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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE }SS
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 4
 5 In the Matter of the Petition
 6 of
 7 Troy and Cory Atchison, Pine Rock Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 25th day
 13 of July, 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 Jim Reed
 22 Randy Ocken, Chairman
 23 Michael Reibel, Zoning Administrator
 24

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 24 In Totidem Verbis, LLC (ITV)

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1 MR. REIBEL: The next order of business is
 2 to consider the request filed June 17th, 2019,
 3 of Troy and Cory Atchison, 3323 East Brick Road,
 4 Oregon, Illinois, for an Amendment to the zoning
 5 district to rezone from R-2 Single-Family
 6 Residential District to AG-1 Agricultural
 7 District on property described as follows, and
 8 owned by the Petitioners:
 9 G.L. 1 and Part of G.L. 2 and 3 Northeast
 10 Quarter Fractional Section 6, Pine Rock
 11 Township 23 North, Range 11 East of the
 12 4th P.M., Ogle County, Illinois, 113.43
 13 acres, more or less.
 14 Property Identification Number:
 15 17-06-200-009.
 16 Common Location: 3323 East Brick Road.
 17 For the record, a sign has been posted
 18 along the frontage of the premises to notify the
 19 public of the pending zoning hearing reference
 20 the subject property. A legal notice -- or a
 21 public notice was published in the July 1st,
 22 2019, edition of the Ogle County Life to notify
 23 the public of the hearing this evening and the
 24 specifics of the petition, and all adjoining
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1 property owners to the petition have been
 2 notified by certified mail of the hearing this
 3 evening and the specifics of the petition.
 4 Under the Staff Report, which is on file
 5 and the Board members have received, I will
 6 point out, under General Information, that the
 7 site is located a quarter mile south of Brick
 8 Road and a quarter mile east of German Church
 9 Road.
 10 Existing land use is agricultural.
 11 The land cover is predominately mature
 12 tree cover.
 13 As far as surrounding land use and zoning,
 14 the site is located within a predominately
 15 agricultural area. Surrounding land to the
 16 north and east is zoned AG-1 and surrounding
 17 land to the south and southwest is zoned R-2
 18 Single-Family Residence District. The remaining
 19 land to the west is zoned AG-1 Agricultural
 20 District.
 21 Zoning history, the site was rezoned from
 22 AG-1 to R-2 Single Family Residence District in
 23 1994 for the purpose of the Oak Meadows
 24 Subdivision development.
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<p>1 Special Information:</p> <p>2 Transportation, Brick Road is seal-coat</p> <p>3 surfaced County-maintained highway functionally</p> <p>4 classified as a minor collector.</p> <p>5 Physical characteristics, the site is part</p> <p>6 of a gently sloping to steeply sloping and</p> <p>7 undulating upland area. There are no mapped</p> <p>8 wetlands or floodplain areas on the site.</p> <p>9 I have a letter on file from Pine Rock</p> <p>10 Township which states that the Pine Rock</p> <p>11 Township Board unanimously approved the request.</p> <p>12 Signed by Carol Eckerd, Township Clerk.</p> <p>13 At the July 18th, 2019, meeting of the</p> <p>14 Regional Planning Commission, Mr. Flanagan moved</p> <p>15 to recommend approval, as reverting the property</p> <p>16 back to AG-1 is the best fit for the area and</p> <p>17 fits the Comprehensive Plan. Seconded by</p> <p>18 Mr. Probasko. And the motion carried</p> <p>19 unanimously by a roll call vote.</p> <p>20 That's all I have.</p> <p>21 MR. OCKEN: Mr. Reibel, I did have a</p> <p>22 question on the zoning history. It states this</p> <p>23 was rezoned for the purpose of the Oak Meadows</p> <p>24 Subdivision. Was that ever developed then?</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 property out. Obviously there's still a lot of</p> <p>2 mature trees there, a lot of brush. We just</p> <p>3 would basically like to rezone it back to AG so</p> <p>4 that we can build a small barn and move our</p> <p>5 existing small cattle herd here.</p> <p>6 MR. OCKEN: Is any of this land tillable?</p> <p>7 MR. ATCHISON: There's possibly five to</p> <p>8 six acres possibly that would be tillable.</p> <p>9 MR. OCKEN: Is the rest of it hillier and</p> <p>10 wooded?</p> <p>11 MR. ATCHISON: Oh, yes. Yes.</p> <p>12 MR. OCKEN: And you currently live on the</p> <p>13 property? I drove back down your lane this</p> <p>14 morning. Is that your house back down in there?</p> <p>15 MR. ATCHISON: Yes.</p> <p>16 MR. OCKEN: Yeah, very nice.</p> <p>17 And you have livestock on there now? I</p> <p>18 think I saw goats; is that right?</p> <p>19 MR. ATCHISON: Yes, we do. We have them</p> <p>20 there to help us out with the poison ivy and the</p> <p>21 noxious weeds in the woods.</p> <p>22 MR. OCKEN: And you have cattle that you</p> <p>23 want to put on that property as well?</p> <p>24 MR. ATCHISON: Yes, we do.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
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<p>1 MR. REIBEL: Yes, a part of it was. It</p> <p>2 was multiple phases. So what you see along</p> <p>3 Route 64 just east of German Church Road was the</p> <p>4 part that was developed.</p> <p>5 MR. OCKEN: So that would be to the south</p> <p>6 of this parcel?</p> <p>7 MR. REIBEL: Yes, correct.</p> <p>8 MR. OCKEN: Okay. I just wanted</p> <p>9 clarification from that.</p> <p>10 Would the Petitioners please come forward</p> <p>11 to the podium? Please, raise your right hand.</p> <p>12 TROY ATCHISON and CORY ATCHISON,</p> <p>13 being first duly sworn, testified as follows:</p> <p>14 MR. OCKEN: Please state your names and</p> <p>15 addresses for the recorder.</p> <p>16 MR. ATCHISON: Troy Atchison,</p> <p>17 A-T-C-H-I-S-O-N, 3323 East Brick Road, Oregon.</p> <p>18 MS. ATCHISON: Cory Atchison, 3323 East</p> <p>19 Brick Road, Oregon.</p> <p>20 MR. OCKEN: And tell us why you're</p> <p>21 requesting to rezone from R-2 to AG-1.</p> <p>22 MR. ATCHISON: Basically it's a woodland</p> <p>23 area that has been, over the last five to six,</p> <p>24 seven years -- the previous owner had logged the</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 MR. OCKEN: Questions or comments from the</p> <p>2 Board?</p> <p>3 (No verbal response.)</p> <p>4 MR. OCKEN: We don't often get a rezoning</p> <p>5 from Residential back to AG, but we're not</p> <p>6 disappointed to see that either.</p> <p>7 If there are no other questions or</p> <p>8 comments, you may be seated.</p> <p>9 Has anyone filed for appearance?</p> <p>10 MR. REIBEL: No.</p> <p>11 MR. OCKEN: Is there anyone here that</p> <p>12 wishes to speak in favor of this petition?</p> <p>13 (No verbal response.)</p> <p>14 MR. OCKEN: Anyone here that wishes to</p> <p>15 speak against this petition?</p> <p>16 (No verbal response.)</p> <p>17 MR. OCKEN: Hearing none, we'll now go</p> <p>18 through the finding of facts, Mr. Reibel,</p> <p>19 please.</p> <p>20 MR. REIBEL: Amendment Standard 1) That</p> <p>21 the proposed amendment will allow development</p> <p>22 that is compatible with existing uses and zoning</p> <p>23 of nearby property.</p> <p>24 MR. HAYES: The site is currently in</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

<p style="text-align: right;">Page 9</p> <p>1 agricultural use, and rezoning of the site from 2 R-2 Single-Family Residence District to AG-1 3 will ensure that the use of the site remains 4 compatible with the existing agricultural uses 5 of the surrounding area. I believe the standard 6 is met. 7 (All those simultaneously 8 responded.) 9 MR. REIBEL: 2) That the County of Ogle 10 and other service providers will be able to 11 provide adequate public facilities and services 12 to the property, including, but not necessarily 13 limited to, schools, police and fire protection, 14 roads and highways, water supply and sewage 15 disposal, while maintaining adequate public 16 facilities and levels of service to existing 17 development. 18 MR. CONSIDINE: There will likely be a 19 lower impact to the County of Ogle and other 20 service providers as a result of the proposed 21 map amendment than if the site were to be 22 developed for residential use. That standard 23 has been met. 24 (All those simultaneously In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 responded.) 2 MR. REIBEL: 5) That the proposed zoning 3 classification is consistent with the trend of 4 development, if any, in the general area of the 5 subject property including changes, if any, 6 which have taken place since the day the 7 property in question was placed in its present 8 zoning classification. 9 MR. HAYES: The site and surrounding area 10 are in agricultural use. I believe the standard 11 is met. 12 (All those simultaneously 13 responded.) 14 MR. REIBEL: 6) That the proposed 15 amendment is consistent with the public interest 16 and not solely for the interest of the 17 Applicant, giving due consideration to the 18 stated purpose and intent of the Amendatory 19 Zoning Ordinance as set forth in Division 1 20 therein, the Land Evaluation and Site Assessment 21 findings, and the recommendation of the Ogle 22 County Regional Planning Commission with respect 23 to the Ogle County Amendatory Comprehensive 24 Plan. In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 responded.) 2 MR. REIBEL: 3) That the proposed 3 amendment will not result in significant adverse 4 impacts on other property in the vicinity of the 5 subject site or on the environment, including 6 air, noise, stormwater management, wildlife and 7 natural resources. 8 MR. REED: Little to no adverse impacts on 9 other property in the vicinity of the subject 10 site or on the environment, including air, 11 noise, stormwater management, wildlife and 12 natural resources are anticipated from continued 13 agricultural use of the site. I believe the 14 standard's been met. 15 (All those simultaneously 16 responded.) 17 MR. REIBEL: 4) That the subject property 18 is suitable for the proposed zoning 19 classification. 20 MR. SODERHOLM: The site has been in 21 agricultural use and is located in a 22 predominately agricultural area. That standard 23 is met. 24 (All those simultaneously In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. CONSIDINE: The proposed amendment is 2 consistent with the purpose and intent of the 3 Amendatory Zoning Ordinance, and the Zoning 4 Board of Appeals has given due consideration 5 that the Regional Planning Commission has 6 recommended approval. I believe that standard 7 has been met. 8 (All those simultaneously 9 responded.) 10 MR. REIBEL: And have the board members 11 read and considered the LaSalle Factors as 12 applied to the petition? 13 (All those simultaneously 14 responded in the affirmative.) 15 MR. OCKEN: All of the six standards have 16 been met. I will entertain a motion to approve 17 this petition. 18 MR. CONSIDINE: Mr. Chairman, I'll make a 19 motion to approve Number 5-19 for the Amendment 20 to the Zoning District to rezone from R-2 back 21 to AG-1 for the simple fact that all the 22 standards have been met, it is currently in the 23 use it's in now. 24 MR. OCKEN: Is there a second? In Totidem Verbis, LLC (ITV)</p>

