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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE } Number 1-19VAR
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 4
 5 In the Matter of the Petition
 6 of
 7 James L. Morrison, Grand Detour Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 28th day
 13 of February, A.D., 2019,
 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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1 MR. OCKEN: Mr. Reibel, what's the next
 2 order of business?
 3 MR. REIBEL: The next order of business is
 4 to consider the request filed January 16th,
 5 2019, of James L. Morrison, 7589 South Illinois
 6 Route 2, Oregon, Illinois, for a Variation to
 7 allow a residential accessory building to be
 8 constructed approximately 50 feet from the
 9 right-of-way line in lieu of 80 feet as required
 10 pursuant to Ogle County Amendatory Zoning
 11 Ordinance on property described as follows and
 12 owned by the Petitioner:
 13 Part of the Southeast Quarter of the
 14 Northeast Quarter; and part of the
 15 Northeast Quarter of the Southeast Quarter
 16 of Section 12, Township 22 North, Range 9
 17 East of the 4th P.M., Grand Detour
 18 Township, Ogle County, Illinois, 1.25
 19 acres, more or less.
 20 Property Identification Number:
 21 21-12-200-004 and -006.
 22 Common Location: 7589 South Illinois
 23 Route 2.
 24 For the record, a public notice was
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1 published in the February 4th, 2019, edition of
 2 the Ogle County Life to notify the public of the
 3 hearing this evening and the specifics of the
 4 petition. All adjoining property owners to the
 5 petition have been notified by certified mail of
 6 the hearing this evening and the specifics of
 7 the petition, and a sign has been posted along
 8 the frontage of the premises to notify the
 9 public of the hearing pending reference the
 10 subject property.
 11 Under the Staff Report, which is on file,
 12 the Board members have received, I will point
 13 out, under General Information, that the site is
 14 located on the east side of South Illinois Route
 15 2, beginning approximately 1.7 miles south of
 16 West Penn Corner Road and approximately 0.8
 17 miles north of West Ogle Street in Grand Detour.
 18 Existing land use of the site is
 19 residential.
 20 Surrounding land use and zoning, the site
 21 is zoned AG-1, Agricultural District, and is
 22 located within an area that contains a mixture
 23 of agricultural and residential uses. Land
 24 adjacent to the north is in residential use
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1 zoned AG-1; land to the south is undeveloped
 2 riverfront land owned by the Illinois Department
 3 of Transportation and is zoned AG-1; land to the
 4 west is in agricultural/large-lot residential
 5 use zoned IA Intermediate Agricultural District;
 6 the site is bordered on the east by the Rock
 7 River, which is zoned AG-1, and immediately
 8 across the river to the east is land in
 9 agricultural use zoned AG-1.
 10 No previous zoning history. The dwelling
 11 on the site appears to predate the adoption of
 12 the first County Zoning Ordinance in 1965.
 13 Special Information:
 14 Public utilities, none. The site is
 15 served by a private, on-site well and septic
 16 system.
 17 Transportation, Illinois Route 2 is a
 18 State-maintained highway classified as a
 19 "principal arterial."
 20 Physical characteristics, the site is part
 21 of both an elevated stream terrace and
 22 bottomland floodplain adjacent to the Rock
 23 River. Approximately 73 percent of the site is
 24 within the Special Flood Hazard Area
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1 (floodplain) of the Rock River. The portion of
 2 the site is closest to Illinois Route 2
 3 including the dwelling appear to be outside the
 4 Special Flood Hazard Area, and the proposed shed
 5 appears to be within the Special Flood Hazard
 6 Area but within the "flood fringe" portion of
 7 the Special Flood Hazard Area that may be
 8 developed subject to the requirements of the
 9 Ogle County Flood Damage Prevention Ordinance.
 10 The Illinois Department of Transportation
 11 has submitted a letter received February 8th,
 12 2019, that states, In the near future there are
 13 no roadway construction plans that would affect
 14 the property at this location or the request.
 15 Consequently, at this time we have no
 16 objections.
 17 Signed by Kevin Marchek, P.E., Region 2
 18 Engineer.
 19 That's all I have.
 20 MR. OCKEN: Would Mr. Morrison please come
 21 forward to the podium? Please raise your right
 22 hand.
 23 JAMES MORRISON,
 24 being first duly sworn, testified as follows:
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1 MR. OCKEN: Please state your name and
 2 spell your last name.
 3 MR. MORRISON: James Morrison,
 4 M-O-R-R-I-S-O-N.
 5 MR. OCKEN: And tell us why you're
 6 requesting a Variation.
 7 MR. MORRISON: Well, I need it for
 8 additional storage. I have a lawnmower,
 9 Zero-turn radius, and some various tools that
 10 have kind of overflowed out of the basement. I
 11 just need storage.
 12 MR. OCKEN: What size building are you
 13 anticipating?
 14 MR. MORRISON: I think it's approximately
 15 13 by 27, something like that.
 16 MR. OCKEN: Pole-type shed building?
 17 MR. MORRISON: Yup.
 18 MR. OCKEN: Have you ever had flooding
 19 problems there? Does the river --
 20 MR. MORRISON: Not where it's built. I
 21 actually built it -- because I know you have a
 22 setback rule on the highway, but I built it --
 23 the river never gets that high. I have never
 24 seen anything come close to that.
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1 MR. OCKEN: Good. Glad to hear that.
 2 MR. MORRISON: I grew up there as a kid,
 3 so I have been there my whole life. I pretty
 4 much know what happens and what doesn't.
 5 MR. OCKEN: I would imagine so, yes.
 6 Any questions from the Board?
 7 MR. SODERHOLM: You're not going to take
 8 out that big oak there, are you?
 9 MR. MORRISON: No, no intention.
 10 MR. SODERHOLM: That's probably holding
 11 the land there, right?
 12 MR. MORRISON: Yeah. It has some dead
 13 branches on it. I hope we can hang onto it,
 14 because I remember as a kid playing on that
 15 swing on that oak, so.
 16 MR. SODERHOLM: Thank you.
 17 MR. OCKEN: Okay. You may be seated.
 18 THE WITNESS: Thank you.
 19 MR. MORRISON: Thank you.
 20 MR. OCKEN: Mr. Reibel, please read the
 21 first standard.
 22 MR. REIBEL: Objectors?
 23 MR. OCKEN: Oh, did not. Excuse me.
 24 Is there anyone here to speak in favor of
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| <p style="text-align: right;">Page 9</p> <p>1 this petition? 2 (No verbal response.) 3 MR. OCKEN: Anyone here to speak in 4 opposition of this petition? 5 (No verbal response.) 6 MR. OCKEN: I assume nobody has filed an 7 appearance? 8 MR. REIBEL: No. 9 MR. OCKEN: Please read the first 10 standard. 11 MR. REIBEL: Variation Standard A) That 12 the particular physical surroundings, shape or 13 topographical condition of the specific property 14 involved would result in a particular hardship 15 upon the owner, as distinguished from a mere 16 inconvenience, if the strict letter of the 17 regulations were carried out. 18 MR. WILLIAMS: The topography and presence 19 of floodplain on the parcel results in a 20 hardship upon the owner in constructing a 21 storage building. I believe the standard is 22 met. 23 (All those simultaneously 24 agreed.) In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 11</p> <p>1 agreed.) 2 MR. REIBEL: Variation Standard D) The 3 alleged difficulty or hardship has not been 4 created by any person presently having an 5 interest in the property. 6 MR. SODERHOLM: Evidence indicates that 7 the alleged difficulty or hardship has not been 8 created by the Petitioner. That standard is 9 met. 10 (All those simultaneously 11 agreed.) 12 MR. REIBEL: Variation Standard E) The 13 granting of the Variation will not be materially 14 detrimental to the public welfare or injurious 15 to other property or improvements in the 16 neighborhood in which the property is located. 17 MR. WILLIAMS: No evidence has been 18 submitted that would indicate the granting of 19 the Variation will be materially detrimental to 20 the public welfare or injurious to other 21 property or improvements in the neighborhood in 22 which the property is located. That standard is 23 met. 24 (All those simultaneously In Totidem Verbis, LLC (ITV)</p> |
| <p style="text-align: right;">Page 10</p> <p>1 MR. REIBEL: Variation Standard B) The 2 conditions upon which the petition for a 3 Variation are based are unique and would not be 4 applicable, generally, to other property within 5 the same zoning classifications. 6 MR. CONSIDINE: The conditions upon which 7 the petition for a Variation are based are 8 unique and are not applicable, generally, to 9 other property within the AG-1 zoning district 10 due to topography and large floodplain area. 11 That standard has been met. 12 (All those simultaneously 13 agreed.) 14 MR. REIBEL: Variation Standard C) The 15 purpose of the Variation is not based 16 exclusively upon a desire to obtain a higher 17 financial return on the property. 18 MR. HAYES: Evidence indicates that the 19 purpose of the Variation is not based 20 exclusively upon a desire to obtain a higher 21 financial return on the property, but rather to 22 provide additional storage space for the owners 23 of the property. I believe the standard is met. 24 (All those simultaneously In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 12</p> <p>1 agreed.) 2 MR. REIBEL: Variation Standard F) The 3 proposed Variation will not impair an adequate 4 supply of light and air to adjacent property, or 5 substantially increase the congestion in the 6 public streets, or increase the danger of fire, 7 or endanger the public safety, or substantially 8 diminish or impair property values within the 9 neighborhood. 10 MR. CONSIDINE: No evidence has been 11 submitted that would indicate that the Variation 12 will impair an adequate supply of light and air 13 to adjacent property, or substantially increase 14 the congestion in the public streets, or 15 increase the danger of fire, or endanger the 16 public safety, or substantially diminish or 17 impair property value within the neighborhood. 18 That standard has been met. 19 (All those simultaneously 20 agreed.) 21 MR. REIBEL: The Zoning Board of Appeals 22 should not vary the regulations of this 23 Ordinance unless it shall make findings based 24 upon the evidence presented to it in each In Totidem Verbis, LLC (ITV)</p> |

