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1 STATE OF ILLINOIS)
)SS
 2 COUNTY OF OGLE)
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Ben Burch, and Lynnette and Kenneth Burch, Trustees,
 8 Monroe Township
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 Produced, Sworn and
 12 Examined on this 27th day
 13 of September, A.D., 2018,
 14 before the Ogle County
 Zoning Board of Appeals
 15
 16
 17 Present:
 18 Paul Soderholm
 Mark Hayes
 19 Cody Considine
 Dave Williams
 20
 Randy Ocken, Chairman
 21 Michael Reibel, Zoning Administrator
 22
 23
 24

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 5 Lynnette Burch. 8
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1 MR. OCKEN: I call this September 27th,
 2 2018, meeting of the Ogle County Zoning Board of
 3 Appeals to order at 6 p.m.
 4 Mr. Reibel, please read the roll.
 5 (Roll call was taken.)
 6 MR. REIBEL: Five present.
 7 MR. OCKEN: We have five members present.
 8 There is a quorum.
 9 Please rise for the Pledge 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.
 15 I will entertain a motion to approve the
 16 minutes of the last ZBA meeting.
 17 MR. HAYES: I'll make a motion.
 18 MR. OCKEN: Mr. Hayes moves. Is there a
 19 second?
 20 MR. WILLIAMS: I'll second.
 21 MR. OCKEN: Mr. Williams seconds. All in
 22 favor 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 testify and state your
 4 name and address to the recording secretary and
 5 please spell your last name.
 6 When testifying, please speak clearly and
 7 loudly enough to be heard. This hearing is the
 8 only opportunity to place testimony and evidence
 9 on the record. There will not be another
 10 opportunity beyond tonight's hearing to submit
 11 additional evidence or testimony for
 12 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 your 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>1 Mr. Reibel, what's the first order of 2 business?</p> <p>3 MR. REIBEL: The first order of business 4 is to consider the petition filed August 20th, 5 2018, of Ben Burch, 1040 Turkington, Rochelle, 6 Illinois, and Lynnette and Kenneth Burch, 7 Trustees, 15 -- I'm sorry, 17597 East Lindenwood 8 Road, Lindenwood, Illinois, for a Variation to 9 allow a dwelling to be separated from a farm 10 that will result in 1) accessory buildings being 11 10 feet from an interior lot line in lieu of 12 15 feet; and 2) a dwelling being approximately 13 15 feet from a side lot line in lieu of 25 feet 14 as required pursuant to the Ogle County 15 Amendatory Zoning Ordinance on property 16 described as follows and owned by Ben Burch and 17 Lynnette and Kenneth Burch as Trustees: 18 Part of the NE 1/4, NW 1/4, part of the 19 SE 1/4 and part of the SW 1/4 -- let me 20 start that again. 21 Part of the NE 1/4, part of the NW 1/4, 22 part of the SE 1/4, and part of the SW 1/4 23 of Section 32 Monroe Township, 42N, R2E of 24 the 3rd P.M., Ogle County, Illinois, In Totidem Verbis, LLC (ITV)</p>	<p>1 Road and approximately nine-tenths of a mile 2 north of East Lindenwood Road.</p> <p>3 The farm parcel is 107.72 acres. The 4 proposed parcel to be separated from dwelling 5 from farm is 1.1 acre more or less.</p> <p>6 Existing land use is agriculture.</p> <p>7 Surrounding land use and zoning, the site 8 is zoned AG-1 and located within a predominately 9 agricultural area. All land adjacent to the 10 entire farm parcel is zoned AG-1 with the 11 exception of a parcel adjacent to the south.</p> <p>12 No previous zoning history on the site.</p> <p>13 Applicable regulations, Section 16-5-1E of 14 the Ogle County Amendatory Zoning Ordinance 15 allows a subdivision for the purpose of the sale 16 or transfer of ownership of one lot which 17 contains an existing residential building 18 constructed prior to March 24, 1992, when the 19 parcel is at least an acre in area, 150 feet 20 wide, and meets the building and setback 21 requirements of the Zoning Ordinance.</p> <p>22 Special Information: 23 Public utilities, none.</p> <p>24 Transportation, North Kilbuck Road is a In Totidem Verbis, LLC (ITV)</p>
