5	<p>1 District, with the following qualifying</p> <p>2 statement: When applying for a Special Use</p> <p>3 Permit, the Petitioner must show proof that he</p> <p>4 business is directly and primarily used by those</p> <p>5 actively engaged in the pursuit of agricultural</p> <p>6 activities. In addition, the Applicant must</p> <p>7 provide proof, at the time of the hearing, that</p> <p>8 all local, state and federal regulations will be</p> <p>9 complied with in the operation of the use</p> <p>10 applied for.</p> <p>11 Special Information:</p> <p>12 Public utilities, none.</p> <p>13 Transportation, both East High Road and</p> <p>14 North Rothwell Road are seal-coat surfaced roads</p> <p>15 under the jurisdiction of Scott Township, and</p> <p>16 are functionally classified as local roads.</p> <p>17 Physical characteristics, the site is part</p> <p>18 of an upland ridge top and side slope. There</p> <p>19 are no mapped wetlands or floodplain areas on</p> <p>20 the site. According to the Ogle County Digital</p> <p>21 Soil Survey, soil types on the site are: 87B -</p> <p>22 Dickinson sandy loam, 2 to 5 percent slopes, and</p> <p>23 125 A - Selma loam, zero to 2 percent slopes.</p> <p>24 These soil types have the following selected</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	Page 7	<p>1 their representative shall be conditions of the</p> <p>2 Special Use Permit.</p> <p>3 2, All waste generated from the operation</p> <p>4 of the authorized use shall be disposed of in</p> <p>5 accordance with all applicable local, state,</p> <p>6 and/or federal regulations.</p> <p>7 3, The owner/operator shall contact the</p> <p>8 Stillman Valley Fire Protection District to</p> <p>9 request an Occupancy Permit to the NFPA 101:</p> <p>10 Life Safety Code and, if required by te SVFPD,</p> <p>11 shall provide a copy of the issued Occupancy</p> <p>12 Permit to the Planning and Zoning Department</p> <p>13 within 90 days of the granting of this Special</p> <p>14 Use.</p> <p>15 That's -- and Regional Planning Commission</p> <p>16 at their meeting last Thursday has recommended</p> <p>17 approval of this petition with the recommended</p> <p>18 conditions of the Staff Report by a unanimous</p> <p>19 vote.</p> <p>20 That's all I have.</p> <p>21 MR. OCKEN: Mr. Glendenning, please come</p> <p>22 forward.</p> <p>23 DOUGLAS GLENDENNING,</p> <p>24 being first duly sworn, testified as follows:</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
Page 6	<p>1 characteristics:</p> <p>2 94.9 percent are well drained, and 5.1</p> <p>3 percent are poorly drained;</p> <p>4 They are not subject to flooding or</p> <p>5 ponding hazards;</p> <p>6 100 percent are classified as Prime</p> <p>7 farmland;</p> <p>8 100 percent are classified a being Very</p> <p>9 limited for sewage disposal;</p> <p>10 5.1 percent are subject to brief,</p> <p>11 occasional periods of ponding.</p> <p>12 According to the LESA Program, the LESA</p> <p>13 score of 177 indicates a Low rating for</p> <p>14 protection. Land evaluation is 75. Site</p> <p>15 assessment, 102.</p> <p>16 I would note that the LESA score was</p> <p>17 calculated on approximately 3.75 acres</p> <p>18 surrounding the building which the Special Use</p> <p>19 is proposed to be conducted, not the entire</p> <p>20 site.</p> <p>21 And the following are recommended</p> <p>22 conditions for approval of the Special Use:</p> <p>23 Number 1, All proposals and</p> <p>24 representations made by the Applicant and/or</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	Page 8	<p>1 MR. OCKEN: Please state your name and</p> <p>2 address to the recorder.</p> <p>3 MR. GLENDENNING: Douglas Glendenning,</p> <p>4 G-L-E-N-D-E-N-N-I-N-G, 10907 East High Road,</p> <p>5 Davis Junction.</p> <p>6 MR. OCKEN: And tell us why you're</p> <p>7 requesting a Special Use Permit.</p> <p>8 MR. GLENDENNING: To do repairs on</p> <p>9 equipment.</p> <p>10 MR. OCKEN: So this would be a business?</p> <p>11 You would be doing this for people in the area?</p> <p>12 MR. GLENDENNING: Yes.</p> <p>13 MR. OCKEN: And is this welding-type</p> <p>14 repair or engine-type repair or both?</p> <p>15 MR. GLENDENNING: No, it's mostly welding</p> <p>16 and that work, and then just general repair on,</p> <p>17 like, hydraulics and stuff like that.</p> <p>18 MR. OCKEN: Okay. And will there be</p> <p>19 storage outside of the building for equipment</p> <p>20 waiting to be repaired on or that has been</p> <p>21 repaired or other equipment?</p> <p>22 MR. GLENDENNING: Yeah, I have a cement</p> <p>23 pad that I park equipment on.</p> <p>24 MR. OCKEN: Okay. And approximately, I</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

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<p>1 think I read, a third of the building will be 2 used for the business; is that right? 3 MR. GLENDENNING: Yes, that's correct. 4 Yeah. 5 MR. OCKEN: And will this be a business 6 with set hours or on demand, or how will that 7 work? 8 MR. GLENDENNING: Yeah, it's pretty much 9 set hours. It's pretty much from 7 to 5. 10 MR. OCKEN: And do you run this yourself 11 or do you have employees? 12 MR. GLENDENNING: I run it myself, but I 13 do have two employees. 14 MR. OCKEN: And they would be working 15 there as well? 16 MR. GLENDENNING: Right. 17 MR. OCKEN: Yes, okay. 18 Any questions or comments from the Board? 19 (No verbal response.) 20 MR. OCKEN: Okay. You may be seated. 21 Thank you. 22 No one has filed for an appearance? 23 MR. REIBEL: No. 24 MR. OCKEN: Anyone here wish to speak for In Totidem Verbis, LLC (ITV)</p>	<p>1 size of the Special Use, the nature and 2 intensity of the operation involved in or 3 conducted in connection with it, and the 4 location of the site with respect to streets 5 giving access to it are such that the Special 6 Use will not dominate the immediate neighborhood 7 so as to prevent development and use of 8 neighboring property in accordance with the 9 applicable zoning district regulations. In 10 determining whether the Special Use will so 11 dominate the immediate neighborhood, 12 consideration shall be given to: A) The 13 location, nature and height of building, 14 structures, walls and fences on the site; and, 15 B) The nature and extent of proposed 16 landscaping and screening on the proposed site. 17 MR. CONSIDINE: The proposed Special Use 18 will not dominate the immediate neighborhood so 19 as to prevent development and use of neighboring 20 property in accordance with the AG-1 zoning 21 district regulations, as the proposed use 22 utilizes an existing building and the site is 23 within a predominately agricultural area. 24 Standard has been met. In Totidem Verbis, LLC (ITV)</p>
Page 10	Page 12
<p>1 or against this petition? 2 (No verbal response.) 3 MR. OCKEN: Hearing none, the Board will 4 now go through the finding of fact. 5 Mr. Reibel, please read the first 6 standard. 7 MR. REIBEL: Standard Number 1) That the 8 proposed Special Use will not be unreasonably 9 detrimental to the value of other property in 10 the neighborhood in which it is to be located or 11 the public health, safety, morals, comfort or 12 general welfare at large. 13 MR. SODERHOLM: The proposed Special Use 14 will not be unreasonably detrimental to the 15 value of the other property in the neighborhood 16 in which it is to be located or the public 17 health, safety, morals, comfort, or general 18 welfare at large due to the nature of the use 19 (being an agribusiness) in a predominately 20 agricultural area on a site surrounded by 21 agricultural uses. I feel that standard is met. 22 (All those simultaneously 23 agreed.) 24 MR. REIBEL: 2) That the location and In Totidem Verbis, LLC (ITV)</p>	<p>1 (All those simultaneously 2 agreed.) 3 MR. REIBEL: No. 3) That off-street 4 parking and loading areas will be provided in 5 accordance with the standards set forth in these 6 regulations. 7 MR. WILLIAMS: The site is large enough so 8 that adequate off-street parking and loading 9 areas can be provided. I believe the standard 10 is met. 11 (All those simultaneously 12 agreed.) 13 MR. REIBEL: 4) That adequate utilities, 14 ingress/egress to the site, access roads, 15 drainage and other such necessary facilities 16 have been or will be provided. 17 MR. HAYES: Adequate utilities, ingress/ 18 egress to the site from East High Road, access 19 roads, drainage and other such necessary 20 facilities have been or will be provided. I 21 believe the standard is met. 22 (All those simultaneously 23 agreed.) 24 MR. REIBEL: 5) That the proposed use can In Totidem Verbis, LLC (ITV)</p>

