

Page 1

1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE) 01-20 SU
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Norman and Phyllis Reinford, Pine Rock Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 27th day
 13 of February, A.D., 2020,
 14 before the Ogle County
 15 Zoning Board of Appeals
 16
 17 Present:
 18 Paul Soderholm
 19 Mark Hayes
 20 James Reed
 21 Randy Ocken, Chairman
 22 Harry Adams, Zoning Administrator
 23
 24 Also Present:
 25 Tom Smith

Page 2

1 INDEX
 2
 3 Witness Examination
 4 Norman Reinford 9
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20 End 24
 21
 22
 23
 24 In Totidem Verbis, LLC (ITV)

Page 3

1 MR. OCKEN: I call this February 27th,
 2 2020, meeting of the Ogle County Zoning Board of
 3 Appeals to order at 6 p.m.
 4 Mr. Adams, please call the roll.
 5 (Roll call was taken.)
 6 MR. ADAMS: Mr. Chairperson, we have a
 7 quorum.
 8 MR. OCKEN: We have four members present.
 9 There is quorum.
 10 Please rise for the Pledge of Allegiance.
 11 (The Pledge of Allegiance was
 12 recited.)
 13 MR. OCKEN: The verbatim transcript
 14 serving as minutes of the last meeting is on
 15 file and will not be read at this time.
 16 I will entertain a motion to approve the
 17 minutes of the last ZBA meeting.
 18 MR. SODERHOLM: So moved.
 19 MR. OCKEN: Mr. Soderholm moves. Is there
 20 a second?
 21 MR. HAYES: I'll second.
 22 MR. OCKEN: Mr. Hayes seconds.
 23 All in favor, please say aye.
 24 (All those simultaneously
 In Totidem Verbis, LLC (ITV)

Page 4

1 responded.)
 2 MR. OCKEN: Motion passes.
 3 All testimony will be taken under oath.
 4 Please come forward to the podium to testify and
 5 state your name and address to the recording
 6 secretary. Please spell your last name. When
 7 testifying, please speak clearly and loudly
 8 enough to be heard. This hearing is the only
 9 opportunity to place testimony and evidence on
 10 the record. There will not be another
 11 opportunity beyond tonight's hearing to submit
 12 additional evidence or testimony for
 13 consideration.
 14 Please turn off or silence all electronic
 15 devices.
 16 The procedures on hearings that will be
 17 followed tonight is as found in the ZBA Rules of
 18 Procedures or Citizen's Guide to the Zoning
 19 Board of Appeals, which are available on the
 20 desk near the entrance to this room.
 21 If anyone has trouble hearing, please let
 22 us know.
 23 After a petition has been voted on, you
 24 are free to leave; however, you are welcome to
 In Totidem Verbis, LLC (ITV)