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1 specific case that, A) The plight of the owner
 2 is due to unique circumstances.
 3 MR. HAYES: The circumstances are unique
 4 due to the topography of the site and presence
 5 of floodplain on a large portion of the site. I
 6 believe the standard is met.
 7 (All those simultaneously
 8 agreed.)
 9 MR. REIBEL: B) The Variation, if
 10 granted, will not alter the essential character
 11 of the locality.
 12 MR. SODERHOLM: The Variation will allow
 13 construction that is not out of character with
 14 the surrounding area, as the proposed building
 15 will be set back farther from Illinois Route 2
 16 than the existing house, and the proposed
 17 building is not easily visible from Illinois
 18 Route 2 due to the topography of the site. That
 19 standard has been met.
 20 (All those simultaneously
 21 responded.)
 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. CONSIDINE: Mr. Chairman, I would like
 2 to make a motion to approve Number 1-19 to allow
 3 an accessory building to be constructed 50 feet
 4 from the right-of-way, based on the fact that
 5 all the standards have been met, and
 6 additionally that Kevin Marchek, IDOT Engineer,
 7 sees no conflict in where the building will be
 8 placed.
 9 MR. OCKEN: Mr. Considine moves. Is there
 10 a second?
 11 MR. WILLIAMS: I'll second.
 12 MR. OCKEN: Mr. Williams seconds.
 13 Any questions or comments from the Board?
 14 (No verbal response.)
 15 MR. OCKEN: Hearing none, Mr. Reibel,
 16 please call the roll.
 17 MR. REIBEL: Soderholm?
 18 MR. SODERHOLM: Yes.
 19 MR. REIBEL: Hayes?
 20 MR. HAYES: Yes.
 21 MR. REIBEL: Williams?
 22 MR. WILLIAMS: Yes.
 23 MR. REIBEL: Considine?
 24 MR. CONSIDINE: Yes.
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1 MR. REIBEL: Ocken?
 2 MR. OCKEN: Yes.
 3 (By voice vote five ayes.)
 4 MR. OCKEN: The motion has been approved
 5 by a vote of five to zero.
 6 MR. REIBEL: You may come in and see me
 7 about finishing up the permit applications.
 8 MR. MORRISON: Thank you.
 9 (The hearing was concluded.)
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1 Now on this 28th day of February, A.D., 2019, I
 2 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
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 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) Number 1-19SU
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 4
 5 In the Matter of the Petition
 6 of
 7 Carla and Brad Miller, Byron Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 28th day
 13 of February, A.D., 2019,
 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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1 MR. OCKEN: I call this February 28th,
 2 2019, 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 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 last meeting is on file
 14 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. SODERHOLM: So moved.
 18 MR. OCKEN: Mr. Soderholm moves. Is there
 19 a second?
 20 MR. WILLIAMS: I'll second.
 21 MR. OCKEN: Mr. Williams seconds.
 22 All in 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 the podium to testify and
 4 state your name and address. Please spell your
 5 last name. When testifying, please speak
 6 clearly and loudly enough to be heard. This
 7 meeting will be recorded this evening, so it is
 8 important that everyone speak into the
 9 microphone.
 10 This hearing is the only opportunity to
 11 place testimony and evidence on the record.
 12 There will not be another opportunity beyond
 13 tonight's hearing to submit additional evidence
 14 or testimony for consideration. Please turn off
 15 or silence all electronic devices.
 16 The procedures on hearings that will be
 17 followed tonight is as found in the ZBA Rules of
 18 Procedures or Citizen's Guide to the Zoning
 19 Board of Appeals, which are available on the
 20 desk near the entrance to this room.
 21 If anyone has trouble hearing, please let
 22 us know.
 23 After your petition has been voted on, you
 24 are free to leave; however, you're welcome to
 In Totidem Verbis, LLC (ITV)

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| <p style="text-align: right;">Page 5</p> <p>1 stay for the rest of the meeting.</p> <p>2 Mr. Reibel, what is the first order of</p> <p>3 business?</p> <p>4 MR. REIBEL: Just to reiterate, Board</p> <p>5 members, make sure your microphone is on, and if</p> <p>6 you're speaking you speak into the microphone.</p> <p>7 And anyone at the podium, make sure that</p> <p>8 that microphone is on. There's a button on the</p> <p>9 base of the microphone on the left side. Make</p> <p>10 sure that you push that down and that the red</p> <p>11 light is on, and speak into the microphone so</p> <p>12 the recording equipment will pick you up.</p> <p>13 So the first order of business is to</p> <p>14 consider the request filed January 4th, 2019, of</p> <p>15 Carla and Brad Miller, 7 East Illinois Route 72,</p> <p>16 Leaf River, Illinois, for a Supplemental Special</p> <p>17 Use Permit in the AG-1 Agricultural District to</p> <p>18 allow the expansion of a banquet facility on</p> <p>19 property described as follows and owned by the</p> <p>20 Petitioner:</p> <p>21 Part of the Northwest Quarter of the</p> <p>22 Northwest Quarter of Section 34, Township</p> <p>23 25 North, Range 10 East of the 4th P.M.,</p> <p>24 Byron Township, Ogle County, IL, 7.5</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 7</p> <p>1 residential, farmette.</p> <p>2 Surrounding land use and zoning, the site</p> <p>3 is located within a predominately agricultural</p> <p>4 area. There are no dwellings within one-quarter</p> <p>5 mile of the site, five dwellings within one-half</p> <p>6 mile of the site. The closest livestock</p> <p>7 management facility to the site is approximately</p> <p>8 four-tenths of a mile to the northeast. All</p> <p>9 land surrounding the site is in agricultural use</p> <p>10 and is zoned AG-1 Agricultural District.</p> <p>11 Zoning history, a Special Use was granted</p> <p>12 for the site in 2016 (Petition Number 5-16SU) to</p> <p>13 allow a venue for holding wedding ceremonies,</p> <p>14 wedding receptions, and special events. The</p> <p>15 current petition is to supplement the existing</p> <p>16 Special Use by constructing an addition to the</p> <p>17 barn that is utilized in conducting the Special</p> <p>18 Use.</p> <p>19 Special Information:</p> <p>20 Public utilities, none. The site is</p> <p>21 served with a private, on-site well and septic</p> <p>22 system.</p> <p>23 Transportation, Illinois Route 72 is a</p> <p>24 hot-mix surfaced road under the jurisdiction of</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p> |
| <p style="text-align: right;">Page 6</p> <p>1 acres, more or less.</p> <p>2 Property Identification Number:</p> <p>3 04-34-100-003.</p> <p>4 Common Location: 7 East Illinois Route</p> <p>5 72.</p> <p>6 For the record, a public notice was</p> <p>7 published in the February 11th, 2019, edition of</p> <p>8 the Ogle County Life to notify the public of the</p> <p>9 hearing this evening and the specifics of the</p> <p>10 petition. A sign has been posted along the</p> <p>11 frontage of the premises to notify the public of</p> <p>12 the pending hearing, and all adjoining property</p> <p>13 owners to the petition have been notified by</p> <p>14 certified mail of the hearing this evening and</p> <p>15 the specifics of the petition.</p> <p>16 Under the Staff Report, which is on file</p> <p>17 and the Board members have received, I will</p> <p>18 point out, under General Information, that the</p> <p>19 site is located on the south side of East</p> <p>20 Illinois Route 72 beginning approximately a</p> <p>21 quarter mile east of North Stone School Road and</p> <p>22 approximately nine-tenths of a mile west of</p> <p>23 North Conger Road.</p> <p>24 Existing land use is large-lot rural</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 8</p> <p>1 the Illinois Department of Transportation, and</p> <p>2 is functionally classified as a "minor</p> <p>3 arterial."</p> <p>4 Physical characteristics, the site is</p> <p>5 located in an area of gently sloping to sloping</p> <p>6 terrain and is part of a convex side slope. The</p> <p>7 site is well drained and there are no mapped</p> <p>8 wetland or floodplain areas on the site.</p> <p>9 According to the Ogle County Digital Soil</p> <p>10 Survey, soil types on the site have the</p> <p>11 following selected characteristics:</p> <p>12 52 percent of the soil types are</p> <p>13 classified as being "Prime farmland" and the</p> <p>14 remainder are "Farmland of statewide</p> <p>15 importance";</p> <p>16 12 percent of the soil types on site are</p> <p>17 "Somewhat limited" for septic systems, and the</p> <p>18 remainder are "Very limited" due to ponding,</p> <p>19 depth of bedrock, slope and seepage;</p> <p>20 The soils on site are not subject to</p> <p>21 ponding or flooding.</p> <p>22 Under the LESA program, the LESA score of</p> <p>23 212.5 indicates a High rating for protection.</p> <p>24 Land evaluation, 74.5. Site assessment, 138.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p> |

