

TOWN OF MICHIANA SHORES
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July 9, 2020

Meeting Minutes from Fourth Meeting of 2020

The Meeting was called to order at 7:14 pm. CST by President Mr. Bowen. The following statement was made by Mr. Bowen in relation to Indiana State Order 20-09:

Indiana Governor Eric Holcomb issued a series of Executive Orders which, among other things, declared a public health emergency and suspended various state statutes. On March 18, 2020, Town Officials were notified that the Michiana Shores Fire Station and Public Meeting Room were closed to the Public by order of the Chief of the Michiana Shores Fire Department. On March 23, 2020, the Governor issued Executive Order 20-09 which specifically addressed public meetings and the Indiana Open Door Law. The Executive Order along with the opinion and Guidance issued by the Indiana Public Access Counselor allowed for meetings to be held by videoconference or teleconference. This allowance remains in effect for the duration of the public health emergency that was declared in Executive Order 20-02. Thus, this allowance was in effect on the night of July 9, 2020. The meeting described herein was attended in person and in accordance with these laws.

The Michiana Shores Public Meeting Room was equipped with a sign-in sheet, disposable masks and hand sanitizer. All those in attendance wore masks.

Roll was taken by Mr. Bowen: Mario Jobbe, Member, (in person)
Jeanne Paxton, Member (in person)
Bob Hall, Member (in person)
Matt Bowen, Member (in person)
Ralph Box, Member (in person)
Joan Lewis, Clerk Treasurer (in person)

A quorum was announced.

The July 2, 2020 Meeting Minutes were accepted with corrections.

Old Business: Case 001-2020 Box was reviewed. Mr. Bowen checked the file and stated what paperwork was contained therein. All was included except for the Trust agreement testifying to ownership of the property. The applicant was notified of this requirement.

Case 002-2020 Shanahan was reviewed. Mr. Bowen checked the file and stated what paperwork was contained therein: it was found to be incomplete.

Case 003-2020 Willey was reviewed. Mr. Bowen checked the file and stated what paperwork was contained therein: File was not complete. Mr. Bowen said that he would

contact the owner and specify the missing paperwork that needed to be supplied in order for the case to proceed.

New Business:

Mr. Bowen passed out blue folders to each BZA Member. These folders (Attachment A) contained the following: Special Use Summary (Page 1 and 2), Commitment Page (Pages 1,2 and 3), Town Ordinance 2020-02 (STR) (pages 1-5), Rules of Practice and Procedure (Pages 1-6) and Fact Finding Sheet (Pages 1 and 2), and lastly, the Special Exemptions Sheet.

Mr. Bowen instructed the BZA that the language used in our meetings and paperwork needs to be specific and correct. He instructed that the term Special Use needs to be used in conjunction with our work moving forward and that the term “variance” is incorrect and should not be used. With that said, the BZA reviewed the blue folder and made corrections to each Town form. Jeanne Paxton said that she would correct these and for the members to bring their folders back to the next meeting and the folders would be redone. It was also stated that the Corrections Form was still not complete as it does not contain any edits or review from Attorney Gunning and also incomplete were the forms for Interested Party Notification and BZA Hearing Publication in the News Dispatch.

Joan Lewis then passed out the STR Application packet so that each BZA Member would have a copy in their blue folder (Attachment B). Joan Lewis also passed out a form entitled “Steps to a Short Term Rental Permit” authored by Town Council Member Mike Lancioni, to be included in each member’s Blue Folder(Attachment C). Mr. Bowen said that “Steps to a short Term Rental Permit” was also on the Town website.

Ralph Box talked about Airbnb and said that through that rental portal, taxes were taken out of owner’s revenue: and that this point was not considered in the Town Ordinance 2020-02.

Mr. Bowen stressed that the BZA should not have any detailed conversations about BZA matters outside of our meetings and that legal counsel would cover the meeting proceedings but not any private conversation by individual members. Mr. Bowen stressed for each member to be careful about what each member says. Mr. Bowen again reminded members not to use the term Variance and to use the term Special Use.

