

NEW BERLIN ZONING BOARD OF APPEALS
January 22, 2007

The New Berlin Zoning Board of Appeals met on January 22, 2007 at 7:00 p.m. to consider a re-zoning request submitted by Illinois Rural Electric Co. to change Lot One in King Minor Subdivision from Commercial to Industrial Zoning. KAB Investments are the current owners of the property and signed the zoning request form.

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

The September 27, 2006 zoning minutes were waived from the reading with a motion by Member Hatfield and seconded by Member Cantrall. Motion passed.

OLD BUSINESS – None

NEW BUSINESS - Chairman Berry reviewed with members the re-zoning request application from commercial to industrial in King Minor Subdivision on Lot one situated at the corner of King Road and Waverly Road. Dimensions of the property are 300 feet wide and 300 feet deep. The re-zoning is being requested for the future development to include a 65 foot long propane storage tank and a 190 foot communications tower and building.

Robert Bonjean, Attorney. representing Illinois Rural Electric, a representative from the communication company and a representative from Illinois Propane were present to answer any questions from the Board of Appeals and from the audience.

Several zoning members, along with several members from the audience, expressed concerns and asked questions regarding the safety issue with the propane tank placement. As explained, the 30,000 gallon storage tank will be installed according to FFP 58 regulations and will set down in concrete on both sides of the tank.

Other areas of concern expressed by audience members were odor, trucks being loaded and unloaded, and property tax assessment. Ike King stated he was of the opinion the property would better benefit the Village if it remained as commercial property for future development.

A request was made that a fence be installed around the area of the propane tank and the representatives stated they would comply with this request.

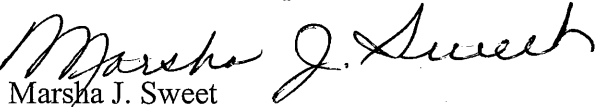
Concerns expressed relating to the 190 foot communications tower were that the tower would not withstand high winds. As explained, the base of the tower will set on a 25 square foot pad.

New Berlin Zoning Board of Appeals

January 22, 2007

After discussion, Member Rhodes made the motion and Member King seconded the motion to make the recommendation to the New Berlin Village Board to not approve the re-zoning of this property from commercial to industrial. Roll call was taken with members Rhodes, Cantrall, Hatfield, King and Sweet voting Aye; Member Keyser Absent. Motion passed. This recommendation will be made to the New Berlin Village Board who will make the final decision on this re-zoning.

A motion was made by Member Hatfield and seconded by Member Cantrall to adjourn the meeting and 7:45 p.m. Motion carried.

A handwritten signature in cursive script that reads "Marsha J. Sweet".

Marsha J. Sweet

Recorder

Date 11-28-2006

ZONING BOARD OF APPEALS
VILLAGE OF NEW BERLIN

I (We) Bob Morgan, KAB Investments, LLC

of Fayette, Missouri

(Address)

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

(Circle 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 Commercial District to a Industrial District.
6. A request to establish, place or erect a _____ (Type of Use or Variance)
7. A variance to the (area) (height) (coverage) (_____ 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.).

Future plans for this development include a 65' long propane storage tank, a 190' communications tower and building. The current zoning will not allow this construction thereby facilitating the need for a re-zoning request.

The premises are situated at corner of King Road & Waverly Blacktop (County Hwy 10)
in a _____ District.

Lot No. (s) one of King Minor Subdivision
(Addition, Subdivision, etc.)

Total Property Dimensions: 300 wide 300 deep

Does applicant own the property? yes

What is the approximate cost of the work involved? \$100,000 est.

Present Property Use unused-commercial

(Circle One)

1. I hereby request that this appeal be considered at the next regularly scheduled hearing of the Zoning Board of Appeals. (NO FEE)
2. 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 payable to the Village of New Berlin as payment of the necessary filing fee.

