

**TOWN OF NEWBURGH  
BOARD OF ZONING APPEALS  
MINUTES MARCH 24, 2014**

**MEMBERS PRESENT:** Jim Moore; Damien Scheessele; Kris Setzekorn; Leanna Hughes  
**ADMINISTRATIVE PRESENT:** Lori Buehlman, Town Manager; Chris Wischer, Attorney; Anne Rust Aurand,  
Town Council Liaison

**CALL TO ORDER**

Mr. Moore called the meeting to order at 6:07 p.m.

**MINUTES**

Motion to accept minutes of December 16, 2013 by Mr. Scheessele. Second by Mrs. Hughes and motion carried.

**REPORTS**

**Planning Commission**

Mrs. Aurand said the proposed amendments to the Sign Ordinance were tabled by the Town Council until the first meeting of April.

**Staff**

Mr. Wischer gave an update on Harbour Pointe PUD. The final plats have been submitted and the land transfer has been approved by the Town Council of the empty lot. Zoning issues will have been resolved and the empty lot will belong to the town.

Mrs. Setzekorn asked about installing a plaque for the bank. Mrs. Hughes said plans are to name the area for Tom Bodkin.

Ms. Buehlman said several building permits have been issued.

**NEW BUSINESS**

**Conditional Use Permit application**

Ms. Buehlman said she has reviewed the petition with the Town Attorney. Jake Stocks, 108 Fairfax Drive is petitioning to operate a gun resale business from his home. Mr. Wischer said the petition is within the parameters of the Home Business Ordinance. The Board is only to consider whether or not the petition meets the ordinance requirements. Other agencies will get involved in permitting the sale of guns.

Mr. Stocks said most of his inventory will be housed at his place of work and shipping will be done from Post Net or from his place of business, not the home address. He also assured the board that there will be no walk in clients or in-person transactions there. He only will sell to wholesalers or gun dealers. State and federal agencies oversee permits.

Mr. Stocks signed an affidavit stating he mailed eight notices of his petition to his neighbors. None of the green cards from the mailings have been returned. Mr. Wischer said the instructions allow either the green cards or the signed affidavit.

Board members voiced concern about being sure neighbors were notified of the meeting and not knowing for sure without the green cards from the Post Office.

Members voiced concerns about delivery trucks, expanding the business (adding employees) and whether or not the conditional use goes with the property. Mr. Wischer said the board can impose any number of restrictions on the permit, but once it is in effect, it cannot be rescinded. Any changes he might make would be outside the scope of the permit.

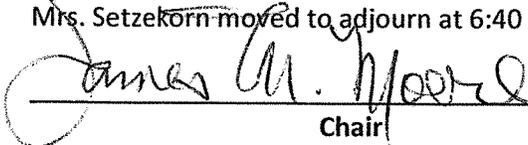
Mr. Wischer said it is appropriate for the board to table final consideration for any reason chosen.

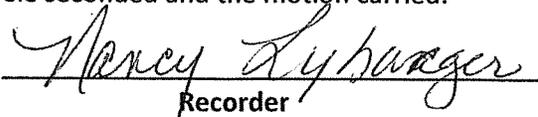
Mrs. Setzekorn moved to table the matter until Mr. Stocks can provide proof that his neighbors have been notified of the petition. Mrs. Hughes seconded the motion and it unanimously carried. Mr. Wischer noted that notice of a special meeting must be filed and posted 48 hours ahead of such a meeting.

Mr. Wischer will email his suggested restrictions to the board.

**ADJOURN**

Mrs. Setzekorn moved to adjourn at 6:40 p.m. Mr. Scheessele seconded and the motion carried.

  
Chair

  
Recorder