

**VILLAGE OF NEW BERLIN**

**ZONING BOARD MEETING**

**JUNE 19, 1995**

The New Berlin Zoning Board held a meeting on June 19, 1995 at 8:00 p.m. to consider Mr. Steve Juer's petition for a side yard variance at this property located at 303 W. Elm.

Don Prince, Chairman, opened the meeting with all members answering roll call but John Frank. Minutes of the last meeting were waived by a unanimous vote of the Board.

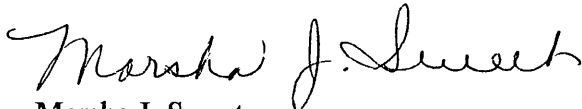
The requested variance is for an existing building located 2 1/2 feet from the east proposed property line. There was introduced a signed agreement between Mr. Juers and Mr. Bunting regarding this proposed east property line. However, at this time, Mr. Juers has not signed the deed for this 5 1/2 feet over to Mr. Bunting.

Mr. Bunting was present and stated he does not object to the variance for this existing building. He does not, however, agree with the measurements as marked on the building permit.

After the Board's consideration, a motion was made by Roach and seconded by Wilson to not approve this variance. Roll call was taken and passed with four Ayes, one Nay, one Absent. The Zoning Board's recommendation to the Village Board is to not approve this variance.

It should be noted that the hearing fee of \$50 has not been paid Mr. Juers. Also, the Board felt that building permits should always be acquired before actual construction is started.

The meeting adjourned at 8:30 p.m.



Marsha J. Sweet  
Recording Secretary

Date 5-8-95

ZONING BOARD OF APPEALS  
VILLAGE OF NEW BERLIN, ILLINOIS

I (We) STEVEN & NICKI JUERS and \_\_\_\_\_  
of RR1 BOX 44, BUFFALO, IL., 62515  
(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 \_\_\_\_\_  
(Type of Use)  
Commercial District,
- 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 yard) \_\_\_\_\_  
(other) \_\_\_\_\_ provisions of the Zoning Ordinance.

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

REQUEST SIDE YARD VARIANCE TO ALLOW CONTINUED  
PLACEMENT OF EXISTING SHED TO WITHIN ~~8~~<sup>7.5</sup> FEET  
OF EAST PROPERTY LINE. DRAWING ON BUILDING  
PERMIT #586 CODE 9.206 B.  
SETTLEMENT OF CASE # 93-CH-180

*Board did not approve  
variance - 6-21-95*

(see reverse side)

The premises are situated at 303 W. ELM, NEW BERLIN, IL  
in a RESIDENTIAL District.

Lot No. (s) 138-008 of ORIGINAL TOWN  
(Addition, Subdivision, etc)

Total Property Dimensions: 61.66 wide 101.67 deep.

Does applicant own the property? YES

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

Present Property Use RESIDENTIAL RENTAL PROPERTY

(check one)

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

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 \$ 50.00 payable to the Village of New Berlin as payment of the necessary filing fee. (~~Interpretations-\$20.00~~; Variations and amendments-\$50.00).

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 5-8-95

\_\_\_\_\_  
(Signature of Applicant)

Telephone No. 364-5801

\_\_\_\_\_  
(Signature of Applicant)

TELEPHONE REQUEST

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

Hearing Advertised 5-26, 1995.

Date of hearing 6-19, 1995.

Decision of the Zoning Board of Appeals: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

*Need  
Side Variance*

VILLAGE OF NEW BERLIN, ILLINOIS  
APPLICATION FOR BUILDING PERMIT

NO. 586

FOR NEW BUILDINGS, AND TO MAKE ADDITIONS, ALTERATIONS  
REPAIRS, BASEMENTS, AND FOUNDATIONS

NEW BERLIN, ILL. 1-16 1995

BUILDING LOCATED EAST EIMST  
TYPE OF BUILDING STORAGE SHED ATTACHED TO BACK OF GARAGE  
PROPOSED USE STORAGE  
USE DISTRICT RESIDENTIAL AREA DISTRICT \_\_\_\_\_  
LOT NO. AND LEGAL DESCRIPTION #138.008 ORIGINAL TOWN  
LOT SIZE \_\_\_\_\_ WIDE 61.66 101.67 DEEP  
BUILDING SIZE \_\_\_\_\_ WIDE 26' LONG 20' FT. HIGH ONE STORIES  
OWNER'S NAME STEVE ~~JUEBS~~ JUEBS ADDRESS \_\_\_\_\_  
ARCHITECT \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CONTRACTOR SELF ADDRESS \_\_\_\_\_  
VOLUME OF BUILDING \_\_\_\_\_ CUBIC FT. ESTIMATED COST \$ \_\_\_\_\_

ATTACHED TO THE ORIGINAL OF THIS APPLICATION IS A PLAT OR FLOOR PLAN OF THE PROPOSED CONSTRUCTION, SHOWING POSITION OF IMPROVEMENT ON PROPOSED BUILDING SITE, TOGETHER WITH DISTANCES AND DIMENSIONS.

