

**Zoning Board of Appeals**  
**Dec. 1, 2009**  
**Village Hall**

Attendees: Acting Chairman Marsha Sweet, Artie Hatfield, Ed Cantrall, Gene Rhodes, Vince King, Sharon LaFauce and Acting Secretary Deborah Lakamp. Tom Gorsich was absent.

Audience members were Pat Newman, a local developer, Trustee Joel Sander, Trustee Dave Kuehl and Mayor Steve Frank.

Acting Chairman Marsha Sweet called the meeting to order at 7:03 p.m. noting that Sharon LaFauce was sworn-in prior to the meeting starting.

**MOTION:** To waive the minutes.

Moved by: Ed Cantrall

Seconded by: Sharon LaFauce

Motion carries unanimously.

Sweet announced the purpose of the meeting was to determine if New Berlin would institute a zero lot line ordinance for duplexes and, if so, there is zoning variance to be considered. Zero lot lines for duplexes allow the common wall to act as a property line so each property can have a legal and separate description.

Developer Pat Newman explained if zero lot lines were approved he would be seeking a zoning variance in the Windrow Subdivision to put up duplexes, which had been in the subdivision plan from the beginning just not zoned accordingly.

Newman reported his plans called for 1400 sq ft, 3 bedroom, 2 ½ bathroom duplexes with full basements. The duplexes would also have 2 car garages and be set on oversized lots. A few duplexes would be around 1250 sq ft and have two bedrooms.

**MOTION:** To recommend to the Village Board of Trustees to adopt Ordinance 09-14 amending the Code of Ordinances of the Village of New Berlin pertaining to variances and allow zero lot line set back variances for duplexes.

Moved by: Artie Hatfield

Seconded by: Gene Rhodes

Motion carries unanimously on a roll call vote.

Artie Hatfield- Yes

Vince King- Yes

Ed Cantrall— Yes

Tom Gorsich- Absent

Gene Rhodes- Yes

Sharon La Fauce-Yes

**MOTION:** To recommend to the Village Board to allow variances for Plat 4, Lots 1-15 Windrow Subdivision for setback variances and zero lot lines for duplexes.

Moved by: Sharon LaFauce

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Seconded by: Gene Rhodes

Motion carries unanimously on a roll call vote.

Artie Hatfield- Yes

Vince King- Yes

Ed Cantrall— Yes

Tom Gorsich- Absent

Gene Rhodes- Yes

Sharon La Fauce-Yes

**MOTION:** To recommend to the Village Board to allow variances for Plat 4, Lots 1-15 Windrow Subdivision for setback variances and zero lot lines for duplexes.

Moved by: Sharon LaFauce

Seconded by: Artie Hatfield

Motion carries unanimously on a roll call vote.

Artie Hatfield- Yes

Vince King- Yes

Ed Cantrall— Yes

Tom Gorsich- Absent

Gene Rhodes- Yes

Sharon LaFauce-Yes

**MOTION:** To adjourn.

Moved by: Artie Hatfield

Seconded by: Sharon LaFauce

Motion carries unanimously.

The meeting adjourned at 7:35 p.m.

Respectfully Submitted,



Deborah Lakamp

Clerk, Village of New Berlin

*Recommended to approve by Board.*

Date 11-10-2009

ZONING BOARD OF APPEALS  
VILLAGE OF NEW BERLIN

I (We) MADISON CENTER, LLC and PATRICK NEWMAN

of 3700 MAPLE HILL DRIVE, NEW BERLIN, IL, 62670

(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 \_\_\_\_\_ 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.).

REQUEST TO AMEND THE CODE OF ORDINANCES  
TO VARIANCES AND ALLOWING "ZERO LOT LINE"  
FOR DUPLEX ON DUPLEX LOTS IN PLAT  
#4 OF WINDROW (LOTS THRU 15)

*Approved by Village Board 12/14/09*

The premises are situated at FLAT #4 WINDROW SUBDIVISION

in a RESIDENTIAL District.

Lot No. (s) 1 THRU 15 of WINDROW FLAT #4  
(Addition, Subdivision, etc.)

Total Property Dimensions: \_\_\_\_\_ wide \_\_\_\_\_ deep

Does applicant own the property? YES

What is the approximate cost of the work involved? -0-

Present Property Use AS PLATTED AND APPROVED.

(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 \$ \_\_\_\_\_ 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 11-10-2009 [Signature] MANAGER  
(Signature of Applicant)

Telephone No. 217-306-2531 \_\_\_\_\_  
(Signature of Applicant)

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

Hearing Advertised \_\_\_\_\_

Date of Hearing \_\_\_\_\_

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

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

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

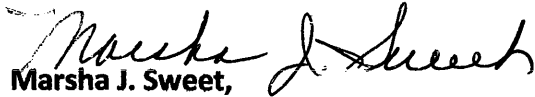
**PUBLIC HEARING**  
**NEW BERLIN ZONING BOARD OF APPEALS**

**The New Berlin Zoning Board of Appeals will meet on December 1, 2009 at 7:00 p.m. in the Village Hall of New Berlin to consider the following:**

**The Board of Appeals will consider amending the Code of Ordinance of the Village of New Berlin pertaining to variances and allowing Zero Lot Line setback Variances for Duplexes.**