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 12-7-06 KAB INVESTMENTS LLC
(Signature of Applicant)
Telephone No. 660-248-3825 R W Morgan Managing member
573-999-4098 (Signature of Applicant)

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

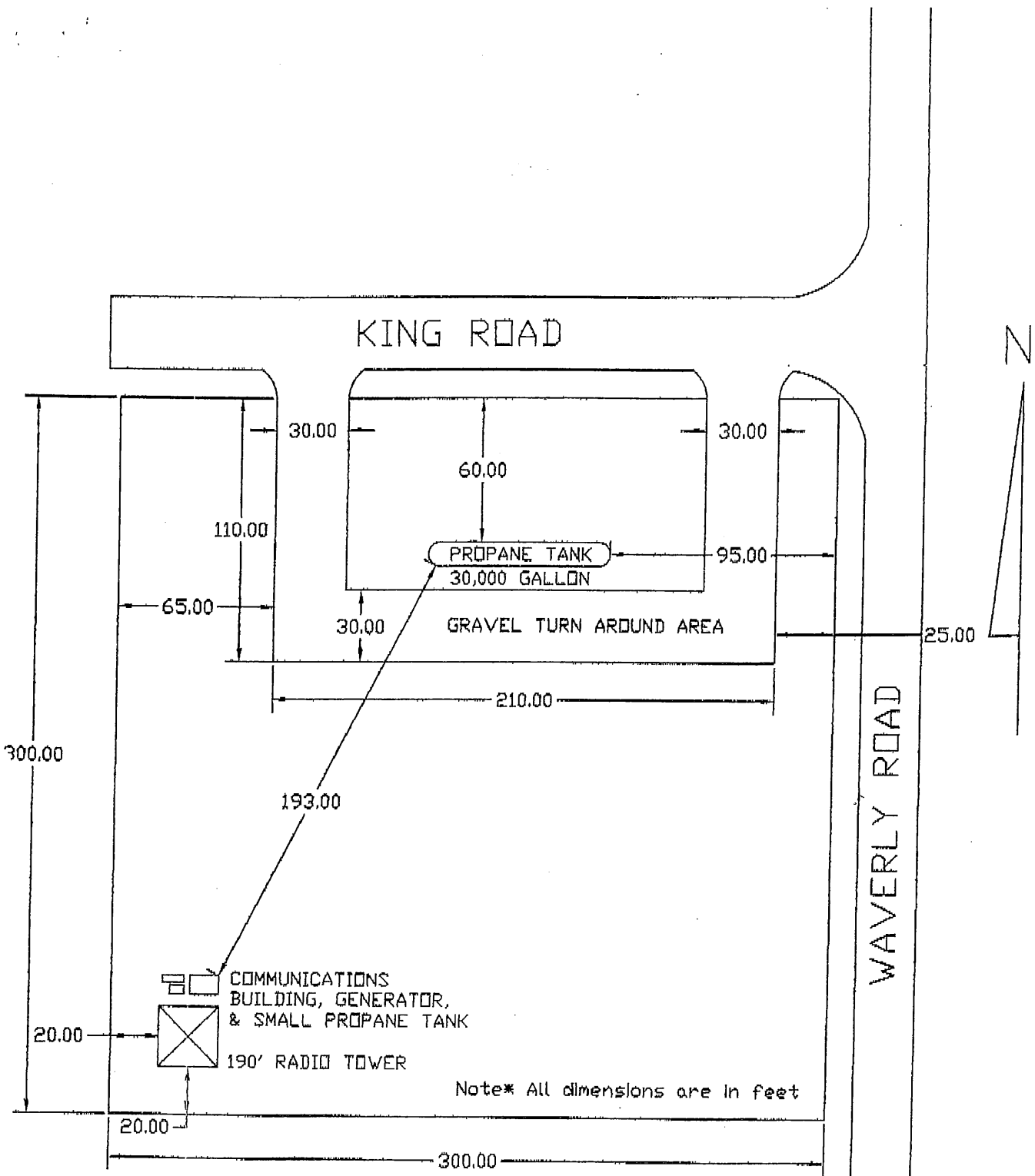
Hearing Advertised _____.

