

TOWN OF MICHIANA SHORES
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April 1, 2021

BZA Minutes from the in-person meeting

The meeting was called to order at 7:04 pm CST.

Roll was called: Ralph Box, Member, present
Mario Jobbe, Vice President, present
Bob Hall, Member, absent
Jeanne Paxton, Secretary, present
Matt Bowen, President, present

President Matt Bowen also noted that Deborah Chubb, Town Code Enforcement Officer was present as well as Clerk Treasurer Joan Lewis. Officer Radke was also present, standing by the entrance and taking temperatures to all who entered.

A quorum was announced.

President Matt Bowen then made the following statement 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 the Public Meeting Room were closed to the Public by the 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 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 April 1, 2021. The meeting herein was attended in person and was held in accordance with these laws.

The meeting room was equipped with hand sanitizer, disposable masks, a sign in sheet and anti-bacterial wipes. All attendees were socially distanced. Officer Radke took the temperature of all attendees.

President Matt Bowen then stated that masks had to be worn at all times. He also asked if everyone had their temperature taken (yes). He also said that BZA rules of procedure will govern the meeting: disorder or disruption may result in ejection. Members of the public should address their questions to the chair and speak only when it is their time. All comments should be directed to the chair. No personal attacks will be tolerated. No giggling, smirking or rolling of eyes.

The February 25, 2021 Meeting minutes were reviewed and unanimously approved.

President Matt Bowen then said that the terms applicant/ petitioner and application and petition would be used interchangeably.

President Matt Bowen then asked for a motion to move Old Business to the end of the meeting. It was unanimously approved.

Petition number 0014- 2021, 3809 Manawa was then called by President Matt Bowen. President Matt Bowen asked Secretary Jeanne Paxton if the file was complete: Secretary Jeanne Paxton said that it was complete. Secretary Jeanne Paxton read the Public Notification. Taylor Lindstrom, the petitioner, was sworn in by Clerk Treasurer Joan Lewis.

Taylor Lindstrom began her opening statement: She had owned the cottage for 28 years and said it was used for family and friends. She recently moved here locally and wanted to start renting the cottage. She also stated that she was a full time Real estate broker. She stated her wish to keep the cottage for her children and wanted the Grant of Special Use to rent it. She also apologized for not attending the February 25, 2021 meeting but she had thought it was on Zoom.

President Matt Bowen then asked for letters of remonstrations or rebuttals and letters of support: there were none.

President Matt Bowen then asked the BZA for questions. Secretary Jeanne Paxton then asked Taylor Lindstrom to confirm the parking design: that one spot was perpendicular to Manawa, two were parallel to Manawa, along the roadside: Taylor Lindstrom confirmed this was the parking design.

Secretary Jeanne Paxton also asked Taylor Lindstrom if she knew the size of her property. She did not but it was stated that it is 50' by 110' deep by Secretary Jeanne Paxton.

Member Ralph Box asked about the occupancy: Taylor Lindstrom stated that there were three bedrooms: the occupancy of 8 was confirmed.

Taylor Lindstrom then asked if the Grant of Special Use ran with the land if the house was sold: Ralph Box said no that it had to be reapplied for.

Secretary Jeanne Paxton asked Taylor Lindstrom if she was legally allowed to act on behalf of Mr. Bears Cottage LLC: she confirmed she was.

President Matt Bowen then asked if there were any more questions. There were none. Time was taken for each member to fill out Finding of Fact. President Matt Bowen then asked for a vote: Member Ralph Box: Yes, Vice President Mario Jobbe: Yes, Secretary Jeanne Paxton: No; President Matt Bowen, Yes. Special Use was granted. (attachment a)

Clerk Treasurer Joan Lewis then took the petitioner aside and administered the Commitments.

President Matt Bowen then called for Petition 008-2020, Claire Bach, Ducey Family LLC, to come forward. The Public Notification was read by Secretary Jeanne Paxton.

Mary Lohrmann was sworn in by Clerk Treasurer Joan Lewis.

