

**APPROVED**

Date 6-21-12

**ZONING BOARD OF APPEALS  
VILLAGE OF NEW BERLIN**

I (We) MADISON CENTER, LLC and \_\_\_\_\_  
of 719 ESTILL DRIVE, SPRINGFIELD, IL 62707  
(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.).

TO ACT ON AN ORDINANCE TO VACATE A  
PORTION OF A UTILITY EASEMENT. LOT #9  
WINDROW PLAT #4

**PAID**

JUN 22 2012

Check # 2078

\$50.00

*Recommendation to  
N.B. Village Board to  
Approve  
Dated: July 17, 2012*

The premises are situated at 200 AND 202 PATTON AVE, NEW BERLIN  
in a RESIDENTIAL District.

Lot No. (s) 9 of FLAT 4 - WINDROW  
(Addition, Subdivision, etc.)

Total Property Dimensions: \_\_\_\_\_ wide \_\_\_\_\_ deep (SEE SURVEY)

Does applicant own the property? YES

What is the approximate cost of the work involved? N/A

Present Property Use DUPLEX - RESIDENTIAL

(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 \$ 50.00 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 6-21-12

[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)

# MEMO:

**FROM: PAT NEWMAN**

Date: Monday, June 04, 2012

To: Steve Frank  
Village of New Berlin - Hand Delivered

Cc: File

From: Madison Center, LLC P.O. Box 118 New Berlin, IL 62670

RE: Lot #9 Windrow Plat #4 200 and 202 Patton Ave - Duplex

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Steve:

Please see the attached surveys from Green and Bradford and note the approx. dimensions that I have encroached on the Utility easement to the South and the Setback at the front.

Please let me know what I need to do, so that I can get approval and record these surveys and can sell these units.

THANK YOU!

PAT NEWMAN

217-306-2531 or [apha99@att.net](mailto:apha99@att.net) office phone is 217-753-1986 copies enclosed

## Village of New Berlin

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**From:** Joe Zeibert <JoeZ@co.sangamon.il.us>  
**Sent:** Thursday, June 07, 2012 8:44 AM  
**To:** John Myers; alpha@newman-alton.com  
**Cc:** Village of New Berlin; 'Steve Frank'; 'Don DeFrates'; Steve Keenan  
**Subject:** RE: Windrow Plat 4 lots 6 and 9 - Zero lot line survey

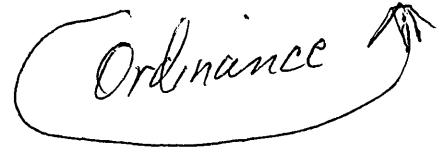
John,

The Village should have the developer submit a partial plat of vacation to vacate that portion of the utility easement that the developer has encroached on. The partial plat of vacation would need to be approved by the Village Board and eventually recorded.

Please feel free to contact me if you have any additional questions.

Thanks,

Joseph A. Zeibert  
Senior Planner  
Springfield-Sangamon County  
Regional Planning Commission



Ordinance

-----Original Message-----

**From:** John Myers [mailto:jmyers@springfieldlaw.com]  
**Sent:** Wednesday, June 06, 2012 6:56 PM  
**To:** [alpha@newman-alton.com](mailto:alpha@newman-alton.com)  
**Cc:** Village of New Berlin; 'Steve Frank'; Joe Zeibert; 'Don DeFrates'  
**Subject:** Windrow Plat 4 lots 6 and 9 - Zero lot line survey

Pat:

New Berlin Mayor Steve Frank asked me to look into the situation and tell you what you need to do to get your tract survey approved by Sangamon County Plat Officer Joe Zeibert (copy attached).

As I see it, the slight encroachment of your building onto the front yard setback and easement area adjacent to Lot 9 violate the yard requirements of the zoning ordinance and invade the Village's property rights in the easement. You will need a zoning variance and a waiver of the Village's property rights in order to fix this problem.

Fortunately, I am informed by the Village Street and Sewer Departments that there aren't any utilities in the area of the 15 foot easement. The encroachments are obviously minor and appear to be inadvertent, so I don't believe that the Village is going to have any problem granting the variance.

Please see Mary Pfeffer for the appropriate forms. The Zoning Board will schedule a hearing and make a recommendation to be voted on by the Village Board.

