

**TOWN OF MICHIANA SHORES**  
**601 El Portal Drive**  
**Michiana Shores, Indiana 46360**  
**Office (219) 874-3193 Fax (219) 874-3770**  
**August 6, 2020**

**Minutes from the BZA Meeting**

**The Meeting was called to order at 7:05 pm CST.**

**President Matt Bowen indicated that the Pledge of Allegiance would not be said.**

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

**Building Commissioner Steve Thomas was asked to attend but was not present.**

**The following statement was made by President Matt Bowen:**

**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 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 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 is in effect tonight, August 6, 2020 and this meeting will be held in accordance with these laws and the laws of the Laporte County Health Department.**

**The Michiana Shores Public Meeting Room was equipped with a sign-in sheet for attendees and remonstrators, disposable masks and hand sanitizer. The room was arranged with all attendees and members spaced according to health guidelines. All in attendances wore masks except for remonstrator Reid Farrell, who wore a modified mask due to health issues. Temperatures were taken by Sargent Radke as attendees entered the building.**

**President Bowen then explained that during the hearing the words Petition / Application and Petitioner/Applicant would be used interchangeably.**

**President Matt Bowen then read a statement with regard to Hearing Conduct:**

**All comments and questions shall be addressed to the chair; all speakers will be treated with respect; please be polite and courteous. Please refrain from yelling, smirking, rolling**

of eyes, open laughing or giggling; personal attacks , threats or applause. The purpose of this hearing is to hear testimony; it is not a forum for public debate between proponents and opponents.

A form for conduct was passed out to all attendees by President Bowen. (attachment A)

President Bowen asked for a motion to vote to move Old Business to the end of the meeting: A motion was made by Mario Jobbe, Vice President, second by Ralph Box, all were in favor. Motion carried.

President Matt Bowen asked Secretary Jeanne Paxton to read the Public Notification for Case 002-2020: Secretary Jeanne Paxton read the Notification. (Attachment B) (highlighted portion)

President Matt Bowen then telephoned BZA Attorney Gunning at 7:12 pm CST. From this time forward Attorney Gunning was present via teleconference.

President Matt Bowen then asked for a vote to continue Case 002-2020 due to an absence of correct legal documentation regarding ownership. A motion was made by Bob Hall, second by Mario Jobbe: all were in favor.

At that point two remonstrators left the building after voicing their opposition to the granting of a Special use in Case 002-2020. Their names and emails were taken by Clerk Treasurer Joan Lewis and they were told they would be notified by Secretary Jeanne Paxton of the continued date of the hearing for Case 002-2020.

President Matt Bowen asked Clerk Treasurer Joan Lewis to swear in Applicants for case 003-2020, Jennifer and John Willey. The oath was administered.

Secretary Jeanne Paxton read the Public Notification for Case 003-2020 (Attachment C) (highlighted portion)

President Matt Bowen then confirmed that the file of paperwork required was complete.

The Willey's explained that their reason for application was their desire to not only use the home for themselves and their adult children but to also rent the home, in order to offset their tax burden. Jennifer Willey stated that they reside 10 minutes away and can quickly get to their house on Birchwood in case of the need by a renter. She also said they have invested a lot of money in the house and will be particular about who they rent to.

Ralph Box asked if the inspection stated a maximum number of people for occupancy. Jennifer Willey said that they intend to rent to two couples or a couple with two children.

Secretary Jeanne Paxton asked about the absent house numbers and a steel barrel in the backyard: Jennifer Willey confirmed that house numbers would be applied quickly and the steel barrel was used for burning but if we required it to be removed, it could be. (It was not required)

President Matt Bowen then asked for remonstrations. Bob Bellamy introduced himself and Clerk Treasurer Joan Lewis administered the oath and Bob Bellamy was sworn in. Bob

**Bellamy said he is adamantly opposed to the granting of this Special Use or any Special Use: that there had already been an existing Ordinance against rentals prior to this year but it was never enforced: he stated that he lives on the corner of Michiana Drive and Pokagon and that he sees a constant stream of strangers coming and going from the beach; he said that the rentals affect him because they cheapen his property value; that he is fed up and his mailbox had been torn off and renter's pets are allowed to urinate on his mailbox.**

