

**PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL McCLOSKEY CONFERENCE ROOM
May 16, 2012
4:00 P.M.**

I. **ROLL CALL**

II. **REVIEW OF SUMMARY** – *No minutes to review*

III. **OLD BUSINESS**

- (1) 11-TV-151 **3230 E. John Hinkle Place Unit A**, Tempo Properties. Request for an extension of time to complete repairs. Previously heard March 02, 2012.
pp. 4-15
- (2) 11-TV-152 **3230 E. John Hinkle Place Unit K**, Tempo Properties. Request for an extension of time to complete repairs. Previously heard March 02, 2012.
pp. 16-29

IV. **NEW BUSINESS**

- (1) 12-TV-54 **805 N. Washington Street**, Chris Clark. Request for an extension of time to complete repairs.
pp. 30-38
- (2) 12-V-55 **320 E. Cottage Grove Avenue**, Stasny & Horn, IGP. Request for an exception or modification to the Housing Property Maintenance Code.
pp. 39-45
- (3) 12-TV-56 **585 E. Graham Place**, Johann Dieken. Request for an extension of time to complete repairs.
pp. 46-52
- (4) 12-TV-57 **2680 S. McCartney Lane**, Howard Young. Request for an extension of time to complete repairs.
pp. 53-58
- (5) 12-TV-58 **817 N. Park Avenue**, Gary & Virginia Mechling. Request for an extension of time to complete repairs.
pp. 59-75
- (6) 12-TV-59 **533 E. Smith Avenue**, Cassis Enterprises, LLC. Request for an extension of time to complete repairs.
pp. 76-82
- (7) 12-AA-61 **1404 W. Arlington Road**, Gerald Rhoades. Request for relief from an administrative decision.
pp. 83-97
- (8) 12-AA-62 **3209 E. 10th Street**, Wendy & Matthias Westphal. Request for relief from an administrative decision.
pp. 98-100
- (9) 12-TV-63 **502 E. Dixie Street**, Dara May. Request for an extension of time to complete repairs.
pp. 101-106
- (10) 12-TV-64 **1117 S. Madison Street**, Martha Voyles. Request for an extension of time to complete repairs.
pp. 107-112
- (11) 12-TV-65 **230 S. Hillside Drive**, Sum Cheng. Request for an extension of time to complete repairs.
pp. 113-121

V. **GENERAL DISCUSSION**
Item 1 – Amendment to Rules concerning time limit on discussions. pp. 122

VI. **PUBLIC COMMENT**

VIII. **ADJOURNMENT**

**BOARD OF HOUSING QUALITY APPEALS
CONSENT AGENDA
CITY HALL McCLOSKEY CONFERENCE ROOM
May 16, 2012, 4:00 P.M.**

I. Extension of time- Complete repairs

- (1) **805 N. Washington Street**, Chris Clark, 12-TV-54. Request for an extension of time to complete repairs. pp. 30-38
- (5) **817 N. Park Avenue**, Gary & Virginia Mechling, 12-TV-58. Request for an extension of time to complete repairs. pp. 59-75
- (9) **502 E. Dixie Street**, Dara May, 12-TV-63. Request for an extension of time to complete repairs. pp. 101-106
- (10) **1117 S. Madison Street**, Martha Voyles, 12-TV-64. Request for an extension of time to complete repairs. pp. 107-112
- (11) **230 S. Hillsdale Drive**, Sum Cheng, 12-TV-65. Request for an extension of time to complete repairs. pp. 113-121

II. Extension of time- State Variance

- (3) **585 E. Graham Place**, Johann Dieken, 12-TV-56. Request for an extension of time to complete repairs. pp. 46-52
- (4) **2680 S. McCartney Lane**, Howard Young, 12-TV-57. Request for an extension of time to complete repairs. pp. 53-58
- (6) **533 E. Smith Avenue**, Cassis Enterprises, LLC, 12-TV-59. Request for an extension of time to complete repairs. pp. 76-82

III. Relief from Administrative Decision

- (8) **3209 E. 10th Street**, Wendy & Matthias Westphal, 12-AA-62. Request for relief from an administrative decision. pp. 98-100



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012
Petition Type: An extension of time to secure a State egress variance.
Petition Number: 11-TV-151 (Old Business)
Address: 3230 E. John Hinkle Place # A
Petitioner: Tempo Properties Inc.
Inspector: Norman Mosier

Staff Report: October 25, 2011 – Conducted Cycle Inspection
November 17, 2011 – Received BHQA Appeal
December 14, 2011 – BHQA meeting cancelled, moved to January 18, 2012
January 17, 2012 – BHQA meeting cancelled, moved to February 15, 2012
February 14, 2012 – BHQA meeting cancelled, moved to March 2, 2012
March 2, 2012 – BHQA Meeting, Approved extension of time, April 15, 2012
March 2, 2012 – Sent NOBA
April 15, 2012 – Petitioner missed deadline, State variance not received.
April 18, 2012 – H.A.N.D. received copy of State variance.
April 24, 2012 – Petitioner amended BHQA extension of time to be heard at May 16 BHQA meeting under old business.

It was noted during the cycle inspection that the egress windows do not meet egress requirements. Petitioner requested an extension of time to secure a state variance from the Dept. of Homeland Security. Petitioner did not receive State variance in the allotted time; H.A.N.D. did receive copy of the State variance 3 days after BHQA deadline. Petitioner is requesting not to loose cycle progression and to advance to a 4 year cycle permit.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. – 1993

Openable Area: 5.59 sq. ft. Required Openable Area: 5.70 Sq. Ft.

Height: 23 inches Required height: 24 inches

Width: 35 inches Required Width: 20 inches

Sill Height: 26.5 inches Required Max. Sill Height: 44 inches above finished floor

Staff recommendation: Grant the request

Conditions: None

Compliance Deadline: None

Attachments: Cycle Report, March 2, 2012 BHQA Staff Report, Notice of Board Action, Amended Petitioner's Letter, Staff Report, Copy of State egress variance.



RECEIVED
APR 18 2012

Application For Appeal

BY: _____ To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 3230-A

Petitioner's Name: Tempo Properties Inc

Address: 2726 E Smith Av

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812 336-2026 E-mail Address: _____

Owner's Name: Anna Easton

Address: 523 Windstone Farm Dr

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812 336-2026 E-mail Address: _____

Occupants: _____

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: _____

Reminder:
A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

11-TV-151 (old)

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 1. Specify the items that need the extension of time to complete.
 2. Explain why the extension is needed.
 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 1. Specify the code reference number you are appealing.
 2. Detail why you are requesting the variance.
 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 1. Detail the existing variance.
 2. Specify the reason the variance is no longer needed.

~~Still waiting for state variance for~~
~~windows~~

I apologize for the tardiness of returning the State window variance. I work hard as the new owner of Tempo Properties Inc. to have a good working relationship with H.A.N.D., and help keep the owners of the properties I manage happy. Keeping this in mind, please consider keeping/allowing the 4 year cycle in fact for this property.

Thank You,
William Thornburg

Signature (Required):

William Thornburg

Name (Print):

William Thornburg

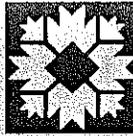
Date:

4-18-12

Important information regarding this application format:

1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

NOTICE OF BOARD ACTION

March 5, 2012

Joanne Sabbagh/Tempo Properties
122 E. 6th St.
Bloomington, In. 47408

RE: 3230 E. John Hinkle Place Unit # A

Dear Tempo Properties:

This letter provides notice of the action taken by the City of Bloomington Board of Housing Quality Appeals on your request for an extension of time to secure a state egress variance. Details of the Board's action are provided below.

If you have further questions or concerns, City business hours are weekdays between 8:00 AM and 5:00 PM, and I can be reached at (812) 349-3420.

Sincerely,

Lisa Abbott
Director, HAND

Petition Number: 11-TV-151

Meeting Date: March 2, 2012

Address: 3230 E. John Hinkle Place Unit # A

Board Action: Approved Not Approved Continued Tabled

Conditions: All repairs must be completed and reinspected no later than the deadline stated below or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Deadline: April 15, 2012



MITCHELLE E. DANIELS, Jr., Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

JOSEPH E. WAINSCOTT, JR., EXECUTIVE DIRECTOR

Indiana Department of Homeland Security
Indiana Governor's Center South
302 West Washington Street
Indiana, 068, IN 45204
317-232-3460

CHARLES EASTON
OWNER
523 WINSLOW FARM DR
BLOOMINGTON, IN 47401

RECEIVED
APR 18 2012

BY: _____

Dear CHARLES EASTON,

This letter provides notice below of the action taken by the Fire Prevention and Building Safety Commission on your application(s) for a variance(s) from the Commission's rules under IC 22-13-2-11 and 675 IAC 12-5. The Commission considered the application, as a part of its published agenda, at its regular meeting on January 4, 2012.

Project Number	Project Name	Variance Number
	3230 E JOHN HINKLE PLACE UNIT A WINDOWS	12-1-7

Commission Conditions

Edition	Code	Code Section	Commission Action & Date
1990	142 FAM	R-210.0	Approved 01/04/2012

You are advised that if you desire an administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission. Your petition must fully identify the matter for which you seek review no later than eighteen(18) calendar days from the above stated date of this letter, unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours; in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this action will be final.

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Please be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such informal discussion, or request therefore, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone or e-mail, upon receipt of this letter.

Sincerely,

Mara J. Snyder

Mara J. Snyder
Legal & Code Services,
Department of Homeland Security



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: March 2, 2012
Petition Type: An extension of time to secure a state egress window variance.
Petition Number: 11-TV-151
Address: 3230 E. John Hinkle Place # A
Petitioner: Joanne Sabbagh / Tempo Properties
Inspector: Norman Mosier
Staff Report: October 25, 2011 – Conducted Cycle Inspection
November 17, 2011 – Received BHQA Appeal
December 14, 2011 – BHQA meeting cancelled, moved to January 18, 2012
January 17, 2012 – BHQA meeting cancelled, moved to February 15, 2012

It was noted during the cycle inspection that the egress windows do not meet egress requirements. Petitioner is requesting an extension of time to secure a state variance from the Dept. of Homeland Security.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. – 1993

Openable Area: 5.59 sq. ft. Required Openable Area: 5.70 Sq. Ft.

Height: 23 inches Required height: 24 inches

Width: 35 inches Required Width: 20 inches

Sill Height: 26.5 inches Required Max. Sill Height: 44 inches above finished floor

Staff recommendation: Grant the request

Conditions: A copy of the State egress window variance must be received by the Housing and Neighborhood Development Office no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: April 15, 2012

Attachments: Cycle Report, BHQA Appeal. Petitioner's Letter



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 3230 E. John Hinkle Place Unit A

Petitioner's Name: Joanne Sabbagh, TEMPO Properties, Inc. (Property Manager)

Address: 2676 East 2nd Street, P.O. Box 5727

City: Bloomington

State: Indiana

Zip Code: 47407

Phone Number: (812) 336-2026

E-mail Address: jsabbagh@homefinder.org

Owner's Name: Charles Eastor

Address: 523 Winslow Farm Drive

City: Bloomington

State: Indiana

Zip Code: 47401

Phone Number: 812-336-8289

E-mail Address:

Occupants: Tenants

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: A modification or exception to the Housing Property Maintenance Code. (Petition Type: W)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)
11-TV-151
Petition Number: _____

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[Signature]

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

A variance request has been sent to the Indiana Department of Homeland Security for the following reason: Code:BMC-16.04.020 (b) The height of the opening in the bedrooms is 1" short of code requirement in unit 3230-A. If the windows did not meet the building code requirements when the building was built, how did the builder pass his building inspections and get an occupancy permit in the first place. I am, therefore, requesting a variance as this requirement is not practical at this time and would create a hardship on the owner and violate the overall appearance of the building as all the windows are of the same size in all units at this location.

I am awaiting the decision of the Department of Homeland Security and need to file for an extension at this time.

Signature (Required): Joanne Sabbagh

Name (Print): Joanne Sabbagh Date: 11/16/11

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

CYCLE REPORT

4914

OWNERS

Easton, Charles S.
523 Winslow Farm Dr.
Bloomington, IN 47401

AGENT

Tempo Management
P.O. Box 5727
Bloomington, IN 47407

Prop. Location: 3230 E John Hinkle PL UNIT A
Date Inspected: 10/25/2011
Inspectors: Norman Mosier
Primary Heat Source: Electric
Property Zoning: PUD
Number of Stories: 3

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 5
Foundation Type: Slab
Attic Access: No
Accessory Structure: None

The Monroe County Assessor's records indicate that this structure was built in 1993.
Minimum egress requirements for a multi-family dwelling built at the time of construction.
Openable area: 5.7 Sq. Ft.
Clear height: 24 inches
Clear width: 20 inches
Sill height: 44 inches above the finished floor

INTERIOR:

Living Room 14-9 x 12-8, Deck, Kitchen, Dining Room 10-8 x 7-7, Furnace Closet, Hallway,
Laundry Closet, Hall Bath :

No violations noted.

401 N. Morton
PO Box 100
Bloomington, IN 47402

City Hall

www.bloomington.in.gov/hand

Rental Inspections: (812) 349-3420
Housing Division: (812) 349-3401
Fax: (812) 349-3582

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S Bedroom 10 x 8-5, Middle Bedroom 9-8 x 8-4, N Bedroom 12-8 x 9-6:

The emergency egress windows do not meet the minimum requirements for a multi-unit structure built in 1993:

Openable area required: 5.7 sq. ft.	Existing area: 5.59 sq. ft.
Clear width required: 20 inches	Existing width: 35 inches
<u>Clear height required: 24 inches</u>	<u>Existing height: 23 inches</u>
Maximum sill height: 44" above finished floor	Existing sill: 23 inches above finished floor

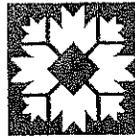
The emergency egress windows do not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

EXTERIOR:

No violations noted.