Regarding the waiver of property rights in the easement, that should be no problem at all; I will draft a letter for Mayor Frank's signature to be approved by the Village Board at the same meeting when it approves the variance.

Thanks.

John Myers

P.S. to Joe: am I missing anything?

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John M. Myers  
Rabin & Myers, P.C.  
1300 S. Eighth St.  
Springfield, IL 62703  
(217)544-5003  
(217)544-5017 fax

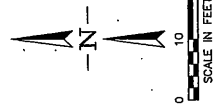
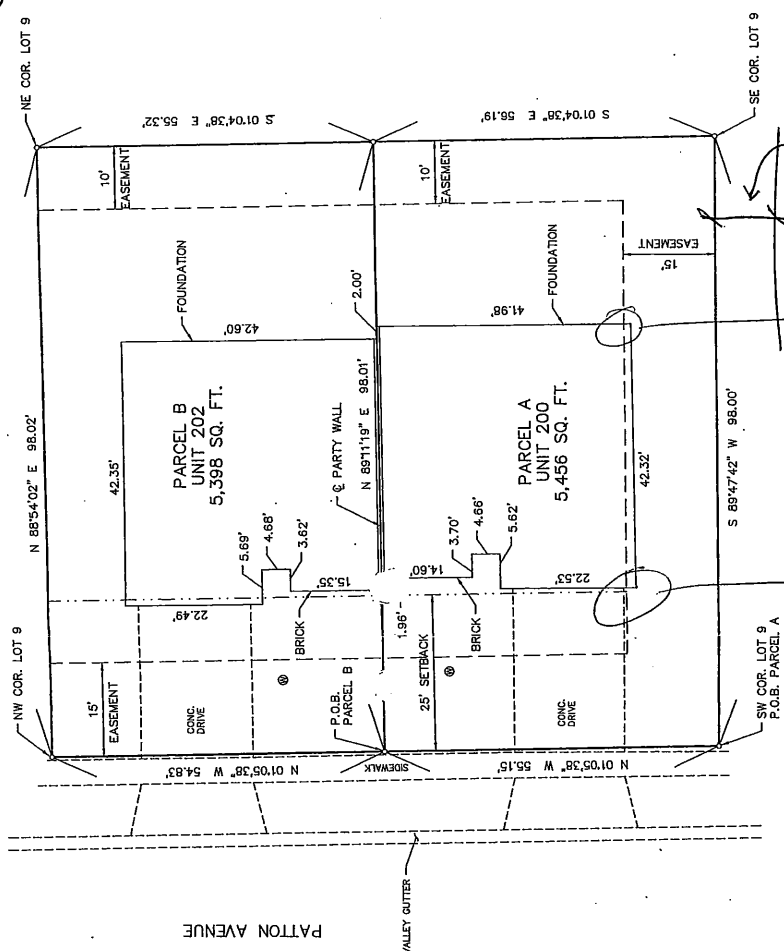
OWNER: MADISON CENTER, LLC.  
 TAX ID NO. 26-18-377-068  
 FIELDWORK COMPLETED: 5/16/12  
 BASIS OF BEARING: ASSUMED MERIDIAN

COPY

PLAT OF SURVEY

**LEGAL DESCRIPTIONS.**  
**PARCEL A (UNIT 200).** WINDROW SUBDIVISION PLAT NUMBER 4, IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, AS RECORDED AS DOCUMENT NUMBER 200812247 IN THE OFFICE OF THE SANGAMON COUNTY CLERK OF RECORDS, BEGINNING AT AN IRON PIPE MARKING THE SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 9, THENCE NORTH 01 DEGREES 05 MINUTES 38 SECONDS WEST ALONG THE WEST LINE OF LOT 9 A DISTANCE OF 55.15 FEET TO AN IRON PIPE MARKING THE NORTHWEST CORNER OF SAID LOT 9, THENCE EAST 89.01 FEET TO AN IRON PIPE ON THE EAST LINE OF LOT 9, THENCE SOUTH 01 DEGREE 04 MINUTES 38 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 56.19 FEET TO AN IRON PIPE MARKING THE SOUTHWEST CORNER OF LOT 9, THENCE SOUTHWEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 55.32 FEET TO THE POINT OF BEGINNING. ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