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1 be operated in a manner that is not detrimental
 2 to the permitted developments and uses in the
 3 zoning district, can be developed and operated
 4 in a manner that is visually compatible with the
 5 permitted uses in the surrounding area, and is
 6 deemed essential or desirable to preserve and
 7 promote the public health, safety and general
 8 welfare of Ogle County.
 9 MR. SODERHOLM: The proposed use of a
 10 repair shop primarily for agriculturally-related
 11 equipment can be operated in a manner that is
 12 not detrimental to the permitted developments
 13 and uses in the AG-1 zoning district, will be
 14 visually compatible with the area, and is deemed
 15 essential and desirable, as the proposed use
 16 will serve and complement the surrounding
 17 agricultural area. I feel that standard is met.
 18 (All those simultaneously
 19 agreed.)
 20 MR. REIBEL: 6) That the proposed Special
 21 Use complies with all provisions of the
 22 applicable district regulations.
 23 MR. CONSIDINE: The proposed Special Use
 24 appears to comply with all provisions of the
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1 AG-1 district regulations.
 2 MR. OCKEN: All six of the standards have
 3 been met. I will entertain a notion to approve
 4 this petition.
 5 MR. WILLIAMS: Mr. Chairman, I would like
 6 to make a motion to approve 14-4 Special Use to
 7 allow an agri-equipment repair shop with the
 8 following three conditions, being that all the
 9 standards are met and the Regional Planning
 10 Commission also recommended approval.
 11 MR. OCKEN: Mr. Williams moves. Is there
 12 a second?
 13 MR. SODERHOLM: Second.
 14 MR. OCKEN: Mr. Soderholm seconds.
 15 Any questions or comments from the Board?
 16 (No verbal response.)
 17 MR. OCKEN: Hearing none, Mr. Reibel,
 18 please call the roll.
 19 MR. REIBEL: Hayes?
 20 MR. HAYES: Yes.
 21 MR. REIBEL: Considine?
 22 MR. CONSIDINE: Yes.
 23 MR. REIBEL: Soderholm?
 24 MR. SODERHOLM: Yes.
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1 MR. REIBEL: Williams?
 2 MR. WILLIAMS: Yes.
 3 MR. REIBEL: Ocken?
 4 MR. OCKEN: Yes.
 5 (By voice vote five ayes.)
 6 MR. REIBEL: Five voted yes.
 7 MR. OCKEN: This motion has been approved
 8 by a vote of five to zero.
 9 MR. REIBEL: Once again, the petition will
 10 go on to the Planning and Zoning Committee of
 11 the County Board on September 11th at 10 a.m.;
 12 and to the Ogle County Board on September 25th
 13 at 5:30 p.m., both here.
 14 (The hearing was concluded at
 15 6:40 p.m.)
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 In Totidem Verbis, LLC (ITV)

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1 Now on this 30th day of August, A.D.,
 2 2018, I do signify that the foregoing testimony
 3 was given before the Ogle County Zoning Board of
 4 Appeals.
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 8
 9 Randy Ocken, Chairman
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 12
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 14 Michael Reibel,
 15 Zoning Administrator
 16
 17
 18
 19 Callie S. Bodmer
 20 Certified Shorthand Reporter
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 22 IL License No. 084-004489
 23 P.O. Box 381
 24 Dixon, Illinois 61021
 In Totidem Verbis, LLC (ITV)

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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE }SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Kathleen Marszalek, White Rock Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 30th day
 13 of August, A.D., 2018,
 14 before the Ogle County
 15 Zoning Board of Appeals
 16 Present:
 17 Paul Soderholm
 18 Mark Hayes
 19 Cody Considine
 20 Dave Williams
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 22 Michael Reibel, Zoning Administrator
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1 MR. OCKEN: I call this August 30th, 2018,
 2 meeting of the Ogle County Zoning Board of
 3 Appeals to order at 6 p.m.
 4 Mr. Reibel, please call the roll.
 5 (Roll call was taken.)
 6 MR. REIBEL: Five yes -- or here.
 7 MR. OCKEN: We have five members present.
 8 There is a quorum. Please rise for the Pledge
 9 of Allegiance.
 10 (The Pledge of Allegiance was
 11 recited.)
 12 MR. OCKEN: The verbatim transcript
 13 serving as minutes of the last meeting is on
 14 file and will not be read at this time. I will
 15 entertain a motion to approve the minutes of the
 16 last ZBA meeting.
 17 MR. SODERHOLM: So moved.
 18 MR. OCKEN: Mr. Soderholm moves. Is there
 19 a second?
 20 MR. HAYES: I'll second.
 21 MR. OCKEN: Mr. Hayes seconds. All in
 22 favor please, say aye.
 23 (All those simultaneously
 24 responded.)
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1 MR. OCKEN: Motion passes.
 2 All testimony will be taken under oath.
 3 Please come forward to the podium to testify,
 4 and state your name and address to the recording
 5 secretary and please spell your last name. When
 6 testifying, please speak clearly and loudly
 7 enough to be heard.
 8 This hearing is the only opportunity to
 9 place testimony and evidence on the record.
 10 There will not be another opportunity beyond
 11 tonight's hearing to submit additional evidence
 12 or testimony for consideration.
 13 Please turn off or silence all electronic
 14 devices.
 15 The procedures on hearings that will be
 16 followed tonight is as found in the ZBA Rules of
 17 Procedures or Citizen's Guide to the Zoning
 18 Board of Appeals, which are available on the
 19 desk near the entrance to this room.
 20 If anyone has trouble hearing, please let
 21 us know.
 22 After a petition has been voted on, you
 23 are free to leave; however, you are welcome to
 24 stay for the rest of the meeting.
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<p style="text-align: right;">Page 5</p> <p>1 It is the purpose of the Zoning Board of 2 Appeals to follow the Ogle County Zoning 3 Ordinance in order to determine appropriate use 4 for the land of Ogle County, while balancing 5 individual property rights with the rights and 6 interest of the general public to a healthy, 7 safe and orderly living environment. While 8 there are many factors which affect each 9 situation, the function of this Board is to 10 determine the appropriate use of the land. The 11 decision that is made will be based on the 12 evidence and testimony presented at this 13 hearing. 14 Mr. Reibel, what's the first order of 15 business? 16 MR. REIBEL: The first order of business 17 is to consider the request filed June 25th, 18 2018, of Kathleen Marszalek, 2018 North Illinois 19 Route 251, Rochelle, Illinois, for an Amendment 20 to the Zoning District to rezone from B-1 21 Business District to AG-1 Agricultural District 22 on property described as follows and owned by 23 the Petitioner: 24 Part of the Southeast Quarter of the In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 7</p> <p>1 residential. 2 As far as surrounding land use and zoning, 3 the site is located within a predominately 4 agricultural area. All surrounding land is in 5 agricultural use. And the area to the north and 6 east of the subject site, including a portion of 7 the subject site, is zoned B-1, Business 8 District, and was placed in the business zoning 9 district in 1965 upon adoption of the first Ogle 10 County Zoning Ordinance. 11 Other surrounding land is zoned AG-1. 12 Zoning history, that portion of the site 13 zoned B-1 was placed in Business Zoning District 14 in '65, as mentioned. The existing dwelling on 15 the site predates the adoption of the first Ogle 16 County Zoning Ordinance in 1965. 17 Special Information: 18 Public utilities, none. 19 Transportation, Illinois Route 251 is a 20 hot-mix surface State-maintained highway 21 functionally classified as a major collector. 22 Lindenwood Road east of Illinois Route 251 is a 23 seal-coat surfaced Ogle County highway 24 functionally classified as a minor collector. In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 6</p> <p>1 Southwest Quarter of Section 1 and part of the 2 Northeast Quarter of the Northwest Quarter of 3 Section 12, all in White Rock Township 41N, R11E 4 of the 3rd P.M., Ogle County, Illinois. 3.23 5 acres, more or less. 6 For the record, a sign has been posted 7 along the frontage of the premises to notify the 8 public that a hearing is to be held reference 9 the subject property. All adjoining property 10 owners to the petition have been notified by 11 certified mail of the hearing this evening and 12 the specifics of the petition, and a public 13 notice was published in the July 30th, 2018, 14 edition of the Ogle County Life notifying the 15 public of the hearing this evening and the 16 specifics of the petition. 17 Under the Staff Report, which is on file 18 and the Board members have received, I will 19 point out that the site is located at the -- at 20 both the northwest corner and the northeast 21 corners of the intersection of North Illinois 22 Route 251 and East Lindenwood Road, at 2018 23 North Illinois Route 251. 24 Existing land use of the parcel is In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 8</p> <p>1 Lindenwood Road west of Illinois 251 is a 2 seal-coat surfaced road under the jurisdiction 3 of White Rock Township and is functionally 4 classified as a local road. 5 Physical characteristics, the site is 6 located within an area of gently sloping 7 terrain. There are no mapped wetlands or 8 floodplain areas on the site. The soils on site 9 are well to moderately well drained. 10 I have a letter on file from the Illinois 11 Department of Transportation which states that: 12 In the near future there are no 13 roadway construction plans for this area 14 that would affect the property of this 15 location of the rezoning request. 16 Consequently, at this time we have no 17 objections. 18 Please note the Petitioners must 19 apply to this office for an access permit 20 for a new entrance or modification of an 21 existing entrance onto a State-maintained 22 road. 23 Signed by Kevin Marchek, P.E., 24 Region 2 Engineer, IDOT. In Totidem Verbis, LLC (ITV)</p>