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1 MR. REED: I second.
 2 MR. OCKEN: Mr. Considine moves and
 3 Mr. Reed seconds.
 4 Does the Board have any other questions or
 5 comments?
 6 (No verbal response.)
 7 MR. OCKEN: Hearing none, Mr. Reibel,
 8 please call the roll.
 9 MR. REIBEL: Hayes?
 10 MR. HAYES: Yes.
 11 MR. REIBEL: Soderholm?
 12 MR. SODERHOLM: Yes.
 13 MR. REIBEL: Reed?
 14 MR. REED: Yes.
 15 MR. REIBEL: Considine?
 16 MR. CONSIDINE: Yes.
 17 MR. REIBEL: Ocken?
 18 MR. OCKEN: Yes.
 19 (By voice vote five ayes.)
 20 MR. REIBEL: Five voted yes.
 21 MR. OCKEN: This motion has been approved
 22 by a vote of five to zero.
 23 MR. REIBEL: This petition will go on to
 24 the Ogle County Board for final decision on
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1 August 20th, 2019, at 5:30 p.m. in this room.
 2 (The hearing was concluded at
 3 6:54 p.m.)
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1 Now on this 25th day of July, A.D., 2019,
 2 I do signify that the foregoing testimony was
 3 given before the Ogle County Zoning Board of
 4 Appeals.
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 8
 Randy Ocken, Chairman
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 13
 Michael Reibel,
 14 Zoning Administrator
 15
 16
 17
 18
 Callie S. Bodmer
 19 Certified Shorthand Reporter
 Registered Professional Reporter
 20 IL License No. 084-004489
 P.O. Box 381
 21 Dixon, Illinois 61021
 22
 23
 24
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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE }SS
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 4
 5 In the Matter of the Petition
 6 of
 7 Anthony S. Benesh and Timothy J. Benesh,
 8 Rockvale Township
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 25th day
 14 of July, A.D., 2019,
 15 before the Ogle County
 16 Zoning Board of Appeals
 17 Present:
 18 Paul Soderholm
 19 Mark Hayes
 20 Cody Considine
 21 Jim Reed
 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: Mr. Chairman, can we take
 4 maybe two to five minutes? The Petitioner has a
 5 multimedia presentation that they would like, so
 6 we can get him set up.
 7 MR. OCKEN: Yes, we'll recess for five
 8 minutes before we accept the next petition.
 9 (A recess was taken at 6:54 p.m.
 10 and proceedings resumed at
 11 6:59.)
 12 MR. OCKEN: We are now back in session.
 13 Mr. Reibel, if you -- you can be seated.
 14 We're going to read the petition and then
 15 we'll call you up.
 16 So, Mr. Reibel, if you will, read the
 17 request.
 18 MR. REIBEL: Sure. This is to consider
 19 the request filed June 18th, 2019, of Anthony S.
 20 Benesh and Timothy J. Benesh, 3923 North River
 21 Road, Oregon, Illinois, for a Special Use in the
 22 AG-1 Agricultural District to allow excavation,
 23 extraction, mining or quarrying of raw materials
 24 from the earth on property described as follows
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1 and owned by the Petitioners:
 2 Part of the S1/2 of Section 14, Township
 3 24 North, Range 10 East of the 4th P.M.,
 4 Rockvale Township, Ogle County. 121.29
 5 acres more or less.
 6 Common Location: 3923 North River Road.
 7 For the record, a sign has been posted
 8 along the frontage of the premises to notify the
 9 public of the pending hearing reference the
 10 subject property. A public notice was published
 11 in the July 1st, 2019, edition of the Ogle
 12 County Life to notify public of the hearing this
 13 evening, the specifics of the petition, and all
 14 adjoining property owners to the petition have
 15 been notified by certified mail of the hearing
 16 this evening and the specifics of the petition.
 17 Under the Staff Report, which is on file
 18 and the Board members have received, I will
 19 point out, under General Information, that the
 20 parcel upon which the Special Use is applied for
 21 is 121.29 acres in area. The area of the
 22 Special Use is approximately 37.9 acres in area
 23 (750 feet by 2200 feet).
 24 Existing land use is agriculture (pasture
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<p style="text-align: right;">Page 5</p> <p>1 and timber).</p> <p>2 Surrounding land use and zoning, relative</p> <p>3 to the proposed Special Use area, the land to</p> <p>4 the north, east and west is in agricultural use;</p> <p>5 the majority of the land adjacent to the south</p> <p>6 is an existing limestone quarry. There are no</p> <p>7 dwellings within a quarter mile of the proposed</p> <p>8 Special Use area, and there are ten dwellings</p> <p>9 within one-half mile of the proposed Special Use</p> <p>10 area. The closest dwelling to the proposed</p> <p>11 Special Use area is approximately 1600 feet (0.3</p> <p>12 miles) to the west.</p> <p>13 Zoning history, none.</p> <p>14 Special Information:</p> <p>15 Public utilities, none.</p> <p>16 Transportation, North River Road is a</p> <p>17 hot-mix surfaced Ogle County highway</p> <p>18 functionally classified as a major collector.</p> <p>19 Any other public roads that could potentially be</p> <p>20 utilized for site ingress/egress are hot-mix</p> <p>21 surfaced (with the exception of Ivy Road, which</p> <p>22 is a gravel road) roads under the jurisdiction</p> <p>23 of Rockvale Township and functionally classified</p> <p>24 as local roads.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 7</p> <p>1 Low Rating for protection. Land evaluation is</p> <p>2 64.4. Site assessment, 127.</p> <p>3 The following are recommended conditions</p> <p>4 for approval of this Special Use:</p> <p>5 1, All proposal and representations made</p> <p>6 by the Applicant and/or their representative</p> <p>7 shall be conditions of the Special Use.</p> <p>8 2, The authorized use shall comply with</p> <p>9 all applicable Federal and State laws and</p> <p>10 regulations.</p> <p>11 3, Blasting operations shall be in</p> <p>12 compliance with all applicable Federal and State</p> <p>13 laws and regulations. Blasting techniques shall</p> <p>14 prevent flying stone. Blasting shall occur not</p> <p>15 more than two days each calendar week, between</p> <p>16 the hours of 9 a.m. and 3 p.m., with no more</p> <p>17 than two blasting sequences fired during that</p> <p>18 day and no blasting occurring on legal holidays</p> <p>19 or any other hours other than the times</p> <p>20 indicated, unless in the case of an emergency,</p> <p>21 when it's necessary to clear a misfire or clear</p> <p>22 a jam in a crusher.</p> <p>23 4, Prior to the commencement of extraction</p> <p>24 operations on the subject property, a Drainage</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 6</p> <p>1 Physical characteristics, this analysis is</p> <p>2 relative to the proposed Special Use Area. The</p> <p>3 site is part of an upland ridge top and side</p> <p>4 slope. There are no mapped wetlands or</p> <p>5 floodplain areas present on the site. According</p> <p>6 to the Ogle County Digital Soil Survey, soil</p> <p>7 types on the site are: 363B - Griswold loam, 2</p> <p>8 to 4 percent slopes; 363D2 - Griswold loam, 6 to</p> <p>9 12 percent slopes, eroded; 403F - Elizabeth</p> <p>10 loam, 18 to 35 percent slopes; 440B - Jasper</p> <p>11 loam, 2 to 5 percent slopes; 509C2 - Whalan</p> <p>12 loam, 5 to 10 percent slopes, eroded; and, 689D</p> <p>13 - Coloma sand, 7 to 15 percent slopes.</p> <p>14 The identified soil types on the site have</p> <p>15 the following selected characteristics:</p> <p>16 100 percent are well-drained to</p> <p>17 excessively drained;</p> <p>18 No flooding or ponding hazards are</p> <p>19 present;</p> <p>20 50.3 percent are classified as Prime</p> <p>21 farmland, 30.9 percent are classified as</p> <p>22 Farmland of statewide importance, and the</p> <p>23 remainder (18.8 percent) are not prime farmland.</p> <p>24 Under the LESA score of 191.4 indicates a</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 8</p> <p>1 Permit shall be issued by the County Engineer</p> <p>2 pursuant to the Ogle County Stormwater</p> <p>3 Management Ordinance.</p> <p>4 According to the Illinois Department of</p> <p>5 Natural Resources Endangered Species</p> <p>6 Consultation Process, the Illinois Natural</p> <p>7 Heritage Database shows the following protected</p> <p>8 resources may be in the vicinity of the project</p> <p>9 location: Commonwealth Edison Prairie INAI</p> <p>10 site, Rock River Byron Segment INAI site, the</p> <p>11 black sandshell (<i>Ligumia recta</i>), and the</p> <p>12 redwood.</p> <p>13 In a follow-up letter to the consultation</p> <p>14 report, the IDNR reports that the department has</p> <p>15 evaluated this information and concluded that</p> <p>16 adverse effects are unlikely; therefore,</p> <p>17 consultation under 17 Illinois Administrative</p> <p>18 Code Part 1075 is terminated.</p> <p>19 The Ogle County Soil and Water</p> <p>20 Conservation District, in summary page to its</p> <p>21 Natural Resources Inventory, would like to call</p> <p>22 attention to the following concerns that should</p> <p>23 be noted and addressed for this petition.</p> <p>24 Existing land use for this parcel request is</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

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1 currently in (inaudible) agricultural. The
 2 surrounding land use for this parcel request is
 3 pasture and provides crop production,
 4 agriculture, mining or quarrying of raw, earthy
 5 materials, agriculture. Land evaluation score
 6 of 64.9 out of 100 points. The weighted
 7 relative value of the mapped soils in this
 8 parcel request is in line for important soils
 9 listed in Ogle County. An erosion and sediment
 10 control plan needs to be developed and
 11 implemented and maintained prior to and during
 12 all construction phases. A Stormwater
 13 Management needs to be developed to prevent
 14 increased surface water runoff and adversely
 15 affecting downstream areas.
 16 At the July 18th, 2019, meeting of the
 17 Regional Planning Commission, Mr. Nelson moved
 18 to recommend approval of the petition, as the
 19 expansion of this use for an existing business
 20 fits the Comprehensive Plan, and the site has a
 21 low LESA score. Seconded by Ms. Busser. Motion
 22 carried unanimously, six to zero, via roll call
 23 vote.
 24 That's all I have.
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1 MR. OCKEN: Would the petitioners please
 2 come forward to the podium, be sworn in. Please
 3 raise your right hand.
 4 ANTHONY BENESH and BRADLEY BROWN,
 5 being first duly sworn, testified as follows:
 6 MR. OCKEN: State your names and addresses
 7 to the recorder.
 8 MR. A. BENESH: Anthony S. Benesh, 3418
 9 Pine Road, Oregon, Illinois.
 10 MR. BROWN: Bradley Alan Brown, 15634
 11 Shark Road, Rockton Illinois.
 12 MR. OCKEN: You got all that?
 13 COURT REPORTER: Yes.
 14 MR. OCKEN: Okay. And go ahead and tell
 15 us why you're requesting a Special Use permit.
 16 MR. A. BENESH: We're requesting a permit
 17 because we are actively involved in mining, and
 18 our current deposit, we need to seek other
 19 deposits for our material and we would just like
 20 to expand to the north. We have owned the
 21 property for several years and feel it's a
 22 pretty good fit for the area.
 23 MR. OCKEN: So you're expanding the
 24 existing quarry into this area; is that right?
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1 MR. A. BENESH: Correct.
 2 MR. OCKEN: It will just keep right on
 3 going into that area?
 4 MR. A. BENESH: Correct.
 5 MR. OCKEN: Okay. Did you have a
 6 presentation you wanted to make?
 7 MR. A. BENESH: Yes, Bradley would.
 8 MR. BROWN: Yes, sir.
 9 Good evening. We appreciate the
 10 opportunity to come before the Board and share
 11 what we would like to do.
 12 This Special Use Permit, as Tony said, is
 13 a request to add an existing mining operation at
 14 the site to include an additional, just shy of
 15 38 acres to the north of the existing mining
 16 operation.
 17 MR. SODERHOLM: I can't hear.
 18 MR. REIBEL: Would you turn the microphone
 19 on and speak into the microphone?
 20 MR. BROWN: Do I need to repeat that part
 21 or are you good?
 22 MR. REIBEL: Go ahead and repeat it.
 23 MR. BROWN: Okay. So the Special Use
 24 Permit application is a request to expand an
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1 existing mining operation at the site to include
 2 an additional 38 acres -- actually, just shy of
 3 that, to the north. As Tony said, it's a
 4 continuous parcel and it will be a continuation
 5 of the existing mining operation from where it's
 6 at right now.
 7 Give you a little background on the site.
 8 The site has been owned by the Benesh family
 9 since 1962. I work with a lot of mining folks
 10 throughout Northern Illinois and I have done a
 11 lot of permitting stuff. This is one of my
 12 favorites because it's located right in the
 13 middle.
 14 MR. OCKEN: Could you speak a little
 15 closer? We're having a little problem hearing
 16 you. So speak right into that microphone.
 17 MR. BROWN: I'll do better. My wife is
 18 usually -- if I am doing public speaking, she's
 19 usually prodding me in the back and telling me
 20 to speak up and make sure I have the microphone
 21 on.
 22 Like I said, this site is one of my
 23 favorites, as it's very unique because it's
 24 right in the middle of a farming operation, so
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1 it's kind of a neat spot. It's one of the ones
 2 that I like a lot. A lot of the other ones are
 3 just more industrial-type sites and, you know,
 4 straight mining and have lots of restrictions
 5 and that sort of things, but this is kind of a
 6 unique spot.

