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John Myers
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NEW BERLIN ZONING BOARD OF APPEALS

September 26, 2004

The New Berlin Zoning Board of Appeals met on September 20, 2004 at 7:00 p.m.

Chairman Berry opened the meeting with the calling of the roll. Present were Chairman Berry, Members, Artie Hatfield, Roger Keyser, Ed Cantrall, Vince King and Marsha Sweet. Absent was Member Rhodes.

A motion was made by Member Hatfield and seconded by Member Keyser to waive the reading of the April 5, 2004 minutes. Motion carried on a voice vote.

OLD BUSINESS –

NEW BUSINESS – Dave Kemp, Mary Ann Kemp and Chris Campbell were present to request a special use permit for a body shop at 719 E. Illinois.

Chairman Berry explained there are two options to zoning members that the applicants could consider doing. First, would be to make application as a special permit use as a garage or filling station in the already zoned Commercial property. The second option is to request a re-zoning to Industrial Use..

The zoning members discussed the issue of meeting fire code, but as explained, this is a Village ordinance issue and would need to meet BOCA guidelines. After discussion, Member Sweet made the motion to approve the special permit use to the Body Shop. The motion was seconded by Member Keyser. Roll call was taken and passed with five members voting aye; one member being absent.

It is being noted that the final decision to issue the special use permit lies with the Zoning Board and does not have to be sent to the New Berlin Village Board for final approval.

The second item on the agenda to consider was the amendment to the zoning code of ordinance pertaining to the definition of a "Yard". This amendment pertains to the structure as being measured to the exterior wall without regard to the overhang of a roof.

The Members discussed making a recommendation to the New Berlin Village Board to include in the ordinance requiring the set back on eaves overhang being a specific number of feet. A motion was made by Member Hatfield to recommend to the Village Board to approve the Ordinance as " A yard is measured to the exterior wall of a structure, without regard to the overhang of a roof with the exception of when the overhang of a roof is within 3' of property line, then a yard is measured to the vertical edge of the overhang of a structure. Overhang in this situation is to include gutters". The intent of above motion is not to let the overhang of a structure encroach on or extend over the property line. When the structure is not encroaching on the property line the overhang

is not a concern. The motion was seconded by Member Cantrall. Roll call was taken and passed with four Ayes, 1 Nay, and 1 Absent.

The meeting was adjourned at 7:40 p.m. with a motion by Member Keyser and seconded by Member Cantrall. Motion carried.

Marsha Sweet

Recording Member

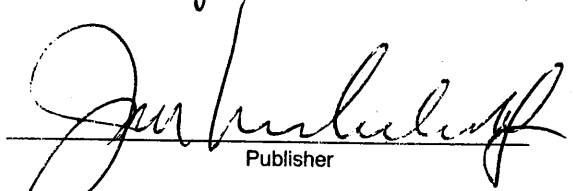
CERTIFICATE OF PUBLICATION IN THE NEW BERLIN BEE

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 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 13th day of August, A.D., 20 04 and the last said publication was on the 13th day of August, A.D., 20 04. 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.

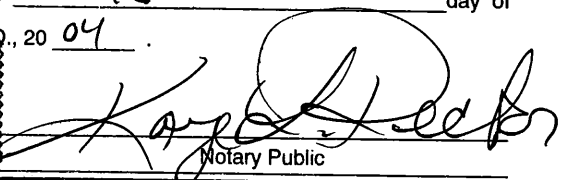
In Witness whereof the undersigned publisher as aforesaid has hereunto set his hand and seal on this 16th day of August, A.D., 20 04.



Publisher

Subscribed and sworn to before me this 16th day of August, A.D., 20 04.

OFFICIAL SEAL
KAYE L. RECTOR
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6-2-2005



Notary Public

Public Notice

The Zoning Board of Appeals of the Village of New Berlin will meet on Monday, Aug. 30, 2004 at 7 p.m. at the New Berlin Village Hall.
Two issues will be discussed:
1. Conditional use permit for 715 E. Illinois St. (Commercial Autobody and Paint Shop).
2. Structure point of reference for variances and setbacks.
All interested parties are welcome to attend this meeting.
Timothy Berry, Chairman
Zoning Board of Appeals
NB:8:13