

**PUBLIC HEARING  
BOARD OF HOUSING QUALITY APPEALS  
CITY HALL McCLOSKEY CONFERENCE ROOM  
December 19, 2012, 4:00 P.M.**

**Please Note: All items are on the Consent Agenda**

I. **ROLL CALL**

II. **REVIEW OF SUMMARY** – November 28, 2012 pp. 3-4

III. **OLD BUSINESS**

(1) 12-TV-102 **419 N. Washington Street**, Fierst Rentals. Request for an extension of time to complete repairs. Previously heard September 19, 2012. pp. 5-7

IV. **NEW BUSINESS**

(2) 12-TV-131 **2591 S. Addisyn Lane**, Peek & Associates. Request for an extension of time to complete repairs. pp. 8-14

(3) 12-AA-132 **3900 E. Stonegate Drive**, Patricia Ierino. Request for relief from an administrative decision. pp. 15-18

(4) 12-AA-133 **2412 S. Madison Street**, L.D. Honeycutt. Request for relief from an administrative decision. pp. 19-21

(5) 12-TV-134 **1603 W. Arlington Road**, Ronald Stanhouse. Request for an extension of time to complete repairs. pp. 22-26

(6) 12-TV-135 **2622 N. Walnut Street**, Olympus Properties. Request for an extension of time to complete repairs. pp. 27-33

(7) 12-TV-136 **1715 N. Lincoln Street**, Chester's Rentals. Request for an extension of time to complete repairs. pp. 34-41

(8) 12-TV-137 **111 W. 4<sup>th</sup> Street**, Yinbao Xu. Request for an extension of time to complete repairs. pp. 42-54

(9) 12-TV-138 **1009 S. Walnut Street**, Sandra and Bobbie Burke. Request for an extension of time to complete repairs. pp. 55-59

V. **GENERAL DISCUSSION**

Reminder concerning election of officers for 2013.

VI. **PUBLIC COMMENT**

VII. **ADJOURNMENT**



# B.H.Q.A. MEETING OF NOVEMBER 28, 2012

## SUMMARY

MEMBERS PRESENT: Kris Floyd, Elizabeth Gallman, Susie Hamilton, Nikki Johnson, Katherine Lessing, Ryan Strauser

STAFF PRESENT: Lisa Abbott, Daniel Bixler, Robert Hoole, Jo Stong (HAND)

OTHERS PRESENT: Nan Brewer (1200 S. Henderson Street), Steve Crabtree (Steeplechase Apartments), Kelly Harding (2445-2449 & 2453-2457 W. Marlene Drive), Angela Parker (AHMCP), Kari Poling (Steeplechase Apartments)

### I. REVIEW OF SUMMARY

Hamilton made a motion to approve the minutes for October 17, 2012. Strauser seconded. Motion passed, 5-0-1 (Gallman abstained).

### II. CONSENT AGENDA

**327 E. 2<sup>nd</sup> Street, Tariq Khan, 12-TV-100.** Request for an extension of time to complete repairs. Previously heard September 19, 2012. Staff recommendation to grant the request with a January 01, 2013 deadline.

**307 E. 18<sup>th</sup> Street, Regency Consolidated Residential, 12-TV-120.** Request for an extension of time to complete repairs. Staff recommendation to grant the request with a January 15, 2013 deadline.

**316 E. University Street, American Sunbelt, 12-TV-121.** Request for an extension of time to complete repairs. Staff recommendation to grant the request with a December 31, 2012 deadline.

**346 S. Davison Street, NH Property, 12-V-122.** Request for a modification or exception to the Property Maintenance Code. Staff recommendation to grant the variance allowing occupant load for two with bedroom floor space less than 100 square feet.

**551 E. Graham Place, Alan Smith, 12-TV-124.** Request for an extension of time to complete repairs. Staff recommendation to grant the request with a January 28, 2013 deadline.

**1660 W. Bloomfield Road, Joyce Poling, 12-TV-125.** Request for an extension of time to complete repairs. Staff recommendation to grant the request with a December 28, 2012 deadline.

**2922 S. Walnut Street Pike, Stephen & Ann Emely, 12-TV-126.** Request for an extension of time to complete repairs. Staff recommendation to grant the request with a January 15, 2013 deadline or prior to re-occupancy of the structure.

**3400 S. Sare Road, Regency Consolidated Residential, LLC, 12-TV-127.** Request for an extension of time to complete repairs. Staff recommendation to grant the request with a February 28, 2013 deadline to obtain a State Variance and a November 28, 2013 deadline to repair the roof.

**402 W. Wilson Street, Spicer Rentals, 12-TV-129.** Request for an extension of time to complete repairs. Staff recommendation to grant the request with a December 28, 2012 deadline.

**Approved.**

### III. PETITIONS

**1200 S. Henderson Street, Nan & Steve Brewer, 12-TV-128.** Pulled from Consent Agenda. The petitioner, Nan Brewer, was present to request an extension of time to complete the repairs. Staff recommendation was to grant the request with a January 15, 2013 deadline. Johnson made a motion to grant the request per staff recommendation. Strauser seconded. Motion passed, 6-0. Request granted.