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1 I have a letter on file from White Rock
 2 Township which states -- and the letter is dated
 3 August 9th, 2018, and it states that:
 4 At the White Rock Township Board
 5 August 8th regular meeting, the Board
 6 reviewed Zoning Request Number 8-18
 7 Amendment, Marszalek, as presented by the
 8 County. After discussion, the Board
 9 agreed White Rock Township has no
 10 objections to the request for rezone.
 11 Thomas Smith, Supervisor of White
 12 Rock Township.
 13 And the Regional Planning Commission
 14 meeting at their -- the Regional Planning
 15 Commission at its meeting last Thursday did
 16 unanimously recommend approval of this petition.
 17 That's all I have.
 18 MR. OCKEN: Petitioner, please come
 19 forward.
 20 KATHLEEN MARSZALEK,
 21 being first duly sworn, testified as follows:
 22 MR. OCKEN: Please state your name and
 23 address for the recorder and spell your last
 24 name.
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1 MS. MARSZALEK: Kathleen Marszalek,
 2 M-A-R-S-Z, as in zoo, A-L-E-K. I'm not sure on
 3 the address, because I own this property but I'm
 4 staying at another property. So which address
 5 would you --
 6 MR. REIBEL: Your home address.
 7 MR. OCKEN: Home is fine.
 8 MS. MARSZALEK: 2527 Orth, O-R-T-H, Road,
 9 Caledonia, Illinois, 61011.
 10 MR. OCKEN: And tell us why you're
 11 requesting to rezone from B-1 Business to AG-1
 12 Ag.
 13 MS. MARSZALEK: Well, simply, at this
 14 point we wanted to put up a chicken coop, is how
 15 it started, because we were under the impression
 16 when we purchased the property it was Ag zoning.
 17 We didn't realize it was Business. So we just
 18 kind of want to utilize it for what it seems
 19 like it's best suited for, which would be Ag,
 20 not Business.
 21 MR. OCKEN: How long have you owned this
 22 property?
 23 MS. MARSZALEK: Approximately a year.
 24 MR. OCKEN: A year, okay. That's a really
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1 unusually-shaped piece of property.
 2 MS. MARSZALEK: Yes, it is.
 3 MR. OCKEN: The little triangle across on
 4 the other side of 251, do you plan to do -- rent
 5 that?
 6 MS. MARSZALEK: At this point we really
 7 don't have any plans. We were just doing to
 8 plant some vegetables over there at this point
 9 for next year, actually.
 10 MR. OCKEN: Yes, yes, okay. And so you
 11 want to have chickens on the part where you are?
 12 MS. MARSZALEK: Yeah.
 13 MR. OCKEN: And that was originally zoned
 14 Business?
 15 MS. MARSZALEK: I believe so, yes.
 16 MR. OCKEN: Yes, okay. Any members of the
 17 Board have any questions?
 18 (No verbal response.)
 19 MR. OCKEN: Okay. We have no further
 20 questions. You may be seated. Thank you.
 21 MS. MARSZALEK: Thank you.
 22 MR. OCKEN: Anyone file for an appearance?
 23 MR. REIBEL: Nope.
 24 MR. OCKEN: Is there anyone here who
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1 wishes to speak for or against this petition?
 2 (No verbal response.)
 3 MR. OCKEN: If there are no questions from
 4 the Board, the Board will now go through the
 5 finding of fact. For each of the six standards
 6 we have two prepared statements: one in support
 7 of this petition and one in opposition. A Board
 8 member will read the statement which he believes
 9 is most applicable in this situation. The Board
 10 members will either agree or disagree. After
 11 the finding of fact I will entertain a motion in
 12 regard to this petition.
 13 Mr. Reibel, please read the first
 14 standard.
 15 MR. REIBEL: Standard 1) That the
 16 proposed amendment will allow development that
 17 is compatible with existing uses and zoning of
 18 nearby property.
 19 MR. SODERHOLM: Rezoning of the site to
 20 AG-1 to allow continued residential use of the
 21 site is compatible with the existing uses and
 22 zoning of nearby property, as the site is
 23 located in an area that's predominately
 24 agricultural, the site is adjoined by
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1 agricultural uses on all sides, and
 2 approximately 44 percent of the site is
 3 currently zoned AG-1. I feel that standard is
 4 met.
 5 (All those simultaneously
 6 agreed.)
 7 MR. REIBEL: 2) That the County of Ogle
 8 and other service providers will be able to
 9 provide adequate public facilities and services
 10 to the property, including, but not necessarily
 11 limited to, schools, police and fire protection,
 12 roads and highways, water supply and sewage
 13 disposal, while maintaining adequate public
 14 facilities and levels of service to existing
 15 development.
 16 MR. WILLIAMS: The continued residential
 17 use of the site will not create a burden on the
 18 County of Ogle and other public service
 19 providers, as no change in the intensity of the
 20 use is proposed. I believe the standard's been
 21 met.
 22 (All those simultaneously
 23 agreed.)
 24 MR. REIBEL: 3) That the proposed
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1 amendment will not result in significant adverse
 2 impacts on other property in the vicinity of the
 3 subject site or on the environment, including
 4 air, noise, stormwater management, wildlife and
 5 natural resources.
 6 MR. CONSIDINE: No adverse impacts or
 7 impact on the environment will result in the
 8 proposed map amendment, as no change in the use
 9 of the property is proposed. That standard has
 10 been met.
 11 (All those simultaneously
 12 agreed.)
 13 MR. REIBEL: 4) That the subject property
 14 is suitable for the proposed zoning
 15 classification.
 16 MR. HAYES: The site is suitable for AG-1
 17 zoning district, as it is currently, and has
 18 been used for single-family residential
 19 purposes, the existing dwelling on the site
 20 predates the establishment of the first Ogle
 21 County Zoning Ordinance, and a portion of the
 22 site is currently zoned AG-1. I believe the
 23 standard has been met.
 24 (All those simultaneously
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1 agreed.)
 2 MR. REIBEL: 5) That the proposed zoning
 3 classification is consistent with the trend of
 4 development, if any, in the general area of the
 5 subject property including changes, if any,
 6 which have taken place since the day the
 7 property in question was placed in its present
 8 zoning classification.
 9 MR. SODERHOLM: The trend of development
 10 in the general area is of existing and
 11 established residential uses and agricultural
 12 uses. The proposed zoning classification of
 13 AG-1 is consistent with this trend. That
 14 standard has been met, I feel.
 15 (All those simultaneously
 16 agreed.)
 17 MR. REIBEL: 6) That the proposed
 18 amendment is consistent with the public interest
 19 and not solely for the interest of the
 20 Applicant, giving due consideration to the
 21 stated purpose and intent of the Amendatory
 22 Zoning Ordinance as set forth in Division 1
 23 therein, the Land Evaluation and Site Assessment
 24 findings, and the recommendation of the Ogle
 In Totidem Verbis, LLC (ITV)