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
Housing and Neighborhood Development

City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012
 Petition Type: An extension of time to secure a State egress variance.
 Petition Number: 11-TV-152 (Old Business)
 Address: 3230 E. John Hinkle Place # K
 Petitioner: Tempo Properties Inc.
 Inspector: Norman Mosier

Staff Report: October 25, 2011 – Conducted Cycle Inspection
 November 17, 2011 – Received BHQA Appeal
 December 14, 2011 – BHQA meeting cancelled, moved to January 18, 2012
 January 17, 2012 – BHQA meeting cancelled, moved to February 15, 2012
 February 14, 2012 – BHQA meeting cancelled, moved to March 2, 2012
 March 2, 2012 – BHQA Meeting, Approved extension of time, April 15, 2012
 March 2, 2012 – Sent NOBA
 April 15, 2012 – Petitioner missed deadline, State variance not received.
 April 18, 2012 – H.A.N.D. received copy of State variance.
 April 24, 2012 – Petitioner amended BHQA extension of time to be heard at May 16 BHQA meeting under old business.

It was noted during the cycle inspection that the egress windows do not meet egress requirements. Petitioner requested an extension of time to secure a state variance from the Dept. of Homeland Security. Petitioner did not receive State variance in the allotted time; H.A.N.D. did receive copy of the State variance 3 days after BHQA deadline. Petitioner is requesting not to lose 5 year cycle permit.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. – 1993
Openable Area: 5.59 sq. ft. Required Openable Area: 5.70 Sq. Ft.
Height: 23 inches Required height: 24 inches
Width: 35 inches Required Width: 20 inches
Sill Height: 26.5 inches Required Max. Sill Height: 44 inches above finished floor

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Staff recommendation: Grant the request.

Conditions: None

Compliance Deadline: None

Attachments: Cycle Report, March 2, 2012 BHQA Staff Report, Notice of Board Action, Amended Petitioner's Letter, Staff Report, Copy of State egress variance.

RECEIVED
APR 18 2012



BY: _____ Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 3230
3200 V John Hinkle PL

Petitioner's Name: TEMPO Properties Inc

Address: 2676 E. 2nd St.

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812 336-2026 E-mail Address: tempo-properties@yahoo.com

Owner's Name: Herbert Kuebler

Address: 3221 Coppertree Dr

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812 336-2026 E-mail Address: _____

Occupants: _____

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: _____

Reminder:
A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)
11-TV-152 (old)
Petition Number: _____

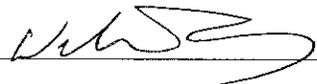
In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

~~waiting for state window variance~~

I apologize for the tardiness of returning the state window variance. I work hard as the new owner of Tempo Properties Inc to have a good working relationship with H.A.N.D., and keep the owners of the properties I manage happy. Keeping this in mind, please consider keeping the 5 year cycle in tact.

Thanky Ya,
William Thornbury

Signature (Required): 

Name (Print): William Thornbury Date: 4-18-17

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



MITCHELL E. DANIELS, Jr., Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

JOSEPH E. WAINSCOTT, JR., EXECUTIVE DIRECTOR

Indiana Department of Homeland Security
Indiana Governor's Campaign South
302 West Washington Street
Indianapolis, IN 46204
317-232-3490

HERBERT KUEBLER
OWNER
3321 COPPERTREE DR
BLOOMINGTON, IN 47401

RECEIVED
APR 18 2012

BY: _____

Dear HERBERT KUEBLER,

This letter provides notice below of the action taken by the Fire Prevention and Building Safety Commission on your application(s) for a variance(s) from the Commission's rules under IC 22-13-2-11 and 675 IAC 12-5. The Commission considered the application, as a part of its published agenda, at its regular meeting on February 7, 2012.

Project Number	Project Name	Variance Number
3230	E JOHN HINKLE PLACE UNIT K WINDOWS	12-1-6

Commission Conditions

Edition	Code	Code Section	Commission Action & Date
1990	1 & 2 FAM	R-210.0	Approved 02/07/2012

You are advised that if you desire an administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission. Your petition must fully identify the matter for which you seek review no later than eighteen (18) calendar days from the above stated date of this letter, unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours; in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this action will be final.

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Please be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such informal discussion, or request therefore, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly preferably by telephone or e-mail, upon receipt of this letter

Sincerely,

Mara J. Snyder

Mara J. Snyder
Legal & Code Services,
Department of Homeland Security



City of Bloomington
Housing and Neighborhood Development

NOTICE OF BOARD ACTION

March 5, 2012

Joanne Sabbagh/Tempo Properties
122 E. 6th St.
Bloomington, In. 47408

RE: 3230 E. John Hinkle Place Unit # K

Dear Tempo Properties:

This letter provides notice of the action taken by the City of Bloomington Board of Housing Quality Appeals on your request for an extension of time to secure a state egress variance. Details of the Board's action are provided below.

If you have further questions or concerns, City business hours are weekdays between 8:00 AM and 5:00 PM, and I can be reached at (812) 349-3420.

Sincerely,

Lisa Abbott
Director, HAND

Petition Number: 11-TV-152

Meeting Date: March 2, 2012

Address: 3230 E. John Hinkle Place Unit # K

Board Action: Approved Not Approved Continued Tabled

Conditions: All repairs must be completed and reinspected no later than the deadline stated below or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Deadline: April 15, 2012



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: March 2, 2012
Petition Type: An extension of time to secure a state egress window variance.
Petition Number: 11-TV-152
Address: 3230 E. John Hinkle Place # K
Petitioner: Joanne Sabbagh / Tempo Properties
Inspector: Norman Mosier
Staff Report: October 25, 2011 – Conducted Cycle Inspection
November 17, 2011 – Received BHQA Appeal
December 14, 2011 – BHQA meeting cancelled, moved to January 18, 2012
January 17, 2012 – BHQA meeting cancelled, moved to February 15, 2012

It was noted during the cycle inspection that the egress windows do not meet egress requirements. Petitioner is requesting an extension of time to secure a state egress window variance from the Dept. of Homeland Security.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. – 1993
Openable Area: 5.59 sq. ft. Required Openable Area: 5.70 Sq. Ft.
Height: 23 inches Required height: 24 inches
Width: 35 inches Required Width: 20 inches
Sill Height: 26.5 inches Required Max. Sill Height: 44 inches above finished floor

Staff recommendation: Grant the request

Conditions: A copy of the State egress window variance must be received by the Housing and Neighborhood Development Office no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: April 15, 2012

Attachments: Cycle Report, BHQA Appeal, Petitioner's Letter



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 3230 E. John Hinkle Place Unit K

Petitioner's Name: Joanne Sabbagh, TEMPO Properties, Inc. (Property Manager)

Address: 2676 East 2nd Street, P.O. Box 5727

City: Bloomington

State: Indiana

Zip Code: 47407

Phone Number: (812) 336-2026

E-mail Address: jsabbagh@homefinder.org

Owner's Name: Herbert Kuebler

Address: 3321 Coppertree Drive

City: Bloomington

State: Illinois

Zip Code: 47401

Phone Number: 812-330-0158

E-mail Address:

Occupants: Tenants

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: A modification or exception to the Housing Property Maintenance Code. (Petition Type: TV)

Reminder:

A \$20.00 filing fee must be sub.mitted with the Appel Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

11-TV-152

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

A variance request has been sent to the Indiana Department of Homeland Security for the following reason:

Code: BMC-16.04.020 (b) The height of the opening in the bedrooms is 1" short of code requirement in unit 3230-K. If the windows did not meet the building code requirements when the building was built, how did the builder pass his building inspections and get an occupancy permit in the first place. I am, therefore, requesting a variance as this requirement is not practical at this time and would create a hardship on the owner and violate the overall appearance of the building as all the windows are of the same size in all units at this location.

I am awaiting the decision of the Department of Homeland Security and need to file for an extension at this time.

Signature (Required): Joanne Sabbagh

Name (Print): Joanne Sabbagh Date: 11/16/11

- Important information regarding this application format:**
- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
 - 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

CYCLE REPORT

4234

OWNERS

Kuebler, Herbert O.
3221 Coppertree Dr
Bloomington, IN 47401

AGENT

Tempo Management
P.O. Box 5727
Bloomington, IN 47407

Prop. Location: 3230 E John Hinkle PL UNIT K
Date Inspected: 10/25/2011
Inspectors: Norman Mosier
Primary Heat Source: Electric
Property Zoning: PUD
Number of Stories: 3

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 5
Foundation Type: Slab
Attic Access: No
Accessory Structure: None

The Monroe County Assessor's records indicate that this structure was built in 1993.
Minimum egress requirements for a multi-family dwelling built at the time of construction.
Openable area: 5.7 Sq. Ft.
Clear height: 24 inches
Clear width: 20 inches
Sill height: 44 inches above finished floor

NOTE:

 Room dimensions are in the file or listed on the previous cycle inspection report.

INTERIOR:

Living Room, Deck, Kitchen, Dining Room, Hall, Laundry Closet, Hall Bath, Furnace Closet:
No violations noted.

401 N. Morton
PO Box 100
Bloomington, IN 47402

City Hall

www.bloomington.in.gov/hand

Rental Inspections: (812) 349-3420
Housing Division: (812) 349-3401
Fax: (812) 349-3582

26


S Bedroom:

Secure the left side door casing and repair the door to latch properly. PM-304.6

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1993

Height: 23 inches

Width: 35 inches

Sill Height: 26.5 inches

Openable Area: 5.59sq. ft.

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1993:

Openable area required: 5.7 sq. ft.

Existing area: 5.59 sq. ft.

Clear width required: 20 inches

Existing width: 35 inches

Clear height required: 24 inches

Existing height: 23 inches

Maximum sill height: 44" above finished floor Existing sill: 26.5" above finished floor

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Middle Bedroom:

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1993

Height: 23 inches

Width: 35 inches

Sill Height: 26.5 inches

Openable Area: 5.59 sq. ft.

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1993:

Openable area required: 5.7 sq. ft.

Existing area: 5.59 sq. ft.

Clear width required: 20 inches

Existing width: 35 inches

Clear height required: 24 inches

Existing height: 23 inches

Maximum sill height: 44" above finished floor Existing sill: 26.5 " above finished floor

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is

altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

N Bedroom:

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1993

Height: 23 inches

Width: 35 inches

Sill Height: 26.5 inches

Openable Area: 5.59sq. ft.

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1993:

Openable area required: 5.7 sq. ft.

Existing area: 6.87 sq. ft.

Clear width required: 20 inches

Existing width: 43 inches

Clear height required: 24 inches

Existing height: 23 inches

Maximum sill height: 44" above finished floor Existing sill: 26.5" above finished floor

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Bathroom:

Repair the sink drain to function as intended, slow. PM-504.1

Seal edge of floor covering adjacent to bathtub. PM-304.1

EXTERIOR:

No violations noted.

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-54

Address: 805 N. Washington St.

Petitioner: Brian Rice

Inspector: Norman Mosier

Staff Report: January 26, 2012 – Conducted Cycle Inspection
March 26, 2012 – Scheduled Re-inspection on 04/05/2012 – 1:30
and applied to BHQA for Extension of Time.

It was noted during the cycle inspection that a large tree in the back yard is deteriorated and dangerous to persons or structures and needs to be removed. Petitioner is requesting an extension of time to remove the tree.

Staff recommendation: Grant the request.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: July 16, 2012

Attachments: Cycle Report, BHQA Appeal, Petitioner's Letter, Photos



Application For Appeal
To The
Board of Housing Quality Appeal
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
MAR 26 2012

BY:

Property Address: 805 N. Washington

Petitioner's Name: Brian Rice

Address: 8750 S. Snow Rd.

City: Bloomington State: IN. Zip Code: 47403

Phone Number: 812-606-0679 E-mail Address: btrice@bluemarble.net

Owner's Name: Chris Clark

Address: 800 N. Washington

City: Bloomington State: IN. Zip Code: 47401

Phone Number: 812-322-1871 E-mail Address: _____

Occupants: Bonnie Harper, Emily Myers, Marcella Hoard

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: _____

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-TV-54

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Request an extension of 2 months for removal of tree which was cited on inspection report. We are having trouble finding a company who has time to remove such a large tree. We have 2 different companies scheduled to look at it this week. 2 months should be plenty of time for one of them to get it removed

Signature (Required): Brian Rice

Name (Print): BRIAN RICE Date: 3-26-12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

CYCLE REPORT

2288

OWNERS

Clark, Christopher B.
800 N. Washington Street
Bloomington, IN 47408

AGENT

Schultz, Mark G.
Po Box 8791
Bloomington, IN 47407

Prop. Location: 805 N Washington ST
Date Inspected: 01/26/2012
Inspectors: Norman Mosier
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 2

Number of Units/Structures: 1 / 1
Number of Bedrooms: 3
Max # of Occupants: 3
Foundation Type: Basement
Attic Access: No
Accessory Structure: None

VARIANCE

11/12/2003 Special exception to the minimum ceiling height requirement in the second floor north room.

Monroe County Assessor's records indicate this structure was built in 1930.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

MAIN LEVEL

Living Room 19-10 x 13-5:
No violations noted.

Kitchen:

Service the expired fire extinguisher. PM-704.3

Properly install a weather strip on the entrance door to exclude air infiltration as completely as possible, and to substantially exclude rain. PM-303.13

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Hallway:

No violations noted.

Hall Bath:

Seal edge of floor covering adjacent to bathtub. PM-304.1

SE Bedroom 12 x 9-5:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1930

Height: 20 inches

Width: 30 inches

Sill Height: 28 inches

Openable Area: 4.16 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SW Bedroom 11-8 x 11-8:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1930

Height: 20 inches

Width: 34 inches

Sill Height: 28 inches

Openable Area: 4.72 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

UPSTAIRS

Stairway/Hallway:

No violations noted.

