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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE }SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Marty and Christie Cox, Woosung Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 30th day
 13 of July, A.D. 2020,
 14 before the Ogle County
 15 Zoning Board of Appeals
 16 Present:
 17 Paul Soderholm
 18 Randall Bulthaus
 19 Rob Urish
 20 Dave Williams
 21 Randy Ocken, Chairman
 22 Harry Adams, Zoning Administrator
 23
 24

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 24 In Totidem Verbis, LLC (ITV)

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1 MR. OCKEN: Mr. Adams, what's the next
 2 order of business?
 3 MR. ADAMS: Mr. Chairman, the next order
 4 of business is to hear the petition filed June
 5 22nd, 2020, of Marty and Christie Cox, 5680
 6 South Bogey Drive, Polo, Illinois, for an
 7 Amendment to the Zoning District to rezone from
 8 AG-1 Agricultural District to IA Intermediate
 9 Agricultural District (30.75 acre, more or
 10 less); and R-1 Rural Residential District (5.0
 11 acres, more or less) on property described as
 12 follows and owned by the Petitioners:
 13 Part of the East Half of the Southwest
 14 Quarter of Section 35, Township 23 North,
 15 Range 8 East of the 4th P.M., Woosung
 16 Township, Ogle County, Illinois, 35.75
 17 acres, more or less.
 18 On Property Identification Number:
 19 14-35-326-007.
 20 With the Common Location: 5680 South
 21 Bogey Drive.
 22 For the record, a sign was posted on the
 23 premises indicating the zoning hearing was to be
 24 held tonight, as was a mailer sent to all
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1 adjoining property owners. And a notice was
 2 published in the July 6th edition of the Ogle
 3 County Life.
 4 We do have an EcoCAT on this, and it reads
 5 in part: The Illinois Natural Heritage Database
 6 contains no record of State-listed threatened or
 7 endangered species, Illinois Natural Area
 8 Inventory Sites, dedicated Illinois nature
 9 preserves, or registered land and water reserves
 10 in the vicinity of the projected location.
 11 Consultation is terminated.
 12 We also have a notice to read from the
 13 County Highway Department, and that is: Parcel
 14 14-35-326-007 currently has access to South
 15 Bogey Drive via a flag lot, roughly 33 feet
 16 wide, and is not part -- the cul-de-sac to the
 17 north end of South Bogey Drive is not part of
 18 either Mekeel Subdivision or Edgewood Acres
 19 Subdivision, as it was built as a temporary
 20 cul-de-sac outside of the subdivided land when
 21 Edgewood Acres was subdivided.
 22 The right-of-way for the cul-de-sac was
 23 never dedicated to Woosung Township. This is
 24 confused more when owner of Lot 12 of Edgewood
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<p style="text-align: right;">Page 5</p> <p>1 Acres acquired more, additional land from the 2 parcel to the north of the Edgewood Acres and 3 built a drive connecting to the non-dedicated 4 temporary cul-de-sac. 5 This office has requested that the owners 6 of the three parcels abutting this temporary 7 cul-de-sac formally dedicate the cul-de-sac 8 right-of-way to Woosung Township in order to 9 clear up this issue. The temporary cul-de-sac 10 has a radius of 60 feet in the center, 11 approximately 50 feet north of the formal end of 12 Bogey Drive. 13 For the Board, the Coxes, myself, and 14 Jeremy met several times over this instance, and 15 the determination of the Coxes was that they 16 wanted to do the zoning before or at the same 17 time as pursuing this so that they wouldn't have 18 to wait the two months to go through the zoning 19 process at that time when it is dedicated. 20 Also, as was mentioned at the Regional 21 Planning Commission meeting, their flag access 22 to Bogey Drive is only 33 feet wide. So the 23 parcel is not eligible for that 5-acre split 24 until that cul-de-sac is dedicated. So there's In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 7</p> <p>1 Plan 2012 update designates the property for 2 agricultural and open space uses. 3 The parcel has been zoned AG-1 since the 4 adoption of zoning in the county in 1965. 5 Applicable regulations. For the R-1 6 Zoning District, we have a minimum lot size of 7 three acres, a minimum lot width of 300 feet. 8 Far exceeds both of those. 9 If you look at the concept plan, of course 10 for Intermediate AG, we discussed earlier, 500 11 foot width and 10 acres. 12 Again, I think this was over a thousand 13 foot in width and 30 acres. 14 Let's see, for public utilities, none are 15 available. 16 For transportation, South Bogey Drive is a 17 seal-coat Woosung Township road functionally 18 classified as a minor collector. 19 For the physical characteristics, the site 20 is located in an area of flat to highly-sloping 21 terrain. There are no floodplain or wetland 22 areas on the site; however, Seven Mile Branch 23 Creek does run on the northeast corner of the 24 property. In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 6</p> <p>1 no way that they could build the second house on 2 the new parcel until that happens. So this 3 would not permit that without this being done, 4 as suggested by Jeremy over there at the highway 5 department. 6 I think that pretty much covers that. 7 Moving on to the Staff Report, you'll see 8 the size is 35.75 acres. 9 The current land use is the residence for 10 the owners with a large amount of mature trees 11 and a creek in the back. 12 The site is located in an area of 13 agricultural and residential uses. There are 15 14 dwellings within one-quarter mile of the site. 15 The parcel adjacent to the north is zoned AG-1 16 and heavily wooded. Land to the east is a cow 17 pasture and zoned AG-1. Land adjacent to the 18 south is in residential use and zoned R-2 19 Single-Family Residence District. Land to the 20 west is in agricultural row crop use and zoned 21 AG-1 Agricultural District. 22 The subject parcel is not located within a 23 1.5 mile radius of a municipality. 24 The Ogle County Amendatory Comprehensive In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 8</p> <p>1 According to the Ogle County Soil Survey, 2 the soil types are: 4.5 percent 233B Birkbeck 3 silt loam; 16 percent 233C2 Birkbeck silt loam 4 eroded; 7 percent 280B Fayette silt loam; 44.5 5 percent 3451A Lawson silt loam; and 4.5 percent 6 403F Elizabeth silt loam eroded; and 23.5 7 percent 618D2 Senachwine loam eroded. 8 57 percent are classified as being well 9 drained. 10 52 percent are classified as being 11 suitable for onsite septic fields. 12 Received a LESA score of 196.2, which 13 indicates a low rating for protection. 14 And it too, just this last Thursday, 15 received a unanimous vote of approval from the 16 Regional Planning Commission. 17 Mr. Chairman, that's all I have. 18 MR. OCKEN: Okay. Petitioners, please 19 come forward to the podium. Please raise your 20 right hand. 21 MARTY and CHRISTIE COX, 22 being first duly sworn, testified as follows: 23 MR. OCKEN: Please state your name and 24 address into the recorder there in front of you. In Totidem Verbis, LLC (ITV)</p>