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<p>1 107.72 acres more or less.</p> <p>2 On Property Identification Number: 3 12-32-400-013.</p> <p>4 At the common location of 3498 North 5 Kilbuck Road.</p> <p>6 For the record, all adjoining property 7 owners to this petition have been notified by 8 certified mail of the hearing this evening and 9 the specifics of the petition. A public notice 10 was published in the September 3rd, 2018, 11 edition of the Ogle County Life, again, to 12 notify the public of the hearing this evening 13 and the specifics of the petition. A sign has 14 been posted along the frontage of property in 15 question to notify the public of the hearing 16 this evening reference the subject property.</p> <p>17 Under the Staff Report, which is on file 18 and the Board members have received, I will 19 point out, under General Information, that the 20 entire parcel is located on both the east and 21 west sides of North Kilbuck Road, and the 22 building site is located on the west side of 23 North Kilbuck Road beginning approximately 24 four-tenths of a mile south of East Big Mound In Totidem Verbis, LLC (ITV)</p>	<p>1 seal-coat-surfaced road under the jurisdiction 2 of Ogle County with a 73,280-pound weight limit, 3 and is functionally classified as a minor 4 collector.</p> <p>5 Physical characteristics, the site is in 6 an area of nearly level to gently sloping 7 terrain. There are no mapped wetlands or 8 floodplain areas near the building site.</p> <p>9 I have a letter on file received September 10 19th, 2018, from Monroe Township which states 11 that: The Monroe Township Board of Trustees 12 discussed the request filed by Ben Burch and 13 Lynnette and Kenneth Burch for a Variation on 14 setbacks. The Board does not have any 15 opposition to this request.</p> <p>16 Signed by Thomas Lichty, Supervisor. 17 That's all I have.</p> <p>18 MR. OCKEN: Would the Petitioners please 19 come forward to the podium. Please raise your 20 right hand.</p> <p>21 LYNNETTE BURCH and KENNETH BURCH, 22 being first duly sworn, testified as follows: 23 MR. OCKEN: Please state your name and 24 address for the recorder. In Totidem Verbis, LLC (ITV)</p>

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1 MR. K. BURCH: Kenneth Burch. Address,
 2 17597 East Lindenwood Road, Lindenwood,
 3 Illinois, ZIP code 61049.
 4 MRS. BURCH: Lynnette Burch, 17597 East
 5 Lindenwood Road, Lindenwood, Illinois, 61049.
 6 MR. OCKEN: And tell us why you're
 7 requesting a Variance.
 8 MR. K. BURCH: Our daughter has lived
 9 there for 13 years. She would like to purchase
 10 the house and make improvements.
 11 MR. OCKEN: And you live in the other
 12 house; is that correct?
 13 MR. K. BURCH: No, we do not.
 14 MR. OCKEN: Okay. Who lives in that
 15 house?
 16 MR. K. BURCH: Our youngest daughter lives
 17 there.
 18 MR. OCKEN: Oh, okay. And the 1.1 acres,
 19 I don't remember exactly, is that tillable land
 20 to the north of the house then?
 21 MR. K. BURCH: A little bit of it is
 22 tillable.
 23 MR. OCKEN: Was some of that wooded?
 24 MR. K. BURCH: No.
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1 MR. OCKEN: Pastureland.
 2 MR. K. BURCH: It's farmed.
 3 MR. OCKEN: Okay. And will that continue
 4 to be farmed then?
 5 MR. K. BURCH: If they add on, that will
 6 not be.
 7 MR. OCKEN: And in terms of the other
 8 buildings, all the rest of the buildings then
 9 stay with the other -- the main parcel; is that
 10 correct?
 11 MR. K. BURCH: All the rest of the
 12 buildings are going to stay with the farm.
 13 MR. OCKEN: Right. And it looks like the
 14 septic system, is that the drain field and
 15 everything stays in the new parcel then?
 16 MR. K. BURCH: Yes.
 17 MR. OCKEN: That's included in that
 18 parcel?
 19 MR. K. BURCH: Yes.
 20 MR. OCKEN: Okay. Any questions from the
 21 Board?
 22 (No verbal response.)
 23 MR. OCKEN: Okay. We have no other
 24 questions. You may be seated. Thank you.
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1 MR. K. BURCH: Thank you.
 2 MR. OCKEN: Has anyone filed for an
 3 appearance?
 4 MR. REIBEL: No.
 5 MR. OCKEN: Is there anyone here to speak
 6 in regard to this petition?
 7 (No verbal response.)
 8 MR. OCKEN: Hearing none, the Board will
 9 now go through the findings of fact. For each
 10 of the six standards, we have two prepared
 11 statements: one in support of this petition and
 12 one in opposition to the petition. A Board
 13 member will read the statement which he believes
 14 is most applicable in this situation. The Board
 15 members will either agree or disagree. After
 16 the finding of fact, I will entertain a motion
 17 in regard to this petition.
 18 Mr. Reibel, please read the first
 19 standard.
 20 MR. REIBEL: Variation Standard A) That
 21 the particular physical surroundings, shape or
 22 topographical condition of the specific property
 23 involved would result in a particular hardship
 24 upon the owner, as distinguished from a mere
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1 inconvenience, if the strict letter of the
 2 regulations were carried out.
 3 MR. WILLIAMS: The location and design of
 4 the existing dwelling and existing farm
 5 buildings prohibit separating the dwelling from
 6 the farm with a separation of 25 feet between
 7 the dwelling and the proposed new lot line. I
 8 think the standard's met.
 9 (All those simultaneously
 10 agreed.)