Date of Hearing 1-22, 2007.

Decision of Zoning Board of Appeals: Not Approved

(Signature)

(Signature)



NEW BERLIN
 PROPANE/TOWER SITE
 01/19/07

Zoning Board of Appeals Village of New Berlin
Sangamon County

Agenda

Monday January 22, 2007

- 1) Call to Order
- 2) Roll Call
- 3) Minutes
 - a) Wednesday Sept. 27th, 2006
- 4) Old Business
- 5) New Business
- 6) Illinois Rural Electric Zoning Change request
 - i) Presentation
 - ii) Audience
 - iii) Discussion by the board
- 7) Adjourn

NOTICE

The **Zoning Board of Appeals** will meet **Monday, January 22, 2007 at 7:00 p.m.** at the New Berlin Village Hall. Per the request of Illinois Rural Electric Cooperative in Winchester, on behalf of Bob Morgan KAB Investments, LLC., the Zoning Board of Appeals will review the request to change the Zoning District from Commercial to Industrial Lot No. 1 of King Minor Subdivision 300' wide and 300' deep. Corner of King Road and Waverly Blacktop.

Tim Berry, Chairman
Zoning Board of Appeals

There will be a **Special Board Meeting** on **Monday, January 22nd at 7:30 p.m.** to act upon the recommendation of the Zoning Board of Appeals Meeting.



Illinois Rural Electric Cooperative

2 South Main St., Winchester, Illinois 62694

e-mail: sean@e-co-op.com

Telephone: 217-742-3128 ext 135 Fax: 217-742-3831

12-19-2006

Village of New Berlin
Attn: Mr. Tim Barry
C/o Mary Pfeffer
PO Box 357
New Berlin, IL 62670-0357

Re: Subject Zoning Change

Dear Mr. Barry:

Please find enclosed our zoning request change for Lot One in the King Minor Subdivision just south of the travel plaza. Even though we do not own the property yet, Mr. Morgan (current owner) was willing to sign the zoning request sheet to change the use of the property from Commercial to Industrial. We have also enclosed the necessary check to facilitate the request.

Please call or write if you have further questions.

Sincerely,

Sean Middleton, P.E.
Manager of Engineering

RABIN, MYERS & HANKEN, P.C.

ATTORNEYS AND COUNSELORS AT LAW

300 SOUTH EIGHTH STREET
SPRINGFIELD, IL 62703

PHONE: 217.544.5000
FAX: 217.544.5017

MARK RABIN
JOHN M. MYERS
W. SCOTT HANKEN

ALEX RABIN

December 19, 2006

~~Mr. Robert V. Bonjean, Jr.
Bonjean Law Office
309 West State Street
Jacksonville, Illinois 62650~~

Re: Village of New Berlin Zoning and
Illinois Rural Electric Cooperative

Dear Mr. Bonjean:

I am in receipt of your letter dated December 11, 2006 and confirm that the Zoning Administrator of the Village of New Berlin was correct. The Illinois Rural Electric Cooperative will want to petition the Village Zoning Board of Appeals for rezoning of the subject property to I for Industrial. The Industrial District Regulations can be found in Article 5 of the New Berlin Zoning Code under Section 40-5-1.

The Petition will go before the Zoning Board of Appeals who will then make a recommendation to the Village Board of whether to accept or reject the change in zoning. You can obtain the Petition for Rezoning from the Village Clerk during normal business hours. I am confident they will tell you when to expect the Zoning Board of Appeals Meeting to take place.

Please let me know if I can be of any further assistance.