<p style="text-align: right;">Page 9</p> <p>1 MRS. COX: Marty and Christie Cox, 5680 2 South Bogey Drive. 3 MR. OCKEN: And tell us why you're 4 requesting a rezoning on this parcel. 5 MRS. COX: Currently we own almost 31 6 acres. Five will be sold to our son-in-law and 7 daughter -- 8 MR. SODERHOLM: I can't hear her. 9 MRS. COX: -- which is the current 10 residence. 11 MR. ADAMS: Can you speak up a little bit, 12 please? 13 MRS. COX: Which is the current residence. 14 And then the other, the remaining portion in the 15 back, we would like to build a home. 16 MR. OCKEN: Okay. And so the 5 acres, 17 that's kind of an irregularly-shaped parcel, is 18 that right, at the bottom there? And so do you 19 plan to sell off the 5 acres then? 20 MRS. COX: Right, to our daughter. 21 MR. OCKEN: Daughter. And will there be 22 access to the back part of that through their 23 property, or how will that be accessed? 24 MRS. COX: Through the -- do you have an In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 questions or comments from the Board? 2 (No verbal response.) 3 MR. OCKEN: Okay. Hearing none, you may 4 be seated. 5 MRS. COX: Thank you. 6 MR. OCKEN: Thank you. 7 Has anyone filed for an appearance? 8 MR. ADAMS: No. 9 MR. OCKEN: If there are no other 10 questions or comments from the Board, we'll go 11 through the findings of facts. 12 MR. ADAMS: Can I share those with you, 13 since they're missing out of my packet here? 14 Thanks. 15 MR. OCKEN: Get to the right place. There 16 we go. 17 MR. ADAMS: Number 1) That the proposed 18 amendment will allow development that is 19 compatible with existing uses and zoning of 20 nearby property. 21 MR. WILLIAMS: The site is currently zoned 22 AG-1 Agricultural District, and zoning part of 23 the parcel to IA Intermediate Agricultural 24 District will ensure that the site remains In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 aerial view of the property? 2 MR. OCKEN: Yes. 3 MR. COX: Can you see that there's a 4 driveway that kind of goes to the right up to 5 the house? 6 MR. OCKEN: Right. 7 MR. COX: If you take that straight back, 8 there's also another driveway that has some 9 outbuildings back there right now. So ours will 10 go to the left. 11 MR. OCKEN: Okay. And is the 30 acres, is 12 that all trees back there? 13 MRS. COX: The majority is trees. 14 MR. COX: Except for where you see the 15 buildings up front. 16 MRS. COX: The clearing would be only 17 about an acre. 18 MR. OCKEN: Okay. 19 MRS. COX: They don't want to have to mow 20 it. 21 MR. OCKEN: You're not going to clear the 22 whole 30 acres, in other words? 23 MRS. COX: No. 24 MR. OCKEN: All right. Okay. Any In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 compatible with the existing agricultural 2 activities of the nearby AG-1 parcels, while 3 zoning the 5 acres nearest the R-2-zoned 4 subdivision to the south will ensure the R-1 5 portion will be compatible with the residential 6 uses of the subdivision. I believe the standard 7 is met. 8 (All those simultaneously 9 responded.) 10 MR. ADAMS: Number 2) That the County of 11 Ogle and other service providers will be able to 12 provide adequate public facilities and services 13 to the property, including, but not necessarily 14 limited to, schools, police and fire protection, 15 roads and highways, water supply and sewage 16 disposal, while maintaining adequate public 17 facilities and levels of service to existing 18 development. 19 MR. SODERHOLM: Due to the low density of 20 the proposed development when compared to the 21 subdivision to the south, and having soils 22 suitable for on-site sewage disposal, Ogle and 23 other service providers will be able to provide 24 adequate services to the property. I feel that In Totidem Verbis, LLC (ITV)</p>