 11 MR. REIBEL: B) The conditions upon which
 12 the petition for a Variation are based are
 13 unique and would not be applicable, generally,
 14 to other property within the same zoning
 15 classifications.
 16 MR. CONSIDINE: The conditions upon which
 17 the petition for a Variation are based are
 18 unique and are not applicable, generally, to
 19 other property within the AG-1 zoning district
 20 due to the location and design of the existing
 21 dwelling and the location of the existing farm
 22 buildings. I believe that standard has been
 23 met.
 24 (All those simultaneously
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1 agreed.)
 2 MR. REIBEL: C) The purpose of the
 3 Variation is not based exclusively upon a desire
 4 to obtain a higher financial return on the
 5 property.
 6 MR. HAYES: Evidence indicates that the
 7 purpose of the Variation is not based
 8 exclusively upon a desire to obtain a higher
 9 financial return on the property, but rather to
 10 separate an existing dwelling from a farm for
 11 the purpose of transferring ownership to a
 12 family member. I believe the standard is met.
 13 (All those simultaneously
 14 agreed.)
 15 MR. REIBEL: D) The alleged difficulty or
 16 hardship has not been created by any person
 17 presently having an interest in the property.
 18 MR. SODERHOLM: Evidence indicates that
 19 the alleged difficulty or hardship has not been
 20 created by the Petitioner. That standard is
 21 met, I believe.
 22 (All those simultaneously
 23 agreed.)
 24 MR. REIBEL: E) The granting of the
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1 Variation will not be materially detrimental to
 2 the public welfare or injurious to other
 3 property or improvements in the neighborhood in
 4 which the property is located.
 5 MR. WILLIAMS: No evidence has been
 6 submitted that would indicate the granting of
 7 the Variation will be materially detrimental to
 8 the public welfare or injurious to other
 9 property or improvements in the neighborhood in
 10 which the property is located. I believe the
 11 standard's met.
 12 (All those simultaneously
 13 agreed.)
 14 MR. REIBEL: F) The proposed Variation
 15 will not impair an adequate supply of light and
 16 air to adjacent property, or substantially
 17 increase the congestion in the public streets,
 18 or increase the danger of fire, or endanger the
 19 public safety, or substantially diminish or
 20 impair property values within the neighborhood.
 21 MR. CONSIDINE: No change to existing
 22 physical site conditions will occur. I believe
 23 that standard has been met.
 24 (All those simultaneously
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1 agreed.)
 2 MR. REIBEL: And the Zoning Board of
 3 Appeals should not vary the regulations of this
 4 Ordinance unless it shall make findings based
 5 upon the evidence presented to it in each
 6 specific case that, A) The plight of the owner
 7 is due to unique circumstances.
 8 MR. HAYES: The circumstances are unique
 9 due to the location and design of the existing
 10 dwelling and farm buildings. I believe the
 11 standard is met.
 12 (All those simultaneously
 13 agreed.)
 14 MR. REIBEL: B) The Variation, if
 15 granted, will not alter the essential character
 16 of the locality.
 17 MR. SODERHOLM: No change to the existing
 18 physical conditions will occur. I believe that
 19 standard is met.
 20 (All those simultaneously
 21 agreed.)
 22 MR. OCKEN: All of the standards have been
 23 met. I will entertain a motion to approve this
 24 petition.
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1 MR. WILLIAMS: Mr. Chairman, I would like
 2 to make a motion to approve Petition 2-18 for a
 3 Variation, based on all the standards have been
 4 met.
 5 MR. OCKEN: Mr. Williams moves. Is there
 6 a second?
 7 MR. SODERHOLM: Second.
 8 MR. OCKEN: Soderholm seconds.
 9 Does the Board have any other questions or
 10 comments?
 11 (No verbal response.)
 12 MR. OCKEN: Hearing none, Mr. Reibel,
 13 please call the roll.
 14 MR. REIBEL: Hayes?
 15 MR. HAYES: Yes.
 16 MR. REIBEL: Considine?
 17 MR. CONSIDINE: Yes.
 18 MR. REIBEL: Soderholm?
 19 MR. SODERHOLM: Yes.
 20 MR. REIBEL: Williams?
 21 MR. WILLIAMS: Yes.
 22 MR. REIBEL: Ocken?
 23 MR. OCKEN: Yes.
 24 (By voice vote five ayes.)
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1 MR. REIBEL: Five voted yes.
 2 MR. OCKEN: This motion has been approved
 3 by a vote of five to zero.
 4 MR. REIBEL: You can proceed with your
 5 survey, folks, and when you have a survey
 6 completed, come and see me with the survey so
 7 that I can review and approve it.
 8 MRS. BURCH: Okay.
 9 MR. K. BURCH: Thank you.
 10 MRS. BURCH: Thank you.
 11 (The hearing was concluded at
 12 6:15 p.m.)