S Bedroom 11-7 x 10-8:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1930

Height: 41 inches

Width: 28 inches

Sill Height: 28 inches

Openable Area: 7.97 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

N Room 11-7 x 10-8:

No violations noted.

BASEMENT

Stairway:

Repair the entry storm door to stairway to fit the door jamb and to latch properly.
PM-303.15

Main Room:

Provide a complete directory of all service panels and circuits. PM-605.1

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

Bath/Utility Room:

No violations noted.

Garage:

No violations noted.

Deck:

No violations noted.

EXTERIOR:

Clean debris from the roof, gutters and downspouts. PM-303.7

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2
(This violation has a one-year deadline from the date of the Cycle Inspection.)

All trees on premises shall be in good health and pose no danger to persons or building. Remove the large deteriorated tree in back yard. PM-302.4.1

Remove and properly dispose of yard waste/brush pile. PM-102.3 & PM-302.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)









City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Variance**

Meeting Date: May 16, 2012

Petition Type: A modification or exception to the Property Maintenance Code

Variance Request: Exception to the bedroom pass-through requirement

Petition Number: 12-V-55

Address: 320 E. Cottage Grove Avenue

Petitioner: Stasny & Horn IGP

Inspector: Jo Stong

Staff Report: During a cycle inspection at this property it was noted that the only access to the southeast bedroom from within the house was through the east center bedroom. This is a violation of the access requirements of the PMC, which states that "Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces..."

Staff recommendation: Grant the variance

Conditions: None

Compliance Deadline: None

Attachments: Cycle report, Floor plan, Appeal

RECEIVED
MAR 27 2012



BY:

**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 320 E Cottage Grove Ave, Bloomington IN 47408

Petitioner's Name: Stasny & Horn IGP

Address: 509 E Cottage Grove Ave Ste 1, PO Box 183

City: Bloomington

State: Indiana

Zip Code: 47402

Phone Number: (812) 339-4676

E-mail Address: info@hpiu.com

Owner's Name: Stasny & Horn IGP

Address: 509 E Cottage Grove Ave Ste 1, PO Box 183

City: Bloomington

State: Indiana

Zip Code: 47402

Phone Number: 812-339-4676

E-mail Address: info@hpiu.com

Occupants: D. Cuttell, W. Klump, S. Langer, A. Perius

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: A modification or exception to the Housing Property Maintenance Code. (Petition Type: V)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-V-55

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

We believe the infraction was cited during this inspection to bring the property into compliance through variance. The floorplan has been as it is for at least the period of time that we have been associated with the property which is twenty or so years. There is nothing to indicated that the two affected bedrooms have ever been configured differently. It is worth noting that the dependent bedroom does have direct access to the exterior. Also, there are five exterior entrances to the house. Thank you in advance for your thoughtful consideration.

Signature (Required):



Name (Print): Doug Horn, Managing General Partner

Date: 3/26/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



**City of Bloomington
Housing and Neighborhood Development**

Cycle Report

235

OWNERS

Stasny, Jerry
Po Box 183
Bloomington, IN 47402

Prop. Location: 320 E Cottage Grove AVE
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/4/5

Date Inspected: 03/12/2012
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 1

Inspectors: Jo Stong
Foundation Type: Basement
Attic Access: No
Accessory Structure: None

VARIANCE

04/15/1981 GRANTED A VARIANCE TO THE MINIMUM CEILING HEIGHT.

Monroe County Assessor's records indicate this structure was built in 1920.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

Living Room (14-1 x 12-1), Kitchen (13-2 x 11-8):
No violations noted.

Southwest Bedroom (9-2 x 8-8):
Existing Egress Window Measurements (double-hung):
Height: 19 ½ inches
Width: 31 inches
Sill Height: 29 inches
Openable Area: 4.19 sq. ft.

42

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that the sleeping room egress windows be modified or replaced with a larger window to aid in emergency escape. BMC-16.04.400 (b)

Northeast bedroom (14-2 x 12-2):

No violations noted.

Note: A door leading directly to the exterior serves as the emergency egress for this sleeping room.

Bathroom:

No violations noted.

East Center Bedroom (12-3 x 10-4):

No violations noted.

Existing Egress Window Measurements (double-hung):

Height: 34 inches

Width: 31 ¾ inches

Sill Height: 16 ½ inches

Openable Area: 7.50 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Southeast Bedroom (11-5 x 8-7):

Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable space. Continued use of this space as a sleeping room shall be contingent upon either providing proper access to the room in accordance with all applicable rules or securing a variance to the Property Maintenance Code from the Board of Housing Quality Appeals (BHQA). PM-404.4.2

Note: A door leading directly to the exterior serves as the emergency egress for this sleeping room.

EXTERIOR:

Basement:

Thoroughly clean and service the furnace. Inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

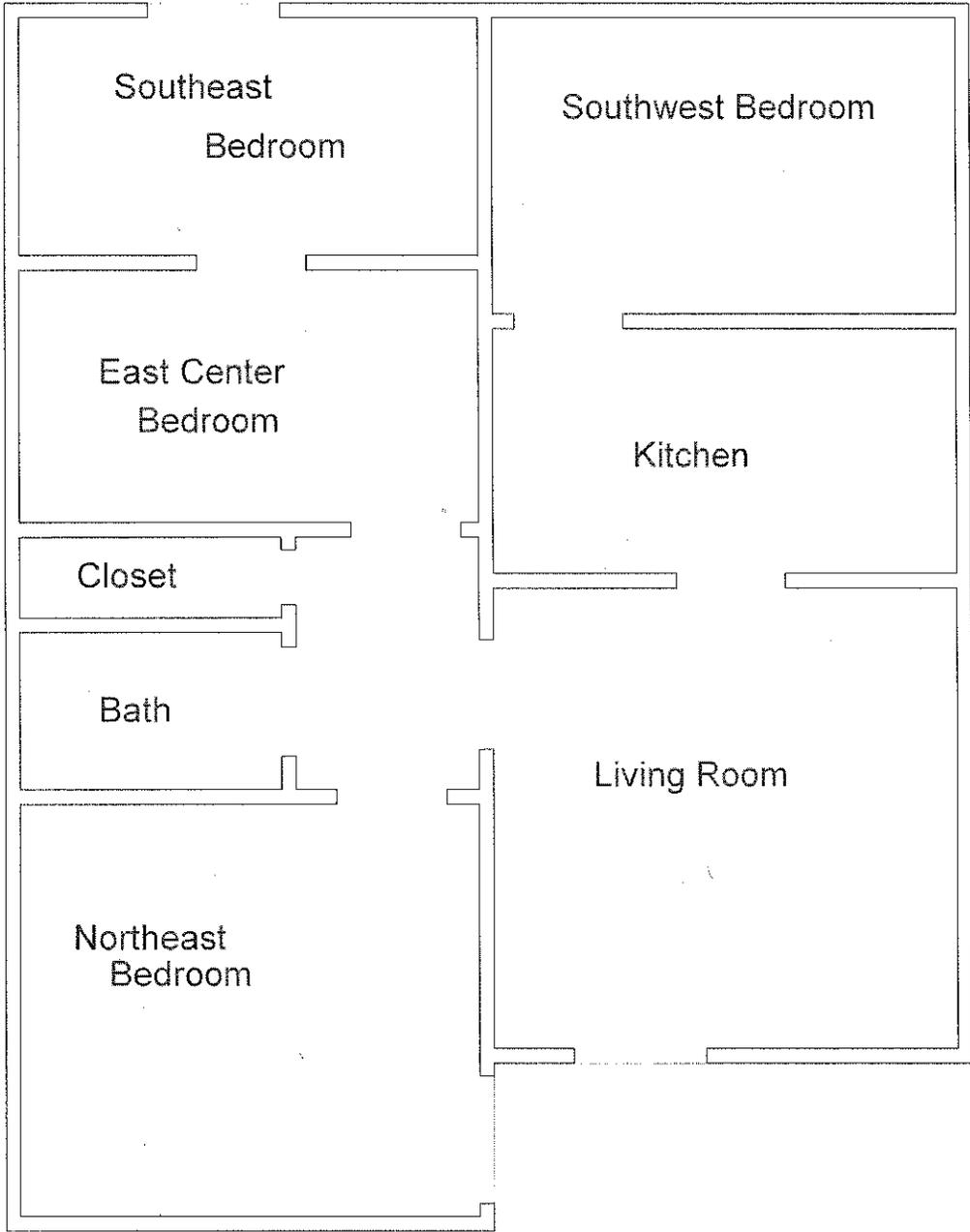
OTHER REQUIREMENTS:

Required documentation:

Complete the enclosed registration form. A street address is required for both owner and agent. **This form must be signed by the owner.** BMC16.12.060

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

Thank you for your cooperation in the Residential Rental Occupancy Permit Program.



320 E. Cottage Grove Avenue

March 16, 2012



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012
 Petition Type: An extension of time to complete repairs.
 Petition Number: 12-TV-56
 Address: 585 Graham Place
 Petitioner: Johann Dieken
 Inspector: John Hewett

Staff Report: January 23, 2012 Cycle Inspection
 February 6, 2012 Sent Report
 March 27, 2012 Received Appeal.

During the cycle inspection it was noted that sleeping room windows did not meet the minimum emergency egress size requirements for a structure built in 1983. The petitioner is requesting additional time to obtain a variance from the Department of Homeland Security Fire Prevention and Building Safety Commission. Required and existing measurements are as follows:

Basement window:

Openable area required:	4.75 sq. ft.	Existing area:	4.75 sq. ft.
Clear width required:	18 inches	Existing width:	34.25 inches
Clear height required:	24 inches	Existing height:	20 inches
Maximum sill height:	44 inches above finished floor	Existing sill:	39 inches aff

2nd Floor windows:

Openable area required:	4.75 sq. ft.	Existing area:	4.88 sq. ft.
Clear width required:	18 inches	Existing width:	30.25 inches
Clear height required:	24 inches	Existing height:	23.25 inches
Maximum sill height:	44 inches above finished floor	Existing sill:	29.5 inches aff

Staff recommendation: Grant the extension

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: June 16, 2012

Attachments: Cycle Inspection Report, Petitioner's letter



RECEIVED
MAR 27 2012

BY: _____ Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 585 Graham Place, Bloomington

Petitioner's Name: Johann Dieken

Address: 6551 W. May Rd.

City: Bloomington State: IN Zip Code: 47403

Phone Number: 227.3395 E-mail Address: j.dieken@hotmail.com

Owner's Name: Johana Dieken

Address: As above

City: _____ State: _____ Zip Code: _____

Phone Number: _____ E-mail Address: _____

Occupants: Michael Mullis

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: Just waiting for the Dept. of Homeland Security

Reminder: to respond to variance request.
A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)
12-TV-56
Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and/or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Signature (Required): J. Dieken
Name (Print): Johann Dieken Date: 3-27-12

Important information regarding this application format:
1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

Cycle Report

1900

OWNERS

=====

Dieken, Johann
6551 W. May Road
Bloomington, IN 47403

Prop. Location: 585 E Graham PL
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/5

Date Inspected: 01/23/2012
Primary Heat Source: Electric
Property Zoning: RM
Number of Stories: 2

Inspectors: John Hewett
Foundation Type: Basement
Attic Access: Yes
Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 1982.

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

Interior

Entry

Repair the chipped drywall at the outside corner of the wall at the bottom of the stairs. PM-304.3

1/2 Bath

No violations noted.

Kitchen

10-8 x 5-1

A minimum IA 10BC classification fire extinguisher shall be mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress. The securing mechanism must be no more than 5 feet above the floor. PM-704.3.

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service.

Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Living room

10-9 x 14-0

Repair the sliding glass door to latch. PM-303.15

Basement

Center room

10-11 x 11-5

NOTE: This room does NOT meet the minimum safety requirements for a sleeping room, and may not be used for sleeping purposes.

Bathroom/mechanical room

No violations noted.

Bedroom

14-4 x 10-8

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1983. The relevant code is the 1980 Indiana Residential Code/Indiana Building Code, section: 1204.

Openable area required:	4.75sq. ft.	Existing area:	4.75 sq. ft.
Clear width required:	18"	Existing width:	34.25"
Clear height required:	24"	Existing height:	20"
Maximum sill height:	48" above finished floor	Existing sill:	39"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

2nd Floor

Bathroom

No violations noted.

N bedroom 8-1 x 11-8, S bedroom 10-0 x 14-1

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1983. The relevant code is the 1980 Indiana Residential Code/Indiana Building Code, section: 1204.

Openable area required:	4.75sq. ft.	Existing area:	4.88 sq. ft.
-------------------------	-------------	----------------	--------------

Clear width required:	18"	Existing width:	30.25"
Clear height required:	24"	Existing height:	23.25"
Maximum sill height:	48" above finished floor	Existing sill:	29.5"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Exterior

No violations noted.

Other requirements

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-57

Address: 2680 S. McCartney Ln.

Petitioner: Howard Young

Inspector: John Hewett

Staff Report: February 17, 2012 Cycle Inspection
February 27, 2012 Sent Report
March 29, 2012 Received Appeal.