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<p>1 standard is met. 2 (All those simultaneously 3 responded.) 4 MR. ADAMS: Number 3) That the proposed 5 amendment will not result in significant adverse 6 impacts on other property in the vicinity of the 7 subject site or on the environment, including 8 air, noise, stormwater management, wildlife and 9 natural resources. 10 MR. URISH: Little or no adverse impacts 11 on other property in the vicinity of the subject 12 site or on the environment, including air, 13 noise, stormwater management, wildlife, and 14 natural resources are anticipated in the 15 rezoning of the site. 16 (All those simultaneously 17 responded.) 18 MR. ADAMS: Number 4) That the subject 19 property is suitable for the proposed zoning 20 classification. 21 MR. URISH: The proposed site meets the 22 lot area and lot width requirements of the 23 Intermediate Agricultural District and R-1 Rural 24 Residence District. That standard is met. In Totidem Verbis, LLC (ITV)</p>	<p>1 Zoning Ordinance as set forth in Division 1 2 therein, the Land Evaluation and Site Assessment 3 findings, and the recommendation of the Ogle 4 County Regional Planning Commission with respect 5 to the Ogle County Amendatory Comprehensive 6 Plan. 7 MR. SODERHOLM: The proposed amendment is 8 consistent with the public interest and the 9 purpose and intent of the Amendatory Zoning 10 Ordinance. The Zoning Board of Appeals has 11 given due consideration that the Regional 12 Planning Commission has recommended approval. I 13 believe that standard is met. 14 (All those simultaneously 15 responded.) 16 MR. ADAMS: Mr. Chairman, have the members 17 considered the LaSalle Factors? 18 (All those simultaneously 19 responded in the affirmative.) 20 MR. OCKEN: All six standards have been 21 met. I will entertain a motion to approve this 22 petition. 23 MR. WILLIAMS: Mr. Chairman, I'll make a 24 motion to approve 04-20 Map Amendment to rezone In Totidem Verbis, LLC (ITV)</p>
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<p>1 (All those simultaneously 2 responded.) 3 MR. ADAMS: Number 5) That the proposed 4 zoning classification is consistent with the 5 trend of development, if any, in the general 6 area of the subject property including changes, 7 if any, which have taken place since the day the 8 property in question was placed in its present 9 zoning classification. 10 MR. WILLIAMS: Rezoning part to the 11 Intermediate Agricultural District is consistent 12 with the agricultural uses surrounding the site, 13 keeping the integrity of the agricultural zoning 14 districts intact. Additionally, rezoning part 15 to R-1 Rural Residence District is consistent 16 with the neighboring subdivision to the south. 17 I believe the standard is met. 18 (All those simultaneously 19 responded.) 20 MR. ADAMS: 6) That the proposed 21 amendment is consistent with the public interest 22 and not solely for the interest of the 23 Applicant, giving due consideration to the 24 stated purpose and intent of the Amendatory In Totidem Verbis, LLC (ITV)</p>	<p>1 5 acres from AG-1 to Rural Residential 1 due to 2 the low LESA score and the standards being met. 3 MR. OCKEN: Mr. Williams moved. Is there 4 a second? 5 MR. URISH: Second. 6 MR. OCKEN: Mr. Urish seconds. 7 Any comments or questions from the Board? 8 (No verbal response.) 9 MR. OCKEN: Hearing none, Mr. Adams, 10 please call the roll. 11 MR. ADAMS: Mr. Soderholm? 12 MR. SODERHOLM: Yes. 13 MR. ADAMS: Randall Bulthaus? 14 MR. BULTHAUS: Yes. 15 MR. ADAMS: Rob Urish? 16 MR. URISH: Yes. 17 MR. ADAMS: Dave Williams? 18 MR. WILLIAMS: Yes. 19 MR. ADAMS: Randy Ocken? 20 MR. OCKEN: Yes. 21 (By voice vote five ayes.) 22 MR. OCKEN: This motion has been approved 23 by a vote of five to zero. 24 (The hearing was concluded.) In Totidem Verbis, LLC (ITV)</p>

1 Now on this 30th day of July, A.D., 2020,
2 I do signify that the foregoing testimony was
3 given before the Ogle County Zoning Board of
4 Appeals.
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9 Randy Ocken, Chairman
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14 Harry Adams,
15 Zoning Administrator
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17
18

19 Callie S. Bodmer
20 Certified Shorthand Reporter
21 Registered Professional Reporter
22 IL License No. 084-004489
23 P.O. Box 381
24 Dixon, Illinois 61021

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1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
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 4
 5 In the Matter of the Petition
 6 of
 7 Daniel C. Miller; and Brian W. and Caroline Ballard,
 8 Maryland Township
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 30th day
 14 of July, A.D., 2020,
 15 before the Ogle County
 16 Zoning Board of Appeals
 17 Present:
 18 Paul Soderholm
 19 Randall Bulthaus
 20 Rob Urish
 21 Dave Williams
 22 Randy Ocken, Chairman
 23 Harry Adams, Zoning Administrator
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1 MR. OCKEN: Mr. Bulthaus seconds. All in
 2 favor, say aye.
 3 (All those simultaneously
 4 responded.)
 5 MR. OCKEN: Motion passes.
 6 All testimony will be taken under oath.
 7 Please come forward to testify, and state your
 8 name and address to the recording secretary.
 9 Please spell your last name.
 10 When testifying, please speak clearly and
 11 loudly enough to be heard. This hearing is the
 12 only opportunity to place testimony and evidence
 13 on the record. There will not be another
 14 opportunity after tonight's hearing to submit
 15 additional evidence or testimony for
 16 consideration.
 17 Please turn off or silence all electronic
 18 devices.
 19 The procedures on hearings that will be
 20 followed tonight are as found in the ZBA Rules
 21 of Procedures and Citizen's Guide to the Zoning
 22 Board of Appeals, which are available on the
 23 desk near the entrance to this room.
 24 If anyone has trouble hearing, please let
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1 us know.
 2 After a petition has been voted on, you
 3 are free to leave; however, you are welcome to
 4 stay for the rest of the meeting.
 5 Mr. Adams, what's the first order of
 6 business?
 7 MR. ADAMS: Mr. Chairman, the first order
 8 of business is to hear the petition filed May
 9 19th, 2020, of Daniel Miller, 1043 Parkview
 10 Drive, Rochelle, Illinois; and Brian and
 11 Caroline Ballard, 3333 North Seminary Avenue,
 12 Chicago, Illinois, for an Amendment to the
 13 Zoning District to rezone from AG-1 Agricultural
 14 District to IA Intermediate Agricultural
 15 District on property described as follows, and
 16 owned by Daniel C. Miller and being purchased by
 17 Brian W. and Caroline Ballard:
 18 Part of the Southeast Quarter of the
 19 Southeast Quarter of Section 31, Township
 20 25 North, Range 9 East of the 4th P.M.,
 21 Maryland Township; and part of Government
 22 Lot 2 of the Northeast Quarter Fractional
 23 Section 6, Township 24 North, Range 9 East
 24 of the 4th P.M., Mt. Morris Township, Ogle
 In Totidem Verbis, LLC (ITV)

