

**TOWN OF NEWBURGH  
BOARD OF ZONING APPEALS  
MINUTES MAY 5, 2014**

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

**CALL TO ORDER**

Mr. Moore called the meeting to order at 6:30 p.m.

**MINUTES**

Motion to adopt by Mrs. Hughes; second by Mr. Scheessele. Approved.

**REPORTS**

**Planning Commission**

Mrs. Aurand said Matt Pressley, who lives on Adams St., has been named to the Planning Commission to fill the term of David Rice, who moved out of town limits.

The sign ordinance regarding electronic signs was amended to increase the space between signs from 200 feet to 400 feet, as per the Town Council's recommendation. That motion passed 5-2 and goes back to the Town Council for consideration. The application to rezone 5 E. Jennings to R1 from C1 was approved and moves to the Town Council.

**UNFINISHED BUSINESS**

**Conditional Use Petition Jake Stocks, 108 Fairfax Dr. for a home business**

Mr. Wischer said the notice requirements have been met, which was the reason the petition was tabled at an earlier meeting. He informed the board that all proposed restrictions on the permit should be listed within the motion.

His recommended restrictions included: no in-person sales; no deliveries to the home; no shipping from the premises; no employees on site; limit the permit to the current owner (The permit would expire if he moves from the house. No third person permit).

Mr. Stocks said the gun business would be all internet transactions and all shipping would be either through his work or from Post Net. He said he is comfortable with the restrictions.

The reason he seeks the Conditional Use is that the federal firearms authority (ATF) requires his internet business be tied to a physical address. He operated his business from his home in Daviess County, Kentucky before he moved to Newburgh. He said he has maintained compliance for the past six years. The ATF is familiar with his operation and he has a gun safe in his house to store the weapons until they sell and are shipped.

Motion to approve the Conditional Use petition with the restrictions above was made by Mr. Scheessele. Mrs. Hughes seconded the motion.

There was discussion among the board as to the safety of this particular home occupation. Mr. Stocks said the business would not be obvious to anyone outside the home.

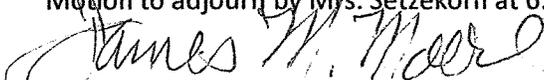
Mr. Wischer explained that the vote must be three ayes to approve, three nays to deny. Two-two would be a tie and require the matter be considered again at another meeting. The vote was three nays and one aye. The motion failed. Mr. Scheessele was the only aye.

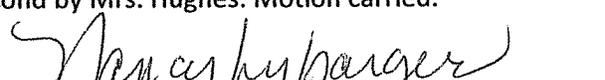
**OTHER BUSINESS/DISCUSSION**

Mrs. Hughes asked that the green cards from the post office used to prove notice has been mailed to adjacent property owners be copied and distributed to the board along with a copy of the petition. Also, the petitioner should be informed that obtaining the green receipt cards will be a requirement.

**ADJOURN**

Motion to adjourn by Mrs. Setzekorn at 6:45 p.m. Second by Mrs. Hughes. Motion carried.

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Recorder