

VILLAGE OF NEW BERLIN

ZONING BOARD MINUTES

MAY 12, 1997

The New Berlin Zoning Board met on May 12, 1997 at 7:30 p.m. with all members being present at roll call.


Chairman Prince explained the petition for a variance requested by Steve Flynn for a 0 lot line on the R-2 zoned lots in Heritage Point Subdivision. This variance allows separate ownership of lots zoned for duplexes. This petition for a variance changes the lot size from 100' to 50', and the percentage of lot coverage as allowed by ordinance.

The duplex on Lot 8 in Heritage Point Subdivision needs a variance for Parcel 1 and Parcel 2 with the north/south line being the dividing line.

After discussion, the Board's consensus was to recommend Board approval on Lot 8 only; all other zoned R-2 lots needs to request a separate variance. Steve Flynn, at this time, requested to withdraw all of the petitions for Lots 15, 28, 30, 43, 44.

Roach made the motion and Frank seconded to recommend to the Village Board their approval of the Variance on Lot 8 in Heritage Point Subdivision for a 0 lot line on the north/south dividing line. Roll call was taken and passed with Frank, DeGroot, Roach, Cantrall, and Copeland voting aye; Crews voting present.

The meeting adjourned at 7:55 p.m. with a motion by Roach and seconded by Crews.
Motion carried on a voice vote


Marsha J. Sweet
Village Clerk

Date 05/12/97

ZONING BOARD OF APPEALS
VILLAGE OF NEW BERLIN, ILLINOIS

I (We) STEVEN FLYNN-GREGG MORRIS and NEW BERLIN DEVELOPMENT CORP.
of #5 CONSTITUTION DR. P.O. BOX 72 NEW BERLIN, IL. 62670
(Address)

respectfully request that a determination be made by the Zoning Board of Appeals
on the following appeal:

(Check and complete the applicable appeal)

- 1. An interpretation of Section _____ of the Zoning Ordinance.
- 2. An interpretation of a _____ District Boundary of the Zoning Map.
- 3. A review by the Board of Appeals to interpret whether a _____ shall be permitted in a _____ Commercial District,
(Type of Use)
- 4. A review by the Board of Appeals to interpret and recommend approval or disapproval of the use of a building or premise for an Industrial purpose in an Industrial District.
- 5. A request to amend (or re-zone) a Zoning District from a _____ District to a _____ District.
- 6. A request to establish, place or erect a _____.
(Type of Use or variance)
- 7. A variance to the (area) (height) (coverage) (SIDE ~~BACK~~ yard)
(_____) provisions of the Zoning Ordinance.
(other)

Describe the appeal being requested more specifically. (i.e. Type of use, type and dimensions of structure, dimension of yard variance, etc.).

VARIANCES TO THE FOLLOWING TO ALLOW PLACEMENT
OF DUPLEX BUILDINGS WITH SEPERATE OWNERSHIP OF EACH UNIT:
40-1-2B, 40-2-2, 40-2-5, 40-2-6, 40-2-7 OF THE REVISED
CODE OF _____ FOR LOTS 8, 15, 28, 30, 43, 44,
56 OF HERITAGE POINT SUBDIVISION IN THE VILLAGE OF
NEW BERLIN, IL. PETITIONED FOR AS "TOWNHOUSES"

(see reverse side)

The premises are situated at HERITAGE POINT SUBDIVISION

in a RESIDENTIAL District.

Lot No. (s) _____ of _____
(Addition, Subdivision, etc)

Total Property Dimensions: ON MAP wide _____ deep.

Does applicant own the property? _____

What is the approximate cost of the work involved? \$ _____

Present Property Use RESIDENTIAL

(check one)

I hereby request that this appeal be considered at the next regularly scheduled hearing of the Zoning Board of Appeals.
(NO FEE). *DP*

I hereby request that this appeal be considered as promptly as a hearing can be arranged, due notice given and advertisement made. Attached is a check in the amount of \$ 100.00 payable to the Village of New Berlin as payment of the necessary filing fee.
~~(Interpretations-\$20.00. Variations and amendments-\$50.00).~~ *DP*

I further state that if this request is granted, I will proceed with the actual construction within one year from the date of approval of this appeal.

Date MAY 12, 1997

Steven R. Flynn
(Signature of Applicant)

Telephone No. 217 488-6469

(Signature of Applicant)

***** FOR USE OF ZONING BOARD OF APPEALS ONLY *****

Hearing Advertised _____, _____.

Date of hearing MAY 12, 1997.

