

**TOWN OF NEWBURGH  
BOARD OF ZONING APPEALS  
MINUTES JULY 28, 2014**

**MEMBERS PRESENT:** Jim Moore; Leanna Hughes; Kris Setzekorn

**ADMINISTRATIVE PRESENT:** Anne Rust Aurand, Town Council Liaison; Lori Buehlman, Town Manager; Chris Wischer, Town Attorney

**CALL TO ORDER**

Mr. Moore called the meeting to order at 6:05 p.m.

**MINUTES**

Mrs. Setzekorn moved to adopt the minutes; Mrs. Hughes seconded the motion and it carried.

**REPORTS**

**Planning Commission**

Mrs. Aurand said the Town Council unanimously approved the rezoning petition for the Jim Seibert property, from C1 to R1.

**Zoning Administrator**

Ms. Buehlman said several permits have been issued. Coming up will be another rezoning petition. The Town Council is considering the possibility of hiring a part time Zoning Administrator. Members are reviewing the job description and the budget before deciding.

**UNFINISHED BUSINESS -- None**

**NEW BUSINESS**

**Conditional Use Application -- American Legion**

Ms. Buehlman presented the application for Conditional Use for the proposed electronic sign. She distributed copies of the application and the sign ordinance and copies of the mailing card to the six adjacent property owners. Mr. Wischer reviewed the application and ordinance requirements as a third party, as Ms. Buehlman is a member of the Legion. The sign ordinance and zoning ordinance was on hand for reference, Ms. Buehlman said.

Speaking for the Legion was Jim Bryan, 4299 Hilldale, Newburgh. He said the proposed electronic sign will meet the revised sign ordinance specifications. He said the new sign will look better and be safer than the old one. It will be used to advertise community events as well as Legion activities. It was endorsed as a means to inform the public of necessary information in case of a disaster.

Mr. Bryan added that the group is prepared to meet all zoning and sign ordinance requirements. The sign will not flash and it is not portable. It will be turned off at midnight.

Mr. Wischer added that the application appears to dimensionally meet the ordinance requirements.

Mrs. Hughes asked for the location of the proposed sign. Mr. Bryan said it will be located where the old sign is now, but will be higher off the ground, so as not to block traffic views.

Mr. Wischer reminded Mr. Bryan and the Commission that this sign must meet all the other sign ordinance requirements.

As a point of information, Mr. Wischer noted that since only three voting members are present tonight, in order for a vote to pass or fail, the vote must be unanimous. Any other voting configuration will send the measure to the next meeting for further consideration.

Mrs. Setzekorn moved to approve the Conditional Use Application. Mrs. Hughes seconded the motion and it carried with three ayes and 0 nay votes.

**PETITIONS AND COMMENTS FROM CITIZENS PRESENT**

Bruce Miller, Barrington Developments, presented preliminary information to the Commission about an upcoming application he will file for a setback variance for a new duplex he plans to construct in Copper Creek Subdivision C. He wanted to know if there were major concerns before he files the application. He

will ask to move the side yard setback at the hammerhead, as pictured on the plans he displayed. There is not structure to the left of the proposed building. There are also plans for a third building that will be identical to this one proposed.

Mr. Miller said the first building was constructed about 7 years ago, but he delayed further construction until a buyer is guaranteed for at least half of the duplex. He has a buyer for one, so he is ready to start building as soon as, and if, the variance is granted. Moving the footprint closer to the curb will set it a little farther from the creek, he said.

Mr. Miller said he will personally talk with adjacent property owners before the petition is presented.

Mr. Wischer said if he owns any of the adjacent property, he will need to go one property beyond in notifying owners. (He noted that Ms. Buehlman has never dealt with this issue.)

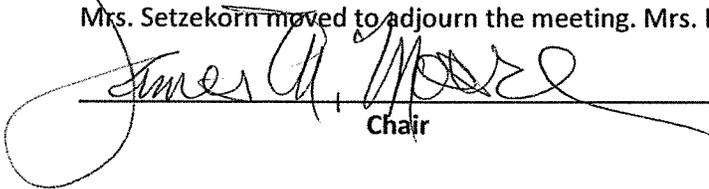
Mr. Miller will plan to submit the application and be ready for it to be on the August BZA meeting agenda.

#### **ANNOUNCEMENTS**

Mrs. Aurand said National Night Out is scheduled for August 5, 5-8 p.m., at the Old Lock and Dam Park. She also noted August 11 is the first day for Warrick County students for the new school year, so watch for school buses and children walking to and from schools.

#### **ADJOURN**

Mrs. Setzekorn moved to adjourn the meeting. Mrs. Hughes seconded and the motion carried.

  
Chair

  
Recorder