

Date 1-16-09

ZONING BOARD OF APPEALS
VILLAGE OF NEW BERLIN

I (We) Amanda Stockton and Stephen Hart
of 402 S. Benton 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 residential District to a Commercial District.
- ⑥ A request to establish, place or erect a Daycare. (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.).

We would like to erect an approximately 30'x40'
building on lot 5 of Lees 3rd Addition to use
as a daycare facility

The premises are situated at 402 S. Benton New Berlin, IL
in a residential District.

Lot No. (s) 5 of Lees 3rd Addition
(Addition, Subdivision, etc.)

Total Property Dimensions: _____ wide _____ deep

Does applicant own the property? yes

What is the approximate cost of the work involved? \$30,000.00

Present Property Use Extra Space

(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)

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 \$ 100.00 payable to the Village of New Berlin as payment of the necessary filing fee.

Pd. 100.00 Cash 1/16/09

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 1-16-09

Amanda Starn
(Signature of Applicant)

Telephone No. 416-9836

St. He
(Signature of Applicant)

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

Hearing Advertised _____, _____.

Date of Hearing _____, _____.

Decision of Zoning Board of Appeals: _____

(Signature)

(Signature)

Zoning Board of Appeals
February 26, 2009
Village Hall

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

Acting Chairman Marsha Sweet called the meeting to order and all members were present.

MOTION: To waive the minutes.

Moved by: Artie Hatfield

Seconded by: Gene Rhodes

Motion carries unanimously.

Sweet announced Petition 1, a request from Amanda Stockton and Steve Hart to rezone Lot 5, 402 S. Benton, from residential to commercial to build a daycare center. The property owners are Amanda Stockton and Steve Hart.

Chairman Sweet opened the floor for audience questions and comments. Adjoining property owners and neighbors were present. Mark Kunz, who lives in the house next door to the potential daycare, expressed a desire to keep residential areas residential and that changing the zoning would negatively impact home values.

Ike King, who owns three houses in the area, asked for clarification regarding if the property owners were planning a home daycare or a daycare center.

Sarah Stockton, the sister of the Amanda Stockton, responded that they are planning a licensed daycare that would have 16-20 children, who were mostly the children of friends. It would be a 30 x 40 foot building with a 20 square foot kitchen, 2 bathrooms and a 4-5 car parking area off the street.

Village Trustee Kuehl asked how close to the property lines the building would be situated. Commercially zoned property buildings can extend to the property lines.

Aaron Bauman inquired as to the type of building and if it would be a Morton building. The petitioners responded the proposed building would look like a small house.

The Zoning Board asked if the well on the property would be filled in and petitioners indicated it would be filled with sand.

Pat King, a neighbor, expressed concerned about increased traffic in the neighborhood.

Chairman Sweet read a letter submitted by Les and Chrystal Hobbs, 401 S. Benton, opposing the changing of the zoning to commercial and the building of daycare.

A couple of audience members asked if the zoning could be changed to commercial and then revert to residential, if the proposed daycare closed. This is not possible. The property would have to be re-zoned again.

A few more questions regarding the details of the operation and number of children were asked and as the petitioners were still exploring details Chairman Sweet indicated more information was needed.

MOTION: To disapprove request to re-zone Lot 5 from residential to commercial in Lee's Addition, 402 S. Benton.

Moved by: Ed Cantrall

Seconded by: Gene Rhodes

Motion carries on a 4-1 roll call vote

Artie Hatfield- Abstained Vince King- Yes
Ed Cantrall— Yes Tom Gorsich- Yes
Gene Rhodes- Yes

Petition 2 was a side yard variance to the west side of St. John's Church to allow handicap access.

Charlie Braker, Chairman of St. John's Building Committee, introduced Alex Block from Renaissance Architecture. Block presented visuals of the handicap access project and shared information about the project. He indicated the structure doesn't provide any obstructions to the view up and down Gibson Street. The structure will blend in with the existing building.

MOTION: To approve the side yard variance of 1 foot 7 5/8 inches from the property line at St. John's Church.

Moved by: Gene Rhodes

Seconded by: Vince King

Motion carries unanimously on a roll call vote.

Artie Hatfield- Yes Vince King- Yes
Ed Cantrall— Yes Tom Gorsich- Yes
Gene Rhodes- Yes

MOTION: To adjourn.

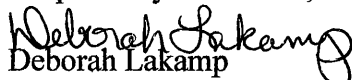
Moved by: Artie Hatfield

Seconded by: Vince King

Motion carries unanimously.

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,


Deborah Lakamp

Clerk, Village of New Berlin

NEW BERLIN ZONING BOARD OF APPEALS

The New Berlin Zoning Board of Appeals will meet on February 26, 2009 at 7:00 p.m. in the Village Hall of New Berlin to consider two petitions:

The appeal requested by Amanda Stockton and Stephen Hart for a rezoning from Residential to Commercial on Lot 5 of Lee's Third Addition to the Village of New Berlin, Illinois. The common address known as 402 S. Benton, New Berlin, Illinois.

Also, the appeal requested by St John's Church to petition a side yard variance for an addition to the Church.

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

Published in
County Tribune
NB Bee
Feb 6 + 13

CERTIFICATE OF PUBLICATION IN THE NEW BERLIN BEE

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

Public Notice

**NOTICE OF
PUBLIC HEARING**

The New Berlin Zoning Board of Appeals will meet on February 26, 2009 at 7 p.m. in the Village Hall of New Berlin to consider two petitions:

The appeal requested by Amanda Stockton and Stephen Hart for a rezoning from Residential to Commercial on Lot 5 of Bee's Third Addition to the Village of New Berlin, Illinois. The common address known as 402 S. Benton, New Berlin, Illinois.

Also, the appeal requested by St. John's Lutheran Church at 302 E. Gibson to petition a side yard variance for an addition to the church.

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
NB:2-6,13

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.

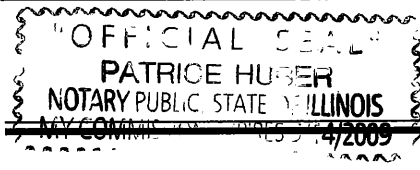
The first publication of said notice was on the 6th day of February, A.D., 20 09 and the last said publication was on the 6th day of February, A.D., 20 09. And the undersigned does further certify that the said New Berlin Bee has been and was regularly published in said city, county and state for at 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 13th day of February, A.D., 20 09.

Joseph Michelich

Publisher

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



Patrice Huber

Notary Public