7 So the site has been owned by the Benesh
 8 family since approximately 1962, and mining at
 9 the site started in the early '70s. Aggregate
 10 for construction of the nuclear plant was mined
 11 from there in the mid-1970s.

12 The quarry is centrally located within the
 13 Benesh farming operation and their existing
 14 parcels consist of approximately 830 acres of
 15 crop and pastureland that the quarry is in the
 16 middle of. And the current mining operations
 17 are governed by the Special Use Permit currently
 18 issued by Ogle County.

19 So I'll go over a couple things here. So
 20 I'm going to cover the background. We are going
 21 to talk about the quarry operations, the current
 22 environmental permitting, the Special Use Permit
 23 request, and then we'll touch base on the
 24 Special Use Permit standards, and then have
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1 conclusion remarks, which will take me through
 2 the presentation.

3 So the background. This map shows all of
 4 the parcels that are contiguous here with the
 5 mining operation. You can see the yellow in the
 6 middle of the map is the existing mine as it
 7 sits, and then the proposed Special Use Permit
 8 would include another 40 acres to the north and
 9 it shows a little bit better exactly where it's
 10 at.

11 MR. OCKEN: So everything inside the red
 12 boundary is owned by the Benesh family; is that
 13 correct?

14 MR. BROWN: Yes, sir.

15 MR. A. BENESH: Correct.

16 MR. BROWN: The quarry operations, you
 17 know, I explained how the process worked. They
 18 remove the overburden that's there over the
 19 stone, and there is not much overburden in this
 20 area. So it's less than 10 feet, often 2 to 3.
 21 And so that makes it a really good spot to mine
 22 the limestone because it's so close to the
 23 surface. You don't have to move a lot of
 24 overburden to get to it.

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1 So the overburden is either stockpiled,
 2 sold for fill, or used as construction materials
 3 on projects here locally.

4 The stone is initially processed by
 5 drilling and blasting. The raw, blasted stone
 6 is then crushed and screened to create various
 7 gradations for construction aggregate. The
 8 aggregate materials are then sold for use of
 9 home construction projects. Quarry is typically
 10 producing approximately 65,000 tons of stone a
 11 year, of which of that 65,000 tons approximately
 12 44 percent is used by local municipalities. So
 13 it is a good source of local stone, and it's
 14 produced locally. That's a good thing.

15 I'm not quite keeping up with the slides.
 16 So here's a photo of the existing operation
 17 there, and from the top looking into the quarry.

18 The current environmental permitting that
 19 the site has, has a Subtitle D Mining Permit
 20 issued by the Illinois Environmental Protection
 21 Agency, and it's also covered by what's called a
 22 Registration of Small Sources, or commonly
 23 referred to as a ROSS permit. It covers the air
 24 emissions part of their operation. So those are
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1 the two permits that are required to have to
 2 conduct their existing mining operations.

3 The blasting is conducted by an IDNR,
 4 Illinois Department of Natural Resources,
 5 licensed blaster. Each time a blast is
 6 conducted, they set up a seismograph at the
 7 nearest residential dwelling. They also give a
 8 courtesy call over to the power plant to let
 9 them know that a blast is going on as well.

10 It's our understanding that they have a
 11 seismograph there on site that they monitor as
 12 well, and I'm sure they appreciate the heads-up
 13 when a blast occurs so that they are not
 14 surprised by anything, especially in this day
 15 and age.

16 Stormwater management, all of the -- one
 17 of the nice, easy things about this site is all
 18 of the stormwater that falls in the mining area,
 19 where all the materials are stored and
 20 stockpiled, it all stays within the quarry
 21 operation and it drains to the lowest point in
 22 the quarry, where there's a settling pond. It's
 23 not a great picture in this light with the
 24 presentation, but it all stays right in the
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<p style="text-align: right;">Page 17</p> <p>1 quarry and it maintains. It varies up and down 2 a little bit, but there is no discharge from 3 that. So they don't have to pump into a creek 4 or a drainageway to manage their stormwater on 5 site. All of the stormwater that's exposed and 6 touches stockpiles or the roadways or anything 7 within the mining operation stays right there. 8 So it makes it a real easy site to manage from 9 that aspect.</p> <p>10 Part of the permit allows them to pump for 11 irrigation, should they desire to or need to 12 manage the level of water into the pond. So 13 that is an option, if needed, as well.</p> <p>14 So the Special Use Permit request, like we 15 had said at the beginning, it's a Special Use 16 Permit request for an expansion of the current 17 mining area to include an additional 38 acres of 18 adjacent property to the north. And the yellow 19 shaded area, that is zoned Industrial, I-1, I 20 believe. And the property to the north where 21 we're requesting the Special Use Permit, that is 22 zoned Ag. So it's an existing agricultural use.</p> <p>23 So the next part of our presentation kind 24 of takes us through the Special Use Permit In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 19</p> <p>1 safety of, you know, guardrails, handrails and 2 that sort of thing, but any exposure to dust and 3 that sort of thing. So we have to regulate how 4 much dust the workers are exposed to, and then 5 by default any adjacent property owners are -- 6 benefit from that as well, and also based on the 7 minimal exposure effects potentially generated 8 from crushing and mining by the distance from 9 the site being in the middle of their property 10 to any adjacent properties. So therefore, logic 11 implies that the site workers are protected and 12 any adjacent property owners should be protected 13 as well, since the closest residential dwelling 14 is about 1400 feet to their property line and I 15 think another couple hundred feet to the actual 16 dwelling.</p> <p>17 Stormwater runoff, as we talked about, is 18 directed into the settling ponds, which has no 19 discharge. IEPA strictly regulates any 20 discharge in mining operations. They come out 21 to the property to make sure there's no pumping 22 or anything going on. The site has never had a 23 violation associated with the mining operation.</p> <p>24 To address safety, worker safety at the In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 18</p> <p>1 standards, which we need to address as well. 2 I'll try not to be too wordy, but it's -- we 3 want to address each one individually so that we 4 went over those.</p> <p>5 So what I put on the slides is the 6 standard or close proximity thereof. Number 1, 7 is that the proposed Special Use Permit will not 8 be unreasonably detrimental to the value of 9 other property in the neighborhood in which it 10 is to be located, or the public health, safety, 11 morals, comfort or general welfare at large.</p> <p>12 Secondary mining operations existing are 13 constructed under strict compliance with the 14 Federal Mine Safety and Health Administration, 15 MSHA regulations, that are out there, and they 16 inspect regularly, and that includes worker 17 exposure to dust and silica. So they're a 18 heavily regulated industry, and MSHA is not shy 19 about showing up whenever they want. They do 20 their inspections. So things have to be done 21 according to their rules.</p> <p>22 Adjacent property owners and users are 23 also protected by those same regulations by 24 default. And what I mean by that is, not the In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 20</p> <p>1 site is closely regulated by MSHA, which we 2 talked about. They're continually reviewed and 3 monitored at the site. So there will be no 4 effects on public safety from the mining 5 operation, as the site is a private facility not 6 open to the general public. No safety effects 7 are anticipated for the County in general, as 8 the proposed expansion of the mining involved 9 has no hazardous materials being stored or 10 anything like that.</p> <p>11 To address the morals, mining is generally 12 considered to be accepted as an industry 13 involved with the extraction of natural 14 resources which complies with local, State and 15 federal regulations. Therefore, we don't see 16 that any morals from an objectionable 17 perspective are anticipated either locally or in 18 the county in general.</p> <p>19 We talked about health, comfort and 20 welfare. Comfort is commonly defined as the 21 state of physical ease and freedom from pain or 22 constraint or the easing or alleviation of the 23 person's feelings or belief of distress.</p> <p>24 So general welfare is not so easily In Totidem Verbis, LLC (ITV)</p>

<p style="text-align: right;">Page 21</p> <p>1 defined, but it can be generally summarized as 2 caring for other people's wellbeing. So we 3 address those. And in the perspective of 4 comfort and general welfare in respect to the 5 proposed expansion of the mining operation, we 6 don't believe that there's any identified to the 7 current mining operation, any of those issues, 8 and then we'll be using the same equipment, same 9 operations, and we would expect the same outcome 10 as they move forward into their next chapter of 11 mining at the site for the adjacent residence or 12 the county in general.</p> <p>13 Number two in the standards, that the 14 location and size of the Special Use, the nature 15 and intensity of the operation involved in or 16 conducted in connection with it, and the 17 location of the site with respect to streets 18 giving access to it are such that the Special 19 Use will not dominate the immediate neighborhood 20 so as to prevent development and use of the 21 neighboring property in accordance with the 22 applicable zoning district regulations. In 23 determining whether the Special Use will so 24 dominate the immediate neighborhood,</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 23</p> <p>1 within the confines of the site and below the 2 grade. So really can't even see the mining 3 operation from any of the surrounding roadways.</p> <p>4 And number three, to address off-street 5 parking and loading areas will be provided in 6 accordance with the standards. All parking and 7 loading for this type of operation will be 8 provided for within the proposed mining 9 operations.</p> <p>10 Number four, adequate utilities, ingress, 11 egress to the site, access roads, drainage and 12 other such necessary facilities have been or 13 will be provided. The proposed Special Land Use 14 for the mining expansion will utilize the 15 existing facilities, utilities, access roads and 16 drainage which are currently in place for the 17 permitted mining operations. So there's no 18 changes to anything than what we have right now.</p> <p>19 Access to the site is provided by three 20 site entrances. So potentially folks entering 21 and exiting the site can go six different 22 directions. So that's kind of unique to this 23 one. We don't have a lot of traffic that's 24 bound to one spot that can potentially be</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 22</p> <p>1 consideration will be given to: adjacent 2 properties are primarily zoned Agriculture or 3 Industrial use, with two residential properties 4 to the northwest; the Exelon nuclear plant is 5 located to the east; and agricultural properties 6 are located to the south, west and north.</p> <p>7 So allowing the Special Land Use for the 8 expansion of the mining operation for the 9 existing quarry is not expected to affect the 10 use and enjoyment of those properties or affect 11 their property values in general.</p> <p>12 One of the other items to address is the 13 location, nature and height of buildings, 14 structures, walls and fences on the site. It 15 should be noted that the current mining 16 operation at the site will not involve any new 17 buildings or structures not currently located on 18 the site. There will be no additional walls or 19 fences.</p> <p>20 To address the nature and extent of the 21 proposed landscaping and screening on the 22 proposed site, there is no proposed landscaping, 23 there will be no additional screening with the 24 proposed mining expansion. The mine is located</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 24</p> <p>1 cumbersome to folks. Presence of multiple 2 access points is a really good thing for the 3 site is general. Trucks are required to stop 4 before exiting the site on existing public 5 roadways. The current traffic volume is 6 expected to be the same as we have been 7 experiencing.</p> <p>8 Number five, the proposed use can be 9 operated in a manner that is not detrimental to 10 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.</p> <p>17 The proposed expansion, the mining 18 operation, will be conducted the same as they 19 have for the last 50 years on the site. There 20 should be no detrimental effects. The 21 surrounding properties from the quarry operation 22 are low grade, at a distance from the 23 boundaries, as we have mentioned, and not 24 visible from adjacent properties or roadways.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