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1 In a letter from the Illinois Department
 2 of Transportation received February 8th, 2019,
 3 the Department states that, In the near future
 4 there are no roadway construction plans for
 5 either of those that would affect the property
 6 at this location or the request. Subsequently,
 7 at this time we have no objections.
 8 Signed by Kevin Marchek, P.E., Region 2
 9 Engineer.
 10 I have a letter on file from Byron
 11 Township dated February 14th, 2019, which states
 12 that, Our Planning Commission met on January
 13 12th, 2019, to discuss the request for a Special
 14 Use Permit to add on to a wedding reception
 15 building, and they recommended to allow this
 16 change. The Planning Commission ruled in favor
 17 of this petition. At the regular Board of
 18 Trustees meeting, February 14th, 2019, the Board
 19 voted four to zero, one absent, to approve the
 20 Byron Township Planning Commission
 21 recommendation to approve the petition to the
 22 Ogle County Planning and Zoning.
 23 Signed by Terry Reeverts, Supervisor,
 24 Byron Township.
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1 At the February 21st, 2019, meeting of the
 2 Regional Planning Commission, Mr. Flanagan moved
 3 to recommend approval of the petition, as this
 4 is an expansion of the original Special Use that
 5 was approved, Byron Township has no objections,
 6 and no land is being taken out of production.
 7 Seconded by Mr. Wetzel. And the motion carried
 8 unanimously by a vote of seven to zero.
 9 That's all I have.
 10 MR. OCKEN: Would the Petitioners please
 11 step forward to the podium? Please raise your
 12 right hand.
 13 BRAD MILLER,
 14 being first duly sworn, testified as follows:
 15 MR. OCKEN: Please state your last name
 16 and spell your last name [as said].
 17 MR. MILLER: Miller, M-I-L-L-E-R.
 18 MR. OCKEN: And tell us why you're
 19 requesting a supplement to your Special Use
 20 Permit.
 21 MR. MILLER: We need additional storage
 22 for the tables and chairs, and also at some
 23 point would like to go away from the
 24 porta-potties and add bathrooms.
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1 MR. OCKEN: And how large is the proposed
 2 addition that you're --
 3 MR. MILLER: 17 and a half by --
 4 MR. REIBEL: About 27, I think you told
 5 me.
 6 MR. MILLER: 28, yeah.
 7 MR. OCKEN: Okay. And will that be the
 8 same height as the barn then?
 9 MR. MILLER: Little bit lower.
 10 MR. OCKEN: Okay.
 11 MR. MILLER: Same basic shape. Roofed.
 12 MR. OCKEN: Well, it certainly seems like
 13 a good place for it.
 14 Any questions or comments from the Board?
 15 (No verbal response.)
 16 MR. SODERHOLM: Pursuant to a diagram we
 17 have, is it the building that's just to the west
 18 of the barn, attached to the barn?
 19 MR. OCKEN: Yeah, it's a little addition
 20 to the west end of the barn.
 21 MR. SODERHOLM: That appeared to me that
 22 that building is already built.
 23 MR. OCKEN: I'm not -- I didn't drive back
 24 there. I don't know.
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1 MR. REIBEL: It may be underway.
 2 MR. SODERHOLM: What?
 3 MR. REIBEL: It may be underway.
 4 MR. SODERHOLM: Okay.
 5 MR. REIBEL: We'll get that corrected.
 6 MR. OCKEN: Any other questions or
 7 comments from the Board?
 8 MR. WILLIAMS: No.
 9 MR. OCKEN: Since you're requesting an
 10 addition, I would assume that your business is
 11 proceeding as you had anticipated that it would?
 12 MR. MILLER: Yes.
 13 MR. OCKEN: Approximately how many events
 14 do you hold there in a year's time?
 15 MR. MILLER: Weddings, last year we had
 16 ten, and then there was a half a dozen
 17 anniversaries, birthday parties, graduations,
 18 stuff like that.
 19 MR. OCKEN: Okay. If there are no other
 20 questions or comments from the Board, you may be
 21 seated.
 22 Has anybody filed for an appearance?
 23 MR. REIBEL: No.
 24 MR. OCKEN: Is there anyone here to speak
 In Totidem Verbis, LLC (ITV)

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| <p style="text-align: right;">Page 13</p> <p>1 in favor of this petition? 2 (No verbal response.) 3 MR. OCKEN: Anyone to speak against this 4 petition? 5 (No verbal response.) 6 MR. OCKEN: Hearing none, we will now go 7 through the findings of fact. For each of the 8 six standards we have two prepared statements, 9 one in support of this petition and one in 10 opposition. A Board member will read the 11 statement which he believes is most applicable 12 in this situation. The Board members will 13 either agree or disagree. After the finding of 14 facts, I will entertain a motion in regard to 15 this petition. 16 Mr. Reibel, please read the first 17 standard. 18 MR. REIBEL: Special Use Standard 1) That 19 the proposed Special Use will not be 20 unreasonably detrimental to the value of other 21 property in the neighborhood in which it is to 22 be located or the public health, safety, morals, 23 comfort or general welfare at large. 24 MR. SODERHOLM: The site is located within In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 15</p> <p>1 B) The nature and extent of proposed 2 landscaping and screening on the proposed site. 3 MR. HAYES: The proposed supplemental use 4 will not dominate the immediate neighborhood, as 5 it will not alter the occasional nature of the 6 existing use and will not alter the 7 characteristics of the site. I feel the 8 standard is met. 9 (All those simultaneously 10 agreed.) 11 MR. REIBEL: 3) That off-street parking 12 and loading areas will be provided in accordance 13 with the standards set forth in these 14 regulations. 15 MR. CONSIDINE: The site is large enough 16 so that adequate off-street parking and loading 17 areas can be provided. That standard has been 18 met. 19 (All those simultaneously 20 agreed.) 21 MR. REIBEL: 4) That adequate utilities, 22 ingress/egress to the site, access roads, 23 drainage and other such necessary facilities 24 have been or will be provided. In Totidem Verbis, LLC (ITV)</p> |
| <p style="text-align: right;">Page 14</p> <p>1 a predominately agricultural area, is surrounded 2 by farmland. The existing use is conducted on 3 an occasional basis, and the proposed supplement 4 to the existing use will not significantly alter 5 the nature of the existing use, and will not 6 alter the characteristics of this site. I feel 7 that standard has been met. 8 (All those simultaneously 9 agreed.) 10 MR. REIBEL: 2) That the location and 11 size of the Special Use, the nature and 12 intensity of the operation involved in or 13 conducted in connection with it, and the 14 location of the site with respect to streets 15 giving access to it are such that the Special 16 Use will not dominate the immediate neighborhood 17 so as to prevent development and use of 18 neighboring property in accordance with the 19 applicable zoning district regulations. In 20 determining whether the Special Use will so 21 dominate the immediate neighborhood, 22 consideration shall be given to: A) The 23 location, nature and height of building, 24 structures, walls and fences on the site; and, In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 16</p> <p>1 MR. WILLIAMS: Adequate utilities, 2 ingress/egress to the site from Illinois Route 3 72, access roads, drainage and other such 4 necessary facilities have been or will be 5 provided. I believe the standard has been met. 6 (All those simultaneously 7 agreed.) 8 MR. REIBEL: 5) That the proposed use can 9 be operated in a manner that is not detrimental 10 to the permitted developments and uses in the 11 zoning district, can be developed and operated 12 in a manner that is visually compatible with the 13 permitted uses in the surrounding area, and is 14 deemed essential or desirable to preserve and 15 promote the public health, safety and general 16 welfare of Ogle County. 17 MR. SODERHOLM: The site is located within 18 an agricultural area and is surrounded by 19 farmland. The existing use is conducted on an 20 occasional basis, and the proposed supplement to 21 the existing use will not significantly alter 22 the nature of the existing use, and will not 23 alter the characteristics of the site. Evidence 24 indicates that the existing use and the proposed In Totidem Verbis, LLC (ITV)</p> |