Decision of the Zoning Board of Appeals: _____

(Signature)

(Signature)

VILLAGE OF NEW BERLIN
PETITION FOR ZONING VARIANCE

TO: The President and Board of Trustees of the Village of New Berlin, Illinois

Now Come Petitioners, Steven R. Flynn and Jane A. Flynn, being first duly sworn, and in support of their Petition for Zoning Variance state the following:

1. That they are currently the record title holders to Lot 8 in Heritage Point Estates, First Addition, situated in New Berlin, Sangamon County, Illinois.

2. That the premises are situated within the Village limits of New Berlin, Illinois.

3. That the premises are improved with a duplex.

4. That the Zoning Code as currently in existence in the Village of New Berlin, Illinois and applicable to this property does not provide for a zoning mechanism for the establishment of a townhouse.

5. That attached hereto as Exhibit A is a plat of survey of Lot 8 in Heritage Point Estates, First Addition, showing the existing one-story frame duplex.

6. That the petitioners desire to create a townhouse for the purposes of creating two independently but connected townhomes.

7. That under the existing Zoning Code of the Village of New Berlin, Illinois there is an inability to do so since zero lot lines are not recognized under the current Zoning Code.

8. The Petitioners are requesting a variance so as to be able to convert the duplex into two townhomes, each being for single-family use and request the variance of Sections 40-2-5, 40-2-6, 40-2-7, and 40-2-8 of the Zoning Code so as to allow the existing one-story frame duplex shown on the plat attached hereto as Exhibit A to be divided to form a townhouse consisting of Parcel 1 and Parcel 2.

9. That the variance is requested because there are special circumstances applying to duplex buildings in the Village of New Berlin, Illinois which do not apply to other residential zoning in existence in the neighborhood:

- (1) The Village of New Berlin Zoning Code does not recognize the use of duplex buildings for townhouse purposes since side yards are required. Therefore, the uniqueness that exists is based on the fact that no zoning currently in existence in the Village of New Berlin permits a townhouse since all townhouses are connected and zero lot lines by the very definition of a townhouse must be present. The plight of the Petitioners is due to the unique circumstances of the absence of a zoning law which permits townhouses.
- (2) The strict application of the provisions of the Zoning Code would deprive the Petitioners herein from a reasonable use of such land and buildings and prohibits the individual ownership of separate units by way of the townhouse concept which is recognized nationally.

- (3) The variance, if granted, would allow a reasonable use not inconsistent with the present use of the land or building on the site and the adjoining properties that are in the immediate area of the subject premises.
- (4) There is no injurious effect that will result in the neighborhood or otherwise result in a detrimental use of the property since the premises would be used for not more than two dwelling units within a single structure which is currently permitted by the existing Zoning Code of the Village of New Berlin.
- (5) The variance, if granted, will not alter the essential character of the locality, impair an adequate supply of light and water to the adjacent properties, increase the congestion of traffic or diminish or impair property values in the locality.
- (6) The variance, if granted, would give the Petitioners a reasonable use of their property and an adequate return for their investment therein.

Wherefore, the Petitioners pray for the following relief:

1. That a variance of Sections 40-2-5, 40-2-6, 40-2-7, and 40-2-8 of the Zoning Code be granted so as to allow the existing one-story frame duplex shown on the plat attached hereto as Exhibit A to be divided to form a townhouse consisting of Parcel 1 and Parcel 2.
2. For such other and further relief as may be appropriate under the circumstances.

Dated this 3RD day of MAY, 1997.

Steven R. Flynn
Steven R. Flynn

Jane A. Flynn
Jane A. Flynn

VERIFICATION

The undersigned hereby state that they are the Petitioners herein, that as such they have read and executed the foregoing Petition for Zoning Variance, and that the contents thereof are true and correct to the best of their knowledge and belief.

Steven R. Flynn
Steven R. Flynn

Jane A. Flynn
Jane A. Flynn

Subscribed and sworn to before me, a Notary Public, this 3 day of May, 1997.

