

**TOWN OF MICHIANA SHORES**  
**601 El Portal Drive**  
**Michiana Shores, Indiana 46360**  
**Office (219) 874-3193 Fax (219) 874-3770**  
**September 3, 2020**

**Minutes from the BZA Meeting**

**The Meeting was called to order at 7:07 pm CST by President Matt Bowen.**

**President Matt Bowen stated that according to Indiana Covid recommendations, the Pledge of Allegiance would not be said.**

**Roll call was taken:**

<b>President Matt Bowen</b>	<b>Member, present in person</b>
<b>Vice President Mario Jobbe</b>	<b>Member, present in person</b>
<b>Secretary Jeanne Paxton</b>	<b>Member, present in person</b>
<b>Ralph Box</b>	<b>Member, present in person</b>
<b>Bob Hall</b>	<b>Member, present in person</b>
<b>Clerk Treasurer Joan Lewis</b>	<b>Present, in person</b>
<b>Officer Radke</b>	<b>Present, in person</b>

**President Bowen announced a quorum.**

**President Matt Bowen then called BZA Attorney Jeffrey Gunning and he was teleconferenced into the meeting at 7:09 pm. CST.**

**Also present from the public were: Dennis and Mary Breen, Louise Starman, Pam Dubie, Brian and Meghan Bar, Bob and Kathy Bellamy, Dominic Moffo, Jane Fetzer, Roxanne Martino and Collin Foy.**

**President Bowen stated that the meeting would be conducted according to Indiana Executive Order and Laporte County Health Department Guidelines with the use of masks, social distancing, and temperature checks. He asked if everyone had their temperature taken by Officer Radke and it was confirmed everyone had.**

**President Matt Bowen then asked the members to review the minutes from August 6, 2020. A moment was taken to read and review the minutes. President Matt Bowen then asked for a motion to approve the minutes; a motion was made by Vice President Mario Jobbe, second by Ralph Box: all were in favor: the minutes were approved.**

**Old Business: President Matt Bowen asked for Old Business: there was none.**

**Before moving to New Business, President Matt Bowen declared that BZA rules of procedure shall govern the meeting. Disorder or disruption may result in ejection and removal. Members of the public may only speak to the Board as part of the public hearings. All comments must be directed through the chair. No personal attacks will be tolerated. No public comments will be taken at any time other than during the hearings.**

**President Matt Bowen also stated that the terms Applicant/Petitioner and Application/Petition would be used interchangeably.**

**President Matt Bowen then announced Petition 002-2020; Shanahan, 325 Oakdale Drive. He stated that this case would be continued due to an unresolved legal issue involving ownership.**

**President Matt Bowen then announced Petition 005-2020, 19 Angle Drive, Roxanne Martino. Secretary Jeanne Paxton was asked to read the legal description of the property. (attachment a). President Matt Bowen then made another conduct statement:**

**Roxanne Martino then came forward and Clerk Treasurer Joan Lewis administered the Oath. Roxanne Martino was sworn in.**

**Roxanne Martino stated that she had been in the area for 22 years and was a long standing member of the Michiana, Michigan community. She stated that she owned two additional rental properties that were located across the street from her residence in the village of Michiana, Michigan. She stated that she has never had any problems with her rentals; that she is a hands-on person and she maintains her properties very well. She promised to screen renters and she has many repeat customers.**

**President Matt Bowen then asked the BZA for questions for the applicant. Secretary Jeanne Paxton questioned Roxanne Martino about her home inspection, specifically the electrical portion where smoke alarms, carbon monoxide alarms and GFCIs were mentioned. Roxanne Martino then referred these questions to Collin Foy. Clerk Treasurer Joan Lewis then administered the Oath to Collin Foy and he was sworn in. Collin Foy then stated that all electrical work in question was taken care of. BZA Member Bob Hall then questioned Collin Foy about the undersized wires mentioned in the Inspection Report: Collin Foy stated that this was not an issue anymore.**

**President Matt Bowen then asked for remonstrations. Dominic Moffo was then called upon to speak. Clerk Treasurer Joan Lewis administered the oath and Dominic Moffo was sworn in. Dominic Moffo said that he has resided at 7 Shadow Trail for 10 years and before that, 25 years in Duneland Beach. He stated he was strongly against any granting of Special Use for Short Term renting at any time in Michiana Shores and was against granting a Special Use for 19 Angle. He stated that the area of Angle and Shadow was a very busy rental area: That the permanent residents had numerous problems with short term renters but not at 19 Angle. He stated that there were many issues at 5 Shadow Drive and 8 Angle in the form of noise, trespassing and fireworks and that the police had been called many times. Dominic Moffo stated that the short term rentals diminish the quiet environment of Michiana, they are disruptive to the quality of life here, He again repeated that he is against another rental in that area. He repeated his discontent with 5 Shadow**

**Trail; that up to 18 people had been there and 6-7 vehicles. He closed by stating the granting of a Special Use does not preclude problems: that 8 Angle has 5 stars on VRBO.**

**President Matt Bowen then asked for other remonstrations: Bob Bellamy came forward and Clerk Treasurer Joan Lewis administered the oath and Bob Bellamy was sworn in. Bob Bellamy stated that he is adamantly against any Special Use grant. He said that at 3925 Hiawatha Drive, they had up to 7 cars; that people walk down the street 4 wide and are difficult to pass or walk by; that Michiana Shores was the best kept secret and now it isn't. Bob Bellamy concluded that Michiana Shores is noisy now and not quiet like it used to be.**