| | |
|--|--|
| Page 17 | Page 19 |
| <p>1 supplemental use can be operated safely, and is</p> <p>2 deemed essential or desirable to preserve and</p> <p>3 promote the public health, safety, and general</p> <p>4 welfare of Ogle County.</p> <p>5 I believe that standard has been met.</p> <p>6 (All those simultaneously</p> <p>7 agreed.)</p> <p>8 MR. REIBEL: 6) That the proposed Special</p> <p>9 Use complies with all provisions of the</p> <p>10 applicable district regulations.</p> <p>11 MR. HAYES: The proposed Special Use</p> <p>12 appears to comply with all provisions of the</p> <p>13 AG-1 zoning district regulations. I believe the</p> <p>14 standard is met.</p> <p>15 (All those simultaneously</p> <p>16 agreed.)</p> <p>17 MR. OCKEN: All of the standards have been</p> <p>18 met. I will entertain a motion to approve this</p> <p>19 petition.</p> <p>20 MR. WILLIAMS: Mr. Chairman, I'll make a</p> <p>21 motion to approve Special Use Permit 1-19 for a</p> <p>22 Supplemental Special Use to allow an addition to</p> <p>23 an existing building, based on that the</p> <p>24 standards have been met, and approval from the</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p> | <p>1 MR. REIBEL: And that petition will be</p> <p>2 acted on by the Ogle County Board on March 19th,</p> <p>3 2019, at 5:30 p.m., right here in this room.</p> <p>4 You're welcome to attend that, if you would</p> <p>5 like. You don't have to though.</p> <p>6 (The hearing was concluded.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p> |
| Page 18 | Page 20 |
| <p>1 Byron Building Planning Commission and the</p> <p>2 Regional Planning Commission.</p> <p>3 MR. OCKEN: Mr. Williams moves. Is there</p> <p>4 a second?</p> <p>5 MR. SODERHOLM: Second.</p> <p>6 MR. OCKEN: Mr. Soderholm seconds.</p> <p>7 Any questions or comments from the Board?</p> <p>8 (No verbal response.)</p> <p>9 MR. OCKEN: Hearing none, Mr. Reibel,</p> <p>10 please call the roll.</p> <p>11 MR. REIBEL: Hayes?</p> <p>12 MR. HAYES: Yes.</p> <p>13 MR. REIBEL: Considine?</p> <p>14 MR. CONSIDINE: Yes.</p> <p>15 MR. REIBEL: Soderholm?</p> <p>16 MR. SODERHOLM: Yes.</p> <p>17 MR. REIBEL: Williams?</p> <p>18 MR. WILLIAMS: Yes.</p> <p>19 MR. REIBEL: Ocken?</p> <p>20 MR. OCKEN: Yes.</p> <p>21 (By voice vote five ayes.)</p> <p>22 MR. REIBEL: Five voted yes.</p> <p>23 MR. OCKEN: This motion has been approved</p> <p>24 by a vote of five to zero.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p> | <p>1 Now on this 28th day of February, A.D.,</p> <p>2 2019, I do signify that the foregoing testimony</p> <p>3 was given before the Ogle County Zoning Board of</p> <p>4 Appeals.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p style="text-align: center;">Randy Ocken, Chairman</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p style="text-align: center;">Michael Reibel, Zoning Administrator</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p style="text-align: center;">Callie S. Bodmer Certified Shorthand Reporter Registered Professional Reporter IL License No. 084-004489 P.O. Box 381 Dixon, Illinois 61021</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p> |

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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE } Number 2-19SU
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Jeremy and Lisa Good, Dement Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 28th day
 13 of February, A.D., 2019,
 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 18
 21
 22
 23
 24 In Totidem Verbis, LLC (ITV)

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1 MR. OCKEN: Mr. Reibel, what's the next
 2 order of business?
 3 MR. REIBEL: The next order of business is
 4 to consider the request filed January 22nd,
 5 2019, of Jeremy and Lisa Good, 5833 Skare Road,
 6 Rochelle, Illinois; and Franklin Hintzsche, 3851
 7 South Mulford Road, Rochelle, Illinois, for a
 8 Special Use in the AG-1 Agricultural District to
 9 allow a single-family dwelling to be constructed
 10 on a lot divided and set aside from a farm for
 11 the daughter of the farm owner on property
 12 described as follows, owned by Franklin
 13 Hintzsche, and being purchased by Jeremy and
 14 Lisa Good:
 15 Part of the Northwest Quarter of the
 16 Southwest Quarter of Section 3, Township
 17 40 North, Range 2 East of the 3rd P.M.,
 18 Dement Township, Ogle County, Illinois,
 19 5.0 acres, more or less.
 20 Property Identification Number: Part of
 21 25-03-300-005.
 22 Common Location: 3900 Block of South
 23 Mulford Road.
 24 For the record, all adjoining property
 In Totidem Verbis, LLC (ITV)

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1 owners to the petition have been notified by
 2 certified mail of the hearing this evening and
 3 the specifics of the petition. A legal notice
 4 was published in the February 4th, 2019, edition
 5 to the Ogle County Life to notify the public of
 6 the hearing this evening and the specifics of
 7 the petition, and a sign has been posted along
 8 the premise of the property to notify the public
 9 of the pending hearing reference the subject
 10 property.
 11 Under the Staff Report, which is on file
 12 and the Board members have received, I will
 13 point out, under General Information, that the
 14 site is located on the east side of South
 15 Mulford Road beginning approximately 0.3 miles
 16 south of East Lind Road and approximately 1.4
 17 miles north of East Twombly Road.
 18 Existing land use is agriculture (crop
 19 land).
 20 The surrounding land use and zoning, the
 21 site is located within a predominately
 22 agricultural area. All surrounding land is
 23 zoned AG-1 and is in agricultural use. There is
 24 one non-farm dwelling within one-quarter mile of
 In Totidem Verbis, LLC (ITV)