THIS APPLICATION APPROVED BY BUILDING INSPECTOR \_\_\_\_\_

THE APPLICANT HEREBY AGREES THAT THE APPROVAL OF PLANS, OR THE ISSUING OF A PERMIT, PROCURED BY MISREPRESENTATION OF FACTS OR CONDITIONS, MISSTATEMENT IN APPLICATION, OR THROUGH IMPROPER ACTION OF ANY OFFICER OR EMPLOYEE OF THIS DEPARTMENT, DOES NOT LEGALIZE AN ILLEGAL CONSTRUCTION, ARRANGEMENT OR CONDITION.

OWNER OR AGENT

BUILDING PERMIT NO. 586

FEE FOR BUILDING PERMIT \$ 10.00

THIS APPLICATION FOR BUILDING PERMIT IS NOT VALID UNLESS MARKED 'PAID' BY VILLAGE TREAS.

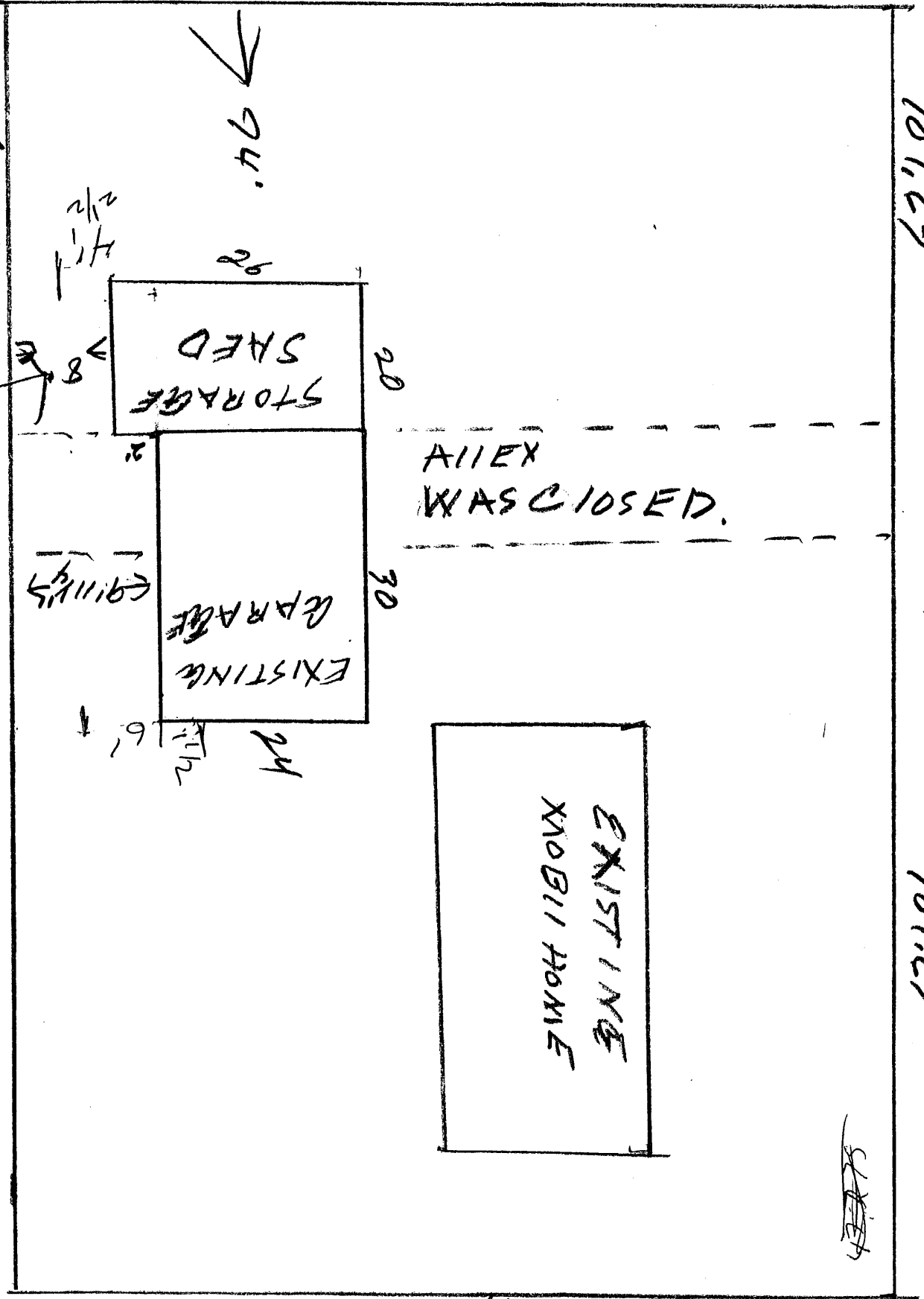
61.66

101.69

101.69

5115  
233  
130255

~~SECRET~~



EXISTING  
MOBIL HOME

ALLEY  
WAS CLOSED.