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1 Providing local source of the aggregate
 2 materials used by area businesses and
 3 municipalities can be considered an essential or
 4 desirable asset towards promoting the public
 5 health, safety and general welfare of Ogle
 6 County.
 7 Number six, that the proposed Special Use
 8 complies with all provisions of the applicable
 9 district regulations. The proposed expansion of
 10 the mining operation is in an agricultural-zoned
 11 area which the Ogle County Zoning Ordinance
 12 provides for conducting mining operations. The
 13 Zoning Ordinance restricts mining operations or
 14 blasting to be conducted within 1,000 feet of a
 15 school or residence, and the proposed mining
 16 area for the Special Use Permit will be 1400
 17 feet from the nearest residential property
 18 boundary.
 19 In conclusion, the proposed mining
 20 operation is consistent with the site zoning and
 21 permitted site uses as outlined in the County
 22 Zoning regulations. The nearest residential
 23 site is 1400 feet from the mining operation.
 24 Remember, a thousand feet is the minimum. So
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1 they're over by 400 feet.
 2 The proposed mining operations will
 3 provide an economical source of aggregate
 4 materials for local municipalities and
 5 businesses. The mining operation provides for
 6 approximately three to five skilled jobs as
 7 well. The mine has a long history of operating
 8 in compliance with environmental and safety
 9 regulations.
 10 That concludes our presentation. Are
 11 there any questions?
 12 MR. OCKEN: One of the recommendations
 13 that are attached is blasting should not occur
 14 more than two days each calendar week, between
 15 the hours of 9 to 3, with no more than two
 16 blasting sequences during that day.
 17 I know it varies, but approximately how
 18 many days a year would you be blasting?
 19 MR. A. BENESH: We would probably blast,
 20 at the most, five times a year.
 21 MR. OCKEN: Five times?
 22 MR. A. BENESH: Yes.
 23 MR. OCKEN: Okay.
 24 MR. A. BENESH: We do -- to be more
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1 economic when we blast -- our blasters drive all
 2 the way from Dubuque, Iowa. So in order to get
 3 economics, they want to blast at least 25,000
 4 ton at a time, and that's, in today's standards,
 5 probably not large, but that is the most bang
 6 for your buck -- bad word, but that's to get the
 7 most out of it. They do a per-ton shot, is how
 8 they do that, and they can lower their price and
 9 they have -- they have to make it worth their
 10 trip when they come.
 11 MR. OCKEN: So approximately five days a
 12 year you would be blasting.
 13 MR. A. BENESH: Five different times.
 14 MR. OCKEN: Five different times, yes.
 15 MR. A. BENESH: Yes, typically a 25,000
 16 ton shot would last us 10 to 15 working days,
 17 depending on weather. We can't run in rain. So
 18 it's weather permitted, of course.
 19 MR. OCKEN: Do you run around the
 20 calendar? Do you run in the winter as well.
 21 MR. A. BENESH: Depending on the winter.
 22 Sometimes it's okay, but a lot of times it's
 23 not.
 24 MR. OCKEN: I suppose there's not as much
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1 demand for gravel in the winter as there would
 2 be --
 3 MR. A. BENESH: Just ice control. If it's
 4 a nice, mild winter, sure, we'll work some. But
 5 there always seems to be customers wanting
 6 material year round.
 7 MR. OCKEN: Yeah. Okay. For chips, that
 8 would make sense, for ice and things like that.
 9 MR. A. BENESH: Right.
 10 MR. OCKEN: And you are in agreement with
 11 these four recommendations that are attached?
 12 MR. A. BENESH: Sure, yes.
 13 MR. OCKEN: That's -- okay. Questions or
 14 comments from the Board?
 15 MR. SODERHOLM: I have got a question for
 16 Mike, and I -- I'm sure you said it, but I
 17 couldn't hear it very well. It states in one
 18 place 121.29 acres and the site application it's
 19 37.9. So which one is it? It's 37.9 for the
 20 proposed quarry site, right?
 21 MR. REIBEL: Right. The parcel that the
 22 Special Use is proposed on is the 121 point
 23 whatever.
 24 MR. SODERHOLM: But the permit is going to
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1 be permitted for 37. --

2 MR. REIBEL: Yes. Their application

3 narrowly defined that Special Use area as that

4 750 by 2200 (37.9 acre) area.

5 MR. SODERHOLM: Is your brother here,

6 Timothy?

7 MR. A. BENESH: Yes.

8 MR. SODERHOLM: Is that Timothy right

9 there? Yes, hi.

10 MR. T. BENESH: Hi.

11 MR. SODERHOLM: I have got a question --

12 and first of all, I would like to thank Jason.

13 Jason, there you go. You had your hat on,

14 and I was looking out the window.

15 Jason, I was doing a site tour, and I met

16 this young man, and he took me around and showed

17 me a lot of stuff and he was very, very

18 courteous. So thank you very much.

19 MR. J. BENESH: You're welcome.

20 MR. SODERHOLM: It was very nice. Very

21 illuminating.

22 The site, the 37.9 acres, are currently

23 being grazed or has been grazed, right?

24 MR. A. BENESH: Correct, yes.

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1 MR. OCKEN: Are there cattle on there now?

2 MR. A. BENESH: Yes.

3 MR. OCKEN: And how about, is that a

4 fenced-in area now? Will the quarry be fenced

5 in, the 37.9?

6 MR. A. BENESH: It's a temporary fence

7 that separates the pasture from the quarry. So

8 what we'll do is probably, as we mine, move the

9 fence to the north.

10 MR. SODERHOLM: You'll move the fence

11 back.

12 A concern that I have is that that will

13 put pressure for the cattle to go further

14 northward, correct? Are they grazing north of

15 that?

16 MR. A. BENESH: Yes, they're in that whole

17 parcel to the north.

18 MR. SODERHOLM: And I can maybe just ask

19 Jason. Are the cattle grazing up around the

20 INAI site?

21 MR. J. BENESH: Yes.

22 MR. OCKEN: I'm going to have to swear him

23 in.

24 MR. SODERHOLM: Oh, okay.

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1 MR. OCKEN: If you want to come on up.

2 MR. SODERHOLM: Sorry, Jason.

3 MR. J. BENESH: No problem.

4 MR. OCKEN: Tim, since you're there, we'll

5 just do you as well. If you want to say

6 something, then you can too.

7 JASON BENESH and TIMOTHY BENESH,

8 being first duly sworn, testified as follows:

9 MR. OCKEN: Please state your names and

10 addresses.

11 MR. J. BENESH: Jason Benesh, B-E-N-E-S-H,

12 806 East Spring Creek Road, Oregon.

13 MR. T. BENESH: Tim Benesh, B-E-N-E-S-H,

14 912 East Half Mile Road, Oregon, Illinois.

15 MR. OCKEN: Okay. Paul, go ahead.

16 MR. SODERHOLM: Well, the cattle are

17 currently grazing up toward the INAI site.

18 MR. J. BENESH: Yes.

19 MR. SODERHOLM: I'm not trying to tie any

20 stipulation in here but just to maybe raise a

21 level of concern for that, very, very, very

22 precious site that was discovered by Doug Wade

23 and Tim Keller, I think, back in the '70s, I

24 think when ComEd had the property.

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1 MR. A. BENESH: Right. They fenced it.

2 MR. SODERHOLM: There's some really cool

3 stuff on that site. There's a red root. The

4 name was mentioned, the Latin name was

5 mentioned.

6 And so, you know, I would just plead or

7 suggest -- this isn't going to have any impact

8 on my vote, but if you would maybe consider --

9 this is kind of the epicenter of the prairie

10 restoration movement in America, right here in

11 this area. Doug Wade was iconic. And maybe to

12 make sure that that fence -- and there's help

13 that you can get from the Middle Rock

14 Conservation people, Byron Forest Preserve or

15 the Nature Conservancy, Nachusa Grass lands,

16 there's a ton -- there's a depth of knowledge

17 there to help, and maybe to see that that fence

18 is maintained. Because when the cattle are

19 pushed up there, one cattle, one cow breaking

20 through that fence and into there could destroy

21 that precious plot forever.

22 So that's all I would say.

23 MR. A. BENESH: Doug Wade built the fence

24 around that prairie.

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1 MR. SODERHOLM: Sorry?

2 MR. A. BENESH: Doug Wade was the one that

3 built the fence around the prairie. And we did

4 have Byron Park District, Forest Preserve,

5 whoever it was, they were helping us back there

6 too. And we had a little trouble with leaving

7 gates open, and cattle came out on Razorville

8 Road at midnight and it caused a lot of stress

9 with us. So we currently maintain the fence

10 ourself now.

11 MR. SODERHOLM: Yeah, okay. Just it's

12 important to --

13 MR. A. BENESH: I think it's number two in

14 the state of Illinois.

15 MR. SODERHOLM: Okay. Good.

16 MR. OCKEN: And this area is on your

17 property; is that right?

18 MR. A. BENESH: Correct. It's in that

19 parcel.

20 MR. OCKEN: In the larger rectangle?

21 MR. A. BENESH: Yes.

22 MR. OCKEN: To the north?

23 MR. A. BENESH: To the north.

24 MR. SODERHOLM: It would qualify as an
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1 Illinois nature preserve -- by the fact that it

2 is an INAI site, it would qualify as a nature

3 preserve, Illinois nature preserve, right now,

4 no problem, which has got some nice benefits

5 perhaps, depending on situations.

6 MR. OCKEN: Okay. Any other questions or

7 comments from the Board?

8 MR. SODERHOLM: Thank you.

9 MR. OCKEN: Hearing none, you may be

10 seated. Thank you.

11 Has anyone filed for an appearance?

12 MR. REIBEL: No.

13 MR. OCKEN: Is there anyone here who

14 wishes to speak in favor of this petition?

15 (No verbal response.)

16 MR. OCKEN: Is there anyone here who

17 wishes to speak against this petition?

18 (No verbal response.)

19 MR. OCKEN: Hearing none, we'll now go

20 through the finding of fact.

21 Mr. Reibel, please read the first

22 standards.

23 MR. REIBEL: Special Use Standard 1) That

24 the proposed Special Use will not be
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1 unreasonably detrimental to the value of other

2 property in the neighborhood in which it is to

3 be located or the public health, safety, morals,

4 comfort or general welfare at large.

5 MR. HAYES: The proposed Special Use is

6 adjacent to an existing limestone quarry and is

7 well-buffered by distance, topography and

8 vegetation from residential and other uses. I

9 believe the standard is met.

10 (All those simultaneously

11 responded.)

12 MR. REIBEL: Number 2) That the location

13 and size of the Special Use, the nature and

14 intensity of the operation involved in or

15 conducted in connection with it, and the

16 location of the site with respect to streets

17 giving access to it are such that the Special

18 Use will not dominate the immediate neighborhood

19 so as to prevent development and use of

20 neighboring property in accordance with the

21 applicable zoning district regulations. In

22 determining whether the Special Use will so

23 dominate the immediate neighborhood,

24 consideration shall be given to: A) The
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1 location, nature and height of building,

2 structures, walls and fences on the site; and,

3 B) The nature and extent of proposed

4 landscaping and screening on the proposed site.