| | |
|---|---|
| <p style="text-align: right;">Page 5</p> <p>1 the site, and there are two non-farm dwellings 2 within one-half mile. The nearest livestock 3 management facility to the site is approximately 4 1.4 miles to the southeast. 5 No previous zoning history on the site. 6 Special Information: 7 Public utilities, none. 8 Transportation, South Mull Road at the 9 site is a seal-coat surfaced road under the 10 jurisdiction of Dement Township, and is 11 functionally classified as a local road. 12 Physical characteristics, the site is 13 located in an area of nearly level to gently 14 sloping terrain. There are no mapped wetlands 15 or floodplain areas on the site. According to 16 the Ogle County Digital Soil Survey, the 17 identified soil types on the site have the 18 following selected characteristics: 19 All are classified as "Prime farmland"; 20 All are well drained and not subject to 21 ponding or flooding; 22 All are somewhat limited for septic fields 23 due to seepage and slope; 24 Depth to water table throughout the site In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 7</p> <p>1 roll call vote. 2 In the summary page of the Natural 3 Resources Inventory Report prepared by the Ogle 4 County Soil and Water Conservation District, the 5 Ogle County Soil and Water Conservation District 6 feels the following concerns should be noted and 7 addressed for this petition: The existing land 8 use for this parcel request is row crop 9 production (agricultural). Surrounding land use 10 for this parcel request is row crop production 11 (agricultural). The LESA score of 81 out of 100 12 points. The weighted relative value of the 13 mapped soils in this parcel request is in line 14 for prime soils for Ogle County. An erosion and 15 sediment control plan needs to be developed, 16 implemented and maintained prior to and during 17 all construction phases. A stormwater detention 18 site needs to be developed to prevent increased 19 surface water runoff from adversely affecting 20 downstream areas. 21 I have a letter on file dated -- well, 22 actually undated, but received February 22nd, 23 2019, in my office. It states, the Dement 24 Township Planning Commission recommends that the In Totidem Verbis, LLC (ITV)</p> |
| <p style="text-align: right;">Page 6</p> <p>1 is greater than 79 inches. 2 Under the LESA program, the LESA score of 3 225.6 indicates a High rating for protection. 4 Land evaluation, 76.6. Site assessment, 149. 5 According to the Illinois Department of 6 Natural Resources, under the consultation for 7 Endangered Species Protection and Natural Areas 8 Preservation, the Illinois Natural Heritage 9 Database contains no record of State-listed 10 threatened or endangered species, Illinois 11 Natural Area Inventory Sites, dedicated Illinois 12 nature preserves, or registered land and water 13 reserves in the vicinity of the project 14 location, and the consultation process with IDNR 15 has been terminated. 16 At the February 21st, 2019, meeting of the 17 Regional Planning Commission, Mr. Wetzel moved 18 to recommend approval of the petition, as the 19 request fits the conditions for a Special Use, 20 being that the dwelling is for the daughter of a 21 farm owner, the use fits the Comprehensive Plan, 22 and very little land will be taken out of 23 production. Seconded by Mr. Probaska, and the 24 motion carried unanimously, seven to zero, by In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 8</p> <p>1 petition be granted to Jeremy and Lisa Good, 2 since it meets the Special Uses described in the 3 Amendatory Zoning Ordinance and the dwelling 4 will be occupied by the daughter of Franklin 5 Hintzsche. Sincerely, Tom Becker, Dement 6 Planning Chairman. 7 That's all I have. 8 MR. OCKEN: Would the Petitioner please 9 come forward to the podium? Please raise your 10 right hand. 11 JEREMY GOOD, 12 being first duly sworn, testified as follows: 13 MR. OCKEN: And please state your name and 14 spell your last name. 15 MR. GOOD: Jeremy Good, G-O-O-D. 16 MR. OCKEN: And tell us why you're 17 requesting a Special Use Permit. 18 MR. GOOD: My wife and I would like to 19 build our forever house, I guess I would call 20 it, out on her family's land -- that's my 21 father-in-law behind us -- and move our family 22 out there. So we want to be closer to my 23 in-laws. We're -- I don't remember how many 24 feet we are from the house, but that way we can In Totidem Verbis, LLC (ITV)</p> |

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1 help with the farm, help take care of them also.
 2 MR. OCKEN: And will all five acres be
 3 taken out of production or will some of that
 4 still be farmed?
 5 MR. GOOD: Most of it will be farmed.
 6 We're going to have a 40-foot-wide -- that's the
 7 space that we need for a lane to go back to a
 8 house. It will take up approximately an acre
 9 and a half. The rest of it is just going to be
 10 farmland.
 11 MR. OCKEN: Do you plan to build your
 12 house towards the rear of that site?
 13 MR. GOOD: Middle is where kind of a hump
 14 is there. It was great with the rainwater that
 15 we had this last week, to see kind of where the
 16 lowest spots were. So the high spot kind of is
 17 back about 200 feet or so.
 18 MR. OCKEN: Is there any reason why you're
 19 not building closer to the existing buildings up
 20 there?
 21 MR. GOOD: There's a real low spot between
 22 my in-laws' house and our house that actually
 23 fills up with water, kind of to the back of
 24 the -- what we call it, the north pasture. And
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1 my father-in-law wanted us to stay north of the
 2 drainage ditches that cross Mulford Road.
 3 That's why we went a little further north,
 4 because that -- and like we saw this last week,
 5 it filled with about 3 feet of water, 2 feet of
 6 water, so we didn't want to have problems.
 7 So the only other -- originally we had
 8 anticipated building closer to the house, but
 9 it's just a more suitable site for the
 10 longevity.
 11 MR. OCKEN: Yeah, I can understand that.
 12 It's just unfortunate -- you have some really
 13 prime farm ground there --
 14 MR. GOOD: Yup.
 15 MR. OCKEN: -- that has an extremely high
 16 rating for farmland protection. So it's
 17 somewhat unfortunate that it couldn't be built
 18 closer to the existing buildings.
 19 MR. GOOD: Yup. The farm itself has been
 20 a centennial farm since '90 -- the centennial
 21 farm, when did you guys get the centennial farm?
 22 MR. HINTZSCHE: The centennial farm
 23 probably for about 135 years or something.
 24 MR. GOOD: So same family.
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1 MR. HINTZSCHE: We had a centennial sign
 2 many, many years ago, and I can't remember what
 3 year it started. It had been in my mother's
 4 family ever since then.
 5 MR. GOOD: My wife is the -- besides my
 6 father-in-law, is the only other executor of the
 7 Trust. So it's one of those things where that's
 8 where we want to be, you know.
 9 MR. REIBEL: Let the record reflect that
 10 was Franklin Hintzsche making those comments
 11 previously.
 12 MR. GOOD: Yes, H-I-N-T-Z-S-C-H-E.
 13 Anything else?
 14 MR. OCKEN: I'm glad to hear that you
 15 refer to that as your forever home.
 16 MR. GOOD: Yeah.
 17 MR. OCKEN: I hope you plan to stay there
 18 for a long, long time. You have nice family
 19 heritage there. I hope you are able to continue
 20 that.
 21 MR. GOOD: Yeah. And he was born in the
 22 house next door, so there's no -- he's
 23 definitely not going anywhere either.
 24 MR. HINTZSCHE: Yeah, I was born in the
 In Totidem Verbis, LLC (ITV)

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1 house.
 2 MR. OCKEN: All right. Any questions or
 3 comments from the Board?
 4 MR. WILLIAMS: No.
 5 MR. OCKEN: Hearing none, you may be
 6 seated. Thank you.
 7 Anyone file for an appearance?
 8 MR. REIBEL: No.
 9 MR. OCKEN: Is there anyone here to speak
 10 in favor of this petition?
 11 (No verbal response.)
 12 MR. OCKEN: Against this petition?
 13 (No verbal response.)
 14 MR. OCKEN: Hearing none, we'll now go
 15 through the finding of fact. Mr. Reibel, please
 16 read the first standard.
 17 MR. REIBEL: Special Use Standard 1) That
 18 the proposed Special Use will not be
 19 unreasonably detrimental to the value of other
 20 property in the neighborhood in which it is to
 21 be located or the public health, safety, morals,
 22 comfort or general welfare at large.
 23 MR. CONSIDINE: The parcel proposed to be
 24 separated from the farm parcel for construction
 In Totidem Verbis, LLC (ITV)

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1 of a single-family dwelling is for the daughter
 2 of the farm owner, and it is within a reasonable
 3 proximity to the existing dwelling on the farm
 4 parcel. That standard has been met.
 5 (All those simultaneously
 6 agreed.)
 7 MR. REIBEL: 2) That the location and
 8 size of the Special Use, the nature and
 9 intensity of the operation involved in or
 10 conducted in connection with it, and the
 11 location of the site with respect to streets
 12 giving access to it are such that the Special
 13 Use will not dominate the immediate neighborhood
 14 so as to prevent development and use of
 15 neighboring property in accordance with the
 16 applicable zoning district regulations. In
 17 determining whether the Special Use will so
 18 dominate the immediate neighborhood,
 19 consideration shall be given to: A) The
 20 location, nature and height of building,
 21 structures, walls and fences on the site; and,
 22 B) The nature and extent of proposed
 23 landscaping and screening on the proposed site.
 24

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1 MR. WILLIAMS: The site is in close
 2 proximity to the existing farm buildings, and it
 3 will not disrupt the agriculture use of the
 4 remainder of the farm or on adjacent land. I
 5 believe the standard is met.
 6 (All those simultaneously
 7 agreed.)
 8 MR. REIBEL: 3) That off-street parking
 9 and loading areas will be provided in accordance
 10 with the standards set forth in these
 11 regulations.
 12 MR. HAYES: The site is large enough so
 13 that adequate off-street parking and loading
 14 areas can be provided. I believe the standard
 15 is met.
 16 (All those simultaneously
 17 agreed.)
 18 MR. REIBEL: 4) That adequate utilities,
 19 ingress/egress to the site, access roads,
 20 drainage and other such necessary facilities
 21 have been or will be provided.
 22 MR. CONSIDINE: Adequate utilities,
 23 ingress/egress to the site from South Mulford
 24 Road, access roads, drainage and other such