<p style="text-align: right;">Page 5</p> <p>1 County, Illinois, 10 acres more or less. 2 On Pin Numbers 03-31-400-007 and 3 08-06-200-007. 4 With the Common Location of 8060 West Town 5 Line Road. 6 For the record, a sign was posted on the 7 premises indicating that a zoning hearing is to 8 be held on the property. All adjoining 9 landowners have been notified by certified mail, 10 and a notice was published in the July 6th 11 edition of the Ogle County Life, with the 12 specifics of this petition being posted therein. 13 Let's see, I do have, let's see, an EcoCAT 14 to read here. And it states, in part: The 15 Illinois Natural Heritage Database contains no 16 record of State-listed threatened or endangered 17 species, Illinois Natural Inventory Sites, 18 Dedicated Illinois Nature Preserves, or 19 registered land and water reserves in the 20 vicinity of the projected location. 21 Consultation is terminated. 22 Under the Staff Report, you will find that 23 the existing land use is cropland and mature 24 trees, along with a storage facility for In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 7</p> <p>1 you'll see it's about 520-some feet, think, 2 along the road there. It kind of makes that jut 3 out to the east. 4 For public utilities, none are available. 5 For transportation, West Town Line Road is 6 a seal-coat road functionally classified as a 7 minor collector. 8 I have got to remember -- is it seal-coat 9 the whole way or does it -- it's gravel. So 10 that's what I thought. My GIS was off there. 11 The soils are 23 percent 280B Fayette Silt 12 Loam, 50 percent; 419C2 Flagg Silt Loam, eroded; 13 25 percent 509C2 Whalan Loam, eroded; and 2 14 percent 403F Silt Loam -- Elizabeth Silt Loam, 15 eroded. 16 With a LESA score of 207, it indicates a 17 Medium rating for protection. 18 Oh, also, at last month's -- not this 19 month's, but the last month's Regional Planning 20 Commission meeting, this was passed unanimously, 21 seven to zero. 22 Mr. Chairman, that is all I have. 23 MR. OCKEN: Okay. Will the Petitioner 24 please come forward to the podium? In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 6</p> <p>1 Mr. Miller. 2 The surrounding land use is in an area of 3 mostly agricultural use, with some limited 4 residential uses. There are six dwellings 5 within one half mile of the site. The parcel 6 adjacent to the north is zoned AG-1, 7 Agricultural District, and is in ag use. Land 8 to the west is in open space use and zoned AG-1 9 Agricultural District. Land adjacent to the 10 south is in agricultural and open space use 11 zoned AG-1 Agricultural District. A residence 12 owned by Mr. Miller is the parcel adjacent to 13 the east of the parcel and also zoned AG-1. 14 The parcel is not located within a 15 1.5-mile planning radius of a municipality, and 16 is designated by the Amendatory Comprehensive 17 Plan 2012 Update of Ogle County for open space 18 and agricultural uses. 19 It has been zoned AG-1 since the beginning 20 of zoning in 1965. 21 And for applicable regulations, of course, 22 minimum lot size for Intermediate AG is 10 23 acres, with minimum lot width road frontage of 24 500 feet. And if you check your site plan, In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 8</p> <p>1 DAVID SMITH, 2 being first duly sworn, testified as follows: 3 MR. OCKEN: Please state your name and 4 address. 5 MR. ADAMS: Try to talk into the little 6 recorder there, too, as best you can. Thank 7 you. 8 MR. SMITH: My name is David Smith, and I 9 am an attorney here in Oregon. I represent the 10 Ballards. 11 On June 18th, we had a closing. 12 Mr. Miller is out of the picture now. They 13 purchased the property. The reason they want 14 the property is because Brian Ballard's father, 15 Ron, lives right next door. And as you saw on 16 the concept plan, the property along the road is 17 narrow, it is wider to the rear. The piece down 18 here along the road, Mr. Ballard's father is 19 going to deed to Caroline and Brian. So this 20 will be a fairly square, rectangular property, 21 and it will have more than the 10 acres 22 required. 23 Right now, the parcel alone is just under 24 10 acres. By the time we ask for a building In Totidem Verbis, LLC (ITV)</p>