5 MR. CONSIDINE: The proposed Special Use

6 is adjacent to an existing limestone quarry, and

7 is well-buffered from residential and other land

8 uses so that it will not dominate the immediate

9 neighborhood to prevent development and use of

10 adjacent property. Standard met.

11 (All those simultaneously

12 responded.)

13 MR. REIBEL: 3) That off-street parking

14 and loading areas will be provided in accordance

15 with the standards set forth in these

16 regulations.

17 MR. REED: The site is large enough so

18 that adequate off-street parking and loading

19 areas can be provided. I believe the standard

20 is met.

21 (All those simultaneously

22 responded.)

23 MR. REIBEL: 4) That adequate utilities,

24 ingress/egress to the site, access roads,
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1 drainage and other such necessary facilities
 2 have been or will be provided.
 3 MR. SODERHOLM: It has been satisfactorily
 4 demonstrated that adequate utilities, ingress
 5 and egress to the site from North River Road,
 6 access roads, drainage and other such necessary
 7 facilities have been or will be provided. That
 8 standard is met.
 9 (All those simultaneously
 10 responded.)
 11 MR. REIBEL: 5) That the proposed use can
 12 be operated in a manner that is not detrimental
 13 to the permitted developments and uses in the
 14 zoning district, can be developed and operated
 15 in a manner that is visually compatible with the
 16 permitted uses in the surrounding area, and is
 17 deemed essential or desirable to preserve and
 18 promote the public health, safety and general
 19 welfare of Ogle County.
 20 MR. HAYES: The proposed Special Use is
 21 approximately 1600 feet away from the nearest
 22 dwelling, and is adjacent to an existing
 23 limestone quarry. The site will -- is well-
 24 buffered from residential uses by distance,
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1 topography and vegetation. I believe the
 2 standard is met.
 3 (All those simultaneously
 4 responded.)
 5 MR. REIBEL: 6) That the proposed Special
 6 Use complies with all provisions of the
 7 applicable district regulations.
 8 MR. CONSIDINE: The proposed Special Use
 9 appears to comply with all provisions of the
 10 AG-1 district recommendations. Standard met.
 11 (All those simultaneously
 12 responded.)
 13 MR. OCKEN: All of the standards have been
 14 met. I will entertain a motion to approve this
 15 petition, along with the recommendations.
 16 MR. CONSIDINE: Mr. Chairman, I'll make a
 17 motion to approve Number 7-19 for Special Use in
 18 the AG-1 District to allow excavation,
 19 extraction, mining and quarrying of raw
 20 materials on the described -- that the
 21 Petitioner has described, as long as -- as well
 22 as the proposed amendments.
 23 MR. REIBEL: The recommended conditions in
 24 the Staff Report?
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1 MR. CONSIDINE: Recommended conditions.
 2 MR. OCKEN: Is there a second?
 3 MR. HAYES: I'll second it.
 4 MR. OCKEN: Mr. Considine moves and
 5 Mr. Hayes seconds.
 6 Does the Board have any questions or
 7 comments?
 8 (No verbal response.)
 9 MR. OCKEN: Hearing none, Mr. Reibel,
 10 please call the roll.
 11 MR. REIBEL: Reed?
 12 MR. REED: Yes.
 13 MR. REIBEL: Soderholm?
 14 MR. SODERHOLM: Yes.
 15 MR. REIBEL: Hayes?
 16 MR. HAYES: 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: This motion has been approved
 24 by a vote of five to zero.
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1 MR. REIBEL: This petition will go on to
 2 the County Board for decision on August 20th,
 3 2019, at 5:30 p.m., right here in this room.
 4 MR. OCKEN: Do we have any other business?
 5 MR. REIBEL: No further business.
 6 MR. OCKEN: I call this meeting adjourned
 7 at 7:32 p.m.
 8 (The hearing was concluded at
 9 7:32 p.m.)
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1 Now on this 25th day of July, A.D., 2019, I do
2 signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.

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6
7

Randy Ocken, Chairman

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11
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Michael Reibel,
Zoning Administrator

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16
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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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Page 1

1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Richard W. and Kirstin B. Ellis, Flagg Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 25th day
 13 of July, 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 Jim Reed
 22
 23 Randy Ocken, Chairman
 24 Michael Reibel, Zoning Administrator

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1 MR. OCKEN: I call this July 25th, 2019,
 2 meeting of the Ogle County Zoning Board of
 3 Appeals to order at 6 p.m.
 4 Mr. Reibel, please call the roll.
 5 (Roll call was taken.)
 6 MR. REIBEL: Five 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. CONSIDINE: So moved.
 18 MR. OCKEN: Mr. Considine moves. Is there
 19 a second?
 20 MR. REED: Second.
 21 MR. OCKEN: Mr. Reed 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,
 4 and state your name and address to the recording
 5 secretary, and 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 the Citizen's Guide to the Zoning
 18 Board of Appeals, copies of which are available
 19 on the 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, of course,
 24 welcome to stay for the rest of the meeting.
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<p style="text-align: right;">Page 5</p> <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 the consider the petition filed May 21st, 5 2019, and amended June 21st of 2019 of Richard 6 W. and Kirstin B. Ellis, 10950 East Flagg Road, 7 Rochelle, Illinois, for a Variation, Number 1, 8 to allow the construction of an addition to an 9 existing accessory building 3 feet, 6 inches 10 from a side property line in lieu of 15 feet; 11 and, 2, to construct addition to an existing 12 accessory building that will exceed the maximum 13 allowable accessory building area for the parcel 14 as required pursuant to the Ogle County 15 Amendatory Zoning Ordinance on property 16 described as follows and owned by the 17 Petitioner: 18 Part of the Southeast Quarter of the 19 Northeast Quarter and part of the 20 Northeast Quarter of the Southeast Quarter 21 of Section 17 Township 40 North, Range 1 22 East of the 3rd P.M., Flagg Township, Ogle 23 County, Illinois, 1.04 acres, more or 24 less. In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 7</p> <p>1 less. 2 Existing land use is residential. 3 As far as surrounding land use and zoning, 4 the site is zoned AG-1 Agricultural District, 5 and all surrounding land is zoned AG-1. Land 6 adjacent to the west and south is in residential 7 use; land adjacent to the north and east is in 8 agricultural use. 9 The zoning history, the accessory building 10 upon which the addition is proposed was 11 constructed in 2003. 12 As far as applicable regulations, pursuant 13 to Section 16-6-61.1 of the Ogle County 14 Amendatory Zoning Ordinance, a garage, shed, 15 storage building, carport, or other similar 16 building or structure that's greater than 216 17 square feet in area shall be located not less 18 than 15 feet from a side or rear lot line, or 19 not less than the required side or rear yard 20 area for the principal building, whichever is 21 less. 22 Number 2, pursuant to Section 16-6-6D.1 of 23 the Ogle County Amendatory Zoning Ordinance, the 24 parcels of three acre and less in area, the In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 6</p> <p>1 On Property Identification Number: 2 24-17-400-010. 3 At the Common Location: 10950 East Flagg 4 Road. 5 For the record, a sign has been posted 6 along the frontage of the premises to notify the 7 public of the pending hearing reference the 8 subject property. All adjoining property owners 9 have been notified of tonight's hearing by 10 certified mail, notified on the hearing tonight 11 and the specifics of the petition. And a public 12 notice was published in the July 8th, 2019, 13 edition of the Ogle County Life, again, 14 notifying the public of tonight's hearing and 15 the specifics of the petition. 16 Under the Staff Report, which is on file 17 and the Board members have received, I will 18 point out that Richard and Kirstin Ellis are the 19 owners of the property. The property is located 20 on the north side of east Flagg Road beginning 21 approximately eight-tenths of a mile east of 22 South Skare Road and eight-tenths of a mile west 23 of South Center Road. 24 Size of the parcel is 1.40 acres, more or In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 8</p> <p>1 total cumulative area of all detached accessory 2 buildings shall not exceed 3 percent of the size 3 of the parcel. The calculated maximum allowable 4 accessory building area for the site is 1,829.52 5 square feet. The site contains an existing 36 6 foot by 48 foot (1728 square feet) detached 7 accessory building. A 14 foot by 48 feet (672 8 square foot) addition to the existing accessory 9 building is proposed, and it will exceed the 10 maximum allowable accessory building area by 11 570.5 square feet, or 31.2 percent. 12 Pursuant to Section 16-6-6D.1 of the Ogle 13 County Amendatory Zoning Ordinance, the Zoning 14 Board of Appeals may authorize a larger maximum 15 building area by Variation if it can be 16 demonstrated that the area of all accessory 17 buildings will be compatible with the 18 neighborhood in design, location and size; and 19 there is proportionality between the size of the 20 principal building, parcel, street frontage, and 21 the size of the accessory structures. 22 Special Information: 23 Public utilities, none. 24 Transportation, East Flagg Road is a In Totidem Verbis, LLC (ITV)</p>

<p style="text-align: right;">Page 9</p> <p>1 county highway functionally classified as a 2 major collector. 3 Physical characteristics, the site is 4 located within an area of nearly level to gently 5 sloping terrain. There are no mapped wetlands 6 or floodplain areas on the site. 7 That's all I have. 8 MR. OCKEN: Would the Petitioners please 9 come forward to the podium. 10 RICHARD ELLIS, 11 being first duly sworn, testified as follows: 12 MR. ELLIS: And, sir, do you wish to 13 testify as well? 14 MR. CRULL: I'm here on his behalf as his 15 attorney. 16 MR. OCKEN: Okay. So you're not going to 17 speak? 18 MR. CRULL: If you want me to -- 19 MR. OCKEN: I would like to swear you in, 20 if you don't mind. 21 MR. CRULL: Yes, sir. 22 RUSS CRULL, 23 being first duly sworn, testified as follows: 24 MR. OCKEN: Please state your name and In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 nothing -- I mean, I have actually been 2 maintaining part of the waterway for the last 20 3 years, even before the prior owner inherited or 4 however the farm was transferred. 5 So, I mean, I -- but I was making sure 6 that -- it was important I did everything the 7 right way, you know, and come see what I needed 8 to do. 9 Sorry, I'm not a speaker, but that's 10 basically -- you know, everything I have done, I 11 have a builder that wants to do it. Everything 12 is perfectly -- very expensive construction. It 13 will be fully furnished and finished. It's not 14 going to be, like, some piece of junk sitting 15 there. It's going to be clean and it's going to 16 be uniform with the building that's already 17 there. 18 And also, too, in the last microburst 19 storm we had about a year and a half ago, I had 20 a smaller shed that got wiped out. So I was 21 going to use that as my additional space, too, 22 that I already had that's on the property. So 23 instead of -- kind of got this idea that, well, 24 it makes sense to just finish that then instead In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 addresses for the recording secretary. 2 MR. RUSSELL: My name is Russ Crull. I 3 represent the Ellises. 1090 North 7th Street, 4 Rochelle, Illinois, that's my business address. 5 MR. ELLIS: My name is Richard Ellis. My 6 address is 10950 East Flagg Road, Rochelle, 7 Illinois. 8 MR. OCKEN: And tell us why you're 9 requesting a Variation. 10 MR. ELLIS: Well, basically it was to put 11 an add-on for more dry storage space than I 12 already had. Originally I planned to do it 13 years ago, and there was other areas of -- I 14 think the zoning changed. It used to be 33 15 percent or something like that, if I am not 16 mistaken. 17 And I did it as I could afford. So the 18 concrete was already there and things. As I 19 could do it, I was going to do it. So that's 20 basically about it. 21 I mean, the property that I'm -- that's 22 adjoining is basically farm ground. It's a 23 waterway. There's nothing there that can be 24 obstructed. You can never build on it. There's In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 of trying to replace another building, and 2 there's existing trees from the adjoining 3 property that they refuse to take down and 4 they're probably going to fall on my building 5 again if I put it in the same spot. 6 So that's where I'm at. 7 MR. OCKEN: Okay. And you do mechanical 8 work in the existing building; is that right? 9 MR. ELLIS: No, it's more -- it's my hobby 10 shop. No, it's not a business, never has been. 11 I mean, I have tinkered. I can't help when 12 people ask me to do something. 13 MR. OCKEN: Sure. 14 MR. ELLIS: But as far as -- I'm legally 15 disabled and, you now, I try to do what I can, 16 where I can. But no, it's never been zoned -- 17 or I mean, never tried to -- like I said, I just 18 need dry storage. I just acquired a few more 19 things over the years. 20 MR. OCKEN: So it's just for storage -- 21 MR. ELLIS: Correct. Dry storage. 22 MR. OCKEN: -- with the existing building? 23 MR. ELLIS: It's just going to be 24 insulated, just so it keeps my stuff dry. I In Totidem Verbis, LLC (ITV)</p>