Mary Lohrmann made her opening statement: The Ducey Family requested a Special Use Grant for their home: **10 Powhatan**. 10 Powhatan was conveyed to the four sisters of Ducey Family LLC by their father upon his death. The late Mr. Ducey formerly owned 10 Pokagon but sold and purchased 10 Powhatan so all his family could have a place to gather in the summer. Mary Lohrmann stated that they have always been good neighbors and good members of the community. She stated the wish of her father for the home to remain in the family. She said upon the death and transfer from Mr. Ducey, that the family used the cottage most of the time but rented it out occasionally to people they knew to offset the financial burden associated with the property. She mentioned in 20 years they have had no complaints; she mentioned the report in their file by Chief Sulkowski confirming this. She also mentioned their comprehensive home inspection, also in their file. She concluded that as good neighbors, they were requesting a Special Use Grant.

President Matt Bowen asked if the Petition was complete: Secretary Jeanne Paxton confirmed yes. Secretary Jeanne Paxton then read the Public Notification.

Secretary Jeanne Paxton then asked about the missing pages on the Inspection Report: Mary Lohrmann said that these pages were redundant because they were picture pages of items already mentioned in the report. Secretary Jeanne Paxton accepted this since the last page of the report in the file was noted as Final Comments.

Member Ralph Box asked about the occupancy not mentioned in the Inspection. He also confirmed that there were 6 bedrooms in the house: Mary Lohrmann agreed that there were 6 bedrooms. Ralph Box then said that the maximum occupancy allowed is 10.

Secretary Jeanne Paxton stated that the Occupancy limit was in effect by law and that this limit could not be changed by the BZA.

Mary Lohrmann acknowledged this and the petition continued.

President Matt Bowen asked for remonstrations or letters or statements of support. Sharon Kadlec then stood, came forward and was sworn in by Clerk Treasurer Joan Lewis.

Sharon Kadlec stated she was coming to the BZA respectfully to remonstrate against the granting of Special use for 10 Powhatan. She stated she resided at 12 Powhatan and had lived there for 1 ½ years. She then read her letter of remonstrations. (attachment b) Sharon Kadlec also distributed copies of pictures she had taken of an elevation difference with regard to a basketball court at 10 Powhatan. (attachment c) She stated that this elevation difference along with a gap along the fence line, made it a dangerous hazard if someone fell.

Secretary Jeanne Paxton, while looking at the pictures of the fence, asked Sharon Kadlec to explain the gap situation and show her where the problem lies. The area was confirmed and Secretary Jeanne Paxton then understood.

President Matt Bowen then asked Sharon Kadlec to step back and Mary Lohrmann to come forward for rebuttal. She stated that the June 12, 13 and 14th. 2020 noise incident indicated by Sharon Kadlec on her letter, was family: that the Ducey family is a large (18 member) noisy family. She also said that in 20 years, they had never had an accident with the gap around the fence, that the only thing that happened is that the basketball would fly over into the neighbor's yard from time to time. She stated that the property was fully insured.

Mary Lohrman also said they would advertise the occupancy as 10.

President Matt Bowen also said to Sharon Kadlec, as part of the Granting of Special Use, the applicant would have to sign a Commitment Letter with Conditions that must be adhered. President Matt Bowen asked Mary Lohrmann if the inspection mentioned anything with regard to the block walls around the basketball court: Mary Lohrmann said no, that the Inspection only pertained to the home.

Secretary Jeanne Paxton asked if a situation would arise with a tenant, how would they contact the Ducey family: Mary Lohrmann stated that the family would employ a property manager for the home. Secretary Jeanne Paxton told Sharon Kadlec that the only thing that she could do if she had a complaint is to report it to the police. Sharon Kadlec again stated her worry about people falling on the property.

Secretary Jeanne Paxton confirmed that Mary Lohrman had the full legal right to act on behalf of the Ducey Family LLC: Mary Lohrmann said she had that right.