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1 County Regional Planning Commission with respect
 2 to the Ogle County Amendatory Comprehensive
 3 Plan.
 4 MR. WILLIAMS: The proposed amendment is
 5 consistent with the public interest and not
 6 solely for the interest of the applicant, as it
 7 will make an existing and established use
 8 consistent with the Zoning Ordinance and
 9 surrounding uses; the proposed amendment is also
 10 consistent with the purpose and intent of the
 11 Amendatory Zoning Ordinance. The Zoning Board
 12 of Appeals has given due consideration that the
 13 Regional Planning Commission has recommended
 14 approval. I believe the standard has been met.
 15 (All those simultaneously
 16 agreed.)
 17 MR. REIBEL: Have the Board members read
 18 and considered the LaSalle Factors as applied to
 19 this petition?
 20 (All those simultaneously
 21 answered in the affirmative.)
 22 MR. OCKEN: All the standards have been
 23 met. I will entertain a motion to approve this
 24 petition.
 In Totidem Verbis, LLC (ITV)

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<p>1 MR. CONSIDINE: Mr. Chairman, I'll make a 2 motion to approve Number 8-18 for an amendment 3 to the zoning district to rezone from a B-1 to 4 AG-1 for the simple fact that it's been mostly 5 used currently as AG-1, never was technically a 6 business in the first place. All the standards 7 have been met. 8 MR. SODERHOLM: Second. 9 MR. OCKEN: Mr. Considine moves; 10 Mr. Soderholm seconds. 11 Any questions or comments from the Board? 12 (No verbal response.) 13 MR. OCKEN: Mr. Reibel, please call the 14 roll. 15 MR. REIBEL: Hayes? 16 MR. HAYES: Yes. 17 MR. REIBEL: Williams? 18 MR. WILLIAMS: Yes. 19 MR. REIBEL: Soderholm? 20 MR. SODERHOLM: Yes. 21 MR. REIBEL: Considine? 22 MR. CONSIDINE: Yes. 23 MR. REIBEL: Ocken? 24 MR. OCKEN: Yes. In Totidem Verbis, LLC (ITV)</p>	<p>1 (The hearing was concluded at 2 6:16 p.m.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 In Totidem Verbis, LLC (ITV)</p>
Page 18	Page 20
<p>1 (By voice vote five ayes.) 2 MR. REIBEL: Five voted yes. 3 MR. OCKEN: The motion has been 4 approved by a vote of five to zero. 5 MR. REIBEL: The petition will go on to 6 the Planning and Zoning Committee of the Ogle 7 County Board on September 11th, 2018, at 10 a.m. 8 in this room; and to the County Board for a 9 final decision on September 18th, 2018, at 5:30 10 p.m., also right here in this room. You're 11 welcome to attend those meetings, but you're 12 certainly not required to. 13 MR. COLSON: Mike, the Board meeting was 14 moved. 15 MR. REIBEL: You're right, I did see 16 something about that. To the 25th. 17 MR. COLSON: To the 25th. That was to 18 complete the jail plans for approval, but it 19 moves everything on the agenda to the next week. 20 MR. REIBEL: So, thank you, Mr. Colson. 21 So the County Board meeting will be September 22 25th. 23 MR. OCKEN: Does that change our meeting? 24 MR. REIBEL: No, it won't affect us. In Totidem Verbis, LLC (ITV)</p>	<p>1 Now on this 30th day of August, A.D., 2 2018, I do signify that the foregoing testimony 3 was given before the Ogle County Zoning Board of 4 Appeals. 5 6 7 8 9 Randy Ocken, Chairman 10 11 12 13 14 Michael Reibel, 15 Zoning Administrator 16 17 18 19 Callie S. Bodmer 20 Certified Shorthand Reporter 21 Registered Professional Reporter 22 IL License No. 084-004489 23 P.O. Box 381 24 Dixon, Illinois 61021 In Totidem Verbis, LLC (ITV)</p>

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1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Veronica (Ronnie) Swenson and Daniel Gocken,
 8 Scott Township
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 30th day
 14 of August, A.D., 2018,
 15 before the Ogle County
 16 Zoning Board of Appeals
 17 Present:
 18 Paul Soderholm
 19 Mark Hayes
 20 Cody Considine
 21 Dave Williams
 22 Randy Ocken, Chairman
 23 Michael Reibel, Zoning Administrator
 24

