

NEW BERLIN ZONING BOARD OF APPEALS
APRIL 15, 2003

The New Berlin Board of Appeals met on April 15, 2003 at 7:30 p.m. for the purpose of considering a petition made by the New Berlin Township for the re-zoning of lots on the corner of Elm and Cedar Streets to a Commercial Use Zoning. Another petition for consideration was from the Village of New Berlin for an addition to the New Berlin Zoning Code, Chapter 40, to include Seal-Land Containers (40-2-9), Ordinance 2003-05.

Chairman asked for the call of the Roll with the following Members answering as present: Tim Berry, Ed Cantrall, Gene Rhodes, Roger Keyser, Marsha Sweet, and Chairman, Don Prince. Member Art Hatfield being Absent.

Chairman Prince explained to the Zoning members that due to a filing procedural problem, the New Berlin Township petition cannot be acted upon at this meeting. The New Berlin Township will need to file the petition to the Village Clerk. Upon completion of that filing, the Zoning Board of Appeals will re-schedule a meeting to consider this petition.

The Ordinance, 2003-05, Seal Land Containers, was read by Chairman Prince. (See attached Ordinance).

Gene Rhodes, Zoning Member, commented that under the "Restrictions" Paragraph A, as stated, Sea-Land Containers could not be placed or maintained 100 feet from the nearest property line of zoned real estate. He stated there were not many areas within the Village where this could apply. Chairman Prince referred to the Ordinance that under Restrictions, Paragraph C excepts restriction to Paragraph A and B.

Mike Clayton, property owner, asked if the sea-land containers located on his commercially zoned real estate could be used for commercial storage under the proposed Ordinance. Chairman Prince replied that if the containers were to be used for commercial storage, they would be subject to the proposed Ordinance.

William Pfeffer, Village Board President, commented that restricted use of these containers in a residential areas was the main purpose for this Ordinance. The intent of the Ordinance was to protect surrounding property owners and is not to restrict the landowner from use of his property. Due process must be used for any structure placed on property.

Mike Clayton asked if the petition requesting the Ordinance for Sea-Land Containers had been voted on by the New Berlin Village Board for a petition to be presented to the Zoning Board of Appeals.

NEW BERLIN VILLAGE BOARD OF APPEALS
April 15, 2003

In response, Chairman Prince referred Mr. Clayton to the Zoning Code and the procedure requirements as stated in it. The Village had taken the proper procedures in requesting this petition.

Mr. Clayton commented that he had a problem to the restriction referring to the containers being used as an office.

Mike Clayton asked for clarification that if he were to sell any of the present containers and purchased more to sell, rent or lease on his property, would this Ordinance apply. Chairman Prince replied that subject to legal counsel opinion, it was his opinion that the property owner could re-locate additional sea-land containers on commercially zoned property for the sole purpose of offering them for sale or rent only.

Tim Berry, Zoning Board Member, commented if and when these Sea-Land Containers could be considered as a structure. Again, explanation was made that using them as a structure would require a permit. If a variance would be required, the proper course of re-zoning from the property's original condition would be required in that a building permit would need to be applied for. An application to appeal can then be made to the Zoning Board of Appeals.

Mike Clayton asked if the sea-land containers could be used for his own personal use; such as, parking his personal car in a container. In response, under the Ordinance pertaining to the rent, sale or lease on the property, this could be used for personal use by the owner.

Being no further comments, Tim Berry made the motion to adopt Ordinance 2003-05 as written. Ed Cantrall seconded the motion. Tim Berry amended this motion to state that he is motioning to make the recommendation to the New Berlin Board of Trustees to adopt Ordinance 2003-05, Seal-Land Containers, (40-2-9) as written and presented. Roll call was taken with Members Berry, Cantrall, Keyser, Rhodes, and Sweet voting Aye; No Nays and Member Hatfield Absent. Motion passed. The recommendation will be presented to the New Berlin Village Board at their meeting on April 16, 2003.

The meeting adjourned at 8:20 p.m. with a motion being made by Member Tim Berry and seconded by Member Ed Cantrall, Motion carried.

Marsha J. Sweet
Recording Secretary

Date 4/15/02

ZONING BOARD OF APPEALS
VILLAGE OF NEW BERLIN, ILLINOIS

I (We) VILLAGE OF NEW BERLIN and _____
of _____
(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 40 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) (_____ 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.).

AMEND SECTION 40 TO INCLUDE THE DEFINITION
AND PERMITTED USES OF "SEA-LAND" CONTAINERS

(see reverse side)

The premises are situated at _____
in a _____ District.

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

Total Property Dimensions: _____ wide _____ deep.

Does applicant own the property? _____

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

Present Property Use _____

(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 \$ _____ 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 4-15-03

William Hoff
(Signature of Applicant)

Telephone No. 488-6479

(Signature of Applicant)

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

Hearing Advertised MARCH 28, 2003. COUNTY TRIBUNE

Date of hearing APRIL 15, 2003.

Decision of the Zoning Board of Appeals: _____

(Signature)

(Signature)

CERTIFICATE OF PUBLICATION

State of Illinois }
County of Sangamon } ss.

In the _____ Court

To the _____ Term, A.D. 20____

State of Illinois }
County of Sangamon } ss.

Printed Copy of Notice

NOTICE OF PUBLIC HEARING
The Zoning Board of Appeals of the Village of New Berlin will meet at 7:30 p.m. on April 15, 2003, at the New Berlin Village Hall to hear a petition to amend the Zoning Ordinance of the Village of New Berlin to include the definition and permitted uses of "SEA-LAND CONTAINERS" in the Village.
The Zoning Board of Appeals will also consider a petition by New Berlin Township to rezone the vacant lots at the corner of Cedar Street and Elm Street in the Village of New Berlin. New Berlin Township has requested that these lots be rezoned for commercial use.
All interested parties are welcome to attend this meeting.
Donald E. Prince
Chairman, Zoning Board of Appeals

I, the undersigned, Nancy P. Copelin do hereby certify that I am the publisher of the County Tribune. That said County Tribune is a public and secular newspaper of general circulation published weekly in the Village of New Berlin, County of Sangamon, State of Illinois, and that the same has been regularly published for twelve months prior to the day of the first publication of the notice hereinafter mentioned. I further certify that the notice, of which the annexed is a true printed copy, has been regularly published in said newspaper 2 times, once in each week for 2 successive weeks, the first publication thereof having been made in the issue of said newspaper published on March 28, 2003, and the last publication thereof having been made in the issue of said newspaper published on April 4, 2003 the same being regular days for the publication of said newspaper.

I further certify that said newspaper is a newspaper as defined in 'an Act to revise the law in relation to notices' as amended by Act July 17, 1959--III. Revised Statutes, Chap. 100, Para. 1 & 5.

IN WITNESS WHEREOF, I have hereunto set my hand at Waverly in said County and State this 2nd day of April, A.D. 2003.

Publication Fee, \$ 18.00
Signed Nancy P. Copelin
Received payment from _____

Subscribed and sworn to before me this 22nd day of APRIL, 2003.

"OFFICIAL SEAL"
MICHAEL L. JACKSON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 3/20/07