<p style="text-align: right;">Page 5</p> <p>1 stay for the rest of the meetings. However, 2 since we only have one petition tonight, that 3 will conclude the meeting. 4 Mr. Adams, what is the first order of 5 business? 6 MR. ADAMS: The first order of business is 7 to hear Petition 1-20SU, Special Use, to 8 consider a request filed January 16th, 2020, of 9 Norman and Phyllis Reinford, 3500 South Chana 10 Road, Chana, Illinois, for a Special Use Permit 11 in the AG-1 Agricultural District to allow a 12 construction shop on property described as 13 follows and owned by the Petitioner: 14 Part of the Northwest Quarter of the 15 Southwest Quarter of Section 22, Township 16 23 North, Range 11 East of the 4th P.M., 17 Pine Rock Township, Ogle County, Illinois, 18 13.55 acres, more or less. 19 With a PIN number of 17-22-300-015. 20 And, as we said, 3500 South Chana Road. 21 For the record, a sign was posted along 22 the frontage of the premises indicating that a 23 zoning hearing is to be held regarding this 24 property. All adjoining property owners have In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 7</p> <p>1 There is no zoning history. It has been 2 in agriculture since 1965. 3 The applicable regulations are 16.5.1, 4 Section C, under Special Uses. The following 5 uses of lands may be allowed by a Special Use 6 Permit. Listed under there is contractor and 7 construction shops. 8 There are no public utilities. It is 9 served by a private well and septic. 10 Transportation, South Chana Road is a hot- 11 mix Ogle County highway functionally classified 12 as a major collector. 13 And the physical characteristics, there 14 are no mapped wetlands or floodplain areas on 15 the site. And according to Ogle County Digital 16 Soil Survey, the soil types are: 361B Kidder, 17 57 percent; 363B Griswold, 39 percent; 363D2 18 Griswold, eroded, 4 percent. 19 As we said, there's no flooding or ponding 20 hazards, 100 percent are well drained to 21 excessively drained, and 100 percent are rated 22 suitable for on-site sewage disposal. 23 Last Thursday the Regional Planning 24 unanimously voted to approve this Special Use In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 6</p> <p>1 been notified of this hearing and of the 2 specifics of the petition. And a legal notice 3 was published in the February 3rd edition of the 4 Ogle County Life. 5 Under the Staff Report, you will see that 6 the existing -- or the current or existing land 7 use is the primary residence for Norman 8 Reinford, and that there is also what has been 9 -- of course it's winter now -- some pastureland 10 and a former livestock operation. 11 The surrounding land use is row crop and 12 AG-1. There are three dwellings within 13 one-quarter mile of the proposed Special Use and 14 nine dwellings within one-half mile of the 15 Special Use. The closest dwelling is 16 approximately 720 feet to the southeast. 17 The comprehensive plan, the parcel does 18 not fall within one and a half miles of an 19 incorporated municipality and would fall under 20 the Ogle County Comprehensive Plan. And the 21 Ogle County Amendatory Comprehensive Plan 22 designates the site and surrounding area for 23 agricultural and agriculture-related open space 24 uses. In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 8</p> <p>1 petition. 2 There was no EcoCAT. It's staying in the 3 AG-1 Zoning District. 4 And there is no Soil Conservation Resource 5 review, again, because it is staying in the 6 Agricultural Zoning District. 7 The Highway Department sent us a letter, 8 and they said that they see no issue with this 9 on our part, by Shawn Gallagher, the assistant 10 county engineer. 11 And we did get one appearance filed by 12 Dale and Joanne Grote, but I see that they are 13 not here. 14 And from the Pine Rock Township, we got a 15 letter that reads: At our February 11th 16 meeting, the Pine Rock Township Board discussed 17 your letter of February 1st notifying us of the 18 proposed Special Use Permit requested for the 19 property in the Pine Rock Township owned by 20 Norman and Phyllis Reinford. The Township Board 21 has received no objections from the Township 22 residents to this Special Use Permit to allow a 23 construction shop in the AG-1 Agricultural 24 District. The Pine Rock Township Planning In Totidem Verbis, LLC (ITV)</p>

Page 9

1 Commission reported to the Township Board their
 2 approval of this request. Following discussion,
 3 the Township Board unanimously approved the
 4 request.
 5 Mr. Chairman, that's all I have.
 6 MR. OCKEN: All right. Mr. Reinford,
 7 please step forward to the podium. Please raise
 8 your right hand.
 9 MR. REINFORD: Your Honor, could I request
 10 to affirm rather than swear?
 11 MR. OCKEN: Yes. Let me repeat that.
 12 MR. REINFORD: Thank you.
 13 NORMAN REINFORD,
 14 first duly affirming, testified as follows:
 15 MR. OCKEN: Please state your name and
 16 address to the recorder.
 17 MR. REINFORD: Norman Reinford, 3500 South
 18 Chana Road, Chana, Illinois, 61015.
 19 MR. OCKEN: And tell us why you're
 20 requesting a Special Use Permit.
 21 MR. REINFORD: Well, the request is simply
 22 to -- that we can open a construction shop on
 23 the property to build portable buildings which
 24 consist of many and varied uses. Some will be
 In Totidem Verbis, LLC (ITV)

Page 10

1 livestock shelters, horse shelters, small animal
 2 structure, storage sheds, backyard sheds. We
 3 also would plan to do more customizing of
 4 buildings, more than our competitors would do.
 5 So they can -- they oftentimes would go for a
 6 lot of different purposes. Sometimes maybe even
 7 a home office or something of that nature.
 8 So that is the basic request, that we're
 9 asking to do that. We will want to sell some
 10 there at the property as a sales place, but our
 11 intent would be to establish another -- at least
 12 another sales lot at a distant location
 13 somewhere, which we have not found yet, and
 14 maybe more than one if we need to.
 15 But our intent would be not to just create
 16 a large business, but simply a family-business
 17 business. Myself and my boys, like you see
 18 here, would be the ones that would be working
 19 there. And we do certainly desire it to be an
 20 asset and a blessing to the community. It's --
 21 we're not wanting anything other than that.
 22 MR. OCKEN: And what's the approximate
 23 size of the buildings that you'll be making? I
 24 assume it's varied?
 In Totidem Verbis, LLC (ITV)