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In Totidem Verbis, LLC (ITV)

1 Now on this 27th day of September, A.D., 2018,
 2 I do signify that the foregoing testimony was given
 3 before the Ogle County Zoning Board of Appeals.
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 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 style="text-align: right;">Page 1</p> <p>1 STATE OF ILLINOIS) 2 COUNTY OF OGLE)SS 3 4 5 In the Matter of the Petition 6 of 7 Rachel A. Davis Trust, and John R. and Kayla 8 McKinney, Scott Township 9 Ogle County, Illinois 10 11 Testimony of Witnesses 12 Produced, Sworn and 13 Examined on this 27th day 14 of September, 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</p>	<p style="text-align: right;">Page 3</p> <p>1 MR. REIBEL: The next order of business is 2 to consider the request filed August 20th, 2018, 3 of Rachel A. Davis Trust, 13779 West White Oak 4 Road, and John R. and Kayla McKinney, 12521 East 5 High Road, Davis Junction, Illinois, for an 6 Amendment to the zoning district to rezone from 7 AG-1 Agricultural District to R-1 Rural 8 Residence District, on property described as 9 follows, owned by both Rachel A. Davis Trust and 10 John R. and Kayla McKinney: 11 Part of the NW 1/4 of the NE 1/4 Section 12 15, Scott Township, 42N, R1E of the 3rd 13 P.M. of Ogle County, Illinois, 5.0 acres 14 more or less. 15 Property Identification Number: Part of 16 11-15-200-012, and part of 11-15-200-016. 17 Common location: Adjacent to and easterly 18 of 12521 East High Road. 19 For the record, a sign was posted along 20 the frontage of the premises to notify the 21 public of the pending hearing reference the 22 subject property. A public notice was published 23 in the September 3rd, 2018, edition of the Ogle 24 County Life to notify the public of the hearing In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 2</p> <p>1 INDEX 2 3 Witness Examination 4 Kayla McKinney 7 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 End..... 16 21 22 23 24 In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 4</p> <p>1 this evening and the specifics of the petition, 2 and all adjoining property owners to the 3 petition have been notified by certified mail of 4 the hearing this evening and the specifics of 5 the petition. 6 Under the Staff Report, which is on file, 7 the Board members have received, I will point 8 out, under General Information, that the 9 existing land use of the site is agriculture. 10 Surrounding land use and zoning, the site 11 is located within a predominately agricultural 12 area. All surrounding land is zoned AG-1. Land 13 to the north, east and south is in agricultural 14 use; land to the west is in nonfarm residential 15 use. There are 11 nonfarm dwellings within 16 one-half mile of the site and two within a 17 quarter mile. The nearest livestock management 18 facility to the site is approximately one mile 19 north. 20 Zoning History, none. The 5-acre parcel 21 of which a portion of the map amendment area 22 encompasses (11-15-200-012) was created in 2011. 23 Special Information: 24 Public utilities, none. In Totidem Verbis, LLC (ITV)</p>

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<p>1 Transportation, East High Road at the site</p> <p>2 is gravel-surfaced road under the jurisdiction</p> <p>3 of Scott Township and is functionally classified</p> <p>4 as a local road.</p> <p>5 Physical characteristics, the site is</p> <p>6 located within an area of generally gently</p> <p>7 sloping terrain. There are no mapped wetlands</p> <p>8 or floodplains on the site. According to the</p> <p>9 Ogle County Digital Soil Survey, soil types on</p> <p>10 the site are: 490A - Odell silt loam, zero to 2</p> <p>11 percent slopes; 622B - Wyanet silt loam, 2 to 5</p> <p>12 percent slopes; and 622C2 - Wyanet silt loam, 5</p> <p>13 to 10 percent slopes, eroded.</p> <p>14 The identified soil types have the</p> <p>15 following selected characteristics:</p> <p>16 99.8 percent of the soils are classified</p> <p>17 as Prime farmland. The remainder are Farmland</p> <p>18 of statewide importance;</p> <p>19 100 percent are classified as being Very</p> <p>20 Limited for septic fields due to depth to</p> <p>21 saturated zone and slow water movement;</p> <p>22 The soils are not subject to ponding or</p> <p>23 flooding;</p> <p>24 Seasonal saturation is between 10 and 20</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 unanimously by a vote of five to zero.</p> <p>2 That is all I have.</p> <p>3 MR. OCKEN: Petitioners, please come</p> <p>4 forward to the podium. Please raise your right</p> <p>5 hand.</p> <p>6 KAYLA MCKINNEY,</p> <p>7 being first duly sworn, testified as follows:</p> <p>8 MR. OCKEN: Please state your name and</p> <p>9 address to the recorder.</p> <p>10 MS. MCKINNEY: Kayla McKinney, 12521 East</p> <p>11 High Road, Davis Junction, Illinois, 61020.