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1 have quite a bit of a car collection, and I am
 2 just out of room. My wife --
 3 MR. OCKEN: So this is attached right onto
 4 the existing building?
 5 MR. ELLIS: Yes.
 6 MR. OCKEN: Same siding?
 7 MR. ELLIS: Correct. Everything will be
 8 exact, identical. Yeah, it's going to be
 9 matched -- well, I don't know if you have seen
 10 the property, but I take very good care of it,
 11 which some of my neighbors do a better job too.
 12 It would be -- like I said, I'm pretty
 13 sure my builders talked to Mike and brought
 14 everything. Hopefully there's a site plan. I
 15 asked him to describe everything. Mike's been
 16 out to the property and, you know, he checked on
 17 it. And I explained to him in detail what it's
 18 going to be. You know, everything's there. I
 19 have got nothing to hide.
 20 MR. OCKEN: Okay. Any questions or
 21 comments from the Board?
 22 MR. CRULL: If I could add one other
 23 thing. I think it's of note that -- I believe
 24 you had pictures to consider -- there's an
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1 existing concrete pad on the property, and one
 2 of them should show a line on the -- next to
 3 that pad and that would actually be the property
 4 line. The intention is to build a building on
 5 the existing concrete pad. So I think that will
 6 give you a good idea of where the building would
 7 be located.
 8 MR. OCKEN: Okay.
 9 MR. ELLIS: I'm sorry, I didn't bring that
 10 in.
 11 MR. OCKEN: No, that's fine. That's fine.
 12 Okay.
 13 MR. ELLIS: We did make a nice line, and
 14 it shows that it's on the existing piece.
 15 MR. OCKEN: Yes. All right. And we have
 16 an individual who has filed for an appearance,
 17 so they wish to ask you some questions. So I'll
 18 ask you to remain --
 19 MR. ELLIS: Sure.
 20 MR. OCKEN: -- while this individual comes
 21 forward.
 22 MS. McPHERSON: Good evening, gentlemen.
 23 My name is Heather McPherson. I represent
 24 Frances Dole.
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1 MR. OCKEN: Okay. I'm going to swear you
 2 in.
 3 MR. REIBEL: Can you talk into the
 4 microphone, too?
 5 HEATHER McPHERSON,
 6 being first duly sworn, testified as follows:
 7 MR. OCKEN: And would you state your name
 8 and address for the recorder, please.
 9 MS. McPHERSON: My name is Heather
 10 McPherson. I'm an attorney. My address -- my
 11 business address is 1720 Hance Drive in
 12 Freeport.
 13 MR. OCKEN: Okay. And, ma'am, I'm going
 14 to swear you in as well.
 15 FRANCES DOLE,
 16 being first duly sworn, testified as follows:
 17 MR. OCKEN: Please state your name and
 18 address to the recorder.
 19 MS. DOLE: I'm Frances Dole, and I live in
 20 Pearl City, Illinois, 112 West Goldmine Road. I
 21 inherited this property through family.
 22 MR. OCKEN: Okay. And could you spell
 23 your last name for the recorder?
 24 MS. DOLE: D-O-L-E.
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1 MR. OCKEN: Go ahead. Just one other
 2 thing before you start. Excuse me. I want to
 3 specify that this is an opportunity only to ask
 4 questions of the Petitioner, not to make
 5 statements or to offer personal testimony at
 6 this time. If you wish to make a statement, you
 7 will have an opportunity to do that later. So I
 8 would ask you to direct all of your testimony as
 9 questions to the Petitioner.
 10 MS. McPHERSON: Thank you, sir. I just
 11 have a few questions. I'll make it pretty
 12 brief.
 13 EXAMINATION OF RICHARD ELLIS
 14 BY MS. McPHERSON
 15 Q. First of all, how long has the cement pad been
 16 there?
 17 A. 2008.
 18 Q. Is there a reason --
 19 MR. REIBEL: Can we offer a suggestion,
 20 Ms. McPherson? Would you and Mrs. Dole be
 21 willing to just have a seat and maybe have one
 22 of these microphones here. Then you can speak
 23 into the microphone. You will be much --
 24 MS. McPHERSON: Thank you so much.
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<p>1 MR. REIBEL: -- better heard, and then the 2 Petitioner can speak into that microphone, and 3 then everybody will be able to hear. 4 MR. HAYES: The button is down here. 5 MR. REIBEL: So on the right side of the 6 base of the microphone, there's a little button. 7 And when you see a red light, that microphone is 8 hot. 9 MS. McPHERSON: Okay. I have it on. 10 MR. REIBEL: And the same at the podium. 11 Russ, could you -- there you go. Thanks. 12 Q. (By Ms. McPherson:) Is there a reason why you 13 can't build on the other side of this building? 14 A. Yes. I have a well and a septic. 15 Q. On all three other sides of it? 16 A. No. On the back, but the way that the property 17 goes, my septic is on an angle. If I was to 18 build out to the back now, I will be in the 19 leach field and my tank is over on the other 20 side, on the east -- or west side of the 21 property. So I'm basically limited to that's 22 where I'm at. 23 Q. So you couldn't come forward, toward the road? 24 A. No, I mean, I guess, but it would be -- the In Totidem Verbis, LLC (ITV)</p>	<p>1 A. Yeah, it was all done. 2 Q. Did the surveyor come and take it? 3 MR. CRULL: First of all, wait for her to 4 answer -- ask the question before you answer it. 5 MS. McPHERSON: That's okay, you're doing 6 fine. 7 MR. ELLIS: I'm just not -- 8 MS. McPHERSON: I'm sorry, so sorry. We 9 would be happy to continue it. 10 MR. ELLIS: No, I have been waiting for 11 three months. I thought -- when she very first 12 came out and I asked her, in all due respect, I 13 thought this was an easy, simple thing. And I 14 asked if we could maybe purchase some of the 15 property, and they wanted to talk about it, 16 which was wonderful, not a problem. 17 And then we talked about there was 18 waterway issues. I mean, there's really nothing 19 that can be put there. That was another reason 20 why I had it at that spot. 21 MS. McPHERSON: We will present our 22 evidence. I just have a couple questions I want 23 to get to, if you don't mind. 24 Q. (By Ms. McPherson:) So we have a survey that's In Totidem Verbis, LLC (ITV)</p>
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<p>1 cost would be way too much. I'm just trying to 2 leave it be. I didn't want to come too far 3 forward of my house. 4 Q. But you could come toward the road? There's 5 nothing preventing you from doing that, sir? 6 A. I guess not. 7 Q. Do you have a survey of the property? 8 A. Not with me. I brought -- or there should 9 be -- I apologize, I'm out of sorts today. My 10 father passed away and I got the call, and I am 11 still trying to make this meeting. 12 Q. I'm so sorry. We would have been happy to 13 continue it. 14 A. There's the survey. 15 MR. CRULL: We do have the survey. 16 Q. (By Ms. McPherson:) When was the survey? 17 A. 1999. 18 Q. So there's no recent survey? It's a survey 19 that's 20 years old? 20 A. It's 19. I mean, it's -- everything was there. 21 The pins are all still there. Everything was 22 good. 23 Q. Did you have someone come out and stake it so 24 you could measure? In Totidem Verbis, LLC (ITV)</p>	<p>1 over 20 years old. Did you have a surveyor come 2 out to the property and stake it along the edge 3 so you could make -- 4 A. I -- 5 Q. Please let me finish. 6 A. Sorry. 7 Q. Did you have a surveyor come out to the 8 property, mark along the line, and then were you 9 able to measure its alleged 3 and a half feet? 10 A. The surveyor did not. We found the pins and 11 the mark. 12 Q. So there was no surveyor out there, you just 13 kind of found the pin and strung it along? 14 A. Kind of found -- my builder was there with his 15 metal detector. 16 Q. Is your builder a surveyor? 17 A. No. 18 Q. Thank you. 19 How much bigger is the building you want 20 to build? 21 A. It's just adding on. It's basically a lean-to. 22 It's 670 square feet. 23 Q. Is it going on every side of the building or 24 just on Mrs. Dole's side? In Totidem Verbis, LLC (ITV)</p>

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1 A. Just on the east side of the building.
 2 Q. And that would be Mrs. Dole's side, correct?
 3 A. Yes.
 4 Q. When you were testifying earlier, you mentioned
 5 that you were just going to use the building for
 6 storage?
 7 A. Yes.
 8 Q. Do you do any kind of work in the building?
 9 A. Obviously, yeah.
 10 Q. Is there work that you get paid for that's done
 11 in the building?
 12 A. No.
 13 Q. So you never take any money for, like, a
 14 business type?
 15 A. No.
 16 Q. What's your hobbies, sir?
 17 A. Building cars, tractors, trucks, cars, anything
 18 with a motor in it.
 19 MS. McPHERSON: Thank you very much, sir.
 20 We have no further questions.
 21 Thank you, gentlemen.
 22 MR. OCKEN: Any questions or comments from
 23 the Board?
 24 (No verbal response.)
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1 MR. OCKEN: Hearing none, you may be
 2 seated.
 3 MR. ELLIS: One last thing, I'm sorry, but
 4 Mike's been out actually, too. I've actually,
 5 over the years, had calls, people have called
 6 and asked if I am running a business. I have
 7 actually talked to Mike about it. We have
 8 clarified. Everyone has been out. I mean,
 9 everybody knows that road is one of the biggest
 10 travelled roads in Ogle County.
 11 I have always got something going on, but
 12 it's my personal projects. I do a lot of
 13 consulting in the suburbs. All I'm looking for
 14 is some dry storage. Thank you.
 15 MR. OCKEN: Very good. Thank you.
 16 MR. CRULL: Thank you.
 17 MR. OCKEN: Has anyone else filed for
 18 appearance?
 19 MR. REIBEL: No.
 20 MR. OCKEN: Is there anyone here who
 21 wishes to speak in favor of this petition?
 22 (No verbal response.)
 23 MR. OCKEN: Is there anyone here who
 24 wishes to speak in opposition to this petition?
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1 MS. McPHERSON: We do, Your Honor.
 2 MR. OCKEN: Pardon?
 3 MS. McPHERSON: We do, sir.
 4 MR. OCKEN: Would you come up to the
 5 podium.
 6 MS. McPHERSON: If it's all right with the
 7 Board, I would just like to ask Mrs. Dole a few
 8 questions so she can explain her position on
 9 this and her concerns.
 10 MR. OCKEN: Go ahead, that's fine.
 11 MS. McPHERSON: Thank you.
 12 EXAMINATION OF FRANCES DOLE
 13 BY MS. McPHERSON:
 14 Q. Well, first of all, what are your concerns
 15 about this?
 16 A. Well, I feel -- I have a waterway there, and
 17 it's too close to there for a building. By the
 18 time you get a roof, it's going to be
 19 practically on my property line. Because you're
 20 not -- you don't have a straight roof, you have
 21 got a roof line and overhang and everything.
 22 Q. And, Mrs. Dole, you know the setback is
 23 supposed to be 15 feet; is that correct?
 24 A. Yes.
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1 Q. And you don't believe 42 inches is enough?
 2 A. I don't think so.
 3 Q. Have you been out to look at the property?
 4 A. Not for about a month.
 5 Q. But you are very familiar with the property?
 6 A. Yes, I am.
 7 Q. How long has the property been in your family?
 8 A. Well, my sister, my aunt, and before her was
 9 her husband -- or common-law husband. I happen
 10 to be -- it's Clarks, to Brown, to Daley to
 11 Dole.
 12 Q. Is that since approximately the 1960s?
 13 A. Before that.
 14 Q. Did you say before the 1960s?
 15 A. Yes. I think '59 -- well, '55, so.
 16 Q. Are you also concerned about diminishing your
 17 value of your property due to a Variance in the
 18 zoning regulations?
 19 A. Yes. I don't know, if it goes to my children,
 20 my sons, what they will do, and if they want
 21 to -- I don't feel a building that close will
 22 help, because it may not always be farmland. It
 23 could be subdivided for a subdivision or
 24 something like that, and I feel that -- I want
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1 to keep it the best for them.