STORAGE

EXISTING  
GARAGE

EXISTING  
MOBIL HOME

ALLEY

WAS CLOSED.

STORAGE

EXISTING  
GARAGE

EXISTING

MOBIL HOME

20'

20'

30'

24'

6'

2 1/2'

4 1/2'

2 1/2'

8 1/2'

20'

94'

N

61.66

NY

COPY

AGREEMENT

THIS AGREEMENT is by and between LAWRENCE BUNTING and CHARLOTTE BUNTING (hereinafter "Buntings") and STEVEN JUERS and NICKI JUERS (hereinafter "Juers"), as follows:

WHEREAS, the Buntings and the Juers are plaintiffs and defendants, respectively, of Sangamon County Case No. 93-CH-180, instituted by the Buntings to quiet title as to the boundary lines between the Buntings' and Juers' respective properties in New Berlin, Illinois; and

WHEREAS, the Buntings and the Juers wish to resolve the issues raised in said lawsuit, and other matters as addressed herein, by settlement.

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Upon execution of this Agreement:
  - a. The Buntings and the Juers shall stipulate to the dismissal without prejudice of Case No. 93-CH-180, with each party to be responsible for their own costs and attorneys' fees.
  - b. The Juers shall transfer to the Buntings by quit claim deed that certain strip of land between their properties which would lie east of a line drawn between their properties that, at the northernmost end, would be six (6) feet east of the easternmost entrance to the Juers' driveway off of Elm Street, and which would run from that point to the south, parallel to the surveyor's pins installed to mark the platted boundary between the two properties. The parties agree that an additional survey for the legal description of each property will not be necessary, but rather said property shall be described by a line determined to be a given distance west of the

surveyor's pins, as determined by the foregoing description.

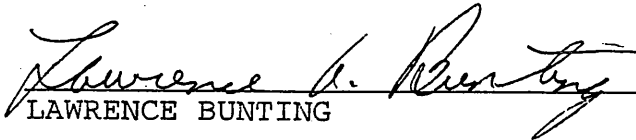
- c. The Buntings shall pay the Juers Five Hundred Dollars (\$500.00).
2. On or before April 15, 1995:
    - a. The Juers shall have removed the telephone poles on both sides of their driveway, or cut them level to the ground.
    - b. The Juers shall have painted the carport/lean-to white and shall have begun to secure the roof to said carport/lean-to.
    - c. The Buntings shall begin building a six-foot privacy fence which shall be on the property deeded above to the Buntings, but which shall be on the westernmost border of said property. The start of the building of the fence may be delayed by not more than 10 days to ensure that the removal of poles and the garage work by the Juers shall not interfere with such building. Upon beginning the building of said fence within the aforesaid time period, the Buntings shall continue building thereof with all due diligence until completed, and thereafter shall maintain said fence.
  3. The Buntings have removed the television antenna from the western side of their house.
  4. The Buntings shall not object to the lack of any building permit on any now existing structure at 303 West Elm, and shall further not object to the Juers' application for a permit for any now existing structure thereon.
  5. If the Buntings wish to secure a partial release of the Juers' mortgage with Warren Boynton State Bank, or any other financial institution, on the property to be deeded to the

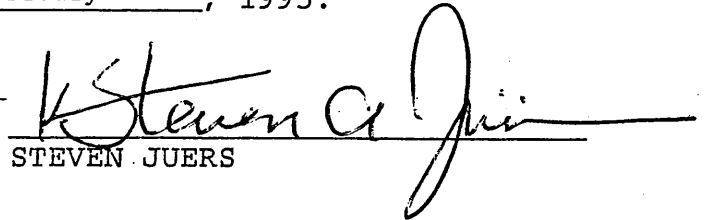
O-H 1565  
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Buntings, the Juers will assist and cooperate in such effort as reasonably requested.

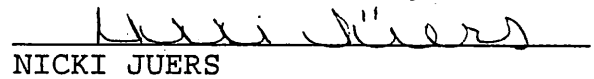
6. This Agreement may be enforced by specific performance or any other remedy available at law or equity.

EXECUTED this 16th day of February, 1995.

  
LAWRENCE BUNTING

  
STEVEN JUERS

  
CHARLOTTE BUNTING

  
NICKI JUERS