</p> <p>12 MR. OCKEN: And please tell us why you're</p> <p>13 requesting a rezoning on this parcel.</p> <p>14 MS. MCKINNEY: Our ultimate desire is to</p> <p>15 build a house. We purchased the two parcels</p> <p>16 that we currently own, one which has our home on</p> <p>17 it and the five-acre parcel next door, in 2016.</p> <p>18 When we went to dig into the zoning, we</p> <p>19 realized we didn't have enough frontage of the</p> <p>20 parcel that we ultimately wanted to build our</p> <p>21 home on. So we reached out to our neighboring</p> <p>22 landowners, the Davis family, and they are</p> <p>23 willing to swap some land, as you see on the</p> <p>24 map, and then ultimately they would be</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
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<p>1 inches on approximately 28.6 percent of the</p> <p>2 site, and greater than 79 inches on the</p> <p>3 remainder of the site.</p> <p>4 Under the LESA program, the LESA score of</p> <p>5 213.9 indicates a High rating for protection.</p> <p>6 Land evaluation, 88.9; site assessment, 125.</p> <p>7 According to the Illinois Department of</p> <p>8 Natural Resources, the Illinois Natural Heritage</p> <p>9 Database contains no record of State-listed</p> <p>10 threatened or endangered species, Illinois</p> <p>11 Natural Area Inventory sites, dedicated Illinois</p> <p>12 Nature Preserves, or registered land and water</p> <p>13 reserves in vicinity of the project location,</p> <p>14 and the consultation process with IDNR has been</p> <p>15 terminated.</p> <p>16 At the September 20th, 2018, meeting of</p> <p>17 Regional Planning Commission, Mr. Flanagan</p> <p>18 stated: Although I would not agree with this</p> <p>19 type of rezoning -- not normally agree with this</p> <p>20 type of rezoning, as it removes good cropland</p> <p>21 out of production, since this is a land swap and</p> <p>22 land will remain in production, I move to</p> <p>23 recommend approval of Petition 10-18 Amendment.</p> <p>24 Seconded by Mr. Wetzel, and the motion carried</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 purchasing 2., I believe it's 77 acres that</p> <p>2 would go into their farmland as well. So</p> <p>3 actually it would be gaining a little bit of</p> <p>4 farmland.</p> <p>5 MR. OCKEN: So you currently own the two</p> <p>6 long lots; is that right?</p> <p>7 MS. MCKINNEY: Correct. Yup.</p> <p>8 MR. OCKEN: Okay. And do you live in that</p> <p>9 house now?</p> <p>10 MS. MCKINNEY: Yes.</p> <p>11 MR. OCKEN: And you want to build a new</p> <p>12 house then?</p> <p>13 MS. MCKINNEY: Yes.</p> <p>14 MR. OCKEN: And then what will you do with</p> <p>15 your current house?</p> <p>16 MS. MCKINNEY: We would sell it.</p> <p>17 MR. OCKEN: You will sell that house.</p> <p>18 MS. MCKINNEY: Yes.</p> <p>19 MR. OCKEN: Okay. And so the land to the</p> <p>20 south then, that will go back into -- that's</p> <p>21 currently not in tillage; is that right?</p> <p>22 MS. MCKINNEY: Correct. Right. So that</p> <p>23 would just be built into that big parcel, and</p> <p>24 that would make it a little bit easier to farm,</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

<p style="text-align: right;">Page 9</p> <p>1 since there wouldn't be that jog in there. It 2 would just be a straight line to cross in the 3 back. 4 MR. OCKEN: Okay. Any questions from the 5 Board? 6 (No verbal response.) 7 MR. OCKEN: Okay. Pretty straightforward. 8 Thank you. You may be seated. 9 MS. MCKINNEY: Thank you. 10 MR. OCKEN: Anyone file for an appearance? 11 MR. REIBEL: No. 12 MR. OCKEN: Anyone here to speak in regard 13 to this petition? 14 (No verbal response.) 15 MR. OCKEN: Hearing none, if there are no 16 questions or comments from the Board, we will 17 now go through the finding of fact. 18 MR. REIBEL: Amendment Standard 1) That 19 the proposed amendment will allow development 20 that is compatible with existing uses and zoning 21 of nearby property. 22 MR. WILLIAMS: There are two other nonfarm 23 residential parcels within a quarter mile of the 24 site, and the site is less than 2,000 feet from In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 air, noise, stormwater management, wildlife and 2 natural resources. 3 MR. HAYES: Evidence indicates that no 4 adverse impacts on other property or significant 5 impact on the environment will result from a 6 proposed map amendment. I believe the standard 7 is met. 8 (All those simultaneously 9 agreed.) 10 MR. REIBEL: 4) That the subject property 11 is suitable for the proposed zoning 12 classification. 13 MR. SODERHOLM: The site is suitable for 14 the R-1 zoning district due to its compatibility 15 with the established nonfarm residential uses in 16 the immediate vicinity, its location within 1.5 17 miles of the Village of Davis Junction, and the 18 fact that it meets the lot size and width 19 requirements. That standard is met. 20 (All those simultaneously 21 agreed.) 