**2445-2449 W. Marlene Drive, Kelly Harding, 12-TV-123.** Request for an extension of time to complete repairs. This item was pulled from the agenda.

**2453-2457 W. Marlene Drive, Kelly Harding, 12-TV-130.** The petitioner, Kelly Harding, was present to request an extension of time to complete repairs. Staff recommendation was to deny the request. Johnson made a motion to accept the staff recommendation to deny the request and refer this matter to City Legal for an unsafe structure. Hamilton seconded. Motion passed, 6-0. Request denied.

**515 E. 10<sup>th</sup> Street, Olympus Properties, 12-TV-08.** Pulled from Consent Agenda. Previously heard March 02, 2012. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with an April 01, 2013 deadline. Floyd made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 6-0. Request granted.

**518 W. Howe Street, Kristiana Willsey, 12-TV-119.** Pulled from Consent Agenda. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a June 01, 2013 deadline. Floyd made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 6-0. Request granted.

**IV. GENERAL DISCUSSION**

None.

**V. PUBLIC COMMENT**

None.

**VI. ADJOURNMENT**

Floyd made a motion to adjourn. Strauser seconded. Motion unanimously passed. Meeting adjourned at 4:37 PM.



City of Bloomington  
H.A.N.D.

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

Meeting Date: December 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-102(old)

Address: 419 N. Washington Street

Petitioner: Dan Fierst

Inspector: Maria McCormick

Staff Report: 10/21/2011 Cycle inspection completed  
03/20/12 1<sup>st</sup> Re-inspection  
05/10/12 2<sup>nd</sup> re-inspection all complied but exterior paint & sidewalk  
06/28/12 Sent Legal Letter  
07/18/12 Received application of appeal  
10/21/12 1<sup>st</sup> BHQA extension deadline  
11/2/12 Received application for 2<sup>nd</sup> extension of time.

During the cycle inspection it was noted that the a portion of the sidewalk along Washington Street need to be replaced. The petitioner initially requested and was granted and extension of time to complete the sidewalk at the same time as the exterior painting. The petitioner is requesting a second extension of time for the sidewalk so that the City of Bloomington can assist with those repairs through the Curb and Sidewalk program.

Staff recommendation: Grant the extension of time.

Conditions: All repairs specified above 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: April 30, 2013

Attachments: Application for Appeal



RECEIVED

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: 419 N Washington

Petitioner's Name: Don First

Address: 219 E Cottage Grove

City: Bloomington State: IN Zip Code: 47408

Phone Number: 287-0669 Email Address: don@firstworks.com

Property Owner's Name: Peter First

Address: 2202 Belmont St

City: Bloomington State: IN Zip Code: 47401

Phone Number: 386-3900 Email 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.

Please circle the petition type that you are requesting:

- A) An extension of time to complete repairs (Petition type TV)
B) A modification or exception to the Housing Property Maintenance Code (Petition type V)
C) Relief from an administrative decision (Petition type AA)
D) Rescind a variance (Petition type RV)

REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

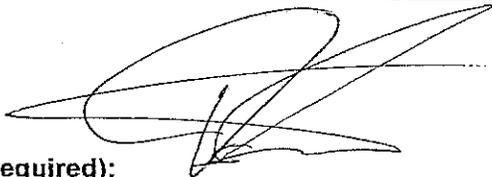
OFFICE USE ONLY
Petition Number 12-TV-102 (old)

SEE REVERSE

Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance, and any modifications and/or alterations you are suggesting.

need more time to complete with the  
street dept. Have made attempts before, but  
did not happen. WA will try to resolve  
this asap.

Signature (required):



Name (please print):

Dan First

Date:

Nov 2, 2012

You may attend the meeting. If you attend, please note that all petitioners presenting a matter to the Board shall be limited to no more than five minutes to present their case and arguments. Additional time can be granted if deemed appropriate by the Board. Please note that if your property is listed on the consent agenda it is more likely than not that your property will not be individually discussed during the Board's meeting.



City of Bloomington  
H.A.N.D.

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

Meeting Date: December 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-131

Address: 2591 S. Addisyn Lane

Petitioner: Mark Klienbauer / Peek & Associates

Inspector: Maria McCormick

Staff Report: During the cycle inspection it was noted that the windows in the bedrooms do not meet the minimum code requirements at the time of the buildings construction. The petitioner is seeking an extension of time to obtain a variance for the State of Indiana for the window their application was sent in on November 2, 2012. All other violations in all the unit have been re-inspected and are all complied.

<b>Openable area required: 5.7 sq. ft.</b>	<b>Existing area: 5.58 sq. ft.</b>
Clear width required: 20 ”	Existing width: 33 ½ “
Clear height required: 22 ”	Existing height: 24“
Maximum sill height: 44” above finished floor	Existing sill: 27 “above finished floor

Staff recommendation: Grant the extension.