Mr. Bowen then passed out a map of Michiana Shores from the Beacon/Schneider website (Attachment D). Mr. Bowen instructed for each member to identify each applicant’s location, and review in person, anything that could be problematic in granting special use: location of large dead trees, obstructions, fire hydrants, etc.

Joan Lewis suggested that the BZA consider asking the applicant for documentation on the capacity of their septic system, to ensure that it is sufficient for the number of renters they may have at one time (up to 10). Bob Hall concurred, saying that he would like to see that due to the saturation from the septic systems. Joan Lewis said that this point may particularly important with older homes and homes which are on smaller, 40 foot lots.

Mr. Bowen then started review of Case 004-2020 Abrahamson: he checked the file for all necessary paperwork: request and payment were present. Legal description, home

inspection report, retail merchant certificate and detailed drawing showing structures and parking were all needed. Mr. Bowen stated that he would reach out to applicant.

(At this time a conversation regarding the flow of paperwork took place. The initial paperwork would come to Mr. Bowen and Clerk Treasurer Joan Lewis, then through them to Jeanne Paxton, Secretary. Case files will be held by both Jeanne Paxton and Joan Lewis. Jeanne Paxton will refer to her folders as the Yellow case folders from this point forward.

Mr. Bowen then started the review of Case 005-2020 Michigan Chalet Rentals LLC. Payment was received. Needed for completion is formal request; home inspection, detailed drawing showing structures and parking, retail merchant certificate. Mr. Bowen said that he would reach out to the applicant and inform them of missing information.

(Bob Hall then asked about the idea of Parking: Should the easement be considered parking area? Mr. Bowen stated that many houses do have an easement area as their only parking but driving up into the yard or a grassy knoll should not be considered parking: Mr. Bowen also reminded that the applicant must draw what they consider their parking as part of the application and that we will review)

Mr. Bowen then reviewed Case 006-2020 Bar. He stated that permit application, drawing of structures and parking, picture of the home and home inspection were all present. Needed are retail merchant certificate and legal description. Mr. Bowen said he would contact the applicant and tell them what was needed.

Mr. Bowen then reviewed Case 007-2020 Marshal: Payment and legal description are present; Needed are the Retail Merchant Certificate, detailed drawing on structures and parking and a home inspection report.

Joan Lewis stated that the applicants need to produce the missing items to the BZA 5 days before the scheduled hearing.

It was concluded that because of the requirement of a certain number of days specified by law, before a hearing for notification of interested parties and newspaper publication, that all legal information was needed by Attorney Gunning by July 16, 2020, in order for the BZA to proceed as planned as follows:

The mailings to interested parties for the first three cases need to be made by July 21, 2020. Included in this mailing will be notification (which needs to be developed by Attorney Gunning) and commitment sheet (which needs to be approved and/or edited by Attorney Gunning).

Hearing Dates for Cases 001-2020, 002-2020 and 003-2020 will be held on August 6, 2020 (dependent on above complete tasks by Attorney Gunning).

A procedural BZA Meeting will take place on July 23, 2020 at 7 pm CST in the Town Community Room. Mr. Bowen started to describe the procedure of the hearings (Hearings will be held on a case by case basis in the Meeting Room with only those pertinent to that case present, in view of the Health emergency in effect); a volunteer will

go out to the parking lot and escort the parties into the meeting room, but said that this information will be confirmed on July 23, 2020.

Ralph Box complimented Mr. Bowen on the organization of the paperwork.

Mr. Bowen asked for a motion to adjourn: a motion was made by Mario Jobbe, second by Ralph Box: Jobbe: Aye, Box; Aye; Hall: Aye; Paxton: Aye; Bowen: Aye.

The meeting was adjourned at 8:58 pm CST.