President Matt Bowen emphasized the legal occupancy limit of 10. He also suggested that the Ducey family do something to fix the wall issue: that he sustained a bad fall as a youth.

President Matt Bowen then asked the BZA to take time and fill out the Finding of Fact: after a few minutes he asked for a vote: Member Ralph Box: yes; Vice President Mario Jobbe: Yes; Secretary Jeanne Paxton, yes; President Matt Bowen, Yes: Special Use was granted. (attachment d)

President Matt Bowen then called for Petition 0013-2021, 3848 Academy Drive, Claudia Langman. President Matt Bowen asked if the file was complete: Secretary Jeanne Paxton stated that it was. Claudia Langman was administered the oath by Clerk Treasurer Joan Lewis and was sworn in. Secretary Jeanne Paxton then read the Public Notification.

Claudia Langman began that instead of an opening statement that the BZA should begin by telling the BZA to begin with questions.

Secretary Jeanne Paxton then confirmed that the request for Special Use was for the little red cottage on the property. Claudia Langman confirmed this to be true. Claudia Langman then described the other house in the back as the gray house and that this was **3901 Chippewa**, a house they had built on a separate parcel.

Secretary Jeanne Paxton read from page 17, paragraph 3, first sentence: In 2004, the northern portion of the 6.28 acre site occupied by the riding stable was rezoned residential.

Secretary Jeanne Paxton then asked about the history of tenancy of the red cottage. She asked if Mr. Turner, as a previous owner, resided in the cottage: Claudia Langman said she thought so. Secretary Jeanne Paxton then asked if Mr. Norton and subsequently, Bonnie, resided in the cottage when they owned it: Claudia Langman said she wasn't sure that they lived there full time when they owned it. Secretary Jeanne Paxton also said that the purchase from Mr. Norton to Bonnie was on a land contract.

Member Ralph Box said the address of the property is oblique: would the police know where to go if an emergency occurred. Claudia Langman said the cottage had been there since the 1940's and that it was never an issue: the cottage was always referred to as the Red Cottage or the little Red cottage and everyone knew where it was. Claudia Langman said that it had an interesting history as a Merchant structure. She also stated that the other residents on the property were numbered: that apartments 1 and 2 were numbered and that apartment 3 was numbered. Secretary Jeanne Paxton then asked if any part of the property was her primary residence. Claudia Langman stated no but that at one time she lived in apartment 3.

Secretary Jeanne Paxton then asked if Claudia Langman would be so inclined to take it upon herself and secure a separate address for 3848 Academy. Claudia Langman said that she had a surveyor coming out next week and that she would look into it. President Matt Bowen emphasized how helpful this step would be for the BZA.

Member Ralph Box then asked Secretary Jeanne Paxton if there was a Home Inspection in the file. Secretary Jeanne Paxton confirmed yes and proceeded to give the file to Member Ralph Box to review. After some minutes, Member Ralph Box said he didn't find it and Secretary Jeanne Paxton said it was a one page inspection and that it was in file.

President Matt Bowen then suggested we make a motion to continue; that either the petitioner would resurvey the property and get a separate address for the red cottage or the BZA would have to consult legal in order to deal with the petition. Secretary Jeanne Paxton made a motion to continue; it was unanimous: the petition would continue. (attachment e)

President Matt Bowen then asked for Old Business: Clerk Treasurer Joan Lewis stated she did not have the time to write the resolution to increase the BZA fee from \$150 to \$250 but would do so. Officer Radke was dismissed by President Matt Bowen at 8:40 pm CST. President Matt Bowen then asked Enforcement Officer Deb Chubb what cases were in the pipeline: she mentioned 317 Groveland, 3854 Birchwood, 3843 Birchwood, 8 Angle. President Matt Bowen then set the next BZA Meeting for May 20, 2021, 7 pm CST. The meeting was adjourned at 8:47 pm CST.

(Attachment f sign in sheet)

Jeanne Paxton, Secretary

Matt Bowen, President