<p style="text-align: right;">Page 9</p> <p>1 permit, this piece will be acquired by Brian and 2 Caroline. So they will have over 10 acres. 3 We also had a soil scientist do some soil 4 reports and reported the soils will accommodate 5 the septic -- a conventional septic system in 6 the area where it's shown on the concept plan. 7 MR. OCKEN: And do they plan to keep any 8 of this in cropland, or what's their intent with 9 the 10 acres? 10 MR. SMITH: This will all be used for 11 residential. The property, as it is now, 12 there's ag ground right here in front of the -- 13 where it says house and shows existing building, 14 some of that is ag, but it's not been row 15 cropped, according to Dan Miller, for several 16 years. 17 MR. OCKEN: Okay. 18 MR. SMITH: And as you can see, along the 19 road and then on the property is timber, and I 20 suppose it could be pasture but it's never been 21 cropland. 22 MR. OCKEN: So there's really no timber on 23 this parcel; is that right? 24 MR. SMITH: Existing right now, right In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 neither one of them submitted a letter, but I 2 did hear from both of them from a phone call 3 indicating their approval. 4 Yeah, Mt. Morris was like, No, that's not 5 ours. But that little bit in the fractional 6 section is, yeah. 7 MR. OCKEN: Okay. Has anyone filed for an 8 appearance? 9 MR. ADAMS: No. 10 MR. OCKEN: If there are no other 11 questions or comments from the Board, we will 12 now go through the standards of facts. 13 For each of six standards, we have two 14 prepared statements: one in support of this 15 petition and one in opposition. For each 16 standard, a Board member will read the statement 17 which he believes is most applicable in this 18 situation. The Board members will either agree 19 or disagree. All six standards must be met in 20 order to approve this petition. After the 21 finding of fact, I will entertain a motion in 22 regards to this petition. 23 MR. ADAMS: Number 1) That the proposed 24 amendment will allow development that is In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 along the road, there would be a little right 2 down here. 3 MR. OCKEN: Right along the road? 4 MR. SMITH: Yeah, just that little bit. 5 This is what they will be acquiring, is this 6 piece right here. 7 MR. OCKEN: So will make it essentially 8 pretty close to a rectangle. 9 MR. SMITH: Correct. 10 MR. OCKEN: Yeah. Okay. 11 MR. SMITH: I don't have anything else, 12 unless you have any questions. 13 MR. OCKEN: Okay. Questions or comments 14 from the Board? 15 (No verbal response.) 16 MR. OCKEN: I don't believe we have any. 17 You may be seated. Thank you. 18 MR. SMITH: I did contact both townships, 19 and Mr. Greenfield argued with me that it's not 20 in their township. I said, Well, it touches 21 down on the tip of your township. 22 But neither one had any concerns, and they 23 said they didn't want to take part in any -- 24 MR. ADAMS: For the record, I did hear -- In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 compatible with existing uses and zoning of 2 nearby property. 3 MR. WILLIAMS: The site is currently zoned 4 AG-1 Agricultural District, and zoning the 5 parcel IA Intermediate AG District will ensure 6 that the use of the site remains compatible with 7 the existing agricultural and residential uses 8 of the nearby parcels. I believe the standard 9 is met. 10 (All those simultaneously 11 responded.) 12 MR. ADAMS: Number 2) That the County of 13 Ogle and other service providers will be able to 14 provide adequate public facilities and services 15 to the property, including, but not necessarily 16 limited to, schools, police and fire protection, 17 roads and highways, water supply and sewage 18 disposal, while maintaining adequate public 19 facilities and levels of service to existing 20 development. 21 MR. SODERHOLM: Due to the low intensity 22 of the proposed development, an existing 23 driveway access to Town Line Road, and soils 24 suitable for on-site sewage disposal, Ogle and In Totidem Verbis, LLC (ITV)</p>

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1 other service providers will be able to provide
 2 adequate services to the property. I feel that
 3 standard is met.
 4 (All those simultaneously
 5 responded.)
 6 MR. ADAMS: Real quick, for the Board,
 7 Randy is missing his finding of facts. I don't
 8 know, Shannon must have forgot them --
 9 MR. BULTHAUS: I do have them.
 10 MR. ADAMS: Oh, you do have them? Oh,
 11 this is the one you have got. Okay. Sorry.
 12 Number 3) That the proposed amendment
 13 will not result in significant adverse impacts
 14 on other property in the vicinity of the subject
 15 site or on the environment, including air,
 16 noise, stormwater management, wildlife and
 17 natural resources.
 18 MR. URISH: Little or no adverse impacts
 19 on other property in the vicinity of the subject
 20 site or on the environment, including air,
 21 noise, stormwater management, wildlife and
 22 natural resources, are anticipated in the
 23 rezoning of the site. Standard met.
 24 (All those simultaneously
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1 responded.)
 2 MR. ADAMS: Number 4) That the subject
 3 property is suitable for the proposed zoning
 4 classification.
 5 MR. URISH: The proposed site meets the
 6 lot area, lot width, and the road frontage
 7 requirements of the Intermediate Agriculture
 8 District. Standard is met.
 9 (All those simultaneously
 10 responded.)
 11 MR. ADAMS: Number 5) That the proposed
 12 zoning classification is consistent with the
 13 trend of development, if any, in the general
 14 area of the subject property including changes,
 15 if any, which have taken place since the day the
 16 property in question was placed in its present
 17 zoning classification.
 18 MR. WILLIAMS: Rezoning to the
 19 Intermediate Agricultural District is consistent
 20 with the agricultural uses surrounding the site,
 21 keeping the integrity of the agricultural zoning
 22 districts intact. I believe the standard is
 23 met.
 24 (All those simultaneously
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1 responded.)
 2 MR. ADAMS: 6) That the proposed
 3 amendment is consistent with the public interest
 4 and not solely for the interest of the
 5 Applicant, giving due consideration to the
 6 stated purpose and intent of the Amendatory
 7 Zoning Ordinance as set forth in Division 1
 8 therein, the Land Evaluation and Site Assessment
 9 findings, and the recommendation of the Ogle
 10 County Regional Planning Commission with respect
 11 to the Ogle County Amendatory Comprehensive
 12 Plan.
 13 MR. SODERHOLM: The proposed amendment is
 14 consistent with the public interest and the
 15 purpose and intent of the Amendatory Zoning
 16 Ordinance. The Zoning Board of Appeals has
 17 given due consideration that the RPC has
 18 recommended approval. I believe that standard
 19 is met.
 20 (All those simultaneously
 21 responded.)
 22 MR. ADAMS: Mr. Chairman, have the Board
 23 members considered the LaSalle Factors?
 24 (All those simultaneously
 In Totidem Verbis, LLC (ITV)