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1 MR. OCKEN: And now we will go to Item
 2 Number 3 on the agenda.
 3 MR. WILLIAMS: Mr. Chairman, I need to
 4 recuse myself from this because I have had a
 5 business dealing with these people that are
 6 pending still.
 7 MR. OCKEN: Okay. Mr. Williams will
 8 recuse himself from this petition.
 9 MR. REIBEL: So this is to consider the
 10 petition filed July 10th, 2018, of Veronica
 11 (Ronnie) Swenson, 516 Dori Court, Pecatonica,
 12 Illinois, and Daniel Gocken, 15825 East
 13 Lindenwood Road, for an amendment to the zoning
 14 district to rezone from B-1 Business District to
 15 R-2 Single-Family Residence District on property
 16 described as follows, owned by Veronica (Ronnie)
 17 Swenson and being purchased by Daniel Gocken:
 18 Lots 1 through 4 of Block3 in the original
 19 Village of Holcomb, part of the East Half
 20 of the Southeast Quarter of Section 34
 21 Scott Township 42N, R1E of the 3rd P.M.,
 22 Ogle County, Illinois.
 23 On Property Identification Number:
 24 11-34-44-001.
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1 At the common location of 305 North First
 2 Street.
 3 Under the Staff Report, which is on file
 4 and the Board members have received, I will
 5 point out that the site is located at the
 6 southeast corner of the intersection of Allen
 7 and First Streets in the unincorporated Village
 8 of Holcomb.
 9 Size of the parcel is 60 foot wide by 264
 10 -- actually, 60 feet deep by 264 feet long.
 11 It's 15,840 square feet in area, or 0.36 acre.
 12 Existing land use is residential.
 13 Surrounding land use and zoning on the
 14 site, the site is located on the eastern edge of
 15 the unincorporated Village of Holcomb, and in an
 16 area that contains a mixture of residential and
 17 commercial uses. Land to the east is the
 18 right-of-way of the Burlington Northern Santa Fe
 19 Railroad and is zoned B-1; land adjacent to the
 20 northern one-half of the western boundary of the
 21 site is in residential use and zoned R-2; land
 22 adjacent to the southern one-half of the western
 23 boundary of the site is in residential use and
 24 zoned B-1; land to the south is in commercial
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<p>1 use and zoned B-1.</p> <p>2 Zoning history, the site was placed in its</p> <p>3 present zoning classification (the north</p> <p>4 one-half being R-2 and the south one-half being</p> <p>5 B-1) in 1965 upon adoption of the first Ogle</p> <p>6 County Zoning Ordinance.</p> <p>7 Special Information:</p> <p>8 Public utilities, none.</p> <p>9 Transportation, Allen Street and First</p> <p>10 Street are seal-coat surfaced roads under the</p> <p>11 jurisdiction of Scott Township.</p> <p>12 Physical characteristics, the site is</p> <p>13 located in an area of gently sloping terrain.</p> <p>14 There are no mapped wetlands or floodplain areas</p> <p>15 and on the site, and the soil type present on</p> <p>16 the site is well drained.</p> <p>17 The Regional Planning Commission at their</p> <p>18 meeting last week, last Thursday, recommended</p> <p>19 unanimous approval of this petition.</p> <p>20 I failed to mention that we have placed a</p> <p>21 sign along the frontage of the premises</p> <p>22 indicating that a zoning hearing is to be held</p> <p>23 reference the subject property. All adjoining</p> <p>24 property owners to the petition have been</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 G-O-C-K-E-N, 15825 East Lindenwood Road,</p> <p>2 Lindenwood Road, Illinois, 61049.</p> <p>3 MR. OCKEN: See, since my name is Ocken, I</p> <p>4 just assumed your name would be Gocken</p> <p>5 [different pronunciation]. A little bit</p> <p>6 different. Understandable.</p> <p>7 Please tell us why you're requesting a</p> <p>8 rezone from B-1 Business to R-2 Single-Family on</p> <p>9 this property.</p> <p>10 MR. WAGNER: I'll take that, if that's</p> <p>11 okay with the Board?</p> <p>12 MR. OCKEN: Certainly.</p> <p>13 MR. WAGNER: This property is currently</p> <p>14 under contract to be sold to Mr. Gocken, and</p> <p>15 during the process of selling it, it was</p> <p>16 discovered that it's zoned FR-1 -- R-2, FP1.</p> <p>17 His lender didn't like that, understandably, and</p> <p>18 so they asked if we can please get this squared</p> <p>19 away and get it so it's all zoned R-2.</p> <p>20 MR. OCKEN: To your knowledge, was there</p> <p>21 ever a business on that property?</p> <p>22 MR. WAGNER: Not to my knowledge. My</p> <p>23 understanding is it's been --</p> <p>24 MS. SWENSON: Late 1800s it was.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
Page 6	Page 8
<p>1 notified by certified mail of the hearing this</p> <p>2 evening and the specifics of the petition, and a</p> <p>3 public notice was published in the July 30th,</p> <p>4 2018, edition of the Ogle County Life, again, to</p> <p>5 notify the public of the hearing this evening</p> <p>6 and the specifics of the petition.</p> <p>7 That's all I have.</p> <p>8 MR. OCKEN: Petitioners, please come</p> <p>9 forward.</p> <p>10 VERONICA (RONNIE) SWENSON, DANIEL GOCKEN and</p> <p>11 BRENT WAGNER,</p> <p>12 being first duly sworn, testified as follows:</p> <p>13 MR. OCKEN: Please state your name and</p> <p>14 address for the recording secretary.</p> <p>15 MR. WAGNER: My name is Brent Wagner. I</p> <p>16 am counsel for Veronica Swenson. I am</p> <p>17 representing her in the sale of this property.</p> <p>18 MR. OCKEN: State your name and address,</p> <p>19 please.</p> <p>20 MS. SWENSON: Okay. Veronica (Ronnie)</p> <p>21 Swenson, 516 Dori Court, Pecatonica.</p> <p>22 MR. OCKEN: Okay. And, Mr. Gocken, I</p> <p>23 assume?</p> <p>24 MR. GOCKEN: It's Daniel Gocken,</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 MR. WAGNER: It was at least 1946 it's</p> <p>2 been just a residence.</p> <p>3 MR. HAYES: I believe it was a hotel.</p> <p>4 MR. OCKEN: Oh, there was a hotel there at</p> <p>5 one time?</p> <p>6 MR. HAYES: Yeah, the house I believe is</p> <p>7 kind of a quasi hotel.</p> <p>8 MR. REIBEL: You remember that?</p> <p>9 MR. HAYES: No.</p> <p>10 MR. OCKEN: Well, this is a relatively not</p> <p>11 uncommon occurrence, where there's, in small</p> <p>12 towns, these areas that have been zoned B-1 and</p> <p>13 no longer need to be zoned B-1 and should be</p> <p>14 changed. So completely understandable.</p> <p>15 Any questions or comments from the Board?</p> <p>16 Mr. Soderholm?</p> <p>17 MR. SODERHOLM: I'm just looking at this</p> <p>18 quitclaim deed, and I don't know if this is in</p> <p>19 our purview, but is there a tax issue on this?</p> <p>20 It said real estate taxes for the year 1999 and</p> <p>21 subsequent years. Is there a tax problem?</p> <p>22 MR. WAGNER: The situation is,</p> <p>23 Ms. Swenson's mother is quite elderly and she's</p> <p>24 taking advantage of the -- I think the situation</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

<p style="text-align: right;">Page 9</p> <p>1 is, she's taking advantage of having her taxes 2 deferred until it's sold under the program the 3 State allows, and then they'll be paid off at 4 the sale. 5 MR. SODERHOLM: Thank you. 6 MS. SWENSON: They are paid every year, 7 so. 8 MR. WAGNER: Do you have something that 9 shows they're not currently paid? 10 MR. REIBEL: Are you looking at a 11 quitclaim deed? That was an old deed, maybe, 12 that was recorded. I'm not sure what you're 13 looking at. 14 MR. WAGNER: I stand corrected. 15 Ms. Swenson is telling me there's a lien on the 16 property that the State has, but that would be 17 different than the taxes. 18 MR. REIBEL: Oh, yeah, I think, 19 Mr. Wagner, you provided a quitclaim deed joint 20 tenancy that was recorded on 1/18/2000. So it 21 certainly would have said that the real estate 22 taxes for the year 1999 and subsequent years, 23 because the deed was recorded in 2000. 24 MR. WAGNER: Oh, I see what you're saying. In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 and the B-1 Business District. I believe the 2 standard is met. 3 (All those simultaneously 4 agreed.) 5 MR. REIBEL: 2) That the County of Ogle 6 and other service providers will be able to 7 provide adequate public facilities and services 8 to the property, including, but not necessarily 9 limited to, schools, police and fire protection, 10 roads and highways, water supply and sewage 11 disposal, while maintaining adequate public 12 facilities and levels of service to existing 13 development. 14 MR. SODERHOLM: Continued residential use 15 of the site will not create a burden on the 16 County of Ogle and other public service 17 providers, as no change in the intensity of the 18 use is proposed. I feel that standard has been 19 met. 20 (All those simultaneously 21 agreed.) 22 MR. REIBEL: 3) That the proposed 23 amendment will not result in significant adverse 24 impacts on other property in the vicinity of the In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 That's standard language because they're not yet 2 payable when it was transferred. 3 MR. OCKEN: Any other questions? 4 (No verbal response.) 5 MR. OCKEN: You may be seated. Thank you. 6 Anyone file for an appearance? 7 MR. REIBEL: No. 8 MR. OCKEN: Is there anyone here who 9 wishes to speak for or against this petition? 10 (No verbal response.) 11 MR. OCKEN: Hearing none, the Board will 12 now go through the finding of facts. 13 Mr. Reibel, please read the standards. 14 MR. REIBEL: Standard 1) That the 15 proposed amendment will allow development that 16 is compatible with existing uses and zoning of 17 nearby property. 18 MR. HAYES: Rezoning of the site to R-2 to 19 allow continued residential use of the site is 20 compatible with existing uses and zoning of 21 nearby property, as the site is located in an 22 area that contains a mixture of residential and 23 commercial uses, and the site is adjoined by 24 both the R-2 Single-Family Residence District In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 subject site or on the environment, including 2 air, noise, stormwater management, wildlife and 3 natural resources. 4 MR. CONSIDINE: No adverse impacts on 5 impact on the environment will result from the 6 proposed map amendment, as no change in the use 7 of the property is proposed. That standard has 8 been met. 9 (All those simultaneously 10 agreed.) 11 MR. REIBEL: 4) That the subject property 12 is suitable for the proposed zoning 13 classification. 14 MR. HAYES: The site is suitable for the 15 R-2 zoning district, as it is currently, and has 16 been used for single-family residence purposes. 17 I believe the standard is met. 18 (All those simultaneously 19 agreed.) 20 MR. REIBEL: 5) That the proposed zoning 21 classification is consistent with the trend of 22 development, if any, in the general area of the 23 subject property including changes, if any, 24 which have taken place since the day the In Totidem Verbis, LLC (ITV)</p>