Page 11

1 MR. REINFORD: Yeah. Our price list will
 2 probably be anything from 8 by 8 all the way up
 3 to possibly 14 wide by 40 feet long, possibly,
 4 but the majority would be within a 12 by 16 to
 5 12 by 24 range.
 6 MR. OCKEN: And will you -- you mentioned
 7 some of those would be displayed on the property
 8 out alongside the road then?
 9 MR. REINFORD: I would like to put several
 10 out by the road, if we could, and -- but there
 11 would probably be some kept back too.
 12 MR. OCKEN: And will you have a sign there
 13 then for your business?
 14 MR. REINFORD: Yes, I would -- that would
 15 be my plan.
 16 MR. OCKEN: And will the storage and
 17 materials -- I think you have three buildings
 18 there. Will the storage and materials be inside
 19 the buildings?
 20 MR. REINFORD: As much as possible, that
 21 would be our plan, to keep them inside.
 22 MR. OCKEN: Okay. Mr. Adams, for my
 23 information, is it correct that for someone to
 24 purchase one of these buildings in Ogle County,
 In Totidem Verbis, LLC (ITV)

Page 12

1 they have to get a building permit for that?
 2 MR. ADAMS: Yeah.
 3 MR. OCKEN: And do you inform your
 4 customers that they do -- we have run into this
 5 problem before, that some people have purchased
 6 this type of building and didn't realize it
 7 because the seller never told them. So do you
 8 inform your customers, at least in Ogle County,
 9 that they need a building permit?
 10 MR. REINFORD: If that's what I should do,
 11 I will try to do that, yes.
 12 I moved from Wisconsin, and I have done
 13 this type of a business for the last 27 years,
 14 and that would be the policy there in the state
 15 of Wisconsin as well. But it was also that I,
 16 as a manufacturer, was not responsible to order
 17 them to get it, but to tell them that's what
 18 they should do. And I would do likewise here.
 19 MR. OCKEN: Yeah, I think if you at
 20 least -- I think some people just don't think
 21 about it. They don't think about, well, I need
 22 a building permit, because they're not thinking
 23 about actually building something. But if you
 24 would let them know that, that would solve some
 In Totidem Verbis, LLC (ITV)

Page 13

1 problems on our side when they have to come in
 2 and then get a Special Use Permit afterwards.
 3 MR. REINFORD: Yeah, so we would certainly
 4 want to do what we should do.
 5 MR. OCKEN: Okay.
 6 MR. ADAMS: Real quick, just to piggyback
 7 on what Randy was saying, where a lot of that
 8 kind of misinformation comes is the idea that
 9 because it's not set on a permanent foundation
 10 that somehow it's portable and doesn't apply to
 11 them, and that's where a lot of that
 12 misunderstanding comes from. And that's why
 13 we're asking you specifically, because it's the
 14 portable ones that tend to be basically the most
 15 problems.
 16 MR. REINFORD: Yeah, I understand that
 17 different states have different rules on that,
 18 but it's good to know that.
 19 MR. OCKEN: And it's not a requirement
 20 that you do that. But if you would at least
 21 suggest that to your customers, that would --
 22 MR. REINFORD: We will do that.
 23 MR. OCKEN: -- be very helpful.
 24 Will there be much truck traffic in and
 In Totidem Verbis, LLC (ITV)

Page 14

1 out then, delivering materials, moving
 2 buildings?
 3 MR. REINFORD: There will be some of that.
 4 We would plan to deliver our own buildings with
 5 our truck and trailer. That is designed for
 6 that purpose.
 7 There would be -- we would purchase some
 8 of our materials from places like Menards. So
 9 we would pick up some of our own. But we would
 10 also have lumber delivered by the semi load,
 11 would also be part of that.
 12 As far as how much, how often, that can
 13 vary. We do tend to try to buy when lumber is
 14 cheaper. So maybe a certain month or two in the
 15 year there may be several loads coming in and
 16 not much for quite a while.
 17 MR. OCKEN: Will you have other employees
 18 besides your family?
 19 MR. REINFORD: There isn't a plan for
 20 that.
 21 MR. OCKEN: Okay. Approximately how many
 22 buildings would you anticipate that you would
 23 construct in a month's time?
 24 MR. REINFORD: It would probably begin
 In Totidem Verbis, LLC (ITV)