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1 responded in the affirmative.)
 2 MR. OCKEN: All the six standards have
 3 been met. I will entertain a motion to approve
 4 this petition.
 5 MR. SODERHOLM: So moved.
 6 MR. BULTHAUS: Second.
 7 MR. OCKEN: Mr. Soderholm moves;
 8 Mr. Bulthaus seconds.
 9 Does the Board have any questions or
 10 comments?
 11 (No verbal response.)
 12 MR. OCKEN: Hearing none, Mr. Adams,
 13 please call the roll.
 14 MR. ADAMS: Dave Williams?
 15 MR. WILLIAMS: Yes.
 16 MR. ADAMS: Rob Urish?
 17 MR. URISH: Yes.
 18 MR. ADAMS: Randall Bulthaus?
 19 MR. BULTHAUS: Yes.
 20 MR. ADAMS: Paul Soderholm?
 21 MR. SODERHOLM: Yes.
 22 MR. ADAMS: Randy Ocken?
 23 MR. OCKEN: Yes.
 24 (By voice vote five ayes.)
 In Totidem Verbis, LLC (ITV)

1 MR. OCKEN: This motion has been approved
 2 by a vote of five to zero.
 3 MR. SMITH: Thank you very much.
 4 MR. ADAMS: Quick note before you go, just
 5 want to say thanks for Jennifer staying home
 6 last month. With the way everything went down,
 7 I had turned my phone off at about 5:30, and I
 8 wasn't able to email her back those numbers.
 9 So, again, we appreciate it.
 10 MR. SMITH: Not a problem. Thank you.
 11 (The hearing was concluded.)

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In Totidem Verbis, LLC (ITV)

1 Now on this 30th day of July, A.D., 2020,
 2 I do signify that the foregoing testimony was
 3 given before the Ogle County Zoning Board of
 4 Appeals.

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Randy Ocken, Chairman

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Harry Adams,
Zoning Administrator

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In Totidem Verbis, LLC (ITV)

Page 1

1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
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 4
 5 In the Matter of the Petition
 6 of
 7 Thomas C. Palmgren, Byron Township
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 30th day
 13 of July, A.D. 2020,
 14 before the Ogle County
 15 Zoning Board of Appeals
 16 Present:
 17 Paul Soderholm
 18 Randall Bulthaus
 19 Rob Urish
 20 Dave Williams
 21 Randy Ocken, Chairman
 22 Harry Adams, Zoning Administrator
 23
 24

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 3 Witness Examination
 4 Thomas Palmgren 5
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 19 End 16
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 24 In Totidem Verbis, LLC (ITV)

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1 MR. OCKEN: Mr. Adams, what's the next
 2 order of business?
 3 MR. ADAMS: Mr. Chairman, the next order
 4 of business is to consider the petition filed on
 5 June 30th, 2020, of Thomas C. Palmgren of 5430
 6 East Greatview Drive, Stillman Valley, Illinois,
 7 for a Variation to allow construction of a
 8 residential accessory building 1) approximately
 9 25 feet from the right-of-way line of East Mill
 10 Road in lieu of 33 feet; and 2) to exceed the 3
 11 percent maximum allowable accessory building
 12 coverage area of 659 square feet by
 13 approximately 241 square feet as required by
 14 approximately 241 square feet as required
 15 pursuant to the Ogle County Amendatory Zoning
 16 Ordinance on property described as follows and
 17 owned by BJ Wyatt:
 18 Lot 12 of Byron Hills Estates, part of the
 19 West Half of Northeast Quarter of Section
 20 30 Township 25 North, Range 11 East of the
 21 4th P.M., Byron Township, Ogle County,
 22 Illinois.
 23 On Property Identification Number:
 24 05-30-254-005.
 In Totidem Verbis, LLC (ITV)

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1 At the Common Location of 8508 North Byron
 2 Hills Drive.
 3 For the record, a sign was posted at the
 4 property indicating the zoning hearing was to be
 5 held. All adjoining property owners were
 6 notified by mail, and a notice was published in
 7 the July 6th edition of the Ogle County Life,
 8 listing the specifics of the hearing therein.
 9 We do have a letter from the Byron
 10 Township, and it reads in part: All present at
 11 the meeting voted to recommend approval to the
 12 Variance presented to the Byron Township Board
 13 of Trustees at the regular Board of Trustees
 14 meeting July 9th, 2020.
 15 We also have a letter from the Highway
 16 Department that reads in part: The requested
 17 Variation places the structure closer to Mill
 18 Road than specified in the Zoning Ordinance.
 19 The City of Byron would need to sign off on this
 20 request.
 21 Just as a quick note to the Board, the 1.5
 22 mile sphere of influence of the City of Byron
 23 only extends for Map Amendments and not to
 24 Variations. I think you guys know that you guys
 In Totidem Verbis, LLC (ITV)

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1 are the sole authority on hearing Variations and
 2 making -- I think Jeremy was a little confused
 3 here, but I did want to read that.
 4 Also -- let's see. Mr. Chairman, that's
 5 all I have.
 6 MR. OCKEN: Okay. Petitioner, please step
 7 forward to the podium. Please raise your right
 8 hand.
 9 THOMAS PALMGREN,
 10 being first duly sworn, testified as follows:
 11 MR. OCKEN: Please state your name and
 12 address in the recorder there.
 13 MR. PALMGREN: Thomas Palmgren, 5430 East
 14 Greatview Drive, Stillman Valley.
 15 MR. OCKEN: And tell us why you're
 16 requesting a Variance for this proposed garage.
 17 MR. PALMGREN: Obviously the size Variance
 18 is one thing, then the 25-foot setback is the
 19 other thing, and that actually -- most of that
 20 all runs -- like, if you look at the neighbors,
 21 that is considered a street. It's not a truck
 22 route anymore. Years ago, I don't know if you
 23 remember, it used to be a truck route. It's not
 24 anymore.
 In Totidem Verbis, LLC (ITV)

