

NEW BERLIN ZONING BOARD OF APPEALS
April 17, 2007

The New Berlin Zoning Board of Appeals met on April 17, 2007 at 7:00 p.m. to consider the request by Toni Frank:

A side yard variance of 8' 8" in lieu of 10' for the purpose of building a new garage in same location of the existing garage.

And

Per the request of the Village Board the Zoning Board of Appeals reviewed the PROPOSED ordinance change below:

An Ordinance amending provisions in the Village of New Berlin Zoning Code pertaining to Sea-Land Containers

Section 1: Section 40-2-9 of the Code of Ordinances of the Village of New Berlin is amended as follows:

1. Subsection (B) is amended to state "No sea-land container shall be placed or maintained on real estate in the Village other than at a place of business located in an area zoned for industrial use where they are offered for sale or rent."
2. Subsection (C) is deleted.

Section 2: This Ordinance is effective upon its passage and publication as required by law. Persons having sea-land containers within the Village in violation of Section 40-2-9 of the Village Code of Ordinances shall have 90 days from the effective date of these Ordinances to remove them.

Chairman Berry opened the meeting with roll call. Members Cantrell, Hatfield, King, Rhodes and Sweet answering present; Member Keyser being absent.

The Jan 22, 2006 zoning minutes were waived from the reading with a motion by Member Hatfield and seconded by Member Rhodes. Motion passed.

OLD BUSINESS – None

NEW BUSINESS –

Chairman Berry reviewed with the board and the audience the purpose of the Zoning Board and that it serves as an advisory board to the Village Board. The Zoning Board would send recommendations that the Village Board takes in consideration when making their decision.

Variance request by Toni Frank: Chairman Berry read a letter by Mayor Steve Frank, who was unable to attend, mention that he was also the adjacent property owner and that

he had no issues with the granting of the variance and thought it should be granted in light of the location and age of the existing structure. He saw this as an improvement. Toni Frank and Rosemary Frank were in attendance and agreed with the presentation of variance request laid out by Chairman Berry. After short a discussion by the board members a motion was made to recommend to the village board to grant the variance by member Hatfield second by member Cantrell. Motion passed unanimously with 5 Ayes and 0 Nay.

Proposed amendment to Sea and Land Containers 40-2-9 Chairman Berry read the existing Ordinance and also the Proposed changes to existing Ordinance. Then Chairman Berry read a letter to the Board By Mayor Steve Frank. Mayor Franks' letter asked do we really need to change the existing ordinance since it has served us well since 2003? The current Village Ordinance already addresses the issue of sea and land containers on residential property. Commercial zoned property addresses the issues with the sale and lease of said containers and it is a source of revenue to the village. Also the present property owner is conducting a legal, registered business since 2003. The Mayor also stated that although he did not like the looks of the containers but he did not see anything wrong with the sell of these on the property zoned commercial. This letter set the tone of the meeting and made several key points. Mike Clayton was present and addressed several of the same issues. Mike also asked for clarification of the difference between zoned commercial and zoned industrial. Chairman Berry read the Village Ordinances the definition of both. Chairman Berry also laid out the possible scenarios of could happen if the Zoning Board vote for or against and also what could happen if the Village Board votes for or against the amendment and what options may play out for Mr. Clayton in those scenarios. All board members made much discussion to the affect that the proposed ordinance change would remove existing restrictions that such removal would not be in the best interest of the village. Also there was much discussion about changing zoning from commercial to industrial and that commercial seemed to be a better fit for commercial business. No one disagreed that containers were an "eye sore" but also noted other "eye sores" of commercial property in town. After further discussion and general agreement a motion was made by member Sweet and seconded by member King to strongly recommend to the Village Board that they **do not** pass the proposed amendment to Sea and Land Containers. Motion passed unanimously with 5 Ayes and 0 Nay

A motion was made by Member Cantrell and seconded by Member Hatfield to adjourn the meeting and 7:50 p.m. Motion carried.

Marsha J. Sweet
Recorder
Typed by Tim Berry

Public Notice

NOTICE OF PUBLIC HEARING

The New Berlin Zoning Board of Appeals will meet Tuesday, April 17, 2007 at 7:00 p.m. at the Village Hall.

Toni Frank, owner of the property at 306 W. Illinois has requested: A side yard variance of 8'8" in lieu of 10' for the purpose of building a new garage in same location of the existing garage.

Per the request of the Village Board the Zoning Board of Appeals will review the PROPOSED ordinance change below:

An Ordinance amending provisions in the Village of New Berlin Zoning Code pertaining to Sea-Land Containers

Section 1: Section 40-2-9 of the Code of Ordinance of the Village of New Berlin is amended as follows:

Subsection (B) is amended to state "No sea-land container shall be placed or maintained on real estate in the Village other than at a place of business located in an area zoned for industrial use where they are offered for sale or rent."

Subsection (C) is deleted.

Section 2: This Ordinance is effective upon its passage and publication as required by law. Persons having sea-land containers within the Village in violation of Section 40-2-9 of the Village Code of Ordinances shall have 90 days from the effective date of these Ordinances to remove them.

All interested parties are welcome to attend this meeting.

Zoning Board of Appeals

Tim Berry, Chairman

NB: 3-30

CERTIFICATE OF PUBLICATION IN THE NEW BERLIN BEE

STATE OF ILLINOIS
COUNTY OF SANGAMON, SS
VILLAGE OF NEW BERLIN

The undersigned Joseph Michelich, publisher of THE NEW BERLIN BEE, a secular newspaper of general circulation in said county, printed and published in the aforesaid Village of Pleasant Plains county of Sangamon and state of Illinois, does hereby certify that a notice of which the annexed is a true copy has been regularly published in said newspaper one time each week for one successive weeks.

The first publication of said notice was on the 30th day of March, A.D., 2007 and the last said publication was on the 30th day of March, A.D., 2007. And the undersigned does further certify that the said New Berlin Bee has been and was regularly published in said city, county and state for at least six months prior to the first publication of said notice.

In Witness whereof the undersigned publisher as aforesaid has hereunto set his hand and seal on this 30th day of March, A.D., 2007.

Joseph Michelich

Publisher

Subscribed and sworn to before me this 30th day of March, A.D., 2007.

"OFFICIAL SEAL"
PATRICE HUBER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 9/14/2009

Patrice Huber

Notary Public