22 MR. REIBEL: 5) That the proposed zoning 23 classification is consistent with the trend of 24 development, if any, in the general area of the In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 the Village of Davis Junction. I believe the 2 standard's 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. CONSIDINE: Residential use of the 15 site will not create a burden on the County of 16 Ogle and other public service providers due to 17 the low intensity of development proposed. 18 Standard met. 19 (All those simultaneously 20 agreed.) 21 MR. REIBEL: 3) That the proposed 22 amendment will not result in significant adverse 23 impacts on other property in the vicinity of the 24 subject site or on the environment, including In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 subject property including changes, if any, 2 which have taken place since the day the 3 property in question was placed in its present 4 zoning classification. 5 MR. WILLIAMS: The proposed zoning 6 classification of R-1 Rural Residence District 7 is consistent with this trend of development in 8 the general area. I believe the standard's met. 9 (All those simultaneously 10 agreed.) 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. 22 MR. CONSIDINE: The proposed amendment is 23 consistent with the public interest and not 24 solely for the interest of the Applicant. The In Totidem Verbis, LLC (ITV)</p>

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<p>1 Zoning Board of Appeals has given due 2 consideration that the Regional Planning 3 Commission has recommended approval. I believe 4 that standard has been met. 5 (All those simultaneously 6 agreed.) 7 MR. REIBEL: Have the Board members read 8 and considered the LaSalle Factors as applied to 9 this petition? 10 (All those simultaneously 11 affirmatively answered.) 12 MR. OCKEN: All of the standards have been 13 met. I will entertain a motion to approve this 14 petition. 15 MR. CONSIDINE: Mr. Chairman, I'll make a 16 recommendation to approve Number 10-18 for the 17 rezoning of AG-1 to R-1, and as it was stated in 18 the Regional Planning Commission, even though 19 it's got a High rating for protection, it is 20 currently going to be a -- basically a land 21 swap, where ag will gain more production in 22 land, and the neighbors agree with it and 23 approve that. Based on those facts -- the 24 findings of facts, I believe it should be In Totidem Verbis, LLC (ITV)</p>	<p>1 MR. REIBEL: The petition will go on to 2 the Planning and Zoning Committee of the Ogle 3 County Board on October 9th at 10 a.m. in this 4 room; to the County Board for final decision on 5 October 16th at 5:30 p.m., also in this room. 6 You're welcome to attend those meetings, if you 7 would like but you're not required. 8 MS. MCKINNEY: Thank you. 9 (The hearing was concluded at 10 6:26 p.m.) 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 approved. 2 MR. OCKEN: Mr. Considine moved. Is there 3 a second? 4 MR. WILLIAMS: I'll second. 5 MR. OCKEN: Mr. Williams seconds. 6 Any other questions or comments from the 7 Board? 8 (No verbal response.) 9 MR. OCKEN: Hearing none, Mr. Reibel, 10 please call the roll. 11 MR. REIBEL: Soderholm? 12 MR. SODERHOLM: Yes. 13 MR. REIBEL: Hayes? 14 MR. HAYES: Yes. 15 MR. REIBEL: Williams? 16 MR. WILLIAMS: Yes. 17 MR. REIBEL: Considine? 18 MR. CONSIDINE: Yes. 19 MR. REIBEL: Ocken? 20 MR. OCKEN: Yes. 21 (By voice vote five ayes.) 22 MR. REIBEL: Five voted yes. 23 MR. OCKEN: Motion has been approved by a 24 vote of five to zero. In Totidem Verbis, LLC (ITV)</p>	<p>1 Now on this 27th day of September, 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 John Deuth, Lincoln Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 27th day
 13 of September, 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
 21 Randy Ocken, Chairman
 22 Michael Reibel, Zoning Administrator
 23
 24

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1 MR. OCKEN: Mr. Reibel, what's the next
 2 order of business?
 3 MR. REIBEL: Next order of business is to
 4 consider the request filed August 21st, 2018, of
 5 John Deuth, 12804 West Goose Hollow Road, Polo,
 6 Illinois, for a Variation to allow a dwelling to
 7 be separated from the farm that will result in
 8 the dwelling being approximately 15 feet from a
 9 newly-established lot line in lieu of 25 feet as
 10 required pursuant to the Ogle County Amendatory
 11 Zoning Ordinance, and property described as
 12 follows and owned by the Petitioner:
 13 Part of the SW 1/4 of Section 28, Lincoln
 14 Township, 24N, R8E of the 4th P.M., Ogle
 15 County, Illinois, 145.67 acres more or
 16 less.
 17 On Property Identification Number:
 18 07-28-300-002.