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<p>1 property in question was placed in its present 2 zoning classification.</p> <p>3 MR. SODERHOLM: The trend of the 4 development in the general area is of existing 5 and established residential uses and commercial 6 uses. The proposed zoning classification of R-2 7 is consistent with this trend. I feel that 8 standard has been met.</p> <p>9 (All those simultaneously 10 agreed.)</p> <p>11 MR. REIBEL: 6) That the proposed 12 amendment is consistent with the public interest 13 and not solely for the interest of the 14 Applicant, giving due consideration to the 15 stated purpose and intent of the Amendatory 16 Zoning Ordinance as set forth in Division 1 17 therein, the Land Evaluation and Site Assessment 18 findings, and the recommendation of the Ogle 19 County Regional Planning Commission with respect 20 to the Ogle County Amendatory Comprehensive 21 Plan.</p> <p>22 MR. CONSIDINE: The proposed amendment is 23 consistent with the public interest and not 24 solely for the interest of the applicant, as it In Totidem Verbis, LLC (ITV)</p>	<p>1 a second?</p> <p>2 MR. SODERHOLM: Second.</p> <p>3 MR. OCKEN: Mr. Soderholm seconds.</p> <p>4 Any questions or comments from the Board? 5 (No verbal response.)</p> <p>6 MR. OCKEN: Hearing none, Mr. Reibel, 7 please call the roll.</p> <p>8 MR. REIBEL: Hayes?</p> <p>9 MR. HAYES: Yes.</p> <p>10 MR. REIBEL: Williams? I'm sorry. 11 Abstained.</p> <p>12 Soderholm?</p> <p>13 MR. SODERHOLM: Yes.</p> <p>14 MR. REIBEL: Considine?</p> <p>15 MR. CONSIDINE: Yes.</p> <p>16 MR. REIBEL: Ocken?</p> <p>17 MR. OCKEN: Yes. 18 (By voice vote four ayes.)</p> <p>19 MR. REIBEL: Four voted yes, one 20 abstained.</p> <p>21 MR. OCKEN: Motion has been approved by a 22 vote of four to zero.</p> <p>23 MR. REIBEL: So the Planning and Zoning 24 Committee of the Ogle County Board will consider In Totidem Verbis, LLC (ITV)</p>
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<p>1 will make an existing and established use 2 consistent with the Zoning Ordinance and 3 surrounding uses; the proposed amendment is also 4 consistent with the purpose and intent of the 5 Amendatory Zoning Ordinance. The Zoning Board 6 of Appeals has given due consideration that the 7 Regional Planning Commission has recommended 8 approval. That standard has been met.</p> <p>9 (All those simultaneously 10 agreed.)</p> <p>11 MR. REIBEL: And have the Board members 12 read and considered the LaSalle Factors as 13 applied to this petition?</p> <p>14 (All those simultaneously 15 answered in the affirmative.)</p> <p>16 MR. OCKEN: All of the standards have been 17 met. I will entertain a motion to approve this 18 petition.</p> <p>19 MR. CONSIDINE: I'll make a motion to 20 approve Number 9-18, as we just heard the 21 property has been in use as a residential use 22 for a very long time, and all the standards have 23 been met. It makes a lot of sense.</p> <p>24 MR. OCKEN: Mr. Considine moves. Is there In Totidem Verbis, LLC (ITV)</p>	<p>1 this petition on September 11th at 10 a.m. in 2 this room; and the Ogle County Board will make 3 the final decision on September 25th at 5:30 4 p.m., also in this room.</p> <p>5 MR. WAGNER: Okay.</p> <p>6 MR. REIBEL: You're more than welcome to 7 attend but you're not required to.</p> <p>8 MR. WAGNER: Thank you. 9 (The hearing was concluded at 10 6:30 p.m.)</p> <p>11 12 13 14 15 16 17 18 19 20 21 22 23 24 In Totidem Verbis, LLC (ITV)</p>

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Now on this 30th day of August, A.D.,
2018, I do signify that the foregoing testimony
was given before the Ogle County Zoning Board of
Appeals.

Randy Ocken, Chairman

Michael Reibel,
Zoning Administrator

Callie S. Bodmer
Certified Shorthand Reporter
Registered Professional Reporter
IL License No. 084-004489
P.O. Box 381
Dixon, Illinois 61021

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<p>1 STATE OF ILLINOIS) 2 COUNTY OF OGLE)SS 3 4 5 In the Matter of the Petition 6 of 7 SV CSG Mt. Morris2, LLC and Wilma Hongsermeir 8 Ogle County, Illinois 9 10 11 Testimony of Witnesses 12 Produced, Sworn and 13 Examined on this 30th day 14 of August, A.D., 2018, 15 before the Ogle County 16 Zoning Board of Appeals 17 18 Present: 19 Paul Soderholm 20 Mark Hayes 21 Cody Considine 22 Dave Williams 23 24 Randy Ocken, Chairman</p>	<p>1 MR. SODERHOLM: Yes. 2 MR. REIBEL: Ocken? 3 MR. OCKEN: Yes. 4 (By voice vote five ayes.) 5 MR. REIBEL: Five yes. 6 (The hearing was concluded at 7 6:16 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 In Totidem Verbis, LLC (ITV)</p>
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<p>1 MR. OCKEN: Our fifth item on the agenda 2 is also another solar farm, 15-18 Special Use 3 Permit. 4 At this time I will entertain a motion to 5 table that until the County Board lifts the 6 moratorium. 7 MR. HAYES: Mr. Chairman, I'll make a 8 motion to table that until the Board makes its 9 decision. 10 MR. OCKEN: Mr. Hayes moves. Is there a 11 second? 12 MR. SODERHOLM: Second. 13 MR. OCKEN: Mr. Soderholm seconds. 14 Any questions or comments from the Board? 15 (No verbal response.) 16 MR. OCKEN: Mr. Reibel, please call the 17 roll. 18 MR. REIBEL: Williams? 19 MR. WILLIAMS: Yes. 20 MR. REIBEL: Hayes? 21 MR. HAYES: Yes. 22 MR. REIBEL: Considine? 23 MR. CONSIDINE: Yes. 24 MR. REIBEL: Soderholm? In Totidem Verbis, LLC (ITV)</p>	<p>1 Now on this 30th day of August, A.D., 2018, I 2 do signify that the foregoing testimony was given 3 before the Ogle County Zoning Board of Appeals. 4 5 6 7 8 Randy Ocken, Chairman 9 10 11 12 13 Michael Reibel, 14 Zoning Administrator 15 16 17 18 Callie S. Bodmer 19 Certified Shorthand Reporter 20 Registered Professional Reporter 21 IL License No. 084-004489 22 P.O. Box 381 23 Dixon, Illinois 61021 24 In Totidem Verbis, LLC (ITV)</p>

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1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
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 4
 5 In the Matter of the Petition
 6 of
 7 Michael and Camille Williams, Dement Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 30th day
 13 of August, A.D., 2018,
 14 before the Ogle County
 15 Zoning Board of Appeals
 16
 17 Present:
 18 Paul Soderholm
 19 Mark Hayes
 20 Cody Considine
 21 Dave Williams
 22 Randy Ocken, Chairman
 23 Michael Reibel, Zoning Administrator
 24