2 Q. So you basically feel 42 inches isn't enough,

3 there should be more because there will be roof

4 lines and drainage that's going to damage your

5 property and damage the value of your property;

6 is that correct?

7 A. Yes. It will be almost gone by the time the

8 roof hits there, that it will be on the property

9 line with drainage. It is a waterway that is

10 maintained. It is CRP land. And they do farm

11 in the back. If it isn't wet, they get crops.

12 They're right there. The machinery is too much.

13 It's only about four rows of corn between that

14 and the CRP land. So with the big machinery now

15 and rows, you cannot get in there.

16 Mr. Paige (phonetic) farms it and his

17 family before that has farmed it. His son is

18 helping him now, and I think they will continue

19 farming it as long as I live.

20 Q. Are you also concerned about damage to your

21 tenant?

22 A. Pardon?

23 Q. Are you concerned about damage to your tenant

24 from additional runoff or it being too close to
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1 your farmland?

2 A. Well, I don't know how much water will come off

3 that roof line.

4 Q. Do you have any concerns about the building

5 being approximately one-third more than is

6 allowed by the zoning regulations?

7 A. Yes.

8 Q. Can you tell the Board why you're concerned?

9 A. Well, I feel that he can come to the front,

10 he's got plenty of room there, and he can make a

11 building -- I know the cement is there. That

12 isn't causing a problem to the property. By the

13 time you get a roof and -- line there and send

14 all that water, then that's going to be on our

15 property, I feel -- my property.

16 Q. Any concerns a big building that is close to

17 encroaching on your property, are you concerned

18 it could alter the essential character of the

19 locality?

20 A. Well, I feel that the boys may sell it for a

21 subdivision or something like that if they don't

22 use the farmland, and I don't think people that

23 bought a house -- because there's a big

24 subdivision over there that the houses are big,
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1 and they wouldn't want that, I think, that close

2 to their property line.

3 Q. Is there anything else you would like to tell

4 the Board, Mrs. Dole?

5 A. I don't think so.

6 MS. McPHERSON: Thank you very much,

7 gentlemen.

8 MR. OCKEN: Yes. Just a couple questions.

9 So as I understand it, your current

10 concern is with the drainage?

11 MS. DOLE: Yes.

12 MR. OCKEN: The water coming off the roof;

13 is that right? And then you also have a future

14 concern about what might happen if --

15 MS. DOLE: Yeah, that it will lower the

16 property -- value of the property.

17 MR. OCKEN: Okay. With the current

18 concern, Mr. Ellis, I would ask you, is there

19 water that -- there's a concrete pad there now,

20 right?

21 MR. ELLIS: Yes, there is.

22 MR. OCKEN: So does water drain off that

23 concrete pad?

24 MR. ELLIS: No, it does not. I will have
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1 gutters and I will have a gutter on the

2 addition. I don't want that water on my

3 property, and I don't want it on there. It goes

4 to the back, where the waterway is supposed to

5 drain. That's where the water is supposed to

6 run, sir. And the whole thing is pitched that

7 way and everything is there.

8 So actually, in all due respect, if they

9 were to put in a subdivision, which is not zoned

10 for that, number one, all that water runoff will

11 come towards me then. And, actually, there's

12 also probably broken drainage tiles that would

13 happen. I mean, there's been set up for

14 generations of water drainage.

15 And, actually, about 15 years ago they

16 rerouted all the drainage. And, actually, the

17 other farmland that was adjoined, there was a

18 big conflict, and then they spent the money and

19 made it drain away. So if -- actually, if

20 anything, I will take on more water than

21 anything.

22 So, I mean, it's been empty for so long.

23 And the pictures can show that there's just not

24 enough -- whether there's concrete or a roof,
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1 it's not going to drain in there. And we get
 2 millions of gallons from the field across the
 3 street that go right by. I hardly doubt a
 4 30-foot roof is going to change that.
 5 And as far as the value goes, I'm adding
 6 value to my property. It's one of the most
 7 expensive properties in that section. So I'm
 8 not trying to be disrespectful, but I don't see
 9 any of that because we are, you know, trying to
 10 do -- and I am just doing the existing -- what I
 11 can afford to do. Yeah, if I could build a
 12 building all the way to the front, I could, but
 13 I'm not financially able to -- it would cost way
 14 too much to do that just to have a nice, solid
 15 insulated link to it. It's about a third of the
 16 cost. And that's why I can't come forward, main
 17 reason is cost.
 18 MR. OCKEN: Okay. And so there isn't
 19 going to be any water coming off of that roof to
 20 where it's on the Dole property?
 21 MS. McPHERSON: If I could, Your Honor,
 22 he's not an expert on any sort of structure --
 23 unless he's a structural engineer, I don't know
 24 that -- I'm not qualified to testify where the
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1 water is going to run. I'm not sure he can
 2 present testimony in that area.
 3 MR. OCKEN: The thing I'm asking about is,
 4 if he has a gutter on there, then the water is
 5 going to go to one end or the other, it's not
 6 going to be going over on Mrs. Dole's property
 7 off of the roof.
 8 MS. McPHERSON: Another serious concern we
 9 have is that when you build it, there's only
 10 42 inches between the Dole property and this
 11 property. I don't think it's reasonable to
 12 build a building when you only have this much --
 13 less than my wing span -- to build a building.
 14 I just don't think it's reasonable.
 15 MS. DOLE: The property, I think, is lower
 16 than his. It's going to run towards the
 17 waterway. He's not down from my property.
 18 MR. HAYES: Can I ask a question?
 19 MR. OCKEN: Sure, go ahead.
 20 MR. HAYES: Mr. Ellis?
 21 MR. ELLIS: Yes, sir.
 22 MR. HAYES: Your wall that you're putting
 23 up, how big is your overhang and is your wall
 24 where the Variance is going to basically be have
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1 that overhang that's going to impede the small
 2 amount of --
 3 MR. ELLIS: I'm sorry. I mean, are you
 4 saying the roof that I have existing?
 5 MR. HAYES: No.
 6 MR. ELLIS: The add-on?
 7 MR. HAYES: The addition you're proposing.
 8 MR. ELLIS: It's just an add-on, it's not
 9 a complete building.
 10 MR. HAYES: But you're going to have an
 11 add-on, correct?
 12 MR. ELLIS: Yeah. It will be probably a
 13 foot or two. I mean, not even. Because it's
 14 going to be guttered. I don't know the actual
 15 pitch of the roof. As the other attorney said,
 16 I'm not a building expert. My builder can --
 17 MR. HAYES: From the wall to the outside,
 18 there's going to be a foot or is it going to be
 19 2 foot?
 20 MR. ELLIS: No, it should probably be a
 21 foot.
 22 MR. HAYES: Is there going to be -- okay.
 23 So it's going to be a foot, and that's a foot
 24 more than what you're --
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1 MR. ELLIS: No, it will be inside the
 2 Variance.
 3 MR. HAYES: Inside the Variance?
 4 MR. ELLIS: Correct.
 5 MR. HAYES: So your overhang is inside the
 6 Variance?
 7 MR. ELLIS: Yes.
 8 MR. HAYES: Okay.
 9 MS. McPHERSON: If I could clarify
 10 something.
 11 The overhang, is your building wall 3 and
 12 a half feet or 42 inches from the line or is
 13 your roof overhang 42 inches from the line?
 14 MR. ELLIS: I would imagine it's about the
 15 same because it's just coming down.
 16 MS. McPHERSON: I have real concerns here.
 17 This is about 42 inches (indicating), would
 18 everyone agree, and it's just not enough.
 19 MR. OCKEN: Okay. Do you have anything
 20 else that you wish to add?
 21 MS. DOLE: Well, you can't run water onto
 22 somebody else's property.
 23 MR. OCKEN: Well, actually you can. As a
 24 property owner, you have to take drainage from
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1 adjoining property owners. I have farmland, I
 2 have to take my neighbor's drainage.
 3 MS. DOLE: Yes.
 4 MS. McPHERSON: Another concern would be
 5 disturbance of natural flow, but I think we
 6 fully expressed our concerns, and we thank you
 7 very much this evening.
 8 MR. OCKEN: Mr. Ellis, did you have any
 9 questions?
 10 MR. CRULL: Yes, we do, sir.
 11 MR. OCKEN: Yes, go ahead.
 12 MR. CRULL: Do you want me to do the same
 13 over here?
 14 MR. OCKEN: Yes.
 15 MR. REIBEL: Ms. McPherson, there may be
 16 some additional questions.
 17 EXAMINATION OF FRANCES DOLE
 18 BY MR. CRULL:
 19 Q. Ms. Dole, I just have a few further questions.
 20 The ground that you own to the east of the
 21 proposed Variance is currently not zoned for a
 22 subdivision; is that correct?
 23 A. Pardon?
 24 Q. The ground that you own to the east of this
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1 property is currently not zoned for a
 2 subdivision; is that correct?
 3 A. No, it isn't.
 4 Q. And your concern then is that someone changing
 5 their property next to you would make it harder
 6 for you to change yours in the future; is that
 7 correct?
 8 A. No. I want to keep the property the best that
 9 it is as farmland. I don't know what my boys
 10 will do with it when I die.
 11 Q. The ground that's directly east of this
 12 building is not tillable ground; is that
 13 correct?
 14 A. There is some, if you have a small -- they used
 15 to farm, there was four rows of corn.
 16 Q. Do you recall when that was?
 17 A. Pardon?
 18 Q. Do you recall when that was?
 19 A. No. It was before I took over. I inherited
 20 this in 2009.
 21 Q. If Mr. Ellis were to build a building to the
 22 front, that ground to the east of his building
 23 slopes towards your property; is that correct?
 24 A. Yes.
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1 Q. So if he were to build a building to the front,
 2 not put gutters on it, it would still put water
 3 on that slope which would flow onto your
 4 property; is that correct?
 5 A. Yes.
 6 Q. So either way, there would be water on your
 7 property, correct?
 8 A. Right.
 9 Q. If Mr. Ellis were to put gutters on the
 10 property, as there are on the existing property,
 11 they would be directed away from your property;
 12 is that correct?
 13 A. If he puts a gutter? Where is he going to put
 14 that gutter? It's --
 15 Q. If he were to put it similar to the building
 16 that's existing.
 17 A. On the east the gutter will go. It's either
 18 going to go to the north or going to the south
 19 to the highway, right?
 20 Q. Correct. And either one of those ways, it
 21 would slope on your property; is that correct?
 22 A. Yes.
 23 Q. Just the same as if you were to build it to the
 24 front; is that correct?
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1 A. Uh-huh.
 2 Q. You stated you were at the property
 3 approximately one month ago; is that correct?
 4 A. Pardon?
 5 Q. You stated you were at the property
 6 approximately one month ago; is that correct?
 7 A. I was there in April.
 8 Q. When was the last time you were at the property
 9 before that?
 10 A. In November.
 11 Q. Okay. And --
 12 A. I don't -- pardon?
 13 Q. You can continue.
 14 A. I go away for the winter. I'm in Arizona.
 15 Q. At any point with the existing water coming off
 16 the building now, has it added any flow to your
 17 property?
 18 A. I don't think so.
 19 Q. Have you ever noticed any additional flow
 20 coming off the concrete pad?
 21 A. I'm not --
 22 MS. McPHERSON: She said she doesn't know.
 23 A. I don't know.
 24 MS. McPHERSON: She has a tenant who's
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1 there.