**PARCEL B (UNIT 202).** WINDROW SUBDIVISION PLAT NUMBER 4, IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, AS RECORDED AS DOCUMENT NUMBER 200812247 IN THE OFFICE OF THE SANGAMON COUNTY CLERK OF RECORDS, BEGINNING AT AN IRON PIPE MARKING THE SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 9, THENCE NORTH 01 DEGREES 05 MINUTES 38 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 55.15 FEET TO AN IRON PIPE MARKING THE NORTHWEST CORNER OF SAID LOT 9, THENCE EAST 89.01 FEET TO AN IRON PIPE ON THE EAST LINE OF SAID LOT 9, THENCE SOUTH 01 DEGREE 04 MINUTES 38 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 54.83 FEET TO AN IRON PIPE MARKING THE NORTHWEST CORNER OF LOT 9, THENCE NORTH 88 DEGREES 01 MINUTE 38 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 55.32 FEET TO AN IRON PIPE MARKING THE SOUTHWEST CORNER OF LOT 9, THENCE SOUTHWEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 55.32 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 11 MINUTES 19 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 55.32 FEET TO THE POINT OF BEGINNING. ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.



12.72  
 DEDICATED TO  
 VILLAGE FOR  
 FUTURE R.O.W.

COPY

LEGEND  
 ○ IRON PIPE  
 ⊙ WATER METER



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.  
 Robert J. Tonnellato  
 ILLINOIS PROFESSIONAL LAND SURVEYOR # 2890  
 DATE SIGNED 5/17/12

EXPIRES 11/30/12

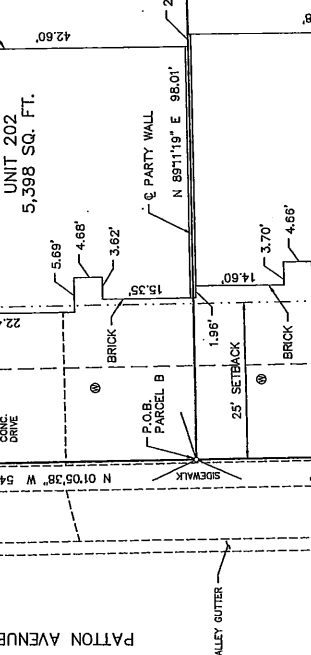
OWNER: JAMES W. ESTERLY, L.L.C.  
 200 W. W. MO. RD., BOX 177, BEE  
 TOWNSHIP, NEW BERLIN, IL 61618  
 SURVEYOR: JAMES W. ESTERLY, L.L.C.  
 BASIS OF BEARING: ASSUMED MERIDIAN

**COPY**

PLAT OF SURVEY

**LEGAL DESCRIPTIONS**  
 PARCEL A (UNIT 200)  
 PART OF LOT 9 IN WINDROW SUBDIVISION PLAT NUMBER 4 IN  
 THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF  
 SECTION 19, TOWNSHIP 19 NORTH, RANGE 7 WEST OF THE THIRD  
 RANGE EAST OF THE MERIDIAN, SANGAMON COUNTY, ILLINOIS,  
 200812247 IN THE OFFICE OF THE SANGAMON COUNTY  
 RECORDER OF DEEDS; DESCRIBED MORE PARTICULARLY AS  
 FOLLOWS: BEGINNING AT AN IRON PIPE MARKING THE  
 SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 9, THENCE  
 WEST ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF  
 WEST LINE OF LOT 9, A DISTANCE OF 55.15 FEET TO AN IRON  
 PIPE, THENCE NORTH 89 DEGREES 11 MINUTES 19 SECONDS  
 EAST 98.01 FEET TO AN IRON PIPE ON THE EAST LINE OF LOT  
 9, THENCE SOUTH 01 DEGREES 04 MINUTES 38 SECONDS EAST  
 14.60 FEET TO AN IRON PIPE MARKING THE SOUTHWEST CORNER OF LOT 9,  
 THENCE SOUTH 89 DEGREES 47 MINUTES 42 SECONDS WEST 98.00 FEET  
 TO THE POINT OF BEGINNING. ALL IN THE COUNTY OF  
 SANGAMON, STATE OF ILLINOIS.