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 20 End. 19
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1 MR. OCKEN: Mr. Reibel, next order of
 2 business.
 3 MR. REIBEL: Next order of business is to
 4 consider the request filed July 23rd, 2018,
 5 Michael and Camille Williams, 3532 South
 6 Woodlawn Road, for a Special Use Permit to a
 7 allow a Class 2 Boarding House in the AG-1
 8 Agricultural District on property described as
 9 follows and owned by the Petitioners:
 10 Part of the Northeast Quarter and part of
 11 the Southeast Quarter Section 2; and part
 12 of the Southwest Quarter of Section 1, all
 13 in Dement Township 40N, R2E of the 3rd
 14 P.M., Ogle County, Illinois, 16.64 acres,
 15 more or less.
 16 On Property Identification Number:
 17 25-02-400-005.
 18 At the common location: 3532 South
 19 Woodlawn Road.
 20 For the record, all adjoining property
 21 owners to the petition have been notified by
 22 certified mail of the hearing this evening and
 23 the specifics of the petition. A public notice
 24 was published in the July 30th, 2018, edition of
 In Totidem Verbis, LLC (ITV)

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1 the Ogle County Life, again notifying the public
 2 of the hearing this evening and the specifics of
 3 the petition, and a sign has been posted along
 4 the frontage of the premises to notify the
 5 public of the hearing reference the subject
 6 property.
 7 Under the Staff Report, which is on file,
 8 the Board members have received, I will point
 9 out, under General Information, that the site is
 10 located on the west side of the North Woodlawn
 11 Road beginning approximately a half mile of the
 12 south of East Gillis Road and approximately a
 13 half mile north of East Heal Road.
 14 Existing land use is residential.
 15 Surrounding land use and zoning, the
 16 surrounding area is predominately agricultural.
 17 All adjacent land is zoned AG-1 and is in
 18 agricultural use.
 19 Zoning history, none. The dwelling on the
 20 site was constructed in approximately 1954.
 21 Public utilities, none.
 22 Applicable regulations is blank, but I
 23 will tell you that a Class 2 Boarding House is a
 24 listed Special Use in the Agricultural District,
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<p style="text-align: right;">Page 5</p> <p>1 and it is a house that for -- intended for 2 short-term occupancies, occupancies of 30 days 3 or less, and is intended to serve more than 4 ten -- groups of more than ten people. 5 Special Information: 6 Public utilities, none. 7 Transportation, South Woodlawn Road is a 8 hot-mix surfaced road under the jurisdiction of 9 Dement Township, and is functionally classified 10 as a minor collector. 11 The physical characteristics, the site is 12 part of an upland stream terrace and stream 13 bottom system. The dwelling on the site is 14 situated on the upland area of the site, and is 15 approximately 18 feet higher in elevation than 16 the lowest elevation on the site. There are no 17 mapped wetlands or floodplain areas on the site, 18 although the lower elevation on the site may be 19 subject to occasional flooding and/or ponding. 20 Under the LESA program, the LESA score of 21 212.5 indicates a High rating for protection. 22 Land evaluation being 89.5. Site assessment, 23 123. 24 The following are recommended conditions In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 7</p> <p>1 meeting last Thursday recommended unanimous 2 approval of the petition with the recommended 3 conditions of the Staff Report. 4 That's all I have. 5 MR. OCKEN: Petitioners, please come 6 forward. 7 MICHAEL WILLIAMS and CAMILLE WILLIAMS, 8 being first duly sworn, testified as follows: 9 MR. OCKEN: Please state your name and 10 address to the recorder. 11 MR. M. WILLIAMS: Michael and Michelle 12 Williams, W-I-L-L-I-A-M-S, 3532 South Woodlawn 13 Road, Rochelle, is our residence. 14 MR. OCKEN: And tell us why you're 15 requesting a Special Use Permit. 16 MR. M. WILLIAMS: Short, we would just 17 like to open up our home for small venues such 18 as graduations. 19 MRS. WILLIAMS: Family reunions, retreats. 20 MR. M. WILLIAMS: Yeah, reunions, stuff 21 like that. 22 MRS. WILLIAMS: Company picnics. 23 MR. OCKEN: Do you own the first house? 24 MR. M. WILLIAMS: Yes. In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 6</p> <p>1 for approval: 2 1, All proposals and representations made 3 by the Applicant and/or their representative 4 shall be conditions of the Special Use Permit. 5 2, Manual fire extinguishing equipment of 6 appropriate classification and in sufficient 7 number and location for those -- for the safety 8 of those utilizing the dwelling. For reference, 9 see NFPA 10 - Standards for the Installation of 10 Portable Fire Extinguishers. 11 3, All combustibles or flammable liquids 12 shall be stored in approved containers. No 13 combustible storage shall occur in or under 14 stairways. 15 4, All hallways and stairways shall be 16 adequately lighted. 17 5, A complete floor plan of the 18 establishment shall be submitted to the local 19 fire protection district. 20 6, Smoke detectors and carbon monoxide 21 detectors shall be provided pursuant to the 22 Illinois Smoke Detector Act and Illinois Carbon 23 Monoxide Alarm Detector Act. 24 The Regional Planning Commission at their In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. OCKEN: You live in the first house 2 and then you want to rent out the second house? 3 Is that how that goes? 4 MRS. WILLIAMS: No, we want to rent out 5 the big house, the house we live in. 6 MR. OCKEN: Okay. Let me -- so the house 7 that's all the way back in, that's the one that 8 you want to use as the venue? 9 MR. M. WILLIAMS: Yes. 10 MRS. WILLIAMS: That's the one we would 11 have more than ten people in, right. 12 MR. OCKEN: And you live in the house 13 that's about halfway back? 14 MR. M. WILLIAMS: No. We live in the big 15 one. 16 MR. OCKEN: Oh, you live there. Okay. 17 I'm sorry. I didn't understand. And is that 18 other house occupied as well then? 19 MR. M. WILLIAMS: It is right now. 20 MR. OCKEN: And you rent that house out? 21 MR. M. WILLIAMS: Yeah. 22 MR. OCKEN: Okay. Okay. So you would be 23 living in this other house where the guests will 24 be staying as well? In Totidem Verbis, LLC (ITV)</p>