Page 15

1 with myself and my sons here. If we would do,
 2 you know, probably four to five a week, would be
 3 probably our goal, if we can sell them.
 4 MR. OCKEN: And is this an extension of
 5 your business in Wisconsin? Do you still have a
 6 business in Wisconsin?
 7 MR. REINFORD: No. I sold that business
 8 to my nephew and with retaining the right that I
 9 may sell sheds in Illinois.
 10 MR. OCKEN: Okay. Any questions from the
 11 Board?
 12 (No verbal response.)
 13 MR. OCKEN: Okay. Hearing none --
 14 MR. SODERHOLM: Are there any plans for
 15 expansion? To what degree would he have to come
 16 before the Board to expand, double his size,
 17 triple his size, say the business really takes
 18 off?
 19 MR. REINFORD: I can tell you what my
 20 thought would be on that. Of course something
 21 could change, but I'm already getting older in
 22 years. I'm not old yet, but I'm getting older.
 23 I would prefer to keep that property as my
 24 homestead, with a small business. And if the
 In Totidem Verbis, LLC (ITV)

Page 16

1 day would come where I'm not involved anymore,
 2 then I would probably suggest the business be
 3 moved elsewhere.
 4 So our intent presently would not be to
 5 expand to a large business. We have no plan to,
 6 you know, build onto the shop or anything at the
 7 present moment. I'm not going to promise that
 8 that could not come up, but we would get a
 9 building permit or whatever we would need to do
 10 that if we decided.
 11 MR. SODERHOLM: Thank you.
 12 MR. OCKEN: Any other questions?
 13 (No verbal response.)
 14 MR. OCKEN: Is there anyone here who
 15 wishes to speak in favor of this petition?
 16 (No verbal response.)
 17 MR. OCKEN: I assume not.
 18 And no one against?
 19 (No verbal response.)
 20 MR. OCKEN: And you said someone did file
 21 for appearance but they're not here?
 22 MR. ADAMS: Yes.
 23 MR. OCKEN: All right. You may be seated.
 24 Thank you.
 In Totidem Verbis, LLC (ITV)

Page 17

1 MR. REINFORD: Thank you.
 2 MR. OCKEN: The Board will now go through
 3 the findings of fact. For each of the six
 4 standards, we have two prepared statements: one
 5 in support of this petition and one in
 6 opposition. For each standard, the Board member
 7 will read the statement which he believes is
 8 most applicable in this situation. The Board
 9 members will either agree or disagree. All six
 10 standards must be met in order to approve this
 11 petition. After the findings of fact, I will
 12 entertain a motion in regard to this petition.
 13 Mr. Adams, please read the first standard.
 14 MR. ADAMS: That the proposed Special Use
 15 will not be unreasonably detrimental to the
 16 value of other property in the neighborhood in
 17 which it is to be located or the public health,
 18 safety, morals, comfort or general welfare at
 19 large.
 20 MR. SODERHOLM: The proposed Special Use
 21 will make use of existing farm buildings and
 22 would not have a significant impact on the
 23 value, health, safety, morals, comfort or
 24 general welfare of the surrounding property. I
 In Totidem Verbis, LLC (ITV)

Page 18

1 believe that standard has been met.
 2 (All those simultaneously
 3 responded.)
 4 MR. ADAMS: That the location and size of
 5 the Special Use, the nature and intensity of the
 6 operation involved in or conducted in connection
 7 with it, and the location of the site with
 8 respect to streets giving access to it are such
 9 that the Special Use will not dominate the
 10 immediate neighborhood so as to prevent
 11 development and use of neighboring property in
 12 accordance with the applicable zoning district
 13 regulations. In determining whether the Special
 14 Use will so dominate the immediate neighborhood,
 15 consideration shall be given to: A) The
 16 location, nature and height of building,
 17 structures, walls and fences on the site; and,
 18 B) The nature and extent of proposed
 19 landscaping and screening on the proposed site.
 20 MR. HAYES: The distance to the closest
 21 nonparticipating dwelling, the screening
 22 provided by the existing feedlot barns and
 23 windbreak, and the size and scope of the
 24 proposed Special Use will not cause it to
 In Totidem Verbis, LLC (ITV)