Cheryl E. Long
Notary Public

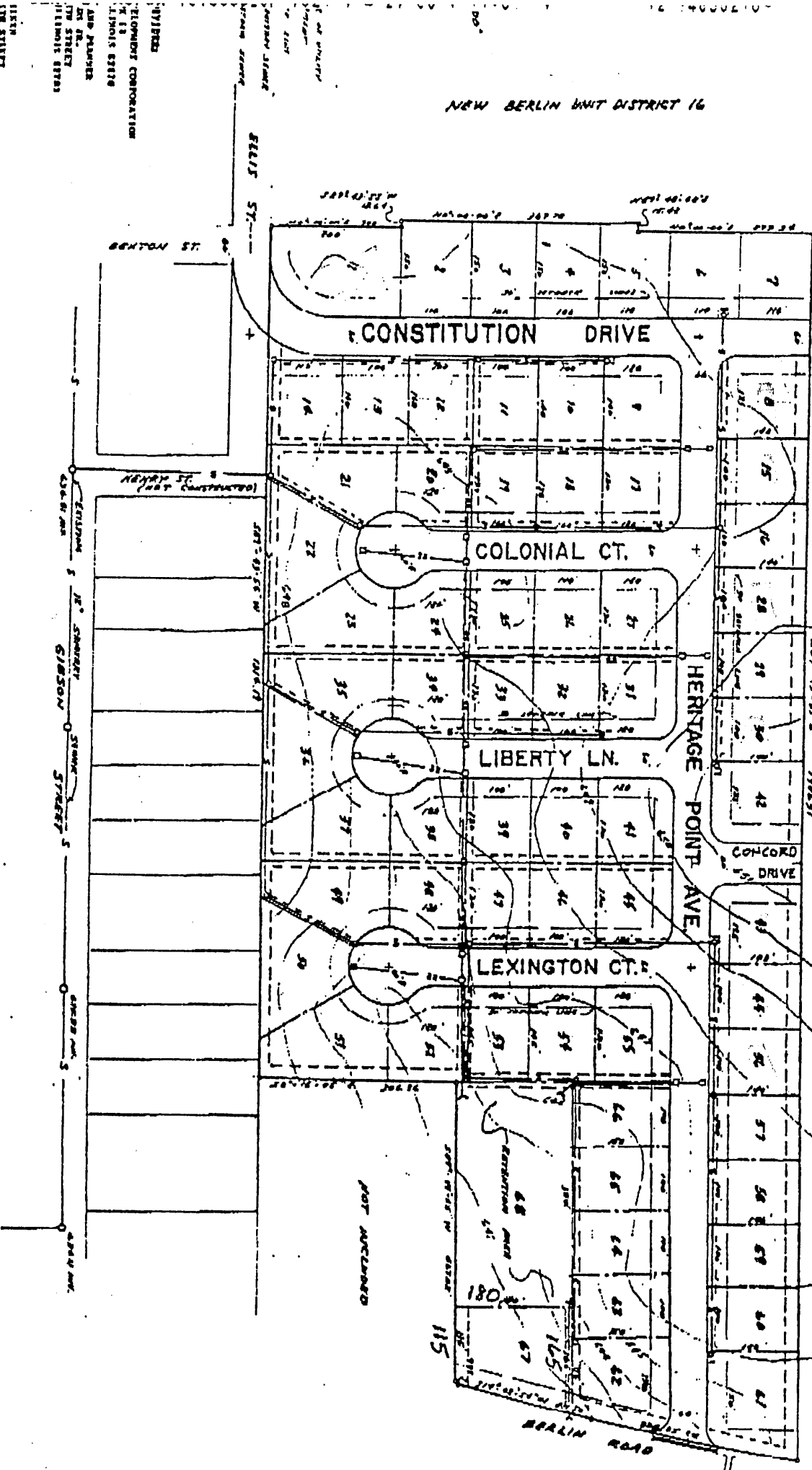
Prepared by:
Paul E. Presney, Sr.
Attorney for Petitioners
726 S. 2nd Street
Springfield, IL 62704
(217) 525-0016



NEW BERLIN UNIT DISTRICT 16

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NOT TO BE RECORDED BY RECORDER OF DEEDS