**President Matt Bowen asked for rebuttal by the applicant.**

**Jennifer Willey said she liked the idea of the new Ordinance because it would control the rental properties in the neighborhood and sympathized with Bob Bellamy's frustration. She stated that they had lived in Michiana Shores for 30 years and owned two houses and is all for the monitoring of rental properties.**

**President Matt Bowen asked the Willey's if they had received the Commitment Sheet via email: they confirmed yes.**

**President Bowen then asked for questions or concerns from the Members: there were none. He then asked for a vote: Bob Hall: aye; Jeanne Paxton, Secretary, aye; Ralph Box: aye; Mario Jobbe, Vice President: aye; Matt Bowen: aye; Special Use was granted. (Attachment D)**

**President Bowen asked if Jennifer and John Willey would agree to sign the Commitments Form: they agreed. The form was administered and notarized by Clerk Treasurer Joan Lewis. They were also sworn by Clerk Treasurer Joan Lewis to the information in the Commitments.**

**President Matt Bowen then called for Case 001-2020. BZA Member Ralph Box then formally recused himself and took a seat as the applicant, along with Teresa Massa, trustee.**

**Secretary Jeanne Paxton read the Public Notification for Case 001-2020 (attachment e) (highlighted portion)**

**President Matt Bowen then asked for confirmation that the file was complete: Secretary Jeanne Paxton confirmed that it was complete. President Bowen reread the conducts clause. Clerk Treasurer Joan Lewis administered the oath to Teresa Massa and Ralph Box and they were sworn in. BZA Attorney Gunning asked if there was any written submissions pertaining to Case 001-2020: Secretary Jeanne Paxton said she had not received any: Clerk Treasurer Joan Lewis responded she had not received any.**

**Applicant Ralph Box then stated that the reason for application was to make this property a rental property. He stated that the rental rules of the town would be posted within the home as well as on the AIRBNB website that advertises this property.**

**President Matt Bowen asked about parking. Bob Hall voiced his overall concerned about parking in the easement. Applicant Ralph Box stated that the parking area was there as long as the house was there and that he was considering limiting parking to two cars. Mario Jobbe stated that during his onsite inspection, up to 4 cars could safely fit. Secretary Jeanne Paxton asked if renters would have access to the shed on the property; Ralph Box replied yes. President Matt Bowen asked about occupancy: Applicant Ralph Box replied that he would limit occupancy to 5 people. President Matt Bowen confirmed that there were house numbers on the house; Applicant Ralph Box said yes.**

**President Matt Bowen asked for remonstrators. Bob Bellamy again voiced his opposition to the grant of Special Use. He asked if the County Assessor would be notified of the rental properties for**

**tax collection purposes. He reiterated that the rental properties would cheapen the other neighborhood homes.**

**Applicant Ralph Box was then given opportunity for rebuttal: he stated that he would be paying property and income taxes on the property.**

**BZA Attorney Gunning then asked if there were any written submissions: there were none.**

**President Matt Bowen then asked Applicant Ralph Box if he understood the Commitment Form. He replied yes. President Matt Bowen then asked the BZA members if there were any questions or concerns: there were none. He called for a vote: Mario Jobbe, Vice President: aye; Bob Hall: aye; Jeanne Paxton, Secretary: aye; Matt Bowen, President: aye: Special Use was granted. (Attachment F. Clerk Treasurer Joan Lewis applied the oath to certify the Commitments Form that was agreed to and signed by Ralph Box.**

**President Matt Bowen then closed the hearing portion of the meeting and moved to Old Business: Case 004-2020 Abrahamson 212 Pokagon (incomplete), Case 005-2020 Martino, 19 Angle (thought to be complete but not verified), Case 006-2020 Bar 3615 Powhatan (complete), Case 007-2020 Marshal, 3811 Manawa, (incomplete).**

**BZA Attorney Gunning was discharged at 8:22pm CST.**

**The next hearing date was set for September 3, 2020.**

**New Business: Bob Hall questioned if remonstrators for Case 002-2020 should have had the opportunity to speak even though the case was not heard. It was believed to be no and that they would be notified of the hearing date and would be heard at that time.**

**President Matt Bowen asked for a motion to adjourn: Ralph Box made a motion, Mario Jobbe, Vice President, second: all were in favor: meeting was adjourned at 8:37 pm CST.**

**(attachment e: affidavit of publication)**

**(attachment f: finding of fact)**

**(Attachment h: sign in sheet)**