Sincerely,

Alex Rabin

AR:sd

xc: Village of New Berlin

Village of New Berlin

From: Tim Berry [tberry14@hotmail.com]
Sent: Tuesday, January 02, 2007 9:29 PM
To: Village of New Berlin
Subject: RE: zoning meeting

Hi Mary,

Please put the following in the local paper:

Zoning Board of Appeals

The New Berlin Zoning Board of Appeals will meet monday January 22 2007 at 7:00 p.m.

Per the request of Illinois Rural Electric Cooperative in Winchester, on behalf of Bob Morgan KAB Investments, LLC., the Zoning Board of Appeals will review the request to change the Zoning District from Commercial to Industrial Lot No. 1 of King Minor Subdivision 300' wide and 300' deep. Corner of King Road and Waverly Blacktop.

Tim Berry - Chairman

Zoning Board of Appeals

Please notify by post card:

Sean Middleton
Illinois Rural Electric
2 South Main St. 94
Winchester, IL 62670-0357

The adjacent property owners

Members of the zoning board of appeals.

Thanks,

Tim Berry

From: villageofnewberlin@mchsi.com
To: tberry14@hotmail.com
Subject: RE: zoning meeting
Date: Tue, 2 Jan 2007 13:44:52 -0600

Hi Tim,

1/3/2007

ZONING BOARD OF APPEALS

The New Berlin Zoning Board of Appeals will meet Monday, January 22, 2007 at 7:00 p.m. at the New Berlin Village Hall. Per the request of Illinois Rural Electric Cooperative in Winchester, on behalf of Bob Morgan KAB Investments, LLC., the Zoning Board of Appeals will review the request to change the Zoning District from Commercial to Industrial Lot No. 1 of King Minor Subdivision 300' wide and 300' deep (Corner of King Road and Waverly Blacktop). All interested parties are welcome to attend.

Tim Berry, Chairman
Zoning Board of Appeals

Village of New Berlin

From: Village of New Berlin [villageofnewberlin@mchsi.com]
Sent: Thursday, January 04, 2007 2:08 PM
To: Vpstevefrank@wmconnect.com; 'Sander, Joel T'; Joel Sander (joelsander@yahoo.com); 'Curt Stephens'; 'Ryan Sours'; 'SKDK2@msn.com'; 'classicwax@yahoo.com'; 'Krall, Mike'
Subject: Meetings

Meetings Scheduled:

A Joint Meeting with Curran-Gardner Water District at Curran Township Hall - **Tuesday, January 9th at 6:30 p.m.**

Special Board Meeting – **Monday, January 22nd at 7:30 p.m.** (Follows Zoning Board of Appeals meeting at 7:00 p.m. per the request of Illinois Rural Electric Cooperative in Winchester, on behalf of Bob Morgan KAB Investments, the Zoning Board of Appeals will review the request to change the Zoning District from Commercial to Industrial for Lot 1 of King Minor Subdivision 300' wide and 300' deep. corner of King Road and Waverly blacktop)

Special Board Meeting – **Wednesday, January 24th at 6:30 p.m.** (Final review of Zoning Map before it goes into production)

Village of New Berlin Illinois
301 E. Illinois Street
New Berlin IL 62670-0357
217-488-6312
Fax 217-488-2003
www.newberlin.il.us

1:47PM

Morgan Development CO

Development CO

No. 0138

590 Hwy 240
Fayette, MO 65248
No. 0138 P. 1

Morgan Development

590 Hwy 240
Fayette, MO 65248

FAX TRANSMITTAL FORM

To

Steve Frank
217-488-2003

Urgent

For Review

Please Comment

Consideration

From

Pam Sanderson
Operations Manager

Phone: 660-248-3856

Fax: 660-248-3899

E-mail: pam_sanderson2006@yahoo.com

Date sent: *1-3-2007*

Time sent:

Number of pages including cover page: *2*

MESSAGE:

Letter requesting special meeting

THANK YOU,
PAM SANDERSON
OPERATIONS MANAGER

ir
id
ial
ary

le to

oning
ately

dress
17