 19 The common location of 12804 West Goose
 20 Hollow Road.
 21 For the record, all adjoining property
 22 owners to the petition have been notified by
 23 certified mail of the hearing this evening and
 24 the specifics of the petition. A public notice
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1 was published in the September 3rd, 2018,
 2 edition of the Ogle County Life, again to notify
 3 the public of the hearing this evening and the
 4 specifics of the petition, and a sign has been
 5 posted along the frontage of the premises
 6 notifying the public of the hearing this evening
 7 reference the subject property.
 8 Under the Staff Report, I will point out
 9 the dwelling is located on the north side of
 10 West Goose Hollow Road beginning approximately a
 11 quarter mile east of North Illinois Route 26.
 12 The farm parcel is 145.67 acres. The
 13 proposed parcel that will be separated from the
 14 farm with a dwelling is 2.4 acres more or less.
 15 And I have a draft copy of the survey that was
 16 recently performed that comes out to about 2.349
 17 acres.
 18 Existing land use is agriculture.
 19 Surrounding land use and zoning, the site
 20 is zoned AG-1 and is located within a
 21 predominately agricultural area. All land
 22 adjacent to the entire farm parcel is zoned AG-1
 23 with the exception of an area zoned B-1 adjacent
 24 westerly of the northwest corner of said farm
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1 parcel, and an area zoned I-1 adjacent northerly
 2 of the northwest corner of said farm parcel.
 3 There's no previous zoning history on the
 4 site.
 5 Special Information:
 6 Public utilities, none.
 7 Transportation, West Goose Hollow Road is
 8 a gravel-surfaced road under the jurisdiction of
 9 Lincoln Township, and is functionally classified
 10 as a local road.
 11 Physical characteristics, the area in
 12 which the dwelling is located is generally a
 13 gently sloping terrain. There are no mapped
 14 wetlands or floodplain areas near the building
 15 site.
 16 That's all I have.
 17 MR. OCKEN: Petitioner, please come
 18 forward. Please raise your right hand.
 19 JOHN DEUTH,
 20 being first duly sworn, testified as follows:
 21 MR. OCKEN: Please state your name and
 22 address to the recorder.
 23 MR. DEUTH: John Deuth, 12804 West Goose
 24 Hollow Road, Polo, Illinois, 61064.
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1 MR. OCKEN: And tell us why you're
 2 requesting a Variation.
 3 MR. DEUTH: We would like to parcel off
 4 the house and sell it to our son and
 5 daughter-in-law. They live in town presently,
 6 would like to move out to the farm. We're
 7 moving to a different house right across the
 8 road from the present use.
 9 There's an existing machine shed that's
 10 close to the attached garage, and that's why
 11 we're here for the Variance.
 12 MR. OCKEN: So there's no problem with the
 13 other buildings, it's just that machine shed --
 14 MR. DEUTH: Right.
 15 MR. OCKEN: -- that would be close to the
 16 proposed lot line?
 17 And your son is actively involved in the
 18 farming operation?
 19 MR. DEUTH: Yes, he is.
 20 MR. OCKEN: And the land to the north is
 21 not currently in tillage; is that right?
 22 MR. DEUTH: No, that's all part of the
 23 house, yard and the orchard area.
 24 MR. OCKEN: And that will stay that way
 In Totidem Verbis, LLC (ITV)

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1 then?
 2 MR. DEUTH: Yes.
 3 MR. OCKEN: And so the land will be a part
 4 of this parcel then; is that right?
 5 MR. DEUTH: That's right.
 6 MR. OCKEN: All right. Well, I assume
 7 your son realizes the locale that he's moving
 8 into and will not be bothered by livestock odors
 9 and things like that.
 10 MR. DEUTH: No, I think he's familiar with
 11 that.
 12 MR. OCKEN: I would imagine that he is.
 13 Okay. Any questions from the Board?
 14 (No verbal response.)
 15 MR. OCKEN: Okay. You may be seated.
 16 Thank you.
 17 MR. DEUTH: Thank you.
 18 MR. OCKEN: Anyone file for an appearance?
 19 MR. REIBEL: No.
 20 MR. OCKEN: Anyone here who wishes to
 21 speak either for or against this petition?
 22 (No verbal response.)
 23 MR. OCKEN: Hearing none, the Board will
 24 now go through the finding of fact.
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1 MR. REIBEL: Variation Standard A) That
 2 the particular physical surroundings, shape or
 3 topographical condition of the specific property
 4 involved would result in a particular hardship
 5 upon the owner, as distinguished from a mere
 6 inconvenience, if the strict letter of the
 7 regulations were carried out.
 8 MR. WILLIAMS: The location and design of
 9 the existing dwelling and existing farm
 10 buildings prohibit separating the dwelling from
 11 the farm in conformance with the required yard
 12 area requirements. I feel the standard is met.
 13 (All those simultaneously
 14 agreed.)
 15 MR. REIBEL: B) The conditions upon which
 16 the petition for a Variation are based are
 17 unique and would not be applicable, generally,
 18 to other property within the same zoning
 19 classifications.