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1 necessary facilities have been or will be
 2 provided. That standard has been met.
 3 (All those simultaneously
 4 agreed.)
 5 MR. REIBEL: 5) That the proposed use can
 6 be operated in a manner that is not detrimental
 7 to the permitted developments and uses in the
 8 zoning district, can be developed and operated
 9 in a manner that is visually compatible with the
 10 permitted uses in the surrounding area, and is
 11 deemed essential or desirable to preserve and
 12 promote the public health, safety and general
 13 welfare of Ogle County.
 14 MR. SODERHOLM: The proposed use of the
 15 single-family dwelling is for the daughter of
 16 the farm owner, and is within reasonable
 17 proximity to the existing dwelling on the farm.
 18 That standard is met.
 19 (All those simultaneously
 20 agreed.)
 21 MR. REIBEL: 6) That the proposed Special
 22 Use complies with all provisions of the
 23 applicable district regulations.
 24 MR. HAYES: The proposed Special Use

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1 appears to comply with all provisions of the
 2 AG-1 District regulations. I believe the
 3 standard is met.
 4 (All those simultaneously
 5 agreed.)
 6 MR. OCKEN: All of the standards have been
 7 met. I will entertain a motion to approve this
 8 petition.
 9 MR. CONSIDINE: Mr. Chairman, I'll make a
 10 motion to approve this Petition Number 2-19
 11 Special Use to allow a single-family dwelling to
 12 be constructed on a lot divided and set aside
 13 from a farm, for the simple fact it is the
 14 daughter of the farm owner and all the standards
 15 have been met.
 16 MR. OCKEN: Mr. Considine moves. Is there
 17 a second?
 18 MR. HAYES: I'll second.
 19 MR. OCKEN: Mr. Hayes seconds.
 20 Mr. Reibel, please call the roll.
 21 MR. REIBEL: Williams.
 22 MR. WILLIAMS: Yes.
 23 MR. REIBEL: Soderholm?
 24 MR. SODERHOLM: Yes.

In Totidem Verbis, LLC (ITV)

1 MR. REIBEL: Hayes?
2 MR. HAYES: Yes.
3 MR. REIBEL: Considine?
4 MR. CONSIDINE: Yes.
5 MR. REIBEL: Ocken?
6 MR. OCKEN: Yes.
7 (By voice vote five ayes.)
8 MR. REIBEL: Five voted yes.
9 MR. OCKEN: This motion has been approved
10 by a vote of five to zero.
11 MR. REIBEL: The petition will go to the
12 full County Board for final decision on March
13 19th, at 5:30 p.m., right here in this room.
14 You're welcome to attend, but you don't have to.
15 (The hearing was concluded.)
16
17
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24

In Totidem Verbis, LLC (ITV)

1 Now on this 28th day of February, A.D.,
2 2019, I do signify that the foregoing testimony
3 was given before the Ogle County Zoning Board of
4 Appeals.
5
6
7
8

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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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE } Number 2-19VAR
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Douglas K. and Karen F. Cullor
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 28th day
 13 of February, A.D., 2019,
 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
 23 Randy Ocken, Chairman
 24 Michael Reibel, Zoning Administrator

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 20 End 15
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 24
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1 MR. OCKEN: Mr. Reibel, what's the next
 2 order of business.
 3 MR. REIBEL: The next order of business is
 4 to consider the petition filed January 18th,
 5 2019, of Douglas K. and Karen F. Cullor, 8575
 6 North Byron Hills Drive, Byron, Illinois, for a
 7 Variation to allow a dwelling addition (attached
 8 garage) to be constructed approximately 12 feet
 9 from the right-of-way line of Woodland Drive in
 10 lieu of 33 feet as required pursuant to the Ogle
 11 County Amendatory Zoning Ordinance on property
 12 described as follows and owned by the
 13 Petitioner:
 14 Lot 49 and part of Lot 48 Byron Hills
 15 Estates Number 3, part of the West Half of
 16 the Northeast Quarter of Section 30,
 17 Township 24 North, Range 11 East of the
 18 4th P.M., Byron Township, Ogle County,
 19 Illinois.
 20 Property Identification Number:
 21 05-30-254-011.
 22 At the Common Location of: 8575 North
 23 Byron Hills Drive.
 24 For the record, a public notice was
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1 published in the February 4th, 2019, edition of
 2 the Ogle County Life notifying the public of the
 3 hearing this evening and the specifics of the
 4 petition. All adjoining property owners to the
 5 petition have been notified by certified mail of
 6 the hearing this evening and the specifics of
 7 the petition, and a sign has been posted along
 8 the frontage of the premises to notify the
 9 public of the pending hearing reference the
 10 subject property.
 11 Under the Staff Report, which is on file
 12 and the Board members have received, I will
 13 point out, under General Information, that the
 14 site is located at the southeast corner of the
 15 intersection of Byron Hills Drive and Woodland
 16 Drive.
 17 The parcel is approximately
 18 seventy-five-hundredths of an acre in area.
 19 Existing land use is Residential.
 20 Surrounding land use and zoning, the site
 21 is zoned R-2, Single Family Residence District,
 22 and is located within a developed residential
 23 subdivision. All surrounding land is in
 24 residential use zoned R-2.
 In Totidem Verbis, LLC (ITV)

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1 Zoning history, the dwelling on site was
 2 constructed in 1982. Byron Hills Estates
 3 Subdivision Number 3 was platted in 1977.
 4 The required setback pursuant to the plat
 5 of Byron Hills Estates Number 3 is 33 feet as
 6 measured from the right-of-way line.
 7 Public utilities, the site is served by a
 8 private, on-site septic system and public water
 9 supply.
 10 Transportation, Byron Hills Drive and
 11 Woodland Drive are seal-coat surfaced roads
 12 under the jurisdiction of Byron Township, and
 13 are functionally classified as "local roads."
 14 Physical characteristics, the site,
 15 improved with a one-story single-family dwelling
 16 and small garden shed, is in a well-drained
 17 upland area. The site slopes down to the
 18 northeast, with the highest elevation of the
 19 site being approximately 774 feet above sea
 20 level in the southwest corner and the lowest
 21 elevation being approximately 760 feet above sea
 22 level in the northeast corner.
 23 I have a letter on file from Byron
 24 Township dated February 14th, 2019, which states
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1 that, Our Planning Commission met on January
 2 12th, 2019, to discuss the request for Variance,
 3 and they recommended allowing this Variance.
 4 At the Board of Trustees meeting, February
 5 14th, 2019, the Board voted four to zero, one
 6 absent, to approve Byron Township Planning
 7 Commission's recommendation to approve the
 8 petition.
 9 Signed by Terry Reeverts, Supervisor,
 10 Byron Township.
 11 That's all I have.
 12 MR. OCKEN: Would the Petitioners please
 13 step forward to the podium? Please raise your
 14 right hand.
 15 DOUGLAS CULLOR,
 16 being first duly sworn, testified as follows:
 17 MR. OCKEN: Please state your name and
 18 spell your last name, please.
 19 MR. CULLOR: Douglas Cullor, C-U-L-L-O-R.
 20 MR. OCKEN: And tell us why you're
 21 requesting a Variation.
 22 MR. CULLOR: I need additional parking for
 23 a pickup truck that's -- it's a little strain on
 24 the garage, parking it in it now, and storage in
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1 the back of it then.
 2 MR. OCKEN: So this will be for another
 3 vehicle and some storage --
 4 MR. CULLOR: Yeah.
 5 MR. OCKEN: -- in the back?
 6 MR. CULLOR: Yes, sir.
 7 MR. OCKEN: And will this put the
 8 building -- there will be 12 feet from your lot
 9 line; is that correct?
 10 MR. CULLOR: Yes. There's a very high --
 11 I call it very high elevation. Our house and
 12 garage is about, I don't know, at least this
 13 high from what the road is. It is a very high
 14 bank.
 15 MR. OCKEN: Yes.
 16 MR. CULLOR: We got an existing concrete
 17 pad that we park on there that goes about
 18 halfway back.
 19 MR. OCKEN: None of your neighbors had any
 20 objections, I assume?
 21 MR. CULLOR: None that I'm aware of.
 22 MR. OCKEN: Okay. Any questions or
 23 comments from the Board?
 24 (No verbal response.)
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1 MR. OCKEN: Okay. Hearing none, you may
 2 be seated.
 3 MR. CULLOR: Thank you.
 4 MR. OCKEN: Has anyone filed for an
 5 appearance?
 6 MR. REIBEL: No.
 7 MR. OCKEN: Is there anyone here who
 8 wishes to speak in favor of this petition?
 9 (No verbal response.)
 10 MR. OCKEN: Anyone who wishes to speak
 11 against this petition?
 12 (No verbal response.)
 13 MR. OCKEN: Hearing none, we'll now go
 14 through the finding of fact. Mr. Reibel, please
 15 read the first standard.
 16 MR. REIBEL: Variation Standard A) That
 17 the particular physical surroundings, shape or
 18 topographical condition of the specific property
 19 involved would result in a particular hardship
 20 upon the owner, as distinguished from a mere
 21 inconvenience, if the strict letter of the
 22 regulations were carried out.
 23 MR. SODERHOLM: The location and design of
 24 the existing house, its location on the corner
 In Totidem Verbis, LLC (ITV)