During the cycle inspection it was noted that sleeping room windows did not meet the minimum emergency egress size requirements for a structure built in 1984. The petitioner is requesting additional time to obtain a variance from the Department of Homeland Security Fire Prevention and Building Safety Commission. Required and existing measurements are as follows:

2nd Floor window:

Openable area required:	4.75 sq. ft.	Existing area:	4.79 sq. ft.
Clear width required:	18 inches	Existing width:	34.5 inches
Clear height required:	24 inches	Existing height:	20 inches
Maximum sill height:	44 inches above finished floor	Existing sill:	36 inches aff

Staff recommendation: Grant the extension

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

JA

Compliance Deadline: June 16, 2012

Attachments: Cycle Inspection Report, Petitioner's letter



RECEIVED
MAR 29 2012

BY: _____ **Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 2680 McCartney Lane, Bloomington, IN 47401

Petitioner's Name: Sherri Crabtree

Address: 2909 S Sare Road, Office

City: Bloomington **State:** Indiana **Zip Code:** 47401

Phone Number: (812) 339-2700 **E-mail Address:** mksherri@yahoo.com

Owner's Name: Howard E Young

Address: 2909 S Sare Road

City: Bloomington **State:** Indiana **Zip Code:** 47401

Phone Number: 339-2700 **E-mail Address:** n/a

Occupants:

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: An extension of time to complete repairs. (Petition Type: TV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-TV-57

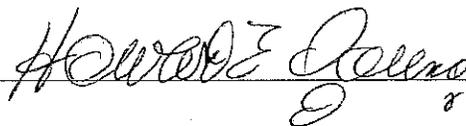
Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

We are requesting a variance from the Fire Prevention and Building Safety Commission for the following General Violations: 1980 Indiana Residential Code/Indiana Building Code, Section 1204. Commission meeting will be May 2, 2012.

Signature (Required):



Name (Print): Howard E Young

Date: 3/27/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

Cycle Report

5159

OWNERS

Young, Howard E.
2909 S. Sare Road
Bloomington, IN 47401

AGENT

Sherri Crabtree
2909 S. Sare Road
Bloomington, IN 47401

Prop. Location: 2680 S Mccartney LN
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/2/3

Date Inspected: 02/17/2012
Primary Heat Source: Gas
Property Zoning: PUD
Number of Stories: 2

Inspectors: John Hewett
Foundation Type: Slab
Attic Access: No
Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 1984.
Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.
Clear width required: 18"
Clear height required: 24"
Maximum Allowable Sill Height: 48" above finished floor

Interior

Entry

No violations noted.

Mechanical closet

No violations noted.

Bathroom

No violations noted.

Garage

No violations noted.

Kitchen

9-8 x 6-0

No violations noted.

Living room

12-3 x 17-5

No violations noted.

Bedroom

11-8 x 15-7

This room has a door to the exterior for emergency egress.

Upper level

Sitting room/ loft

15-3 x 14-6

No violations noted.

Bathroom

No violations noted.

Bedroom

17-8 x 11-8

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1984. The relevant code is the 1980 Indiana Residential Code/ Indiana Building Code, section: 1204.

Openable area required:	4.75sq. ft.	Existing area:	4.79sq. ft.
Clear width required:	18"	Existing width:	34.5"
Clear height required:	24"	Existing height:	20"
Maximum sill height:	48" above finished floor	Existing sill:	36"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Exterior

No violations noted.

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-58

Address: 817 N. Park Ave.

Petitioner: Gary and Virginia Mechling

Inspector: Norman Mosier

Staff Report: October 11, 2011 – Conducted Cycle Inspection
December 15, 2011 – Sent Remaining Violations Report
January 30, 2012 – Conducted Re-inspection
February 21, 2012 – Sent Amended Remaining Violations Report

Upon review of the file it was discovered that property was in violation of Title 20. Petitioner is requesting an extension of time to resolve Title 20 issue and make appropriate changes to property.

Staff recommendation: Grant the request.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: July 31, 2012

Attachments: Cycle Report, Remaining Violations Reports, Amended Remaining Violations Report, BHQA Appeal, Petitioner's Letter

JP

RECEIVED
MAR 30 2012



BY: _____ Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 817 N. PARK AVE

Petitioner's Name: GARY/VIRGINIA MECHLING

Address: 4101 N WINKLE RD

City: Bloomington State: IN Zip Code: 47408

Phone Number: ⁸¹² 336 3374 E-mail Address: VMECHLING@HOTMAIL.COM

Owner's Name: SAME

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ E-mail Address: _____

Occupants: 4

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: A

Reminder:
A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)
12-TV-58
Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

MUST MAKE BASEMENT CEILING HEIGHT GREATER, OR CREATE SLEEPING ROOMS IN ATTIC SPACE. NEED TIME TO DECIDE, THEN MAKE CHANGES. CURRENT LEASE- END DATE IS JULY 31. WOULD LIKE EXTENSION UNTIL THAT DATE.

Gary Mechlun

Signature (Required): Gary Mechlun

Name (Print): GARY MECHLUN

Date: 3-30-12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
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Print Form



City of Bloomington
Housing and Neighborhood Development

FEB 21 2012

AMENDED
REMAINING VIOLATIONS REPORT

1585

OWNERS

Mechling, Gary & Virginia
4101 N. Hinkle Rd.
Bloomington, IN 47408

Prop. Location: 817 N Park AVE
Date Inspected: 10/11/2011
Inspectors: Norman Mosier
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Number of Units/Structures: 1 / 1
Number of Bedrooms: 2
Max # of Occupants: 4
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

Monroe County Assessor's records indicate this structure was built in 1920.
There were no requirements for emergency egress at the time of construction.

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

GENERAL VIOLATIONS:

This unit has 2 approved sleeping rooms. During the cycle inspection, conditions were noted that indicate that this property may be in violation of Bloomington Municipal Code Title 20 with regard to sleeping rooms and density. This unit needs to be brought into compliance with Title 20 within sixty (60) days from the date of this inspection to avoid possible legal action by the City of Bloomington Legal Department. *The City's Planning Department will be the Department which decides whether or not a violation of Title 20 has occurred and whether or not any violation of Title 20 has been remedied.* For more information, please contact the Planning Department at 349-3423. *Please note that the City of Bloomington Housing and Neighborhood Development Department will not issue a residential rental occupancy permit for any property that is not compliance with Title 20 of the Bloomington Municipal Code.*



City of Bloomington
Housing and Neighborhood Development

JAN 06 2012

REMAINING VIOLATIONS REPORT

1585

OWNERS

Mechling, Gary & Virginia
4101 N. Hinkle Rd.
Bloomington, IN 47408

Prop. Location: 817 N Park AVE
Date Inspected: 10/11/2011
Inspectors: Norman Mosier
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Number of Units/Structures: 1 / 1
Number of Bedrooms: 2
Max # of Occupants: 4
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

Monroe County Assessor's records indicate this structure was built in 1920.
There were no requirements for emergency egress at the time of construction.

GENERAL VIOLATION:

C Conditions were noted during the cycle inspection that may indicate this property is over occupied and in violation of the Bloomington Municipal Code (BMC) Title 20. This property shall be brought into compliance with Title 20 requirements within 60 days of the date of this inspection to avoid possible legal action by the City of Bloomington Legal Department.

INTERIOR:

MAIN LEVEL

Living Room 14-8 x 11-6:

C Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

C Replace the missing and deteriorated (cracked and peeling) glazing compound on the north window, bottom sash. PM-303.13

Hallway:

No violations noted.

Attic:

No access.

C
C
C
C
C
C
C
Kitchen:

Properly install or replace the aerator on sink faucet so that it functions as intended. PM-504.1

Tighten the loose GFCI receptacle to the right of the sink. PM-605.1

C
C
C
C
C
C
C
Bathroom:

Repair the door to latch properly. PM-304.6

Secure the loose door stop trim. PM-304.6

Secure toilet to its mountings. PM-504.1

Secure the hanging light fixture to its base. PM-605.1

C
SE Bedroom 12-8 x 11-6:

Install the missing door stop trim on the door casing. PM-304.6

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1920

Height: 24 inches

Width: 27 inches

Sill Height: 28.5 inches

Openable Area: 4.50 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

C
SW Bedroom 9-5 x 8-8:

No violations noted.

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1920

Height: 24 inches

Width: 27 inches

Sill Height: 28.5 inches

Openable Area: 4.50 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

C
Back Room:

Properly install a weather strip on the entrance door to exclude air infiltration as completely as possible, and to substantially exclude rain. PM-303.13

C
BASEMENT

Stairway:

Secure the loose trim across the bottom step, trip hazard. PM-304.4

Hallway:

No violations noted.

Utility Room:

Conducted C/O test, internal combustion chamber - 0 ppm in supply.

Install the missing cover plates on the two junction boxes adjacent to furnace @ ceiling.
PM-605.1

Bathroom:

No violations noted.

Family Room 14 x 7:

Repair the receptacle on the east wall to have correct polarity, hot/ground reverse.
PM-605.1

SE Bedroom 9-11 x 8-8:

No violations noted.

Existing Egress Window Measurements: Casement: Const. Yr. - 1920

Height: 29 inches

Width: 22 inches

Sill Height: 44 inches

Openable Area: 4.43 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SW Bedroom 11-1 x 9-10:

Repair/replace the damaged window, missing hardware, falls out of casing. PM-303.13

Existing Egress Window Measurements: Casement: Const. Yr. - 1920

Height: 29 inches

Width: 22 inches

Sill Height: 44 inches

Openable Area: 4.43 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

EXTERIOR:

Repair/replace the top broken front porch step. PM-303.10

Secure and straighten the failing north column on the front porch, moving at base. PM-303.10

Clean debris from the roof, gutters and downspouts. PM-303.7

Replace the missing fascia trim, at the top of gable end, on the north side of structure. PM-303.7

Trim all tree branches away from the siding and roofline to maintain a 3' clearance, SE corner of structure. PM-302.4.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
Housing and Neighborhood Development

DEC 19 2011

REMAINING VIOLATIONS REPORT

1585

OWNERS

Mechling, Gary & Virginia
4101 N. Hinkle Rd.
Bloomington, IN 47408

Prop. Location: 817 N Park AVE
Date Inspected: 10/11/2011
Inspectors: Norman Mosier
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Number of Units/Structures: 1 / 1
Number of Bedrooms: 2
Max # of Occupants: 4
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

Monroe County Assessor's records indicate this structure was built in 1920. There were no requirements for emergency egress at the time of construction.

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

GENERAL VIOLATION:

Conditions were noted during the cycle inspection that may indicate this property is over occupied and in violation of the Bloomington Municipal Code (BMC) Title 20. This property shall be brought into compliance with Title 20 requirements within 60 days of the date of this inspection to avoid possible legal action by the City of Bloomington Legal Department.

INTERIOR:

MAIN LEVEL

Living Room 14-8 x 11-6:

Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

Replace the missing and deteriorated (cracked and peeling) glazing compound on the north window, bottom sash. PM-303.13

Hallway:

No violations noted.

Attic:

No access.

Kitchen:

Properly install or replace the aerator on sink faucet so that it functions as intended. PM-504.1

Tighten the loose GFCI receptacle to the right of the sink. PM-605.1

Bathroom:

Repair the door to latch properly. PM-304.6

Secure the loose door stop trim. PM-304.6

Secure toilet to its mountings. PM-504.1

Secure the hanging light fixture to its base. PM-605.1

SE Bedroom 12-8 x 11-6:

Install the missing door stop trim on the door casing. PM-304.6

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1920

Height: 24 inches

Width: 27 inches

Sill Height: 28.5 inches

Openable Area: 4.50 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SW Bedroom 9-5 x 8-8:

No violations noted.

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1920

Height: 24 inches

Width: 27 inches

Sill Height: 28.5 inches

Openable Area: 4.50 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Back Room:

Properly install a weather strip on the entrance door to exclude air infiltration as completely as possible, and to substantially exclude rain. PM-303.13

BASEMENT

Stairway:

Secure the loose trim across the bottom step, trip hazard. PM-304.4

Hallway:

No violations noted.

Utility Room:

Conducted C/O test, internal combustion chamber - 0 ppm in supply.

Install the missing cover plates on the two junction boxes adjacent to furnace @ ceiling.
PM-605.1

Bathroom:

No violations noted.

Family Room 14 x 7:

Repair the receptacle on the east wall to have correct polarity, hot/ground reverse.
PM-605.1

SE Bedroom 9-11 x 8-8:

No violations noted.

Existing Egress Window Measurements: Casement: Const. Yr. - 1920

Height: 29 inches

Width: 22 inches

Sill Height: 44 inches

Openable Area: 4.43 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SW Bedroom 11-1 x 9-10:

Repair/replace the damaged window, missing hardware, falls out of casing. PM-303.13

Existing Egress Window Measurements: Casement: Const. Yr. - 1920

Height: 29 inches

Width: 22 inches

Sill Height: 44 inches

Openable Area: 4.43 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

EXTERIOR:

Repair/replace the top broken front porch step. PM-303.10

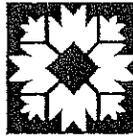
Secure and straighten the failing north column on the front porch, moving at base. PM-303.10

Clean debris from the roof, gutters and downspouts. PM-303.7

Replace the missing fascia trim, at the top of gable end, on the north side of structure. PM-303.7

Trim all tree branches away from the siding and roofline to maintain a 3' clearance, SE corner of structure. PM-302.4.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
Housing and Neighborhood Development

Cycle Report

1585

OWNERS

Mechling, Gary & Virginia
4101 N. Hinkle Rd.
Bloomington, IN 47408

Prop. Location: 817 N Park AVE
Date Inspected: 10/11/2011
Inspectors: Norman Mosier
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Number of Units/Structures: 1 / 1
Number of Bedrooms: 4
Max # of Occupants: 3
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

Monroe County Assessor's records indicate this structure was built in 1920.
There were no requirements for emergency egress at the time of construction.

GENERAL VIOLATION:

Conditions were noted during the cycle inspection that may indicate this property is over occupied and in violation of the Bloomington Municipal Code (BMC) Title 20. This property shall be brought into compliance with Title 20 requirements within 60 days of the date of this inspection to avoid possible legal action by the City of Bloomington Legal Department.

INTERIOR:

MAIN LEVEL

Living Room 14-8 x 11-6:

Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

Replace the missing and deteriorated (cracked and peeling) glazing compound on the north window, bottom sash. PM-303.13

Hallway:

No violations noted.

Attic:

No access.