 20 MR. CONSIDINE: The conditions upon which
 21 the petition for a Variation are based are
 22 unique and are not applicable, generally, to
 23 other property within the AG-1 zoning district
 24 due to the location and design of the existing
 In Totidem Verbis, LLC (ITV)

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<p>1 dwelling and location of the existing farm 2 buildings. That standard has been met. 3 (All those simultaneously 4 agreed.) 5 MR. REIBEL: C) The purpose of the 6 Variation is not based exclusively upon a desire 7 to obtain a higher financial return on the 8 property. 9 MR. HAYES: Evidence indicates that the 10 purpose of the Variation is not based 11 exclusively upon the desire to obtain a higher 12 financial return on the property, but rather to 13 separate an existing dwelling from a farm for 14 the purpose of transferring ownership to a 15 family member. I believe the standard is met. 16 (All those simultaneously 17 agreed.) 18 MR. REIBEL: D) The alleged difficulty or 19 hardship has not been created by any person 20 presently having an interest in the property. 21 MR. SODERHOLM: Evidence indicates that 22 the alleged difficulty or hardship has not been 23 created by the Petitioner, and that standard is 24 met, I believe. In Totidem Verbis, LLC (ITV)</p>	<p>1 physical site conditions will occur. Standard 2 met. 3 (All those simultaneously 4 agreed.) 5 MR. REIBEL: The Zoning Board of Appeals 6 should not vary the regulations of this 7 Ordinance unless it shall make findings based 8 upon the evidence presented to it in each 9 specific case that, A) The plight of the owner 10 is due to unique circumstances. 11 MR. HAYES: The circumstances are unique 12 due to the location and design of the existing 13 dwelling and a farm -- and farm buildings. I 14 believe the standard is met. 15 (All those simultaneously 16 agreed.) 17 MR. REIBEL: B) The Variation, if 18 granted, will not alter the essential character 19 of the locality. 20 MR. SODERHOLM: No change to the existing 21 physical conditions will occur. That standard 22 is met. 23 (All those simultaneously 24 agreed.) In Totidem Verbis, LLC (ITV)</p>
Page 10	Page 12
<p>1 (All those simultaneously 2 agreed.) 3 MR. REIBEL: E) The granting of the 4 Variation will not be materially detrimental to 5 the public welfare or injurious to other 6 property or improvements in the neighborhood in 7 which the property is located. 8 MR. WILLIAMS: No evidence has been 9 submitted that would indicate the granting of 10 the Variation will be materially detrimental to 11 the public welfare, or injurious to other 12 property or improvements in the neighborhood in 13 which the property is located. I believe the 14 standard is met. 15 (All those simultaneously 16 agreed.) 17 MR. REIBEL: F) The proposed Variation 18 will not impair an adequate supply of light and 19 air to adjacent property, or substantially 20 increase the congestion in the public streets, 21 or increase the danger of fire, or endanger the 22 public safety, or substantially diminish or 23 impair property values within the neighborhood. 24 MR. CONSIDINE: No change to existing In Totidem Verbis, LLC (ITV)</p>	<p>1 MR. OCKEN: All of the standards have been 2 met. I will entertain a motion to approve this 3 petition. 4 MR. CONSIDINE: Mr. Chairman, I will make 5 a motion to approve Number 3-18. Pretty 6 straightforward. As we heard from the 7 Applicants, the sale to their son, all the 8 standards have been met, and therefore I believe 9 it should be approved. 10 MR. OCKEN: Mr. Considine moves. Is there 11 a second? 12 MR. HAYES: I'll second. 13 MR. OCKEN: Mr. Hayes seconds. 14 Does the board have any other questions or 15 comments? 16 (No verbal response.) 17 MR. OCKEN: Hearing none, please call the 18 roll. 19 MR. REIBEL: Williams? 20 MR. WILLIAMS: Yes. 21 MR. REIBEL: Soderholm? 22 MR. SODERHOLM: Yes. 23 MR. REIBEL: Hayes? 24 MR. HAYES: Yes. In Totidem Verbis, LLC (ITV)</p>

1 MR. REIBEL: Considine?
 2 MR. CONSIDINE: 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: So, Mr. Deuth, you can bring
 10 that survey to me when Wendler has it completed.
 11 MR. DEUTH: Okay. I will call
 12 Mr. Scoffield.
 13 MR. REIBEL: Okay. Thank you.
 14 MR. OCKEN: Mr. Reibel, do we have any
 15 other business this evening?
 16 MR. REIBEL: No further business.
 17 MR. OCKEN: No further business, I call
 18 this meeting adjourned at 6:32 p.m.
 19 (The hearing was concluded at
 20 6:32 p.m.)
 21
 22
 23
 24

In Totidem Verbis, LLC (ITV)

1 Now on this 27th day of September, A.D., 2018,
 2 I do signify that the foregoing testimony was given
 3 before the Ogle County Zoning Board of Appeals.
 4
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 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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