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1 MR. M. WILLIAMS: Not always. We could be
 2 there but not always.
 3 MRS. WILLIAMS: It's our primary
 4 residence, but if we have it -- the full house
 5 rented out --
 6 MR. M. WILLIAMS: We'd probably go to the
 7 cabin, because the cabin is going to be vacant.
 8 That's the little house, the cabin.
 9 MR. OCKEN: Okay. That's the house that's
 10 halfway back?
 11 MR. M. WILLIAMS: Halfway back, yeah.
 12 MR. OCKEN: Okay. All right. How many
 13 people would you anticipate would be your
 14 maximum number that you would be hosting for an
 15 event?
 16 MR. M. WILLIAMS: 20-ish or something.
 17 MRS. WILLIAMS: 20 to 24, yeah.
 18 MR. OCKEN: Okay. And what would be the
 19 maximum number of people that would be there on
 20 a short-term basis, staying overnight?
 21 MRS. WILLIAMS: 20 to 24.
 22 MR. OCKEN: So you could accommodate 20 to
 23 24 overnight?
 24 MR. M. WILLIAMS: Yeah.
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1 MR. OCKEN: And what would be the length
 2 of time that you would anticipate people would
 3 be there? I mean, would you put a limit on it,
 4 like four days or a week?
 5 MRS. WILLIAMS: I would think no more than
 6 a week.
 7 MR. OCKEN: Okay.
 8 MRS. WILLIAMS: I would be surprised if it
 9 would be more than a week.
 10 MR. OCKEN: Yeah, okay.
 11 MRS. WILLIAMS: Long weekends would
 12 probably be the norm.
 13 MR. OCKEN: Right. Okay. And you are in
 14 agreement with the recommended conditions?
 15 MRS. WILLIAMS: We are.
 16 MR. M. WILLIAMS: I think they may be all
 17 satisfied already.
 18 MR. OCKEN: Pardon me?
 19 MR. M. WILLIAMS: I'm pretty sure they may
 20 be all satisfied already.
 21 MR. REIBEL: Yeah, actually I have been to
 22 their house, and they got a home occupation
 23 permit for a guest -- or a short-term rental,
 24 Airbnb-type of thing. So I have already
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1 actually looked at those items and they in
 2 compliance.
 3 MR. OCKEN: Okay. When was that house
 4 built, do you know? That's an interesting
 5 house.
 6 MR. M. WILLIAMS: '54 was the last that I
 7 heard.
 8 MR. REIBEL: That's what our assessment
 9 records indicate, is '54.
 10 MR. OCKEN: Never would have known it was
 11 back there if I hadn't driven back there to see
 12 it. It's a pretty area back there.
 13 MR. M. WILLIAMS: Yes, it is.
 14 MR. OCKEN: Any questions or comments from
 15 the Board?
 16 MR. SODERHOLM: Following up on that, I
 17 was curious as to what it was back in the day.
 18 It was a huge operation.
 19 MR. M. WILLIAMS: Right.
 20 MRS. WILLIAMS: From what we understand,
 21 there's a textile owner in Rochelle that built
 22 it for his daughter and things when awry there.
 23 I think we're the fourth owners there.
 24 MR. D. WILLIAMS: The original owner
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1 was --
 2 MRS. WILLIAMS: It was a French guy. Oh,
 3 you know something?
 4 MR. D. WILLIAMS: He was a family friend
 5 of my grandpa. Heiser Roth [phonetic] was his
 6 name. Yeah, and he was kind of influential and
 7 had a lot of connections and a lot of senators
 8 and, you know --
 9 MRS. WILLIAMS: It's an awesome house.
 10 MR. D. WILLIAMS: -- people came out there
 11 and it was a retreat and everything else. A lot
 12 of athletes from Chicago would come out. It was
 13 quite a place back in the day.
 14 MR. REIBEL: It still is quite a place.
 15 MR. D. WILLIAMS: Yeah, it really is.
 16 There used to be a swimming pool. I don't know
 17 if the swimming pool --
 18 MR. M. WILLIAMS: They buried it.
 19 MRS. WILLIAMS: The previous owner from us
 20 buried it. We put in a, like, a semi-inground.
 21 Nothing compared to, I'm sure, what they had.
 22 MR. OCKEN: How long have you owned the
 23 property?
 24 MR. M. WILLIAMS: 22 and a half years.
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1 MR. OCKEN: Pardon me?
 2 MRS. WILLIAMS: 22 and a half years.
 3 MR. OCKEN: Oh, okay. All right. Any
 4 questions or comments from the Board?
 5 (No verbal response.)
 6 MR. OCKEN: Hearing none, you may be
 7 seated. Thank you.
 8 MRS. WILLIAMS: Thank you.
 9 MR. OCKEN: The Board will now go through
 10 finding of fact. Mr. Reibel, the first
 11 standard.
 12 MR. REIBEL: Special Use Standard 1) That
 13 the proposed Special Use will not be
 14 unreasonably detrimental to the value of other
 15 property in the neighborhood in which it is to
 16 be located or the public health, safety, morals,
 17 comfort or general welfare at large.
 18 MR. SODERHOLM: The site is isolated and is
 19 well buffered by distance and topography from
 20 other residential uses in the vicinity. I
 21 believe that standard is met.
 22 (All those simultaneously
 23 agreed.)
 24 MR. REIBEL: Number 2) That the location
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1 and size of the Special Use, the nature and
 2 intensity of the operation involved in or
 3 conducted in connection with it, and the
 4 location of the site with respect to streets
 5 giving access to it are such that the Special
 6 Use will not dominate the immediate neighborhood
 7 so as to prevent development and use of
 8 neighboring property in accordance with the
 9 applicable zoning district regulations. In
 10 determining whether the Special Use will so
 11 dominate the immediate neighborhood,
 12 consideration shall be given to: A) The
 13 location, nature and height of building,
 14 structures, walls and fences on the site; and,
 15 B) The nature and extent of proposed
 16 landscaping and screening on the proposed site.
 17 MR. D. WILLIAMS: Existing site conditions
 18 will remain unchanged, and the dwelling to be
 19 utilized is isolated and nearly a half mile from
 20 Woodlawn Road. The standard is met.
 21 (All those simultaneously
 22 agreed.)
 23 MR. REIBEL: 3) That off-street parking
 24 and loading areas will be provided in accordance
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1 with the standards set forth in these
 2 regulations.
 3 MR. CONSIDINE: The site is large enough
 4 so that adequate off-street parking and loading
 5 areas can be provided. Standard is met.
 6 (All those simultaneously
 7 agreed.)
 8 MR. REIBEL: 4) That adequate utilities,
 9 ingress/egress to the site, access roads,
 10 drainage and other such necessary facilities
 11 have been or will be provided.
 12 MR. HAYES: Adequate utilities,
 13 ingress/egress to the site from South Woodlawn
 14 Road, access roads, drainage and other such
 15 necessary facilities have been or will be
 16 provided. I believe the standard's met.
 17 (All those simultaneously
 18 agreed.)
 19 MR. REIBEL: 5) That the proposed use can
 20 be operated in a manner that is not detrimental
 21 to the permitted developments and uses in the
 22 zoning district, can be developed and operated
 23 in a manner that is visually compatible with the
 24 permitted uses in the surrounding area, and is
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1 deemed essential or desirable to preserve and
 2 promote the public health, safety and general
 3 welfare of Ogle County.
 4 MR. SODERHOLM: The proposed use is in an
 5 isolated area. It is compatible with
 6 agricultural uses in the vicinity, and is deemed
 7 essential and desirable for Ogle County. I
 8 believe this standard is met.
 9 (All those simultaneously
 10 agreed.)
 11 MR. REIBEL: 6) That the proposed Special
 12 Use complies with all provisions of the
 13 applicable district regulations.
 14 MR. D. WILLIAMS: The proposed Special Use
 15 appears to comply with all provisions of the
 16 AG-1 district regulations. The standard is met.
 17 (All those simultaneously
 18 agreed.)
 19 MR. OCKEN: All six of the standards have
 20 been met. I will entertain a motion to approve
 21 this petition, including the recommended
 22 conditions.
 23 MR. D. WILLIAMS: Mr. Chairman, I'll make
 24 a motion to approve 16-18 Special Use to allow a
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<p>1 Class 2 Boarding House, as long as the six 2 conditions are met, due to the standards being 3 met. 4 MR. OCKEN: Mr. Williams moves. Is there 5 a second? 6 MR. HAYES: I'll second. 7 MR. OCKEN: Mr. Hayes seconds. 8 Any other questions or comments from the 9 Board? 10 (No verbal response.) 11 MR. OCKEN: Hearing none, Mr. Reibel, 12 please call the roll. 13 MR. REIBEL: Soderholm? 14 MR. SODERHOLM: Yes. 15 MR. REIBEL: Considine? 16 MR. CONSIDINE: Yes. 17 MR. REIBEL: Hayes? 18 MR. HAYES: Yes. 19 MR. REIBEL: Williams? 20 MR. D. WILLIAMS: Yes. 21 MR. REIBEL: Ocken? 22 MR. OCKEN: Yes. 23 (By voice vote five ayes.) 24 MR. REIBEL: Five voted yes. In Totidem Verbis, LLC (ITV)</p>	<p>1 Now on this 30th day of August, A.D., 2017, I 2 do signify that the foregoing testimony was given 3 before the Ogle County Zoning Board of Appeals. 4 5 6 7 8 Randy Ocken, Chairman 9 10 11 12 Michael Reibel, 13 Zoning Administrator 14 15 16 17 18 Callie S. Bodmer 19 Certified Shorthand Reporter 20 Registered Professional Reporter 21 IL License No. 084-004489 22 P.O. Box 381 23 Dixon, Illinois 61021 24 In Totidem Verbis, LLC (ITV)</p>

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<p>1 MR. OCKEN: Motion has been approved by a 2 vote of five to zero. 3 MR. REIBEL: September 11th, Planning and 4 Zoning Committee, 10 a.m.; Planning and Zoning 5 Committee, September 25th, 5:30 p.m. 6 MR. OCKEN: Do we have any other business 7 for this hearing? 8 MR. REIBEL: No further business. 9 MR. OCKEN: Hearing none, I adjourn this 10 meeting at 6:50 p.m. 11 (The hearing was concluded at 12 6:50 p.m.) 13 14 15 16 17 18 19 20 21 22 23 24 In Totidem Verbis, LLC (ITV)</p>