

**TOWN OF NEWBURGH
BOARD OF ZONING APPEALS
DECEMBER 16, 2013 MINUTES**

MEMBERS PRESENT: Jim Moore; Leanna Hughes; Damien Scheessele

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 6:05 p.m.

MINUTES

Mr. Scheessele moved to accept the October 28, 2013 meeting minutes. Mr. Moore seconded the motion and it carried.

REPORTS

Planning Commission

Ms. Buehlman said the Commission is considering revisions to the sign ordinance to allow certain electronic signs in certain parts of town. Mr. Moore said the Commission has also discussed banners. He said Head to Toe Spa has repeatedly ignored the ordinance restricting the use of banners. An old banner came down last week and a new one was hung on the building this week. Mrs. Hughes asked if, by the ordinance, is there not a 30-day period between banners? Ms. Buehlman said the town may need to send the business a letter regarding the ordinance. Mr. Moore said the town should either enforce the ordinance for every business, or forget it.

Mr. Wischer said the ordinance includes fines for those who do not follow it. Mr. Scheessele said he doesn't see that in the sign ordinance. There is a catchall portion of the ordinance, not specifically naming banners, Mr. Wischer said, in the zoning ordinance. Not paying fines would result in liens being placed on the business owners' properties.

Ms. Buehlman said she has previously sent letters, left messages and talked to the business owner, trying to work with them. She said she wants to be sure she has done everything possible before sending a violation letter. She and Mr. Wischer will work on the letter, but if it is sent, be prepared to enforce it, she said.

NEW BUSINESS

Variance Request for Setbacks for a garage at 411 W. Jennings Street

The property owners wish to extend the new garage to the east 6 to 8 feet beyond the original garage's footprint. The alley and the rear line of the garage also need setbacks, Ms. Buehlman said. The garage will sit too close to the property lines to meet code, she noted. The proposed extension is in their yard and will not infringe on any neighbors.

Mr. Wischer said neither the existing garage, nor the new garage will meet existing code.

Ms. Buehlman said the fees have been paid and the hearing publicized. Neighbors have been notified and no one is present to remonstrate.

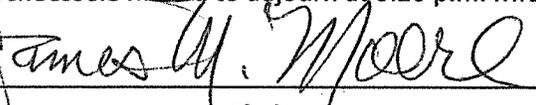
Greg Wright, 411 W. Jennings Street, appeared to voice the petition and answer questions. Mr. Scheessele asked if the new garage will look similar to the one standing. Mr. Wright said the new building will have a 2-car door instead of the two separate doors in the current building. There will be a

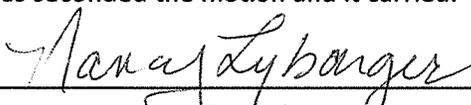
small door on the new garage, too. It will not be much higher than the current structure, Mr. Wright said, as the ordinance restricts height to 14 feet.

Mrs. Hughes moved to grant the variance petition for the setbacks at 411 W. Jennings Street. Mr. Scheessele seconded the motion and it carried.

ADJOURN

Mr. Scheessele moved to adjourn at 6:20 p.m. Mrs. Hughes seconded the motion and it carried.


Chair


Recorder