Kitchen:

Properly install or replace the aerator on sink faucet so that it functions as intended.
PM-504.1

Tighten the loose GFCI receptacle to the right of the sink. PM-605.1

Bathroom:

Repair the door to latch properly. PM-304.6

Secure the loose door stop trim. PM-304.6

Secure toilet to its mountings. PM-504.1

Secure the hanging light fixture to its base. PM-605.1

SE Bedroom 12-8 x 11-6:

Install the missing door stop trim on the door casing. PM-304.6

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1920

Height: 24 inches

Width: 27 inches

Sill Height: 28.5 inches

Openable Area: 4.50 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SW Bedroom 9-5 x 8-8:

No violations noted.

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1920

Height: 24 inches

Width: 27 inches

Sill Height: 28.5 inches

Openable Area: 4.50 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Back Room:

Properly install a weather strip on the entrance door to exclude air infiltration as completely as possible, and to substantially exclude rain. PM-303.13

BASEMENT

Stairway:

Secure the loose trim across the bottom step, trip hazard. PM-304.4

Hallway:

No violations noted.

Utility Room:

Conducted C/O test, internal combustion chamber - O ppm in supply.

Install the missing cover plates on the two junction boxes adjacent to furnace @ ceiling.
PM-605.1

Bathroom:

No violations noted.

Family Room 14 x 7:

Repair the receptacle on the east wall to have correct polarity, hot/ground reverse.
PM-605.1

SE Bedroom 9-11 x 8-8:

No violations noted.

Existing Egress Window Measurements: Casement: Const. Yr. - 1920

Height: 29 inches

Width: 22 inches

Sill Height: 44 inches

Openable Area: 4.43 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SW Bedroom 11-1 x 9-10:

Repair/replace the damaged window, missing hardware, falls out of casing. PM-303.13

Existing Egress Window Measurements: Casement: Const. Yr. - 1920

Height: 29 inches

Width: 22 inches

Sill Height: 44 inches

Openable Area: 4.43 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

EXTERIOR:

Repair/replace the top broken front porch step. PM-303.10

Secure and straighten the failing north column on the front porch, moving at base. PM-303.10

Clean debris from the roof, gutters and downspouts. PM-303.7

Replace the missing fascia trim, at the top of gable end, on the north side of structure. PM-303.7

Trim all tree branches away from the siding and roofline to maintain a 3' clearance, SE corner of structure. PM-302.4.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012
Petition Type: An extension of time to complete repairs.
Petition Number: 12-TV-59
Address: 533 E. Smith Avenue
Petitioner: Cassis Enterprises, LLC
Inspector: Jo Stong
Staff Report: During a cycle inspection conducted on February 9, 2012 violations of the Property Maintenance Code were noted, including egress windows which did not meet egress requirements at the time the property was constructed. Built in 1985, the minimum egress measurements and requirements are as follows:

REQUIRED MEASUREMENTS
Openable area required: 4.75 sq
Clear width required: 18"
Clear height required: 24"
Maximum Allowable Sill Height: 48"
above finished floor

EXISTING MEASUREMENTS
Openable area: 5.31 sq. ft.
Openable width: 34 inches
Openable height: 22 3/4 inches
Sill height: 30 1/4 inches

The petitioner is requesting an extension of time to complete the process of requesting and obtaining a variance from the State.

Staff recommendation: Grant the extension of time
Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.
Compliance Deadline: July 16, 2012
Attachments: Cycle Report, Appeal

AS



RECEIVED
APR 04 2012

BY:..... **Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 533 East Smith Avenue

Petitioner's Name: Cassis Enterprises, LLC

Address: 3709 Tamarron Drive

City: Bloomington

State: Indiana

Zip Code: 47408

Phone Number: (812) 219-5212

E-mail Address: jsabbagh@homefinder.org

Owner's Name: Joanne C. Sabbagh

Address: 3709 Tamarron Drive

City: Bloomington

State: Indiana

Zip Code: 47408

Phone Number: 812-219-5212

E-mail Address: jsabbagh@homefinder.org

Occupants: Daniel Buigas and Angelus Kocoshis

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: A modification or exception to the Housing Property Maintenance Code. (Petition Type: **V**)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-TV-59

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

I am requesting a variance for the window that was cited in the HAND Inspection. This unit was built 20 some years ago, and this is the first time I have heard anything about a problem with the windows. If the windows did not meet the building code requirement when the building was built, how did the builder pass his building inspections and get an occupancy permit? I am, therefore, requesting a variance as this requirement is not practical at this time and would create a hardship on the owner and violate the overall appearance of the building as all the windows are the same size. I am filing an application for variance with the Indiana Department of Homeland Security and will notify HAND when completed documents have been received.

Signature (Required): Joanne Sabbagh
Name (Print): Joanne Sabbagh Date: 4/3/12

Important information regarding this application format:
1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

FEB 17 2012

RENTAL PERMIT INFORMATION

Joanne Sabbagh
P.O. Box 5727
Bloomington, IN 47402

Property Location: 533 E. Smith Avenue

Please find enclosed the Cycle Inspection Report which detail recommendations and violations found during the recent inspection of your rental property. You have sixty (60) days from the date of this letter to correct the violations listed on the report.

Once violations have been corrected, it is your responsibility to call the Housing and Neighborhood Development office by **APR 17 2012** to schedule a re-inspection. You have the right to appeal any violation to the Board of Housing Quality Appeals. An appeal form can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 812-349-3420 and a form will be provided.

This report is issued in accordance with Section PM106.1 and PM106.2 of the Housing-Property Maintenance Code. Residential Rental Occupancy Permits will not be issued until all interior and exterior violations have been corrected, and all fees have been paid. Please be advised that non-compliance by the deadlines listed in this letter can limit the permit period to a maximum of three (3) years. A copy of the Notice of Fees can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

If your address has changed since your last inspection, please submit a new registration form to the HAND Department. You can find the registration form online at the website listed above. If you do not have internet access, you may contact HAND at 812-349-3420 and a form will be mailed.

If you have any questions regarding the permit process, please call weekdays between 8:00 a.m. and 5:00 p.m., at (812) 349-3420.

Sincerely,

Housing and Neighborhood Development Department

Enclosures: Inspection Report.

Xc:



533 E. Smith Avenue
February 14, 2012
Page 1 of 3

City of Bloomington
Housing and Neighborhood Development

Cycle Report

1764

OWNERS

Sabbagh, Joanne C.
Po Box 5727
Bloomington, IN 47402

AGENT

Tempo Management
P.O. Box 5727
Bloomington, IN 47407

Prop. Location: 533 E Smith AVE
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/2/4

Date Inspected: 02/09/2012
Primary Heat Source: Electric
Property Zoning: PUD
Number of Stories: 1

Inspectors: Jo Stong
Foundation Type: Slab
Attic Access: No
Accessory Structure: None

Monroe County Assessor's records indicate this structure was built in 1985.

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

INTERIOR:

Kitchen (18-0 x 10-8):
No violations noted

Living Room (16-0 x 12-6):

Provide operating power to smoke detector. PM-704.1

East Bedroom (13-0 x 9-10):

Provide operating power to smoke detector. PM-704.1

Minimum emergency egress requirements
for the time of construction:

Openable area required: 4.75 sq

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48"
above finished floor

EXISTING MEASUREMENTS

Openable area: 5.31 sq. ft.

Openable width: 34 inches

Openable height: 22 ¾ inches

Sill height: 30 ¼ inches

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1985. The relevant code is the 1980 Indiana Building Code, section 1204.

For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Bathroom:

Secure the cover plate for the receptacle on the west wall. PM-605.1

West Bedroom (13-8 x 9-10):

No violations noted.

Note: A door leading directly to the exterior serves as the emergency egress for this sleeping room.

EXTERIOR:

No violations noted.

OTHER REQUIREMENTS:

Required documentation:

Complete the enclosed registration form. A street address is required for both owner and agent.
This form must be signed by the owner. BMC16.12.060

533 E. Smith Avenue

February 14, 2012

Page 3 of 3

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

Thank you for your cooperation in the Residential Rental Occupancy Permit Program.



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Relief from an Administrative Decision**

Meeting Date: May 16, 2012
Petition Type: Relief from an administrative decision
Variance Request: Interpretation of code requiring the recording of Land Sales Contracts
Petition Number: 12-AA-61
Address: 1404 W. Arlington Road
Petitioner: Gerald Rhoades (Petitioner) and John & Hillary Repollet (Buyer)

Per 16.12.030 (b) "This chapter applies to rental units located within the city, including governmental or public agencies acting as landlords, but shall not apply to the following arrangements unless the arrangements are created to avoid the application of this chapter." It goes on to allow an exception for "Occupancy by the purchaser of a dwelling unit under a contract of sale." In order to provide some assurance that the contract sale is not an effort to "avoid the application of this chapter" to properties that may not meet the minimum requirements for habitability, it has been a long-standing rule, adopted pursuant to 16.04.040(b), that in order to be considered exempt from Title 16, all contracts of sale must be recorded. While it may not be a requirement of Indiana law, it is highly recommended by most attorneys that the contracts be recorded so that the buyer has some legal standing should the contract be flawed in some way. Per the Petitioner's attorney, "The house has been well-maintained inside and out;" however, the last cycle inspection report for this property was several pages. It has been attached for your review.

HAND's stance is that the contract should be recorded for consistency and in accordance with our long-standing rule.

Staff recommendation: Deny the request

Conditions: Either submit a recorded Sales Contract or have the property inspected for compliance with Title 16.

Compliance Deadline: June 15, 2012

Attachments: Appeal form, letter from petitioner, cycle report (2008)



RECEIVED
APR 09 2012
BY: ac

**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 1404 West Arlington Road, Bloomington, IN 47404

Petitioner's Name: Gerald Rhoads Contract Seller

Address: 1905 West Arlington Road, Bloomington, IN 47404

City: Bloomington **State:** IN **Zip Code:** 47404

Phone Number: 812-929-1822 **E-mail Address:** none

Owner's Name: John Repollet and Hillary Repollet, Contract buyers

Address: 1404 West Arlington Road

City: Bloomington **State:** IN **Zip Code:** 47404

Phone Number: 812-339-2324 **E-mail Address:** _____

Occupants: John Repollet and Hillary Repollet

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: Relief from Administrative Interpretation

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)
12-AA-61
Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance. See attached land contract and
 - 2. Specify the reason the variance is no longer needed. letter from Petitioner's attorney

Petitioner sold the subject property on land contract to the occupants in August, 2010. The buyers made a \$4,000 down payment and have made all payments in a timely manner. The HAND has informed petitioner that the property remains subject to the housing code requirements for cycle inspections despite the fact that it has been sold on contract. HAND further informs petitioner that the property will not be considered a rental unit if the contract is recorded. According to the terms of the contract, the contract cannot be recorded. This provision was agreed to by both parties and is for the benefit of both parties. Under Indiana law, contract buyers are considered the owners and the contract seller is considered analogous to a lienholder. As such, since the property is occupied by the contract purchaser as owners, the property does not meet the definition of a "Residential rental unit" set forth in BMC 16.04.130 which is "any dwelling unit, rooming house, or rooming unit occupied by a person or persons other than the owners and/or their legal dependants(s). The house has been well-maintained inside and out. The kitchen has new tile, hard floors have been refinished, painting an amenities have been completed.

This well-maintained house is an asset to the neighborhood. Petitioner has no right to possession or the home nor can he access the home to maintain it as a rental.

Signature (Required): Gerald Rhoads

Name (Print): Gerald Rhoads Date: April 9, 2012

- Important information regarding this application format:**
- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
 - 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form

LAND CONTRACT

THIS LAND CONTRACT ("Contract") has been executed this 4th day of August, 2010, by Gerald R. Rhoads ("Vendor"), and John Repollet and Hillary Repollet, husband and wife, ("Purchaser"):

WITNESSETH that the parties agree as follows:

Vendor hereby sells to Purchaser, and Purchaser hereby purchases from Vendor, the following described real estate, together with all improvements thereon or belonging thereto, located in Monroe County, Indiana ("Real Estate"), being more particularly described as follows:

Indiana State Parcel Number: 53-05-20-300-039.000-005 being part of the Southeast quarter of the Southwest quarter of Section 29, Township 9 North, Range 1 West containing .58 acres, more or less;

Also, Indiana State Parcel Number: 53-05-29-300-055.000-005 being part of the Southeast quarter of the Southwest quarter of Section 29, Township 9 North, Range 1 West containing .07 acres, more or less;

commonly known as: 1404 West Arlington Road, Bloomington, Indiana 47404-2110; all upon the following covenants, terms and conditions:

1. Purchase Price and Manner of Payment.

(a) **Purchase Price.** The Purchase Price for the Real Estate shall be the sum of One hundred thousand and no/100 Dollars (\$100,000.00) ("Purchase Price"), which Purchaser, jointly and severally, agrees to pay Vendor in accordance with the terms and conditions of this Contract, without relief from valuation and appraisal laws and with reasonable attorneys' fees after default and referral to an attorney for collection.

(b) **Manner of Payment.** The Purchase Price shall be paid in the following manner:

(1) The sum of Four thousand and no/100 Dollars (\$4,000.00) shall be paid upon execution and delivery of this Contract to Vendor by Purchaser and Vendor acknowledges receipt of such payment.

(2) The remaining Ninety-six thousand and no/100 Dollars (\$96,000.00) unpaid principal balance of the Purchase Price ("Contract Balance") shall be paid to Vendor by Purchaser, together with interest at the rate of Six Percent (6.0%) per annum ("Per Annum Rate"), as follows:

With interest computed from the date hereof on the monthly unpaid Contract Balance at the Per Annum Rate, in equal monthly installments of Five hundred seventy-five and 57/100 Dollars

(\$575.57) per month beginning September 1, 2010 and continuing on the 1st day of each month thereafter for Thirty-five (35) consecutive months and a final balloon payment which shall be due on the third anniversary of the date of execution of this Contract and shall consist of the entire remaining Contract Balance, together with all accrued interest thereon;

(3) Purchaser may make prepayments of any amount due hereunder at any time and without penalty or premium. No partial prepayment of the Contract Balance shall relieve Purchaser from continuing to make scheduled payments as they become due and payable. All payments made by Purchaser, including prepayments, shall be applied first to interest due and payable and the balance, if any, to principal.

