

TOWN OF MICHIANA SHORES
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BOARD OF ZONING APPEALS

Meeting Minutes from Second Meeting of 2020: June 25, 2020

The Meeting was called to order at 7:07 pm by Mr. Bowen, BZA President.

In accordance with Executive Order 20-09 of the Governor of Indiana (pertaining to Covid 19), participation in the meeting was both in person and virtual. In person guidelines were followed with masks, social distancing, disinfectants and questionnaire relating to exposure of virus.

Roll was called by Mr. Bowen

Ralph Box (virtual)
Mario Jobbe (in person)
Jeanne Paxton (virtual)
Bob Hall (in person)
Matt Bowen (in person)
BZA Attorney Jeffrey Gunning (virtual)
Clerk Treasurer Joan Lewis (in person)

Also present were Roxanne Martino (19 Angle), Joe and Jennifer Shanahan (325 Oakland) from Michiana Shores, In.

A quorum was announced.

Approval of minutes: Attorney Gunning made corrections which were incorporated into the final draft of the June 11, 2020 meeting.

Attorney Gunning stated according to Executive Order 20-09, when members are attending virtually, the vote must be done by Roll.

The vote was taken and minutes were approved to accept the June 11, 2020 minutes with corrections.

Old Business: Mr. Bowen then asked Attorney Gunning to read and explain the New STR: "Rules of Practice and Procedure, Board of Zoning Appeals, Town of Michiana Shores, Indiana. Attorney Gunning then proceeded line by line to read and explain the Rules. (Attachment A).

Attorney Gunning's highlights included the following:

Explanation between the terms applicant and petitioner. (use of words should correlate to State's use of same)

He again emphasized the Interested Party rules pertaining to notification. He stated that the BZA can set specific interested party requirements based on individual properties. He stated that the BZA must conform to rules but NOT necessarily to precedents and that each case is based on its own merits.

He warned that when inspecting each property, the BZA must not assemble as a quorum, according to the Open Door Law.

He also said that at the scheduling of hearings by the BZA, the BZA needs to determine the interested properties for that particular property.

Attorney Gunning then referred to various provisions in Town Ordinance 2020-02.

Mr. Bowen then asked the public for comment. Mr. and Mrs. Shanahan asked where they stood on their application. They also asked if there was an ordinance in place preventing them to rent presently. Mr. Bowen briefly explained the process of the BZA as it related to the new STR 2020-02. Mr. Bowen recommended the Shanahan's talk to the Planning Committee. Joan Lewis confirmed that there was indeed a present ordinance that prevented short term rentals. The Shanahan's questioned the lag time between their filing in early May and asked why it is taking so long to get the Special Use permit. They asked when the Ordinance was approved. Joan Lewis stated that it was approved by the Town Council on April 14, 2020 and published to the website on April 30,2020.

Comments from Ms. Martino included the reminder that it is a short rental season and that owners are losing income.

Mr. Bowen explained that until the BZA established the correct legal procedures, the BZA could not give a firm time line on the hearings.

Marion Jobbe made a motion to adjoin the meeting; Bob Hall second it; the vote to adjoin was called and all were in favor. Mr. Bowen thanked BZA Attorney Gunning. Mr. Bowen adjoined at 9:40 pm.

Attachment A (Rules and Procedures)

Attachment B (Sign in sheet)

Approved: _____