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1 MR. OCKEN: Is there a reason that it
 2 couldn't be placed just back another 8 feet and
 3 then not have to seek the Variance?
 4 MR. PALMGREN: Actually, we considered
 5 that. And the reason, since we're going for a
 6 Variance for the size is the reason why we
 7 pursued this too. Because it actually moves
 8 farther out on the site for the neighbors. It's
 9 aesthetically better to move it 8 feet.
 10 It's not going to be a primary garage.
 11 It's more of an accessory building.
 12 MR. OCKEN: Okay.
 13 MR. PALMGREN: The guy has the same
 14 property that he had in high school. His car
 15 has been sitting outside for 15 years, and he's
 16 ready to park it inside.
 17 MR. OCKEN: Yeah, I wish I had the car I
 18 had in high school.
 19 And this is outside the City of Byron,
 20 right?
 21 MR. PALMGREN: It is outside the City of
 22 Byron. It actually -- the City of Byron was
 23 supposed to send you a letter. I have spoken
 24 with Larry Hewitt. They just said that they
 In Totidem Verbis, LLC (ITV)

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1 will -- they are on the same page with what I
 2 said.
 3 MR. ADAMS: Shannon -- for the good of the
 4 Board here, Shannon had gotten some
 5 communication, a phone call from him, but we
 6 didn't get the letter in time, so.
 7 MR. PALMGREN: Yeah, I spoke with them
 8 three weeks ago.
 9 MR. OCKEN: And will this be a metal
 10 building?
 11 MR. PALMGREN: Nope. It will match the
 12 house, the siding and everything.
 13 MR. OCKEN: Okay. Any questions or
 14 comments from the Board?
 15 (No verbal response.)
 16 MR. OCKEN: You may be seated. Thank you.
 17 Has anyone filed for an appearance?
 18 MR. ADAMS: No.
 19 MR. OCKEN: We will now go through the
 20 findings of facts.
 21 MR. ADAMS: I didn't have these ones
 22 either. I must have only had last month's.
 23 MR. OCKEN: Not a problem.
 24 MR. ADAMS: Thank you very much.
 In Totidem Verbis, LLC (ITV)

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1 A) That the particular physical
 2 surroundings, shape or topographical condition
 3 of the specific property involved would result
 4 in a particular hardship upon the owner, as
 5 distinguished from a mere inconvenience, if the
 6 strict letter of the regulations were carried
 7 out.
 8 MR. WILLIAMS: The additional right-of-way
 9 setback on the south sides of the corner lot
 10 prohibits construction of a detached garage in a
 11 suitable location that maintains the 33-foot
 12 required setback, a setback that would only be
 13 15 foot on a non-corner lot. I believe the
 14 standard is met.
 15 (All those simultaneously
 16 responded.)
 17 MR. ADAMS: B) The conditions upon which
 18 the petition for a Variation are based are
 19 unique and would not be applicable, generally,
 20 to other property within the same zoning
 21 classifications.
 22 MR. SODERHOLM: The property, being a
 23 corner lot, and having a lot size of only a half
 24 acre while the current Ordinance requires a
 In Totidem Verbis, LLC (ITV)

<p style="text-align: right;">Page 9</p> <p>1 2-acre minimum lot size upon in R-2, the 2 conditions upon which the petition for a 3 Variation are based are unique and are not 4 applicable, generally, to other property within 5 the R-2 zoning district or the current R-2 6 Zoning Ordinance standards. I believe that 7 standard is met. 8 (All those simultaneously 9 responded.) 10 MR. ADAMS: C) The purpose of the 11 Variation is not based exclusively upon a desire 12 to obtain a higher financial return on the 13 property. 14 MR. URISH: Evidence indicates that the 15 purpose of the Variation is not based 16 exclusively upon a desire to obtain a higher 17 financial return on the property, but rather to 18 provide additional storage place for the owners 19 of the property. Standard is met. 20 (All those simultaneously 21 responded.) 22 MR. ADAMS: D) The alleged difficulty or 23 hardship has not been created by any person 24 presently having an interest in the property. In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 or increase the danger of fire, or endanger the 2 public safety, or substantially diminish or 3 impair property values within the neighborhood. 4 MR. SODERHOLM: No evidence has been 5 submitted that would indicate that the Variation 6 will impair an adequate supply of light and air 7 to adjacent property, or substantially increase 8 the congestion in the public streets, or 9 increase the danger of fire, or endanger the 10 public safety, or substantially diminish or 11 impair property values within the neighborhood. 12 I believe that standard is met. 13 (All those simultaneously 14 responded.) 15 MR. ADAMS: The Zoning Board of Appeals 16 should not vary the regulations of this 17 Ordinance unless it shall make findings based 18 upon the evidence presented to it in each 19 specific case that, A) The plight of the owner 20 is due to unique circumstances. 21 MR. SODERHOLM: The circumstances are 22 unique due to the size of the lot and the corner 23 location. That standard is met. 24 (All those simultaneously In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 MR. URISH: Evidence indicates that the 2 alleged difficulty or hardship has not been 3 created by the Petitioner. The standard has 4 been met. 5 (All those simultaneously 6 responded.) 7 MR. ADAMS: E) The granting of the 8 Variation will not be materially detrimental to 9 the public welfare or injurious to other 10 property or improvements in the neighborhood in 11 which the property is located. 12 MR. WILLIAMS: No evidence has been 13 submitted that would indicate the granting of 14 the Variation will be materially detrimental to 15 the public welfare or injurious to other 16 property or improvements in the neighborhood in 17 which the property is located. I believe the 18 standard is met. 19 (All those simultaneously 20 responded.) 21 MR. ADAMS: F) The proposed Variation 22 will not impair an adequate supply of light and 23 air to adjacent property, or substantially 24 increase the congestion in the public streets, In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 responded.) 2 MR. ADAMS: B) The Variation, if granted, 3 will not alter the essential character of the 4 locality. 5 MR. URISH: The Variation will allow 6 construction that is not out of character with 7 the surrounding area, as detached garages are 8 common in the immediate area. The standard is 9 met. 10 (All those simultaneously 11 responded.) 12 MR. OCKEN: All of the standards have been 13 met. I will entertain a motion to approve this 14 petition. 15 MR. WILLIAMS: Mr. Chairman, I'll make a 16 motion to approve Variation 03-20 due to the 17 standards being met, and the Byron Township 18 voted to approve. 19 MR. OCKEN: Mr. Williams moves. Is there 20 a second? 21 MR. SODERHOLM: Second. 22 MR. OCKEN: Mr. Soderholm seconds. 23 Does have the Board have any other 24 questions or comments? In Totidem Verbis, LLC (ITV)</p>