**Pat Newman's variance request for Zero Lot Line for a duplex in Windrow Subdivision.**

**The meeting is open to the public and any interested party or their representative who may wish to appear in person.**

  
**Marsha J. Sweet,**  
**Interim Chairman**  
**New Berlin Zoning Board of Appeals**

## Village of New Berlin

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**From:** John Myers [jmyers@springfieldlaw.com]  
**Sent:** Wednesday, October 28, 2009 9:44 AM  
**To:** 'Village of New Berlin'; Curt Stephens; Dave Kuehl; Joel Sander; Katie Hatfield; Mike Krall; Ryan Sours; Steve Frank  
**Subject:** RE: Duplex for Final Sale of Each Unit?  
**Attachments:** variations and zero lot lines.doc

Right now, the Village Ordinances do not permit a zero lot line variance. However, I attach an ordinance which would do that. The zero lot line variance provisions are on page 4. The rest of the ordinance clarifies our existing variance provisions, which are sketchy at best.

Zero lot lines are allowed by Springfield and are being adopted by other municipalities in the county, and I don't see any particular downside to New Berlin allowing them as well.

If you want to adopt this ordinance, the ZBA would first have to hold a hearing since this ordinance is a textual change to the Zoning Ordinance. I don't see why we couldn't do the hearings on both the ordinance and Pat's requested variances at the same time, in order to streamline matters.

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John M. Myers  
Rabin, Myers, Schuering & Hanken, P.C.  
1300 South Eighth St.  
Springfield, IL 62703  
217.544.5000  
217.544.5017 (fax)

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**From:** Village of New Berlin [mailto:villageofnewberlin@mchsi.com]  
**Sent:** Monday, October 26, 2009 11:13 AM  
**To:** 'John Myers'  
**Subject:** FW: Duplex for Final Sale of Each Unit?

John,

Pat Newman has a zero lot line question for Windrow Subdivision Plat 4. He is submitting building permits for Lots 7 and 8.

Mary

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**From:** Pat Newman [mailto:apha@newman-alton.com]  
**Sent:** Monday, October 26, 2009 10:48 AM  
**To:** Village of New Berlin  
**Cc:** Greene & Bradford; mbarton@bellatti-barton.com  
**Subject:** Duplex for Final Sale of Each Unit?

Mary:

10/28/2009

I need for you to check with John Myers and confirm, that I am approved to sell each side of these properties as Duplexes with "ZERO LOT LINE" capability on the title work and deed ??  
(Which is what, I believe, John told me at one of our original Village Board Meetings.)

I am also copying Don DeFrates at Greene and Bradford with this email to ask how exactly we spell out and transfer Title for the individual sales. Don, do you come out upon completion and confirm the actual "Zero Lot Line" and spell it out in written form or does a plat need to be drawn up or ????. Please advise so I know what is required before we start.

Thank you and Sincerely,

Pat Newman



PLAT 4

N

3



W. BIRCH St.

S

W

# Waverly Road

Frank St.

Frank St.

LeBeau St.

76 74 72 70 68 66 64 62 60 58 56 54 52 50 168 166 164 162 160 158

Ronalderson Av.  
67 69 71 65 59 55 51 54 48 46 44 42 40 38 36 34 32 30 28 26 24 22 20 18 16 14 12 10 8 6 4 2 1

Bourbaki Av.  
61 57 53 49 45 41 37 33 29 25 21 17 13 9 5 1

Dieudonne Dr.  
48 46 44 42 40 38 36 34 32 30 28 26 24 22 20 18 16 14 12 10 8 6 4 2 1

Arthur Jones Av.  
48 46 44 42 40 38 36 34 32 30 28 26 24 22 20 18 16 14 12 10 8 6 4 2 1

Chate Ct.  
1 2 3 4 5 6 7 8

MOJOLLY L.L.C.

Caroline Dr.  
709 705 701 697 609 605

307 308 (top)

LILIANA AV.  
620 618 614 612 609 602 600 215 212 208 206 202 200 630 620 609 607 605 603 601 213 209 207 205 203

# WINDROW SUBDIVISION

Village of New Berlin

600

W. Illinois St.

W. Birch St.

**Public Notice**

**PUBLIC HEARING  
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BOARD OF APPEALS**

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The meeting is open to the public and any interested party or their representative who may wish to appear in person.

Pat Newman  
Chairman  
New Berlin Zoning  
Board of Appeals  
NB: 11-13

**CERTIFICATE OF PUBLICATION IN THE NEW BERLIN BEE**

STATE OF ILLINOIS  
COUNTY OF SANGAMON,  
VILLAGE OF NEW BERLIN

SS

The undersigned, Joseph Micheli, publisher of the NEW BERLIN BEE, a secular newspaper of general circulation in said county, printed and published in the aforesaid Village of New Berlin, 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 publications of said notice was on the 13th day of November, A.D., 20 09 and the last publications was on the 13th day of November, A.D., 20 09. And the undersigned does further certify that the said NEW BERLIN BEE, has been and was regularly published in said village, 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 13th day of November, A.D., 20 09.

Subscribed and sworn to before me this 13th day of November, A.D., 20 09.

OFFICIAL SEAL  
PATRICE HUBER  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES-10/7/4/13

Patrice Huber  
Notary Public