PARCEL B (UNIT 202)  
 PART OF LOT 9 IN WINDROW SUBDIVISION PLAT NUMBER 4 IN  
 THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF  
 SECTION 19, TOWNSHIP 19 NORTH, RANGE 7 WEST OF THE THIRD  
 RANGE EAST OF THE MERIDIAN, SANGAMON COUNTY, ILLINOIS,  
 200812247 IN THE OFFICE OF THE SANGAMON COUNTY  
 RECORDER OF DEEDS; DESCRIBED MORE PARTICULARLY AS  
 FOLLOWS: COMMENCING AT AN IRON PIPE MARKING THE  
 SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 9, THENCE  
 WEST ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF  
 WEST LINE OF SAID LOT 9, A DISTANCE OF 55.15 FEET TO AN  
 IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE  
 CONTINUING NORTH 01 DEGREES 05 MINUTES 38 SECONDS WEST  
 15.35 FEET TO AN IRON PIPE MARKING THE SOUTHWEST CORNER OF  
 PARCEL B, THENCE SOUTH 89 DEGREES 47 MINUTES 42 SECONDS  
 WEST 98.00 FEET TO AN IRON PIPE MARKING THE NORTHEAST CORNER OF LOT 9,  
 THENCE SOUTH 01 DEGREES 04 MINUTES 38 SECONDS EAST  
 14.60 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 11  
 SECONDS WEST 98.01 FEET TO THE TRUE POINT OF BEGINNING.  
 ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.



**COPY**

LEGEND  
 ○ IRON PIPE  
 ⊙ WATER METER

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT  
 ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.  
 JAMES W. ESTERLY, L.L.C.  
 ILLINOIS PROFESSIONAL LAND SURVEYOR # 2500  
 5-18-2012  
 DATE SIGNED



EXPIRES: 11/30/12

PLAT OF SURVEY  
 LOT 9  
 WINDROW SUBDIVISION  
 PLAT 4  
 NEW BERLIN, ILLINOIS



GREENE & BRADFORD, INC.  
 OF SPRINGFIELD  
 CONSULTING ENGINEERS  
 3501 CONSTRUCTION DRIVE  
 SPRINGFIELD, ILLINOIS 62711  
 PROFESSIONAL LAND SURVEYOR FROM NO. 048-000098  
 (217) 793-8844, 793-8222 (F), E-MAIL - cde@greenandbradford.com

ISSUED	DATE	BY	REASON
DESIGNED MCHSHANE	5/17/12		
CHECKED TONELLATO			
APPROVED TONELLATO			

FROM: NO. 10120.01  
 SHEET NO. 1 OF 1  
 DATE: 5/17/12  
 COMPUTER FILE NO. 10120.01\_P5-8.dwg  
 SHEET NO. 1  
 OF 1 SHEETS

**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 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 29th day of June, A.D., 20 12 and the last publications was on the 29th day of June, A.D., 20 12. 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 29th day of June, A.D., 20 12.

*Joseph Michelich*  
 Publisher

Subscribed and sworn to before me this 29th day of June, A.D., 20 12.

*Patrice Huber*  
 Notary Public

OFFICIAL SEAL  
 PATRICE HUBER  
 NOTARY PUBLIC - STATE OF ILLINOIS  
 MY COMMISSION EXPIRES: 10/14/13

**Public Notice**

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

The New Berlin Zoning Board of Appeals will meet on Tuesday, July 17, 2012 at 7:00 p.m. at the New Berlin Village Hall to consider a request by Madison Center, LLC to vacate a portion of a utility easement, Lot 9, Windrow Subdivision. The address of this location is 200 and 202 Patton Avenue, New Berlin, Illinois.

The meeting is open to the public and any interested party is invited to attend this meeting. Marshal Sweet, Chairman, New Berlin Zoning Board of Appeals.



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

The New Berlin Zoning Board of Appeals will meet on Tuesday, July 17, 2012 at 7:00 p.m. at the New Berlin Village Hall to consider a request by Madison Center, LLC to give a variance on the front yard setback, Lot 9, Windrow Subdivision. The address of this location is 200 and 202 Patton Avenue, New Berlin, Illinois.

**PLAN COMMISSION**

The Plan Commission will also review the Southwind Minor Subdivision and give a recommendation to the Village Board.

The meeting is open to the public and any interested party is invited to attend this meeting.

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