(4) All payments shall be made to Vendor at:

1905 West Arlington Road
Bloomington, IN 47404,

or to such other place or person as Vendor may direct by written notice to Purchaser.

2. Taxes and Insurance.

(a) **Taxes.** Purchaser shall pay the taxes on the Real Estate beginning with the real estate taxes for the second installment of 2010, due and payable in November, 2011, and all installments of taxes payable thereafter. Vendor covenants and agrees to pay, prior to delinquency, all prior real estate taxes on the Real Estate. Purchaser, upon written notice to Vendor and at Purchaser's expense, may contest on Vendor's and Purchaser's behalf, any changes of the assessed valuation of the Real Estate. Vendor shall forward or cause to be forwarded to Purchaser a copy of all statements for real estate taxes on the Real Estate payable by Purchaser, as received, and Purchaser shall provide to Vendor upon request evidence of payment of such taxes.

(b) **Assessments.** Purchaser shall pay all assessments for municipal and other improvements becoming a lien after the date of execution of this Contract. Vendor covenants and agrees to pay all such assessments becoming a lien prior to such date.

(c) **Insurance.** Purchaser agrees to procure and maintain fire and extended coverage insurance with a responsible insurer upon all improvements on the Real Estate, in an amount not less than the Contract Balance or the full extent of Purchaser's insurable value, whichever is less ("Required Insurance"). The Required Insurance shall be issued in the names of Purchaser and Vendor, as their respective interests may appear, and shall provide that the insurer may not cancel or materially change coverage without ten (10) days' prior written notice to Vendor. Purchaser shall provide Vendor with such proof of insurance coverages as Vendor from time to time shall reasonably request. Except as otherwise may be agreed in writing, any insurance proceeds received as payment for any loss of or damage to the Real Estate covered by Required Insurance shall be applied to restoration and repair of the loss or damage in such fashion as Vendor reasonably may require, unless such restoration and repair is not economically feasible or there

exists an uncured Event of Default by Purchaser under this Contract on the date of receipt of such proceeds, in either of which events, the proceeds may be applied, at Vendor's option, toward prepayment of the Contract Balance, with any excess to be paid to Purchaser.

(d) **Payment by Vendor.** Upon failure of Purchaser to pay taxes or assessments on the Real Estate or to provide insurance as required under this Contract, Vendor, upon written notice to Purchaser, may pay such taxes or assessments or obtain and maintain such insurance and add the costs thereof to the Contract Balance.

3. **Possession.** Vendor shall give Purchaser full and complete possession fo the Real Estate on the date of execution of this agreement.

4. **Evidence of Title.**

(a) Vendor shall furnish Purchaser with a general warranty deed conveying title to the Real Estate when the entire Purchase Price, and all accrued interest thereon, has been paid in full. Any further evidence or assurance of title shall be obtained at the expense of Purchaser.

5. **Warranties of Vendor.** Vendor hereby warrants that Vendor has good and merchantable title to the Real Estate, free and clear of any and all liens, leases, restrictions and encumbrances, except as follows:

- (i) Easements and restrictions of record;
- (ii) Current real estate taxes not yet delinquent; and
- (iii) all liens, leases and encumbrances of record.

Vendor further represents and warrants the following as of the date hereof: Vendor has made no contract to sell all or part of the Real Estate to any person other than the Purchaser; Vendor has not given to any person an option, which is presently exercisable, to purchase all or any part of the Real Estate; there are no unpaid claims for labor done upon or materials furnished for the Real Estate in respect of which liens have been or may be filed; the improvements upon the Real Estate are all located entirely within the bounds of the Real Estate, and there are no encroachments thereon; there are no existing violations of zoning ordinances or other restrictions applicable to the Real Estte; there is no judgment of any court of the State of Indiana or of any court of the United States that is or may become a lien on the Real Estate; and Seller is neither principal nor surety on any bond payable to the State of Indiana.

6. **Vendor's Right to Mortgage Real Estate.** Vendor shall have the right, without Purchaser's consent to encumber the Real Estate with a mortgage. Any such mortgage by its term shall not be subordinated to the rights of Purchaser under this Contract. In all events, the balance due in respect of any such mortgage at no time shall exceed the unpaid balance of the Purchase Price. If Vendor encumbers the Real Estate by a mortgage, or the Real Estate is on the date of this Contract so encumbered, and Vendor defaults thereunder, Purchaser shall have the right to cure such default and to deduct the cost thereof from the next payment or payments due under this Contract. Vendor shall pay all amounts due under any such mortgage when due and shall pay, discharge and obtain the release of any such mortgage upon Purchaser's payment in full

of the Contract Balance and all interest accrued thereon.

7. Transfer of Purchaser's Interest.--Condemnation. Purchaser's interest in this Contract and Purchaser's interest in the Real Estate may not be sold, assigned, pledged, mortgaged, encumbered or transferred by Purchaser without the written consent of Vendor. If the Real Estate or any part thereof is taken or damaged pursuant to an exercise or threat of exercise of the power of eminent domain, the entire proceeds of the award or compensation payable in respect of the part so taken or damaged are hereby assigned to and shall be paid directly to Vendor. Such proceeds shall be applied, at Vendor's option and without premium, in part or entirely as a prepayment of the Contract Balance or to restoration of the Real Estate; provided, however, that if by electing to apply part of any such award or compensation against the Contract Balance, the Contract Balance is paid in full, then Vendor shall pay the balance to Purchaser.

8. Mechanic's Liens. Purchaser shall not permit any Statement of Intention to hold a Mechanic's Lien to be filed against any interest or estate therein by reason of labor, services or materials claimed to have been performed or furnished to or for Purchaser. If such Statement of Intention to hold a Mechanic's Lien shall be filed, Vendor, at Vendor's option, may compel the prosecution of an action for the foreclosure of such Mechanic's Lien by the lienor. If any such Statement of Intention to hold a Mechanic's Lien shall be filed and an action commenced to foreclose the lien, Purchaser, upon demand by Vendor, shall cause the lien to be released at Purchaser's expense by the filing of a written undertaking with a surety approved by the Court and obtaining an order from the Court releasing the property from such lien. Nothing in this instrument shall be deemed or construed to constitute consent to, or a request to any party for, the performance of any labor or services or the furnishing of any materials for the improvement, alteration or repairing of the Real Estate; nor as giving Purchaser the right or authority to contract for, authorize or permit the performance of any labor or services or the furnishing of any material that would permit the attaching of a valid mechanic's lien.

9. Indemnification and Release. Regardless of whether or not separate, several, joint or concurrent liability may be imposed upon Vendor, Purchaser shall indemnify and hold harmless Vendor from and against all damages, claims and liability arising from or connected with Purchaser's control or use of the Real Estate, including, without limitation, any damage or injury to person or property. This indemnification shall not include any matter for which the Vendor is effectively protected by insurance. If Vendor without fault, shall become a party to litigation commenced by or against Purchaser, then Purchaser shall indemnify and hold Vendor harmless. The indemnification provided by this paragraph shall include all legal costs and attorneys' fees incurred by Vendor in connection with any such claim, action or proceeding. Purchaser hereby releases Vendor from all liability for any accident, damage or injury caused to person or property on or about the Real Estate whether or not due to negligence on the part of Vendor and notwithstanding whether such acts or omissions be active or passive.

10. Use of the Real Estate by Purchaser; Vendor's Right of Inspection; Purchaser's Responsibility for Accidents.

(a) Use. The Real Estate shall not be rented, leased or occupied by persons other than

Purchaser. None of the improvements now or hereafter located on the Real Estate shall be materially changed, remodeled, or altered without the prior written consent of Vendor. No additional improvements shall be placed on the Real Estate without the prior written consent of Vendor. Purchaser, at Purchaser's expense, shall use the Real Estate and the improvements thereon carefully and shall keep the same in good repair. Purchaser shall not commit waste on the Real Estate and, with respect to occupancy and use of the Real Estate, shall comply with all laws, ordinances, and regulations of any governmental authority having jurisdiction thereof.

(b) **Vendor's Right of Inspection.** Until the Purchase Price and all interest thereon is paid in full, Vendor from time to time and at reasonable times, peaceably may enter and inspect the Real Estate.

(c) **Purchaser's Responsibility for Accidents.** Purchaser hereby assumes all risk and responsibility for accident, injury or damage to person and property arising from Purchaser's use and control of the Real Estate and the improvements thereon. Purchaser shall insure such risk by carrying standard liability insurance, in such amounts as are satisfactory to Vendor, insuring the Vendor's liability as well as the Purchaser's.

11. Default and Acceleration. It is expressly agreed by Purchaser that time is of the essence of this Contract. Upon the occurrence of any Event of Default, as hereinafter defined, and at any time thereafter, the entire Contract Balance, and all accrued, unpaid interest thereon, shall, at the option of Vendor, become immediately due and payable without any notice, presentment, demand, protest, notice of protest, or other notice or dishonor or demand of any kind, all of which are hereby expressly waived by Purchaser, and Vendor shall have the right to pursue immediately any and all remedies, legal or equitable, as are available under applicable law to collect such Contract Balance and accrued interest, to foreclose this Land Contract, and as may be necessary or appropriate to protect Vendor's interest under this Contract and in and to the Real Estate. The following shall each constitute an "Event of Default" for purposes of this Contract:

(a) Default by Purchaser for a period of fifteen (15) days in the payment of (i) an installment of the Purchase Price when due under the terms of this Contract, (ii) any installment of real estate taxes on the Real Estate or assessment for a public improvement which by the terms of this Contract are payable by Purchaser, or (iii) any premium for insurance required by the terms of this Contract to be maintained by Purchaser;

(b) Default, for a period of thirty (30) days after written notice thereof is given to Purchaser, in the performance or observation of any other covenant or term of this Contract;

(c) Lease or encumbrance of the Real Estate or any part thereof, other than as expressly permitted by this Contract, or the making of any levy, seizure or attachment thereof or thereon or a substantial, uninsured loss of any part of the Real Estate.

(d) Purchaser (i) institutes or consents to any proceedings in insolvency, or for the adjustment, liquidation, extension or composition or arrangement of debts or for any other relief under any insolvency law or laws relating to the relief or reorganization of debtors', (ii) files an answer

admitting bankruptcy or insolvency or in any manner is adjudged insolvent, or (iii) makes an assignment for the benefit of creditors or admits in writing inability to pay debts as they become due; provided however, this paragraph (d) shall not apply to any proceeding in bankruptcy.

(e) Any part of Real Estate or all or a substantial part of the property or assets of Purchaser is placed in the hands of any receiver, trustee or other officers or representatives of any court, or Purchaser consents, agrees or acquiesces to the appointment of any such receiver or trustee;

(f) Desertion or abandonment of the Real Estate, or any part thereof, by Purchaser;

(g) Actual or threatened alteration, demolition or removal of any improvements which are a part of the Real Estate, except as expressly allowed by the terms of this Contract;

(h) Sale, transfer, conveyance or other disposition of Purchaser's interest in this Contract or Purchaser's interest in the Real Estate, or any part thereof, without Vendor's prior written consent.

In the event Purchaser deserts or abandons the Real Estate; commits any other willful breach of this Contract which materially diminishes the security intended to be given to Vendor under and by virtue of this Contract; defaults in making monthly payments; or fails to make the balloon payment then, it is expressly agreed by Purchaser that Vendor may, at Vendor's option, cancel this Contract and take possession of the Real Estate and remove Purchaser therefrom, or those holding or claiming under Purchaser without any demand and to the full extent permitted by applicable law. In the event of Vendor's cancellation upon such default by Purchaser, all rights and demands of Purchaser under this Contract and in and to the Real Estate shall cease and terminate and Purchaser shall have no further right, title or interest, legal or equitable, in and to the Real Estate and Vendor shall have the right to retain all amounts paid by Purchaser toward the Purchase Price as an agreed payment for Purchaser's possession of the Real Estate prior to such default. Such retention shall not bar Vendor's right to recover damages for unlawful detention of the Real Estate after default, for any failure to pay taxes or insurance, for failure to maintain the Real Estate at any time, for waste committed thereon or for any other damages suffered by Vendor, including reasonable attorneys' fees incurred by Vendor in enforcing any right hereunder or in removing any encumbrance on the Real Estate made or suffered by Purchaser.

All of Vendor's remedies shall be cumulative and not exclusive. Failure of Vendor to exercise any remedy at any time shall not operate as a waiver of the right of Vendor to exercise any remedy for the same or any subsequent default at any time thereafter.

12. Additional Covenants and Representations of Vendor. Upon payment by Purchaser of the Purchase Price in full, with all interest accrued thereon, and the performance by Purchaser of all covenants and conditions which by the terms of this Contract are to be performed by Purchaser, Vendor agrees and covenants to convey the Real Estate to Purchaser by General Warranty Deed, subject only to easements and restrictions of record as of the date of this Contract; to the rights of persons in possession; to the lien of all taxes and assessments payable by Purchaser hereunder; and to any other encumbrances which, by the terms of this Contract, are

to be paid by Purchaser.

13. **General Agreement of Parties.** This Contract shall extend to and be binding upon the heirs, personal representatives, successors and assigns of the parties. When applicable, use of the singular form of any word also shall mean or apply to the plural. Any notices to be given hereunder shall be deemed sufficiently given when (a) actually served on the person to be notified, or (b) placed in an envelope directed to the person to be notified at the following address and deposited in the United States mails by certified or registered mail, postage prepaid.

(1) If to Vendor, at the address at which payments to Vendor are to be made.

(2) If to Purchaser, at: 1404 Arlington Road; Bloomington, IN 47404.

Such addresses may be changed by either party by written advice as to the new address delivered to the other party as above provided.