**President Matt Bowen then asked for remonstrations and Jane Fetzer came forward. She was administered the Oath by Clerk Treasurer Joan Lewis and sworn in. Jane Fetzer stated she had lived at 105 Shadow Trail for 19 years and her backyard butts up to 19 Angle. She stated she is very concerned because the patio of her home is very close to the yard of 19 Angle and that she can hear Bachelor Parties/Bachelorette parties and she is against renting. She said that renters are only here for a good time and don't care about the community. President Bowen stated that a Short Term Rental Ordinance had been passed and there were commitments as terms of the Granting of Special Use and stiff monetary penalties for breaking the law with regard to this. BZA Member Bob Hall stated that only two parties, to date, were renting legally.**

**Secretary Jeanne Paxton asked President Bowen to read the Commitments. President Bowen then read the commitments (attachment b-highlighted portion). Then Attorney Gunning asked President Matt Bowen to read Paragraphs 1 and 2 of the commitment form, which President Matt Bowen preceded to read. (attachment c-highlighted portion)**

**BZA Attorney Gunning asked Roxanne Martino about a woman named Patti Eslinger. Roxanne Martino confirmed that Ms. Eslinger was no longer an employee of Michigan Chalet Rentals. Attorney Gunning also stated that Michigan Chalet Rentals is registered with the Indiana Secretary of State as an LLC.**

**Because there was no more remonstrations, President Bowen then asked Roxanne Martino for rebuttal and a closing statement. Roxanne Martino promised that she would be a good rental owner.**

**President Matt Bowen then asked the BZA Members to take time to review the Finding of Facts with regard to Petition 005-2020. After a moment, President Matt Bowen asked for a vote on the Granting of Special Use: Ralph Box: aye; Bob Hall: aye; Mario Jobbe: aye; Jeanne Paxton: aye; Matt Bowen: aye. The granting of Special use was approved. (attachment d)**

**The Statement of Commitments was then given to Roxanne Martino. Clerk Treasurer swore her to the truth in statement. The Statement was then notarized by Clerk Treasurer Joan Lewis.**

**President Matt Bowen then announced Case 006-2020: Meghan and Brian Bar, 3615 Powhatan Drive.**

**President Matt Bowen then asked Secretary Jeanne Paxton to read the legal description and the common description of the property which she did (attachment e). President Matt Bowen then gave the following statement with regard to Hearing conduct: all comments and questions will 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.**

**Clerk Treasurer Joan Lewis administered the oath to both Meghan and Brian Bar and they were sworn in. Brian Bar stated that they were a young family with three small children and that he was born here and raised at Stop 28 in Long Beach. He stated that they were fortunate on Powhatan to have great neighbors in a great neighborhood. He stated that occupancy on his home was calculated to be 12. President Matt Bowen then stated that the Maximum occupancy per our Ordinance is 10. Secretary Jeanne Paxton asked if the property was presently advertised for rent. Brian Barr stated no.**

**President Mat Bowen then asked for remonstrations. Dominic Moffo came forward (still under oath). He stated that he didn't realize that the Town Council STR had been passed. He said that he did not have confidence that the STR would be enforced and that the residents near the rentals are left "holding the bag". He said he did not have the confidence that the rules would be enforced. He said he had nothing personally against Roxanne Martino and Mr. and Mrs. Bar but that he is against all Special Use grants. He ended by saying the enforcement will be the burden of the residents nearby.**

**Louise Starman then came forward. Clerk Treasurer Joan Lewis administered the oath and Louise Starman was sworn in. Louise Starman stated that she resides across the street from the Bar home and wants to make an important distinction between rental owners that do the right thing, apply for the STR Grant and permit, attend the hearing, properly received the grant and permit and adhere to the commitments and those who do nothing and continue to rent illegally. She concluded that the Bars have been great neighbors and are a breath of fresh air on a block that is mainly senior citizens; the Bars being a young family with three small children.**

**President Matt Bowen then asked Secretary Jeanne Paxton to read the letters of remonstrations received for this case. A letter from Marc Nagel, Richard McGill and Pam Dubie was read. (attachment f) A letter from Jay and Jaqueline Berkelhamer was read, (attachment g)**

**President Matt Bowen then asked the BZA for additional questions. Secretary Jeanne Paxton pressed the Bars about present advertisement of the property. Meghan Bar repeated that the property was not available for rental. President Matt Bowen then repeated that the Bar's were under oath. Again, both Mr. and Mrs. Bar stated that the property was unavailable for rent.**

**President Matt Bowen then asked for a closing statement and rebuttal. Mr. Bar then stated that they love Michiana Shores and wish to spend many happy years here with their children.**

**President Bowen then asked for a vote. Bob Hall: aye; Ralph Box; aye; Mario Jobbe: aye; Jeanne Paxton: aye; Matt Bowen: aye: Special use was granted (attachment h)**

**Clerk Treasurer then swore the Bars to the truth on the Statement of Commitments (attachment i)**

**President Matt Bowen then dismissed BZA Attorney Gunning at 8:30 pm CST and dismissed Sergeant Radke at 8:31 pm CST.**

**The BZA discussed the procedure on turning in the individual fact finding sheets and compiling them into one fact finding sheet for the record. Then we will vote to accept the master. President Bowen then said that we will have a procedural meeting to do this on the four cases of Special Use on Thursday, September 10, 2020 at 7 pm CST. He also stated that there were no more applications to hear at this time.**

**Ralph Box then asked about the extension of Shanahan Petition 002-2020 and what are the rules of continuation which would be a topic for the procedural meeting.**

**Ralph Box also mentioned that the fee for application should be increased to cover all costs. Secretary Jeanne Paxton concurred and opined that the costs should be increased by at least \$100.**

**President Bowen then asked for a motion to adjourn; Bob Hall made a motion; Ralph Box second, all were in favor. The meeting was adjourned at 8:50 pm.**