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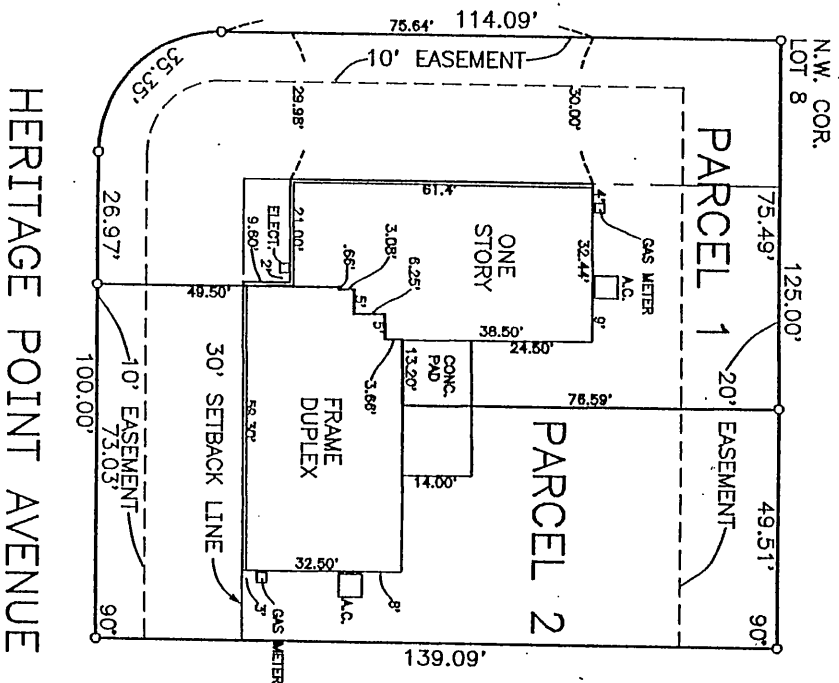
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PARCEL 1

PART OF LOT 8, HERITAGE POINT SUBDIVISION, FIRST ADDITION, NEW BERLIN, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE EAST 75.49 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 76.59 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 13.20 FEET; THENCE DEFLECTING TO THE LEFT 90°00'00", 3.66 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 5.00 FEET; THENCE DEFLECTING TO THE LEFT 6.25 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 5.00 FEET; THENCE DEFLECTING TO THE LEFT 90°00'00", 3.08 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 0.66 FEET; THENCE DEFLECTING TO THE LEFT 49.50 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 26.97 FEET TO A POINT ON A CURVE TO THE RIGHT OF RADIUS OF 25 FEET; THENCE NORTHWESTERLY ON THE CURVE FOR A CHORD DISTANCE OF 35.35 FEET; THENCE NORTH 114.09 FEET TO THE POINT OF BEGINNING, CONTAINING 0.205 ACRES, MORE OR LESS.

PLAT OF SURVEY



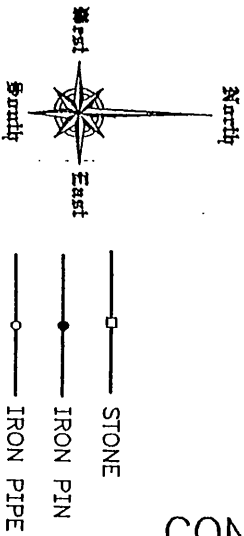
PARCEL 2

PART OF LOT 8, HERITAGE POINT SUBDIVISION, FIRST ADDITION, NEW BERLIN, ILLINOIS, DESCRIBED AS FOLLOWS:

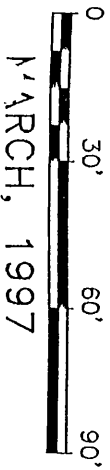
FROM THE NORTHWEST CORNER OF SAID LOT 8, EAST 75.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST 49.51 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 139.09 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 73.03 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 49.50 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 0.66 FEET; THENCE DEFLECTING TO THE LEFT 90°00'00", 3.08 FEET; THENCE DEFLECTING TO THE RIGHT 5.00 FEET; THENCE DEFLECTING TO THE LEFT 90°00'00", 6.25 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 5.00 FEET; THENCE DEFLECTING TO THE LEFT 90°00'00", 3.66 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 13.20 FEET; THENCE DEFLECTING TO THE LEFT 90°00'00", 76.59 FEET TO THE POINT OF BEGINNING, CONTAINING 0.189 ACRES, MORE OR LESS.

CONSTITUTION DRIVE

HERITAGE POINT AVENUE



SCALE 1" = 30'-0"

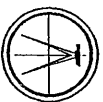


MARCH, 1997

EXHIBIT A

I DO HEREBY CERTIFY THAT, IN THE MONTH OF MARCH, 1997, A SURVEY WAS MADE UNDER MY DIRECTION OF THE ABOVE DESCRIBED PROPERTY AND THE FOREGOING PLAN CORRECTLY REPRESENTS THE RESULTS OF SAID SURVEY.

JOHN L. RAYNOLDS
PROFESSIONAL LAND SURVEYOR
12254
1997



JOHN L. RAYNOLDS, JR.
PROFESSIONAL LAND SURVEYOR & PLANNER
5201 S. Sixth St., Springfield, IL 62703-5143
(217)-241-3500