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<p>1 (No verbal response.)</p> <p>2 MR. OCKEN: Hearing none, Mr. Adams,</p> <p>3 please call the roll.</p> <p>4 MR. ADAMS: Rob Urish?</p> <p>5 MR. URISH: Yes.</p> <p>6 MR. ADAMS: Paul Soderholm?</p> <p>7 MR. SODERHOLM: Yes.</p> <p>8 MR. ADAMS: Randall Bulthaus?</p> <p>9 MR. BULTHAUS: Yes.</p> <p>10 MR. ADAMS: Dave Williams?</p> <p>11 MR. WILLIAMS: Yes.</p> <p>12 MR. ADAMS: Randy Ocken?</p> <p>13 MR. OCKEN: Yes.</p> <p>14 (By voice vote five ayes.)</p> <p>15 MR. OCKEN: This motion has been approved</p> <p>16 by a vote of five to zero.</p> <p>17 MR. ADAMS: I do have a quick question,</p> <p>18 Tom. Were you mayor when that was annexed, that</p> <p>19 street there? Wasn't that your time? I thought</p> <p>20 it was. I couldn't remember.</p> <p>21 MR. OCKEN: Do we have any other business</p> <p>22 this evening?</p> <p>23 MR. ADAMS: Just a quick note for the good</p> <p>24 of the cause. Next month we will be having some</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 it, it's interesting to see it. You might note</p> <p>2 that on the north edge of that installation, the</p> <p>3 property owner to the north was concerned about</p> <p>4 visual impacts, and they have a row of trees</p> <p>5 planted along the entire northern edge and the</p> <p>6 chain link fence has the slats in it on the</p> <p>7 entire northern edge.</p> <p>8 So if you get an opportunity, it's</p> <p>9 interesting to see it.</p> <p>10 (Multiple people simultaneously</p> <p>11 speaking.)</p> <p>12 MR. OCKEN: This is the northwest of Mt.</p> <p>13 Morris. They're making good progress on it.</p> <p>14 MR. ADAMS: That one at the sewage</p> <p>15 treatment plant is actually moving along pretty</p> <p>16 good too. They're not putting panels up, but</p> <p>17 they were pounding piles for the post supports</p> <p>18 here in the last week.</p> <p>19 MR. OCKEN: Yeah. It's interesting to</p> <p>20 see. So if you get a chance to go out there and</p> <p>21 take a look at it, they're progressing nicely on</p> <p>22 it.</p> <p>23 MR. ADAMS: I think it will be -- getting</p> <p>24 a chance to drive by one eliminates a lot of</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
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<p>1 text amendments, so just prepare for that, and</p> <p>2 just -- I think just one Special Use, but then</p> <p>3 the three text amendments. One will be on the</p> <p>4 subdivision sewer regs, and then one that is</p> <p>5 kind of a general cleanup of a number of little</p> <p>6 things, and then the last one will be the</p> <p>7 creation of the new AG-2 as suggested by the</p> <p>8 Solar and Special Use Committee.</p> <p>9 So just that way you guys can prepare.</p> <p>10 MR. OCKEN: Okay. Speaking of that, I</p> <p>11 would mention if any of you had an opportunity,</p> <p>12 the new solar farm is going in out at the corner</p> <p>13 of Haldane.</p> <p>14 MR. ADAMS: Solar farm over there at</p> <p>15 Haldane.</p> <p>16 MR. SODERHOLM: What about it?</p> <p>17 MR. ADAMS: You can really see what it's</p> <p>18 going to look like.</p> <p>19 MR. OCKEN: It's being constructed at the</p> <p>20 corners of Haldane and Maple Grove Road,</p> <p>21 northwest of Mt. Morris. They have got some</p> <p>22 solar panels in now. So they are getting a good</p> <p>23 start on it.</p> <p>24 So if you have an opportunity to drive by</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	<p>1 speculation on what they will look like.</p> <p>2 MR. OCKEN: I think so too. It's a nice</p> <p>3 installation.</p> <p>4 If there's nothing else, I call this</p> <p>5 meeting adjourned at 6:43 p.m.</p> <p>6 (The hearing was concluded.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

1 Now on this 30th day of July, A.D., 2020, I do
2 signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.

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Randy Ocken, Chairman

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Harry Adams,
Zoning Administrator

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