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| Page 9 | Page 11 |
| <p>1 lot with roads on two sides creates a hardship 2 in constructing additional attached garage 3 space. That standard is met. 4 (All those simultaneously 5 agreed.) 6 MR. REIBEL: Variation Standard B) The 7 conditions upon which the petition for a 8 Variation are based are unique and would not be 9 applicable, generally, to other property within 10 the same zoning classifications. 11 MR. HAYES: The conditions upon which the 12 petition for a Variation are based are unique 13 and not applicable, generally, to other property 14 within R-2 zoning district due to the location 15 and design of the existing house, and its 16 location on a corner lot. I believe the 17 standard is met. 18 (All those simultaneously 19 agreed.) 20 MR. REIBEL: C) The purpose of the 21 Variation is not based exclusively upon a desire 22 to obtain a higher financial return on the 23 property. 24 MR. CONSIDINE: Evidence indicates that In Totidem Verbis, LLC (ITV)</p> | <p>1 the Variation will 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. I believe that 5 standard is met. 6 (All those simultaneously 7 agreed.) 8 MR. REIBEL: F) The proposed Variation 9 will not impair an adequate supply of light and 10 air to adjacent property, or substantially 11 increase the congestion in the public streets, 12 or increase the danger of fire, or endanger the 13 public safety, or substantially diminish or 14 impair property values within the neighborhood. 15 MR. HAYES: No evidence has been submitted 16 that would indicate the Variation would impair 17 an adequate supply of light and air to adjacent 18 property, or substantially increase the 19 congestion in the public streets, or increase 20 the danger of fire, or endanger the public 21 safety, or substantially diminish or impair 22 property values within the neighborhood. I 23 believe the standard is met. 24 (All those simultaneously In Totidem Verbis, LLC (ITV)</p> |
| Page 10 | Page 12 |
| <p>1 the purpose of the Variation is not based 2 exclusively upon a desire to obtain a higher 3 financial return on the property, but rather to 4 provide additional garage space for the owners 5 of the property. That standard has been met. 6 (All those simultaneously 7 agreed.) 8 MR. REIBEL: D) The alleged difficulty or 9 hardship has not been created by any person 10 presently having an interest in the property. 11 MR. WILLIAMS: Evidence indicates that the 12 alleged difficulty or hardship has not been 13 created by the Petitioners, as they did not 14 design or construct the house. That standard is 15 met. 16 (All those simultaneously 17 agreed.) 18 MR. REIBEL: Variation Standard E) The 19 granting of the Variation will not be materially 20 detrimental to the public welfare or injurious 21 to other property or improvements in the 22 neighborhood in which the property is located. 23 MR. SODERHOLM: No evidence has been 24 submitted that would indicate the granting of In Totidem Verbis, LLC (ITV)</p> | <p>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. CONSIDINE: Circumstances are unique 9 due to the location and design of the existing 10 house, and its location on a corner lot. 11 Standard 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. WILLIAMS: The Variation will allow 18 construction that is not out of character with 19 the surrounding area due to the curvature of the 20 road, the high bank along Woodland Drive, and 21 the design and orientation of other nearby 22 dwellings. I believe the standard is met. 23 (All those simultaneously 24 agreed.) In Totidem Verbis, LLC (ITV)</p> |

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1 MR. OCKEN: All of the standards have been
2 met. I will entertain a motion to approve this
3 petition.
4 MR. WILLIAMS: Mr. Chairman, I'll make a
5 motion to approve 2-19 Variation to construct
6 within the 33-foot setback, based on the
7 standards being met and approval of the Byron
8 Township.
9 MR. OCKEN: Mr. Williams moves to approve.
10 Is there a second?
11 MR. SODERHOLM: Second.
12 MR. OCKEN: Mr. Soderholm seconds.
13 Mr. Reibel, please call the roll.
14 MR. REIBEL: Considine?
15 MR. CONSIDINE: Yes.
16 MR. REIBEL: Hayes?
17 MR. HAYES: 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 or your contractor,
5 whoever that might be, can come and see me about
6 finalizing the permit application. Thank you.
7 MR. CULLOR: Thank you.
8 (The hearing was concluded.)
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1 Now on this 28th day of February, A.D.,
2 2019, 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)

Page 1

1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE) Number 3-19VAR
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Babson Farms, Inc., c/o Eric Lawler, Scott Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 28th day
 13 of February, A.D., 2019,
 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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 3 Witness Examination
 4 Eric Lawler 5
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 20 End 15
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 24 In Totidem Verbis, LLC (ITV)