Page 19

1 dominate the immediate neighborhood. I believe
 2 the standard is met.
 3 (All those simultaneously
 4 responded.)
 5 MR. ADAMS: That off-street parking and
 6 loading areas will be provided in accordance
 7 with the standards set forth in these
 8 regulations.
 9 MR. REED: Adequate off-street parking and
 10 loading areas are provided by the existing
 11 400-foot-long driveway, paved former feedlot
 12 area, and adequate truck turnaround space. I
 13 believe the standard has been met.
 14 (All those simultaneously
 15 responded.)
 16 MR. ADAMS: That adequate utilities,
 17 ingress/egress to the site, access roads,
 18 drainage and other such necessary facilities
 19 have been or will be provided.
 20 MR. SODERHOLM: It has been satisfactorily
 21 demonstrated that the adequate utilities,
 22 ingress/egress to the site, access roads,
 23 drainage and other such necessary facilities are
 24 present for the proposed Special Use. I believe
 In Totidem Verbis, LLC (ITV)

Page 20

1 that standard has been met.
 2 (All those simultaneously
 3 responded.)
 4 MR. ADAMS: That the proposed use can be
 5 operated in a manner that is not detrimental to
 6 the permitted developments and uses in the
 7 zoning district, can be developed and operated
 8 in a manner that is visually compatible with the
 9 permitted uses in the surrounding area, and is
 10 deemed essential or desirable to preserve and
 11 promote the public health, safety and general
 12 welfare of Ogle County.
 13 MR. HAYES: The proposed Special Use is
 14 located in the AG-1 Zoning District and would be
 15 compatible with the permitted and special uses
 16 in the surrounding area and would be deemed
 17 desirable to the construction economy in Ogle
 18 County. I believe the standard is met.
 19 (All those simultaneously
 20 responded.)
 21 MR. ADAMS: That the proposed Special Use
 22 complies with all provisions of the applicable
 23 district regulations.
 24 MR. REED: The proposed Special Use
 In Totidem Verbis, LLC (ITV)

Page 21	Page 23
<p>1 appears to comply with all provisions of the</p> <p>2 AG-1 Agricultural District, specifically</p> <p>3 16.5.1C, Special Use for a Construction Shop. I</p> <p>4 believe the standard has been met.</p> <p>5 (All those simultaneously</p> <p>6 responded.)</p> <p>7 MR. OCKEN: All of the standards have been</p> <p>8 met. I will entertain a motion to approve the</p> <p>9 petition.</p> <p>10 MR. HAYES: Mr. Chairman, I would like to</p> <p>11 make a motion to approve Special Use File</p> <p>12 01-20 SU on the basis that all the standards</p> <p>13 have been met and the Regional Planning</p> <p>14 Commission has approved.</p> <p>15 MR. SODERHOLM: Second.</p> <p>16 MR. OCKEN: Mr. Hayes moves; Mr. Soderholm</p> <p>17 seconds.</p> <p>18 Does the Board have any other questions or</p> <p>19 comments?</p> <p>20 (No verbal response.)</p> <p>21 MR. OCKEN: Hearing none, Mr. Adams,</p> <p>22 please call the roll.</p> <p>23 MR. ADAMS: James Reed?</p> <p>24 MR. REED: Yes.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 meeting adjourned at 6:20 p.m.</p> <p>2 (The hearing was concluded at</p> <p>3 6:20 p.m.)</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>
Page 22	Page 24
<p>1 MR. ADAMS: Paul Soderholm?</p> <p>2 MR. SODERHOLM: Yes.</p> <p>3 MR. ADAMS: Mark Hayes?</p> <p>4 MR. HAYES: Yes.</p> <p>5 MR. ADAMS: Randy Ocken?</p> <p>6 MR. OCKEN: Yes.</p> <p>7 (By voice vote four ayes.)</p> <p>8 MR. OCKEN: The motion has been approved</p> <p>9 by a vote of four to zero.</p> <p>10 Mr. Adams, do we have any other business</p> <p>11 this evening?</p> <p>12 MR. ADAMS: Yeah, just a quick note to say</p> <p>13 that we will not have a meeting in March, but we</p> <p>14 definitely will have one in April.</p> <p>15 MR. SMITH: What do we have for April?</p> <p>16 MR. ADAMS: Loves is putting in for</p> <p>17 probably a text amendment for the sign. They</p> <p>18 need a little height because of the height of</p> <p>19 the roadway. We have got at least one</p> <p>20 Variation, possibly up to three. And then the</p> <p>21 Solar Special Use Committee will probably be</p> <p>22 sponsoring a text amendment as well. It will be</p> <p>23 pretty busy.</p> <p>24 MR. OCKEN: All right. I call this</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 Now on this 27th day of February, A.D., 2020, I</p> <p>2 do 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;">Harry Adams, 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>