2 MR. CRULL: I can still ask her that

3 question though. If she doesn't know, she can

4 answer my question.

5 Q. (By Mr. Crull:) So you don't know if you have

6 ever seen any additional water coming off the

7 existing concrete pad; is that correct?

8 A. No. I haven't been over there when it's been

9 raining.

10 MR. CRULL: I don't have any further

11 questions. Thank you.

12 MR. OCKEN: Okay. Anything else?

13 MS. McPHERSON: We just want to restate --

14 I know I have said, but 42 inches we just feel

15 isn't enough to build and be that close to your

16 neighbor's property.

17 Thank you, gentlemen, so much for hearing

18 our concerns.

19 MR. OCKEN: I would make one

20 clarification. You mentioned that in the future

21 the property might be subdivided. We really

22 can't anticipate what might happen in the

23 future. Our decision that we make tonight has

24 to be based on the property as it is today and

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1 as it is currently being used.

2 MS. McPHERSON: And we understand that,

3 appreciate that very much, but we feel that 42

4 inches just isn't enough. It's too close.

5 MR. OCKEN: Okay.

6 MS. McPHERSON: Thank you.

7 MR. OCKEN: Thank you.

8 Is there anyone else that wishes to speak

9 against this petition?

10 (No verbal response.)

11 MR. OCKEN: Any other questions or

12 comments from the Board?

13 (No verbal response.)

14 MR. OCKEN: Did you wish to make a closing

15 statement?

16 MR. CRULL: No, sir. Thank you.

17 MR. OCKEN: Okay. For each of the six

18 standards we have two prepared statements, one

19 in support of this petition -- excuse me, of

20 this petition and one in opposition. A Board

21 member will read the statement which he believes

22 is most applicable in this situation. The Board

23 members will either agree or disagree. After

24 the finding of fact, I will entertain a motion

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1 in regard to this petition.

2 Mr. Reibel, please read the first

3 standard.

4 MR. REIBEL: Variation Standard A) That

5 the particular physical surroundings, shape or

6 topographical condition of the specific property

7 involved would result in a particular hardship

8 upon the owner, as distinguished from a mere

9 inconvenience, if the strict letter of the

10 regulations were carried out.

11 MR. SODERHOLM: The size of the site,

12 being 1.4 acres, prohibits construction of any

13 additional accessory building larger than

14 101 square feet. The location and design of the

15 existing accessory building makes it impractical

16 to construct an addition to the west side, and

17 the east side of the existing building is

18 bordered by a drainageway that cannot be

19 utilized for crop production. I feel that

20 standard is met.

21 MR. OCKEN: Agree.

22 MR. CONSIDINE: Agree.

23 MR. HAYES: Disagree.

24 MR. REED: Agree.

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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. HAYES: The conditions upon which the

7 petition for Variations are based are unique and

8 not applicable, generally, to other property

9 within the AG-1 zoning district. I believe the

10 standard is met.

11 (All those simultaneously

12 responded.)

13 MR. REIBEL: Variation Standard C) The

14 purpose of the Variation is not based

15 exclusively upon a desire to obtain a higher

16 financial return on the property.

17 MR. CONSIDINE: Evidence indicates that

18 the purpose of the Variation is not based

19 exclusively upon a desire to obtain a higher

20 financial return on the property, but rather to

21 provide additional accessory building area for

22 the residents of the dwelling. That standard

23 has been met.

24 (All those simultaneously

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<p>1 responded.)</p> <p>2 MR. REIBEL: Variation Standard D) The</p> <p>3 alleged difficulty or hardship has not been</p> <p>4 created by any person presently having an</p> <p>5 interest in the property.</p> <p>6 MR. REED: Evidence indicates that the</p> <p>7 alleged difficulty or hardship has not been</p> <p>8 created by the Petitioner. I believe the</p> <p>9 standard's been met.</p> <p>10 (All those simultaneously</p> <p>11 responded.)</p> <p>12 MR. REIBEL: Variation Standard E) The</p> <p>13 granting of the Variation will not be materially</p> <p>14 detrimental to the public welfare or injurious</p> <p>15 to other property or improvements in the</p> <p>16 neighborhood in which the property is located.</p> <p>17 MR. SODERHOLM: No evidence has been</p> <p>18 submitted that would indicate the granting of</p> <p>19 the Variation will be materially detrimental to</p> <p>20 the public welfare or injurious to other</p> <p>21 property or improvements in the neighborhood in</p> <p>22 which the property is located, as the proposed</p> <p>23 addition will be constructed on an existing</p> <p>24 concrete parking -- on an existing concrete</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 submitted that would indicate that the Variation</p> <p>2 will impair an adequate supply of light and air</p> <p>3 to adjacent property, or substantially increase</p> <p>4 the congestion in the public streets, or</p> <p>5 increase the danger of fire, or endanger the</p> <p>6 public safety, or substantially diminish or</p> <p>7 impair property values within the neighborhood.</p> <p>8 I believe that standard has been met.</p> <p>9 MR. OCKEN: Agree.</p> <p>10 MR. SODERHOLM: Agree.</p> <p>11 MR. HAYES: Disagree.</p> <p>12 MR. REED: Agree.</p> <p>13 MR. REIBEL: And the Zoning Board of</p> <p>14 Appeals should not vary the regulations of this</p> <p>15 Ordinance unless it shall make findings based</p> <p>16 upon the evidence presented to it in each</p> <p>17 specific case that, A) The plight of the owner</p> <p>18 is due to unique circumstances.</p> <p>19 MR. REED: The circumstances are unique</p> <p>20 due to the size of the parcel, existing physical</p> <p>21 conditions of the site, the design and</p> <p>22 construction of the existing building, and the</p> <p>23 adjacent land use being a drainageway. I</p> <p>24 believe the standard has been met.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
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<p>1 parking pad, and the land adjacent to the</p> <p>2 proposed addition is a drainageway. That</p> <p>3 standard is met.</p> <p>4 MR. OCKEN: Agree.</p> <p>5 MR. CONSIDINE: Agree.</p> <p>6 MR. HAYES: Disagree.</p> <p>7 MR. REED: Agree.</p> <p>8 MR. REIBEL: Variation Standard F) The</p> <p>9 proposed Variation will not impair an adequate</p> <p>10 supply of light and air to adjacent property, or</p> <p>11 substantially increase the congestion in the</p> <p>12 public streets, or increase the danger of fire,</p> <p>13 or endanger the public safety, or substantially</p> <p>14 diminish or impair property values within the</p> <p>15 neighborhood.</p> <p>16 MR. HAYES: The Variation may result in</p> <p>17 impairment of property values and diminishing</p> <p>18 use of enjoyment of adjacent northerly property.</p> <p>19 I feel the standard has not been met.</p> <p>20 (All those simultaneously</p> <p>21 disagreed.)</p> <p>22 MR. REIBEL: Does somebody want to make a</p> <p>23 statement that the finding is met?</p> <p>24 MR. CONSIDINE: No evidence has been</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 (All those simultaneously</p> <p>2 responded.)</p> <p>3 MR. REIBEL: B) The Variation, if</p> <p>4 granted, will not alter the essential character</p> <p>5 of the locality.</p> <p>6 MR. CONSIDINE: The Variation will allow</p> <p>7 construction that is not out of character within</p> <p>8 the surrounding area, as other sites in the</p> <p>9 neighborhood have similar structures and the</p> <p>10 land adjacent to the proposed addition is in</p> <p>11 agricultural use. Standard is met.</p> <p>12 (All those simultaneously</p> <p>13 responded.)</p> <p>14 MR. REIBEL: And in addition to the</p> <p>15 required findings of fact, pursuant to</p> <p>16 Section 16-6-6D.1 of the zoning Ordinance, the</p> <p>17 Board is also required to find that the area of</p> <p>18 all accessory buildings will be compatible with</p> <p>19 the neighborhood in design, location and size;</p> <p>20 and that there is proportionality between the</p> <p>21 size of the principal building, parcel, street</p> <p>22 frontage, and the size of the accessory</p> <p>23 structure.</p> <p>24 MR. REED: The area of all accessory</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

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<p>1 buildings will be compatible with the</p> <p>2 neighborhood in design, location and size; and</p> <p>3 the proposed accessory building is proportional</p> <p>4 to the existing dwelling, parcel size and</p> <p>5 frontage. I believe the standard has been met.</p> <p>6 (All those simultaneously</p> <p>7 responded.)</p> <p>8 MR. OCKEN: All of the standards have been</p> <p>9 met. I will entertain a motion to approve this</p> <p>10 petition.</p> <p>11 MR. CONSIDINE: Mr. Chairman, I'll make a</p> <p>12 motion to approve Number 6-19 for the Variation.</p> <p>13 Although there are concerns, I believe the</p> <p>14 simple fact that the standards have been met,</p> <p>15 the adjoining property owner is in agricultural</p> <p>16 use, and I feel that there is no hardship that</p> <p>17 would be met on the adjoining property. So I</p> <p>18 believe that should be approved.</p> <p>19 MR. OCKEN: Is there a second?</p> <p>20 MR. SODERHOLM: Second.</p> <p>21 MR. OCKEN: Mr. Considine moves and</p> <p>22 Mr. Soderholm seconds.</p> <p>23 Does the Board have any questions or</p> <p>24 comments?</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 (The hearing was concluded at</p> <p>2 6:45 p.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</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>
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<p>1 (No verbal response.)</p> <p>2 MR. OCKEN: Mr. Reibel, please call the</p> <p>3 roll.</p> <p>4 MR. REIBEL: Reed?</p> <p>5 MR. REED: Yes.</p> <p>6 MR. REIBEL: Hayes?</p> <p>7 MR. HAYES: No.</p> <p>8 MR. REIBEL: Soderholm?</p> <p>9 MR. SODERHOLM: Yes.</p> <p>10 MR. REIBEL: Considine?</p> <p>11 MR. CONSIDINE: Yes.</p> <p>12 MR. REIBEL: Ocken?</p> <p>13 MR. OCKEN: Yes.</p> <p>14 (By voice vote four ayes, one</p> <p>15 nay.)</p> <p>16 MR. REIBEL: Four voted yes, one no.</p> <p>17 MR. OCKEN: This motion has been approved</p> <p>18 by a vote of four to one.</p> <p>19 Mr. Reibel, what's the next order of</p> <p>20 business?</p> <p>21 MR. REIBEL: You may come to see me for</p> <p>22 your zoning certificate application at your</p> <p>23 convenience.</p> <p>24 MR. ELLIS: Okay. Thank you.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 Now on this 25th day of July, A.D., 2019, I do</p> <p>2 signify that the foregoing testimony was given</p> <p>3 before the Ogle County Zoning Board of Appeals.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p style="text-align: center;">Randy Ocken, Chairman</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p style="text-align: center;">Michael Reibel, Zoning Administrator</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</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>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>