

TOWN OF MICHIANA SHORES
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July 30, 2020

Minutes from the BZA Meeting

The meeting was called to order at 7:10pm CST, by President Matt Bowen: The following statement was made by President Matt Bowen in relation to Indiana 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 30, 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 President Matt Bowen:

Ralph Box (member) in person
Bob Hall (member) in person
Mario Jobbe (member) in person
Jeanne Paxton (member) in person
Matt Bowen (member) in person
Joan Lewis (clerk treasurer) in person

(BZA Attorney Gunning was not present at this meeting)

A Quorum was announced.

The July 9, 2020 Minutes were distributed and each member reviewed them. Clerk Treasurer Joan Lewis noted that the attachments mentioned in the minutes were not attached. Secretary Jeanne Paxton stated that they would all be attached at the end of the meeting and the original accepted minutes with all attachments, would be given for the office file. BZA Member Ralph Box noted that the minutes stated that the July 23, 2020 Meeting would take place however this meeting had been postponed to July 30, 2020. President Matt Bowen called for a vote to accept the July 9, 2020 minutes: Vice President Mario Jobbe made a motion to accept; BZA Member Ralph Box accepted; all were in favor of acceptance. Minutes were accepted.

Old Business: President Matt Bowen asked if there were any questions with regard to Old Business. BZA Member Bob Hall mentioned the Blue Folders that were passed out by President Matt Bowen on July 9, 2020 and asked about the incorrect paperwork therein. President Matt Bowen and Secretary Jeanne Paxton both stated that the corrections were made and the corrected paperwork was passed out to each bza member and Clerk Treasurer Joan Lewis: This included The Special Use Summary (attachment A), Statement of Commitments (attachment b) (waiting for further input from Attorney Gunning) and the Special Use Fact Finding Worksheet (attachment c).

New Business: President Matt Bowen then stated that due to Covid 19 concerns and regulations, that we will be following the Laporte County Health Department guidelines. A police officer will be hired to attend the BZA STR hearings.

Clerk Treasurer Joan Lewis mentioned the use of the truck bay of the Firehouse for the hearings. The physical arrangement of this area was discussed briefly. Clerk Treasurer Joan Lewis mentioned obtaining an infrared thermometer for use at the hearings. President Matt Bowen asked for a vote to move the hearings to the truck bay in the Firehouse: Secretary Jeanne Paxton made a motion, Vice President Mario Jobbe second, all were in favor: the motion carried. Secretary Joan Lewis then reiterated that the Laporte County Board of Health was the enforcement agency for the Covid 19 Regulations.

The Special Use Summary Sheet was discussed. BZA Member Ralph Box questioned if the Summaries needed to be filled out by each BZA Member. It was decided that the BZA Secretary would fill in each form and distribute to the BZA Members for their use at the hearings. Cases 001-2020 ,002-2020 and 003-2020 were again quickly reviewed. BZA Member Ralph Box mentioned that Shanahan and Willey were not complete at our last meeting: the files were reopened and reviewed. After much review, Shanahan was found to be complete. The Willey file was reopened: Vice President Mario Jobbe mentioned Cases 004-2020-005-2020 and 006-2020. Bowen and Hall mentioned that those would be addressed after our first hearings. Adequate parking was mentioned by Vice President Mario Jobbe and BZA Member Ralph Box for the Willey property. The Willey inspection report was located and was dated July 15, 2020. The first three files were deemed complete.

President Matt Bowen then said he would have liked to do a Mock Hearing but Attorney Gunning had painstakingly developed “Step by Step Guidance for Michiana Shores Board of Zoning Appeals.”

It was decided that the files would be reviewed for completion by the BZA secretary and do not have to be reviewed publically for completion.

The option of Zoom and Skype was discussed for the hearings. In the past, Beth Jobbe had helped with technology but was unable to access Zoom sufficiently. President Matt Bowen asked Secretary Jeanne Paxton if she could look into the Zoom possibility. She said that she would consider it.

BZA Member Ralph Box asked if any paperwork from the hearings was taken home by each member : President Matt Bowen and Clerk Treasurer Joan Lewis stated that the Fact Finding Worksheet will be done as a group and will remain in the files. The summaries can be taken away in case each member may receive questions after the hearings and could refer to these.

The Step by Step Guidance for Michiana Shores Board of Zoning Appeals Sheet was passed out and reviewed. (attachment d). The document was written by Attorney Gunning. The Step by Step Guidance was read and President Matt Bowen instructed the members on the flow of the meeting. He stressed that following correct procedure was as important as the outcome.

BZA Member Bob Hall asked if the Home Inspections guarantee the home is guarantee for safe rental. Clerk Treasurer Joan Lewis mentioned that all BZA should read the home inspections of the applicants. BZA Member Ralph Box stated that the home inspections guarantee certain very important items for integrity. President Matt Bowen mentioned that there is no way the BZA can guarantee everything with relation to the houses and that we must rely on the Inspection report. If there are obvious issues found on each BZA Members separate inspections, then those need to be addressed in the hearing.

BZA Member Bob Hall mentioned the Commitment Sheet and how important the signing of this sheet was to this whole process. President Matt Bowen said we are waiting for final review by Attorney Gunning. The permit will not be given without the commitment signature and that this will be done through the Town Council.

The Finding of Fact worksheet was reviewed.

BZA Member Bob Hall asked that if there was one No vote, would the case still pass. President Matt Bowen said Yes but those comments and reason for the No vote would be documented on the Finding of Fact sheet. And Clerk Treasurer Joan Lewis said that the paperwork would be filed at the Laporte County Records Office.

President Matt Bowen then reviewed the voting process. He asked for questions and concerns. BZA Member Ralph Box said he was still unsure of the exact process and felt that the Step by Step Guidance sheet jumped around. President Matt Bowen confirmed that the Step by Step Process was just a guide.

Clerk Treasurer Joan Lewis mentioned that approval was not guaranteed. President Matt Bowen agreed.

Clerk Treasurer Joan Lewis asked if we would look at the next four files. President Matt Bowen said No: that these would be reviewed later and not in a meeting.

President Matt Bowen then announced that the next meeting will be August 6, 2020 at 7 pm CST: with Case 001-2020, 002-202 and 003-2020 to be heard . He asked if members would arrive at least 10 minutes before meeting time.

BZA Member Ralph Box asked if any other applications were filed with Clerk Treasurer Joan Lewis. Clerk Treasurer Joan Lewis said there was one more but the paperwork was incomplete.

President Matt Bowen asked for a motion to adjourn. Vice President Mario Jobbe made a motion, BZA Member Bob Hall second, all were in favor. Meeting was adjourned at 8:55 pm CST.