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1 MR. OCKEN: Mr. Reibel, what's the next
 2 order of business?
 3 MR. REIBEL: The next order of business is
 4 to consider the petition filed January 24th,
 5 2019, of Babson Farms, Inc., care of Eric
 6 Lawler, 7985 Keslinger Road, DeKalb, Illinois,
 7 for a Variation to allow a grain bin to be
 8 constructed approximately 20 feet from the
 9 right-of-way line of East Holcomb Road in lieu
 10 of 40 feet as required pursuant to the Ogle
 11 County Amendatory Zoning Ordinance on property
 12 described as follows and owned by the
 13 Petitioner:
 14 The entire South East Quarter and part of
 15 the South Half of the South West Quarter
 16 of Section 36, Township 42 North, Range 1
 17 East of the 3rd P.M., Scott Township, Ogle
 18 County, Illinois, 240 acres, more or less.
 19 Property Identification Number:
 20 11-36-400-001.
 21 Common Location: 3031 North Illinois
 22 Route 251.
 23 For the record, all adjoining property
 24 owners to the petition have been notified by
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1 certified mail, and a public notice was
 2 published in the February 4th, 2019, edition of
 3 the Ogle County Life to notify 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 pending hearing reference the subject
 8 property.
 9 Under the Staff Report, which is on file
 10 and the Board members have received, I will
 11 point out, under General Information, that the
 12 site is located -- actually, the Variation site,
 13 it's a large parcel, so the actual site of the
 14 Variation, where the proposed grain bin is
 15 located, is located at the northeast corner of
 16 the intersection of North Illinois Route 251 and
 17 East Holcomb Road.
 18 Size, the parcel upon which the Variation
 19 is requested is 240 acres.
 20 Existing land use is agriculture (row crop
 21 production).
 22 Surrounding land use and zoning, the site
 23 is located within a predominately agricultural
 24 area. All adjacent land is in agricultural use
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1 and zoned AG-1 with the exception of land
 2 adjacent to the westerly 1,059 feet of the
 3 southern boundary, which is in agribusiness use
 4 (it's the Conserv FS) and zoned partially AG-1
 5 and partially I-1 Industrial Use.
 6 No previous zoning history on the site.
 7 Special Information:
 8 Public utilities, none.
 9 Transportation, East Holcomb Road at the
 10 site is a seal-coat surfaced road under the
 11 jurisdiction of White Rock Township.
 12 Physical characteristics, the site is in
 13 an area of nearly level to gently sloping
 14 terrain. The proposed Variation location is
 15 well drained and not subject to ponding or
 16 flooding. There are no mapped wetlands or
 17 floodplain areas on or in the vicinity of the
 18 proposed Variation.
 19 That's all I have.
 20 MR. OCKEN: Please raise your right hand.
 21 ERIC LAWLER,
 22 being first duly sworn, testified as follows:
 23 MR. OCKEN: Please state your name and
 24 address and spell your last name.
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1 MR. LAWLER: My name is Eric Lawler,
 2 L-A-W-L-E-R. My business address is 7985
 3 Keslinger Road, DeKalb, Illinois, 60115.
 4 MR. OCKEN: And tell us why you're
 5 requesting a Variation.
 6 MR. LAWLER: We're requesting to add
 7 additional grain storage to this facility. We
 8 have recently, in the last few years, planned to
 9 utilize that facility more, the drying system --
 10 one of the drying systems that we have. We'd
 11 like to construct more storage.
 12 The longer-range plan for the farmstead is
 13 to possibly rework the house. The current
 14 septic system for the house, if you refer to the
 15 map, is south of the one grain bin. We're -- in
 16 the one- to five-year plan, we're going to do
 17 something different with the house, which would
 18 make us do something different with the septic.
 19 But the current septic system is there,
 20 that we would like to not encroach upon. And we
 21 would like to keep the other bins lined up in a
 22 row, just for ease of loading, ease of use, ease
 23 of reaching it with other equipment.
 24 You know, we have an air system to supply
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1 the grain from the dryer, things like that. So
 2 that seems to be a viable location for a new
 3 storage facility.
 4 MR. OCKEN: And will that bin be
 5 approximately the same size as those two to the
 6 north of it?
 7 MR. LAWLER: The diagram shows that it's
 8 48 foot, and that would be the maximum that we
 9 would propose to put there. The other two are
 10 42 foot. It would be no taller in height. It
 11 would be a 13 ring, 48, if we put it up.
 12 MR. OCKEN: And you say that's an air
 13 system that you use to fill that? So that's not
 14 filled with a grain leg?
 15 MR. LAWLER: It is not. There's a grain
 16 leg at the facility, but it's used for wet grain
 17 holding and then it can hit one of the other
 18 storage bins, but an air system supplies the
 19 grain out of the dryer to the other bins.
 20 MR. OCKEN: Okay. Any questions or
 21 comments from the Board?
 22 (No verbal response.)
 23 MR. OCKEN: Hearing none, you may be
 24 seated. Thank you.
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1 MR. LAWLER: Thank you.
 2 MR. OCKEN: Is there anyone who's filed
 3 for an appearance?
 4 MR. REIBEL: No.
 5 MR. OCKEN: It's looking like there's no
 6 one here to speak for or against this petition.
 7 Mr. Reibel, please read the first
 8 standard.
 9 MR. REIBEL: Variation Standard A) That
 10 the particular physical surroundings, shape or
 11 topographical condition of the specific property
 12 involved would result in a particular hardship
 13 upon the owner, as distinguished from a mere
 14 inconvenience, if the strict letter of the
 15 regulations were carried out.
 16 MR. SODERHOLM: The location and design of
 17 the existing grain bins and access drive, the
 18 location of the septic system that serves the
 19 house, and the location of the existing grain
 20 bins in relation to land in crop production to
 21 the east result in a hardship in adding grain
 22 storage. That standard is met.
 23 (All those simultaneously
 24 agreed.)
 In Totidem Verbis, LLC (ITV)

| | |
|---|--|
| <p style="text-align: right;">Page 9</p> <p>1 MR. REIBEL: B) The conditions upon which 2 the petition for a Variation are based are 3 unique and would not be applicable, generally, 4 to other property within the same zoning 5 classifications. 6 MR. HAYES: The conditions upon which the 7 petition for a Variation are based are unique 8 and are not applicable, generally, to the -- the 9 other property within AG-1 zoning district 10 location and the design of the existing grain 11 bins and access drive, the location of the 12 septic system that serves the house, and the 13 location of the existing grain bins in relation 14 to land in crop production to the east. I 15 believe the standard is met. 16 (All those simultaneously 17 agreed.) 18 MR. REIBEL: C) The purpose of the 19 Variation is not based exclusively upon a desire 20 to obtain a higher financial return on the 21 property. 22 MR. CONSIDINE: Evidence indicates that 23 the purpose of the Variation is not based 24 exclusively upon a desire to obtain a higher In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 11</p> <p>1 which the property is located. That standard is 2 met. 3 (All those simultaneously 4 agreed.) 5 MR. REIBEL: F) The proposed Variation 6 will not impair an adequate supply of light and 7 air to adjacent property, or substantially 8 increase the congestion in the public streets, 9 or increase the danger of fire, or endanger the 10 public safety, or substantially diminish or 11 impair property values within the neighborhood. 12 MR. SODERHOLM: No evidence has been 13 submitted that would indicate that the Variation 14 would impair an adequate supply of light and air 15 to adjacent property, or substantially increase 16 the congestion in the public streets, or 17 increase the danger of fire, or endanger the 18 public safety, or substantially diminish or 19 impair property values within the neighborhood. 20 I believe the standard is met. 21 (All those simultaneously 22 agreed.) 23 MR. REIBEL: The Zoning Board of Appeals 24 should not vary the regulations of this In Totidem Verbis, LLC (ITV)</p> |
| <p style="text-align: right;">Page 10</p> <p>1 financial return on the property, but rather to 2 provide additional grain storage capacity on a 3 farm. That standard has been met. 4 (All those simultaneously 5 agreed.) 6 MR. REIBEL: D) The alleged difficulty or 7 hardship has not been created by any person 8 presently having an interest in the property. 9 MR. WILLIAMS: Evidence indicates that the 10 alleged difficulty or hardship has not been 11 created by the Petitioners. I believe the 12 standard has been met. 13 (All those simultaneously 14 agreed.) 15 MR. REIBEL: E) The granting of the 16 Variation will not be materially detrimental to 17 the public welfare or injurious to other 18 property or improvements in the neighborhood in 19 which the property is located. 20 MR. SODERHOLM: No evidence has been 21 submitted that would indicate the granting of 22 the Variation will be materially detrimental to 23 the public welfare or injurious to other 24 property or improvements in the neighborhood in In Totidem Verbis, LLC (ITV)</p> | <p style="text-align: right;">Page 12</p> <p>1 Ordinance unless it shall make findings based 2 upon the evidence presented to it in each 3 specific case that, A) The plight of the owner 4 is due to unique circumstances. 5 MR. CONSIDINE: The circumstances are 6 unique due to the location and design of the 7 existing grain bins and access drive, the 8 location of the septic system that serves the 9 house, and the location of the existing grain 10 bins in relation to land in crop production to 11 the east. That standard has been 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. WILLIAMS: The Variation will allow 18 construction that is not out of character with 19 the surrounding area, as the proposed grain bin 20 is a common and necessary accessory use to a 21 farm. That standard has been met. 22 (All those simultaneously 23 agreed.) 24 MR. OCKEN: All of the standards have been In Totidem Verbis, LLC (ITV)</p> |

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1 met. I will entertain a motion to approve this
 2 petition.
 3 MR. SODERHOLM: Mr. Chairman, I move that
 4 we approve Variation Number 3-19, in light of
 5 the fact that all the standards have been met.
 6 MR. OCKEN: Mr. Soderholm moves to
 7 approve. Is there a second?
 8 MR. CONSIDINE: Second.
 9 MR. OCKEN: Mr. Considine seconds.
 10 Mr. Reibel, please call the roll.
 11 MR. REIBEL: Williams?
 12 MR. WILLIAMS: Yes.
 13 MR. REIBEL: Hayes?
 14 MR. HAYES: Yes.
 15 MR. REIBEL: Considine?
 16 MR. CONSIDINE: Yes.
 17 MR. REIBEL: Soderholm?
 18 MR. SODERHOLM: Yes.
 19 MR. REIBEL: Ocken?
 20 MR. OCKEN: Yes.
 21 (By voice vote five ayes.)
 22 MR. REIBEL: Five voted yes.
 23 MR. OCKEN: This motion has been approved
 24 by a vote of five to zero.
 In Totidem Verbis, LLC (ITV)

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1 MR. REIBEL: You may see me at your
 2 convenience finalizing the permit. Thank you.
 3 MR. LAWLER: (Inaudible.)
 4 MR. REIBEL: Well, you can email me. We
 5 can try it that way. Thanks.
 6 MR. OCKEN: Mr. Reibel, do we have any
 7 other business?
 8 MR. REIBEL: No further business.
 9 MR. OCKEN: Hearing none, I adjourn this
 10 meeting at 6:54 p.m.
 11 (The hearing was concluded.)
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1 Now on this 28th day of February, A.D.,
 2 2019, I do signify that the foregoing testimony was
 3 given before the Ogle County Zoning Board of
 4 Appeals.
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 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
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