Whenever consent is required of either party hereunder for the occurrence of any act, such consent shall not unreasonably be withheld.

14. **Recording.** This agreement may not be recorded until the contract balance together with all interest is paid in full by Purchaser.

IN WITNESS WHEREOF, Vendor and Purchaser have executed this instrument on this 4th day of August, 2010.

Signature John Repollet
John Repollet

Signature Hillary Repollet
Hillary Repollet

PURCHASER

Signature Gerald R Rhoad
Gerald R. Rhoad

VENDOR



**City of Bloomington
Housing and Neighborhood Development**

Cycle Report

7408

OWNERS

RHOADE, GERALD
1905 W. ARLINGTON ROAD
BLOOMINGTON, IN 47404

Prop. Location: 1404 W ARLINGTON RD
Date Inspected: 10/17/2008
Inspectors: Sean Person
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

Number of Units/Structures: 1/1
Number of Bedrooms: 3
Max # of Occupants: 5
Foundation Type: Basement
Attic Access: No
Accessory Structure: Garage

INTERIOR

Living Room (21-2 x 14-2)

Repair or replace lock on exterior door so that it functions as intended. PM-303.15

All fireplaces/wood stove shall be inspected and serviced as needed. This is to include the firebox, damper, chimney and or the flue. Cleaning by professional service is highly recommended. PM-603.1

Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

Dining Room (13-2 x 10-1)

Repair the broken window. PM-303.13

Bedroom W (11-0 x 8-0)

Existing Egress Window Measurements:

Height: 18 ¾ inches
Width: 27 inches
Sill Height: 34 inches
Openable Area: 3.52 sq. ft.

94

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Provide operating power to smoke detector. PM-704.1

Kitchen (3-5 x 10-9)

No violations noted.

2nd Living Room (18-9 x 11-8)

Repair the hole(s) in the wall above door. PM-304.3 & PM-304.6

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials.
PM-304.3

Properly repair or replace broken or missing cabinet door. PM-304.3

Bathroom C

Repair broken lid on toilet. PM-504.1

Bedroom NE (10-3 x 13-0)

Repair or replace closet doors to function as intended. PM-604.1

Replace broken electrical receptacle and put an approved cover on (in closet and under window).
PM-605.1

Existing Egress Window Measurements:

Height: 23 inches

Width: 27 inches

Sill Height: 34 inches

Openable Area: 4.31 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Install a smoke detector in an approved location. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall.
PM-704.1

Bathroom

Clean and service the exhaust fan so that it functions as intended (both fans). PM-603.1

Properly re-caulk around the shower / tub to eliminate water infiltration. PM-304.3

Repair or replace the trim around baseboard. PMC-304.1

Bedroom SE (13-1 x 10-8)

Existing Egress Window Measurements:

Height: 18 ¾ inches
Width: 27 inches
Sill Height: 34 inches
Openable Area: 3.52 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Hallway

Provide operating power to smoke detector. PM-704.1

Basement

Clothes dryer exhaust shall be exhausted to the exterior of the structure and not recirculated to any space. Properly repair the existing system, or install a duct system that exhaust to the exterior of the structure. PM-403.3

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Handwritten note: CO TEST 4/24/04 1 ppm

Desired level: 0 parts per million (ppm)
Acceptable level in a living space: 9 ppm
Maximum concentration for flue products: 50 ppm
PM-603.1

Determine the source and eliminate the water leak in the sanitary junction line. PM-504.1

EXTERIOR

Clean debris from the roof, gutters and downspouts. PM-303.7

Properly reconnect all gutters/downspouts in a manner that reasonably directs water away from the structure. PM-303.7

Trim all tree branches away from the siding and roofline to maintain a 3' clearance. PM-302.4.1

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2

Repair the hole(s) gables. PM-304.3 & PM-304.6

Scrape and paint window surfaces where paint is peeling or wood is exposed. PM-303.2

Remove and properly dispose of all accumulated or scattered trash on property. PM-302.1

Replace damaged or deteriorating roof. This is to be done in a workmanlike manner and includes but is not limited to damaged or deteriorating roofing material, sheathing, and all structural members. PM-303.4 & PM-303.7

EXTEND
OWNER STATED SHOULD BE COMPLETED BY 7/1/09
Garage

Replace damaged or deteriorating roof. This is to be done in a workmanlike manner and includes but is not limited to damaged or deteriorating roofing material, sheathing, and all structural members. PM-303.4 & PM-303.7

Repair/replace the damaged door. PM-304.6

Replace broken electrical receptacle. PM-605.1

OTHER REQUIREMENTS

OK
Required documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector before the Residential Rental Permit will be issued for this property. BMC16.12.050 (d)

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Relief from an Administrative Decision**

Meeting Date: May 16, 2012
Petition Type: Modification or exception to the Housing Property Maintenance Code
Variance Request: Exception to the Occupancy limitations for a bedroom
Petition Number: 12-AA-62
Address: 3209 E. 10th Street, Unit #X-7
Petitioner: Wendy & Matthias Westphal

This unit is occupied by Mr. & Mrs. Westphal and their three small children (5 and under). Per 16.04.230 (d), for three people to occupy a single bedroom, the bedroom must have at least 150 square feet of floor space. The code does not have an age or size specification. The zoning occupancy requirements do not apply in this case. The landlord contacted HAND about renewing this lease because the three children would occupy one bedroom.

Staff recommendation: Grant the exception for one year.

Conditions: This agreement shall remain in force for the next lease cycle so long as Mr. & Mrs. Westphal and their children reside in the property. This property will be pull dated for October 2013 to check residency.

Compliance Deadline: September 1, 2013

Attachments: Appeal form, letter from petitioner

RECEIVED
APR 10 2012



BY: _____ **Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: Fountain Park Apartments; 3209 E. 10th St.; Bloomington, IN 47408

Petitioner's Name: Wendy and Matthias Westphal

Address: 3209 E. 10th St. Apt. X-7

City: Bloomington

State: Indiana

Zip Code: 47408

Phone Number: (812) 339-8250

E-mail Address: wcgraham@indiana.edu

Owner's Name: Regency Consolidated Residential LLC (Property Manager: Michelle Fulford)

Address: 1701 Broadmoor Drive Suite 200

City: Champaign

State: Illinois

Zip Code: 61821

Phone Number: 812-339-5533

E-mail Address: FountainPark@regencyapartments.com

Occupants: Wendy and Matthias Westphal & 3 Children: Marcus (5 yrs), Tobias (3 yrs), Alexander (20 months)

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: _____

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-AA-62

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Dear Bloomington Board of Housing, My husband and I live in a nice two-bedroom apartment with our three small children (ages 5.5 years, 3.5 years and 20 months). The occupancy limit for the apartment is two people per bedroom (and the apartment also allows dogs and cats, in addition to the 4 adults). The 4 person limit, however, means that we would not be able to renew our lease agreement when our current contract ends this summer (July 31, 2012). We would like to request permission to stay in our apartment for one more year. I have a one-year work contract for the coming academic year (beginning August 2012 and ending May 2013) but I will be going on the job market for a full-time permanent position during the course of the year and we expect to be leaving Bloomington the summer of 2013. We understand that the occupancy regulations take the volume of the room into consideration (for oxygen levels), but our children are small - in fact, their combined weight is around 100 lbs, which is considerably less than the average weight of two adults (and we do not have pets). Our family is very comfortable and happy in our apartment and if it is at all possible, we would like to avoid having to look for and move into a different apartment for just one year. Thank you very much for your consideration!

Signature (Required):

Wendy C G Westphal

Name (Print): Wendy C. G. Westphal

Date: 4/9/12

Important information regarding this application format:

1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012
Petition Type: An extension of time to complete repairs.
Petition Number: 12-TV-63
Address: 502 E Dixie
Petitioner: Jeanie Walters Real Estate
Inspector: John Hewett
Staff Report: February 15, 2012 Cycle Inspection
March 5, 2012 Sent Report
April 11, 2012 Received Appeal.

The cycle inspection report notes a number of items including repairs to two ceilings. The petitioner is requesting additional time so that the ceiling repairs can be completed after the tenant moves out of the unit.

Staff recommendation: Grant the extension
Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.
Compliance Deadline: June 16, 2012
Attachments: Cycle Inspection Report, Petitioner's letter

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RECEIVED
APR 11 2012
BY: _____



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 502 E Dixie Street

Petitioner's Name: Jeanne Walters Real Estate

Address: 107 E 6th St

City: Bloomington State: IN Zip Code: 47408

Phone Number: 331-8951 E-mail Address: rentals@jeannewalters.com

Owner's Name: Dara May

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ E-mail Address: dara.m.may@gmail.com

Occupants: Blaine Komasiński & Karen Arthur

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: Extension

Reminder:
A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)
12-TV-63
Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

The current tenants have a newborn. We would like to do drywall & paint repair after they move out at the end of May. The property will be vacant for 3 weeks before new tenant moves in. All other repairs will be completed immediately.

Signature (Required):

Kelly Martel

Name (Print):

Kelly Martel

Date:

4/9/12

Important information regarding this application format:

1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.





City of Bloomington
Housing and Neighborhood Development

Cycle Report

280

OWNERS

May, Dara M.
9044 Lorton Station Blvd #103
Lorton, VA 22079

AGENT

Jeanne Walters Real Estate
107 E. 6th St.
Bloomington, IN 47408

Prop. Location: 502 E Dixie ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/2/3

Date Inspected: 02/15/2012
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Inspectors: John Hewett
Foundation Type: Crawl Space
Attic Access: No
Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 1945.
There were no requirements for emergency egress at the time of construction.

Interior

Living room

14-5 x 11-0
No violations noted.

Kitchen

9-7 x 11-2

A minimum 1A 10BC classification fire extinguisher shall be mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress. The securing mechanism must be no more than 5 feet above the floor. PM-704.3.

Dining room

12-3 x 11-6
No violations noted.

Bathroom

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials. PM-304.3 (the drywall tape is coming loose)

NW bedroom

11-8 x 11-3

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials. PM-304.3 (peeling paint)

Existing Egress Window Measurements:

Height: 22.75 inches

Width: 30.25 inches

Sill Height: 27 inches

Openable Area: 4.77 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

SW bedroom

11-1 x 9-0

The window measurements are the same as noted above.

No violations noted.

Laundry room

No violations noted.

Exterior

Replace the missing/broken electrical receptacle cover plate on the front porch. PM-605.1

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2 (Peeling trim work) This violation has a one-year deadline from the date of the Cycle Inspection.

Crawlspace

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level: 0 parts per million (ppm)

Acceptable level in a living space: 9 ppm

Maximum concentration for flue products: 50 ppm

PM-603.1

Other requirements

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.12.050 (d)

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time

jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012
Petition Type: An extension of time to complete repairs.
Petition Number: 12-TV-64
Address: 1117 S. Madison
Petitioner: Martha Voyles
Inspector: John Hewett

Staff Report: February 2, 2012 Cycle Inspection
February 17, 2012 Sent Report
April 10, 2012 Received Appeal.

During the cycle inspection several items were cited. The owner has requested additional time to make proper repairs.

Staff recommendation: Grant the extension
Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.
Compliance Deadline: June 1, 2012
Attachments: Cycle Inspection Report, Petitioner's letter

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RECEIVED
APR 10 2012

RECEIVED
APR 11 2012



BY: _____

BY: _____

Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 1117 S. Madison Street, Bloomington, IN, 47403

Petitioner's Name: Martha Voyles

Address: 1000 S. Washington Street

City: Bloomington

State: Indiana

Zip Code: 47401

Phone Number: (812) 219-0915

E-mail Address: mlvoyles@hotmail.com

Owner's Name: Martha Voyles

Address: 1000 S. Washington Street

City: Bloomington

State: Indiana

Zip Code: 47401

Phone Number: 812-219-0915

E-mail Address: mlvoyles@hotmail.com

Occupants:

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: An extension of time to complete repairs. (Petition Type: TV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-TV-64

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

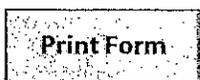
I would like to ask for an extension to complete the repairs on the house at 1117 S. Madison Street. When I looked at the repairs with the people who would actually do the repairs, it was possible to fix things in a quicker way, but a way that would not last as long. In order for me to be able to get things fixed in a more professional and long-lasting manner will run me past April 17th. I don't need a long extension. I would like to ask for May 15th, if that is possible. I have already removed the antenna from the roof. Thank you for your consideration, Martha Voyles

Signature (Required): _____

Name (Print): Martha Voyles Date: 4/4/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.





City of Bloomington
Housing and Neighborhood Development

Cycle Report

6878

OWNERS

Voyles, Martha
1000 S. Washington St.
Bloomington, IN 47401

Prop. Location: 1117 S Madison ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 02/02/2012	Inspectors: John Hewett
Primary Heat Source: Gas	Foundation Type: Basement
Property Zoning: RC	Attic Access: N/A
Number of Stories: 2	Accessory Structure:

VARIANCE

05/30/2002 Special exception to the minimum ceiling height requirement in the upstairs hall, south and west bedrooms, with the following conditions: Remove the ceiling lights in both bedrooms and install recessed lighting. Install hardwired with battery back-up smoke detectors, interconnecting, on all levels of the structure. No head obstructions shall be placed lower than 6'4".

Monroe County Assessor's records indicate this structure was built in 1930.
There were no requirements for emergency egress at the time of construction.

Interior

Living room north
15-0 x 8-10
No violations noted.

Living room south
11-6 x 13-1
No violations noted.

Dining room
13-4 x 11-3
No violations noted.

110

Bathroom

Replace the missing protective cover for the light fixture. PM-605.1

Kitchen

9-6 x 12-0

Replace the missing pieces of the parquet flooring adjacent to the doorway to the dining room. PM-304.4

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Bedroom

11-3 x 9-1

Existing Egress Window Measurements:

Height: 24.5 inches

Width: 27.5 inches

Sill Height: 26.5 inches

Openable Area: sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

2nd Floor

N room

9-0 x ~6

NOTE: This room does NOT meet the minimum safety requirements for a sleeping room, and may not be used for sleeping purposes.

S bedroom

11-0 x 11-3

Existing Egress Window Measurements:

Height: 40 inches

Width: 12 inches

Sill Height: 17 inches

Openable Area: 3.33 sq. ft.

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that the sleeping room egress windows be modified or replaced with a larger window to aid in emergency escape. BMC-16.04.400 (b)

W bedroom

11-0 x 8-0

Existing Egress Window Measurements:

Height: 22.5 inches

Width: 35 inches

Sill Height: 12 inches

Openable Area: 5.46 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Stairway

Repair the holes in the wall at the top of the stairs. PM-304.3

Basement

Install a cover plate on the junction box on the ceiling adjacent to the north track for the garage door. PM-605.1

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

Exterior

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2 (soffits) This violation has a one-year deadline from the date of the Cycle Inspection.

Install windows in the storm doors (front and back). PM-303.15

Repair the south gate of the back yard to function as intended. PM-302.7.1

Repair or remove the Television antenna that is hanging from the south gable of the house. PM-303.11

Other requirements

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection **or a \$25.00 fine will be levied. BMC 16.12.050 (d)**

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: May 16, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-65

Address: 230 S. Hillsdale Drive

Petitioner: Jeanne Walters Real Estate

Inspector: Jo Stong

Staff Report: During a cycle inspection several violations of the Property Maintenance Code were noted. The petitioner is requesting an extension of time "to correspond with homeowner to provide all necessary repairs."

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: May 23, 2012 for all life-safety violations
June 30, 2012 for all other violations

Attachments: Cycle report, photos, appeal

pa



RECEIVED
APR 1 6 2012

BY: _____

Application For Appeal
To The
Board of Housing Quality Appeals

P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
APR 1 6 2012

BY: _____

Property Address: 230 S. Hillsdale Drive

Petitioner's Name: Jeanne Walters Real Estate

Address: 107 E 6th St

City: Blgtn State: IN Zip Code: 47408

Phone Number: 331-8951 E-mail Address: rentals@jeannewalters.com

Owner's Name: Sum Cheng

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: 219-4138 E-mail Address: _____

Occupants: Jordan Daniel, Sam Pennerman, Shawn Dewitt

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: Extension of time

Reminder:
A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)
12-TV-65
Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

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- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Need time to correspond with homeowner to provide all necessary repairs.

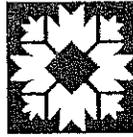
Signature (Required): Kelly Martel

Name (Print): Kelly Martel Date: 4/12/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.





230 S. Hillsdale Drive

March 2, 2012

Page 1 of 4

City of Bloomington
Housing and Neighborhood Development

Cycle Report

6605

OWNERS

Cheng, Sum Mun
3031 Daniel St.
Bloomington, IN 47401

AGENT

Walters, Jeanne M.
107 E. 6th St.
Bloomington, IN 47408

Prop. Location: 230 S Hillsdale DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 03/01/2012
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Inspectors: Jo Stong
Foundation Type: Basement
Attic Access: No
Accessory Structure: Garage

Monroe County Assessor's records indicate this structure was built in 1946.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

General Violation: The latches on most of the windows were broken and difficult to operate.
Repair all window latches to function as intended and to securely latch. PM-303.13.2

116

Living Room (19-6 x 12-6):

Properly secure the outlet on the north wall. PM-605.1

Show documentation that the fireplace has been inspected within the last twelve months, or permanently and visibly seal the fireplace to prevent its use. Service and inspection shall include the firebox, damper, chimney and/or flue. Cleaning by a professional service is highly recommended. PM-603.1, PM-303.11

Dining Room (10-2 x 9-7):

Repair the south window and both west windows to latch securely. PM-303.13.2

Properly secure the outlet on the south wall. PM-605.1

Kitchen (10-9 x 9-10):

Repair the faucet sprayer on the sink to function as intended by the manufacturer, or remove and properly terminate the line for the sprayer. PM-504.1

Properly repair the sink trim and backsplash in a workmanlike manner (countertop has pulled away from the wall). PM-304.3

Replace the damaged countertops and cabinets. PM-304.3

Remove the hasp and padlock from the north entry door. PM-702.1

Service or replace the metal-headed fire extinguisher. **Metal head extinguishers** shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. **Metal head extinguishers** must be recharged every six years and hydro-tested every 12 years per NFPA-10. **Plastic head extinguishers** must be replaced every 12 years per NFPA-10. **All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept.** PM-704.3

Southeast Bedroom (9-0 x 8-10):

See General Violation.

Existing Egress Window Measurements (sliding):

Height: 50 ½ inches

Width: 26 ¼ inches

Sill Height: 28 inches

Openable Area: 9.21 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Bathroom:

Repair and clean the exhaust fan so that it functions as intended. PM-603.1

Properly seal the tub/shower where it meets the floor. PM-304.3

Northeast Bedroom (12-7 x 10-9):

See General Violation.

Note: Egress window measurements are the same as in the southeast bedroom.

Northwest Bedroom (11-10 x 10-0):

See General Violation.

Repair the window to function as intended. PM-303.13.2

BASEMENT

Northwest Room (21-7 x 8-1) + (20-7 x 9-9):

At the inspection there was a bed in this room. There is no emergency egress from this space. No sleeping is allowed in any part of the basement. Remove the bed from this room. PM-702.1

Laundry Room:

Provide a cover for the sump pump well (it is in the walking path of the laundry room entrance). PM-304.3, PM-304.4

Main Room:

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

Thoroughly clean and service the furnace. Inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

Bathroom:

Properly repair the ceiling in a workmanlike manner. PM-304.3

Install a mechanical ventilation system in the bathroom, or an openable window to the exterior. Every bathroom and toilet room shall have one openable window, or a mechanical ventilation system exhausted directly to the outdoors. PM-403.1, PM-403.2

Properly secure the towel bars to the sink. PM-304.3

EXTERIOR:

Properly repair the deteriorated concrete patio in a workmanlike manner. All accessory structure, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. PM-302.7

Clear debris and vegetation from the chimney opening. PM-303.11

Provide an address identification number that is visible from the street.

- Numbers shall be a minimum of 4 inches tall.
- Numbers shall contrast with their background. PM-303.3

Shed:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2

Garage:

No violations noted.

OTHER REQUIREMENTS:

Required documentation:

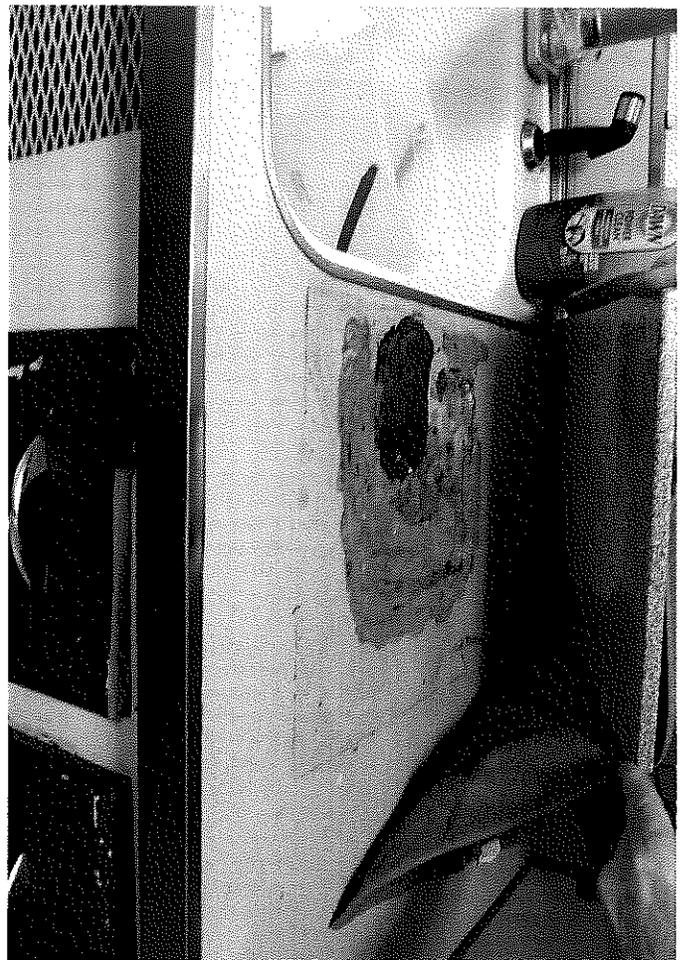
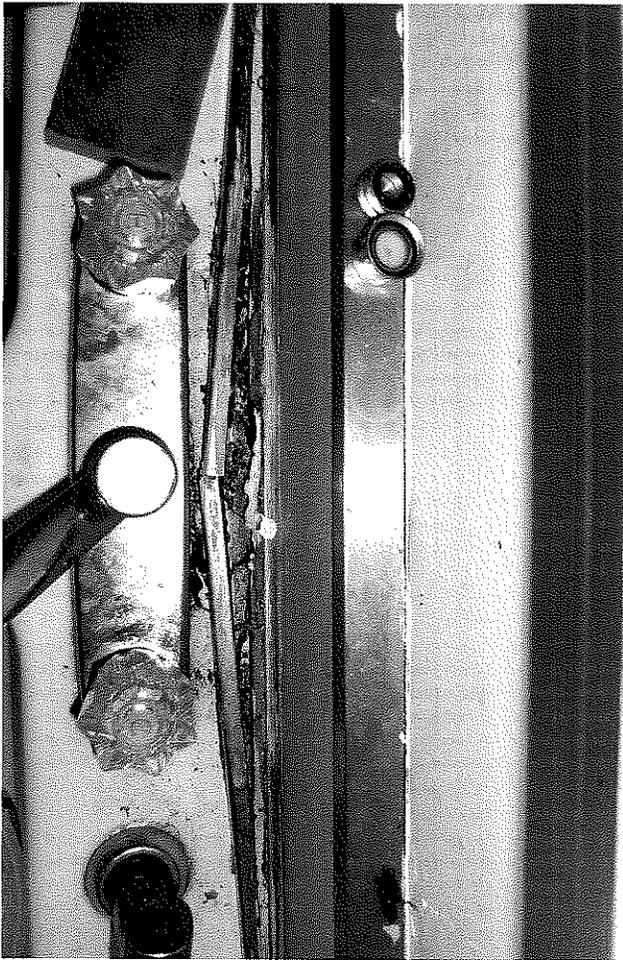
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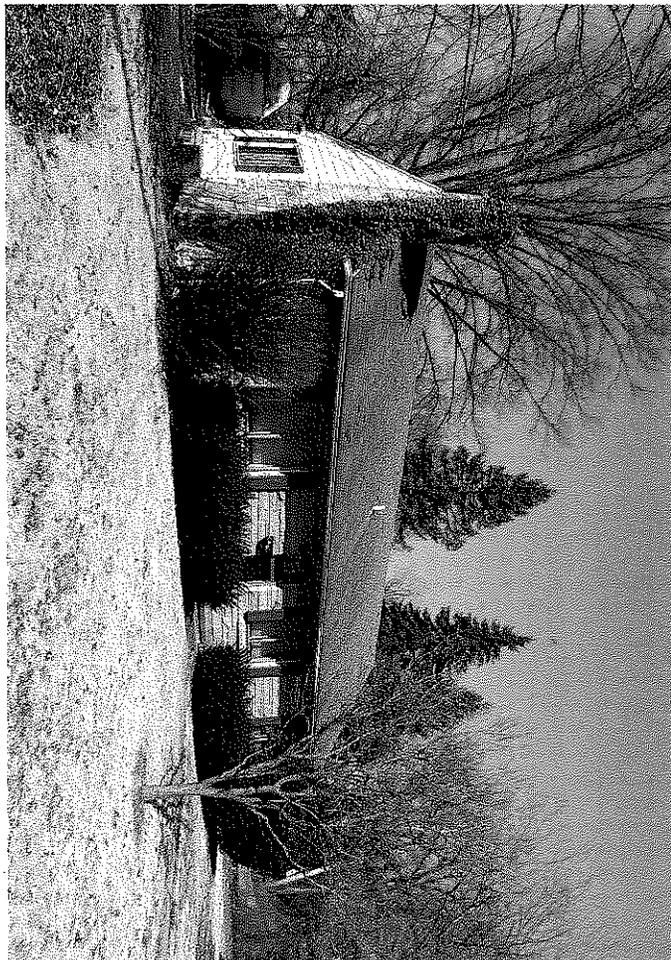
Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection **or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

Thank you for your cooperation in the Residential Rental Occupancy Permit Program.





**Amendment to By-Laws of the Bloomington
Board of Housing Quality Appeals**

Whereas, the Bloomington Board of Housing and Quality Appeals ("Board") has adopted certain By-Laws; and

Whereas, Article V of the By-Laws requires amendments to the By-Laws to occur only upon the approval of at least four Board members at a regular or special meeting; and

Whereas, Section E of Article IV states that all meetings of the Board shall be conducted according to the procedures set forth in Robert's Rules of Order, except where a different procedure is required by the By-Laws; and

Whereas, the Board, after due consideration, has determined that it is in the best interests of the Board, the City of Bloomington, and all members of the general public that petitioners who present a matter to the Board shall be limited to no more than five minutes to present their case and arguments;

Now therefore, in consideration of the foregoing, the Board hereby amends its By-Laws by creating a new Section H under Article IV, Section H shall read as follows:

H. Time Limit: All petitioners presenting a matter to the Board shall be limited to no more than five minutes to present their case and arguments.

Passed on this ____ day of May, 2012, by the City of Bloomington's Board of Housing and Quality Appeals.

Number of members who voted affirmatively: _____

Number of members who voted negatively: _____

Number of members who abstained: _____