Conditions: The state variance must be received by HAND 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: February 28, 2013

Attachments: Application for Appeal; Letter of State Variance Application; Cycle Report

*Handwritten initials*

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](mailto:hand@bloomington.in.gov)

Property Address: 2591 S. Addison Lane  
Petitioner's Name: ~~Benjamin Huseby~~ Mark Kleinbuer / Peek + Associates  
Address: 899 S. College Mall Rd #385  
City: Bloomington State: IN Zip Code: 47407  
Phone Number: 812-360-3460 Email Address: mklemb@homefinders.org  
Property Owner's Name: Benjamin + Emily Huseby  
Address: 12225 S. 28th Ave  
City: Bellvue State: NB Zip Code: 68123  
Phone Number: 812-340-4894 Email Address: ben.huseby@gmail.com  
Occupants: Mike + Andrea Stauch

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.

Please circle the petition type that you are requesting:

- A) An extension of time to complete repairs (Petition type TV)
- B) A modification or exception to the Housing Property Maintenance Code (Petition type V)
- C) Relief from an administrative decision (Petition type AA)
- D) Rescind a variance (Petition type RV)

REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY  
Petition Number 12-TV-131

SEE REVERSE

Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance, and any modifications and/or alterations you are suggesting.

Request an extension due to the requirement of obtaining a DTS Window variance which has been sent, so hearing @ DTS should be December 4, 2012. Request until January 4, 2013 just in case DTS delays proof of variance being granted. All other items on inspection report have been taken care of and re-inspection is set up for November 5, 2012.

Signature (required):



Name (please print):

Mark Kleibauer  
Property Manager

Date:

11/2/12

You may attend the meeting. If you attend, please note that all petitioners presenting a matter to the Board shall be limited to no more than five minutes to present their case and arguments. Additional time can be granted if deemed appropriate by the Board. Please note that if your property is listed on the consent agenda it is more likely than not that your property will not be individually discussed during the Board's meeting.

RECEIVED  
NOV 05 2012

BY:.....



Business and Fax (812) 336-7713

November 2, 2012

Indiana Department of Homeland Security  
Code Enforcement Division  
402 W. Washington Street Room W246  
Indianapolis, IN 46204-2739

To Whom It May Concern,

Enclosed you will find an Application for Variance for Benjamin Huseby, owner of 2591 S. Addisyn Lane in Bloomington, IN 47402. I am submitting it as the Property Manager of the property. Also enclosed are:

1. Check for \$276 made payable to Indiana Department of Homeland Security
2. Copy of the Violation issued by the City of Bloomington's Housing And Neighborhood Development Department.
3. Copy of the letter from the City of Bloomington Fire Department acknowledging receipt of the request for variance.

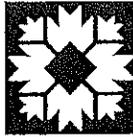
I am also expecting an acknowledgement of receipt of the request for variance from Jim Gerstbauer of the Monroe County Building Department. I believe they will email it to you, but I will forward it as well when I receive it.

Thank you for your consideration of our request for variance and please don't hesitate to call if there is any additional information that you require to consider the request.

Sincerely,



Mark Kleinbauer  
Property Manager  
812-360-3460 Cell  
[mkleinba@homefinder.org](mailto:mkleinba@homefinder.org)



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

8701

OWNERS

Ben Huesby  
12225 S 28th Ave  
Belleve, NE 68123

Prop. Location: 2591 S Addisyn LN  
Units/Bedrooms/Max # of Occupants: 1/3/5  
Date Inspected: 07/26/2012  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 2

AGENT

Peek Associates  
899 S. College Mall Rd. #385  
Bloomington, IN 47401

Number of Units/Structures: 1/1  
Inspectors: Maria McCormick  
Foundation Type: Basement  
Attic Access: Yes  
Accessory Structure: None

Monroe County Assessor's records indicate that this property was built in 2007. These are the minimum requirements for emergency egress for this type of structure built between 2005 and Currently:

Clear Height: 22"

Clear Width: 20"

Openable Area: 5.0 sq. ft. on ground floors and 5.7 sq. ft. on all other floors

Sill Height: 44" off the floor

INTERIOR:

Main Level -

Living Room 13-7 x 15-10; Half Bathroom:

No violation noted.

Kitchen 11-10 x 15-0:

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

1/5/12  
Di

C

**Lower Level –**

Main Room 15-5 x 29-4; Storage Area:

No violation noted.

**Upper Level –**

West Bedroom 14-2 x 13-1/Bathroom:

☉ Secure toilet to its mountings. PM-504.1

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2007. The relevant code is the 2005 Indiana Residential Code/ Indiana Building Code, section: R310.01.

**Openable area required: 5.7 sq. ft.**

Clear width required: 20"

Clear height required: 22"

Maximum sill height: 44" above finished floor

**Existing area: 5.58 sq. ft.**

Existing width: 33 1/2"

Existing height: 24"

Existing sill: 27" above finished floor

NC 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](http://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.

East Bedroom 14-3 x 13-1/Bathroom:

☉ Properly ground the GFCI electrical receptacle. PM-605.1

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2007. The relevant code is the 2005 Indiana Residential Code/ Indiana Building Code, section: R310.01.

**Openable area required: 5.7 sq. ft.**

Clear width required: 20"

Clear height required: 22"

Maximum sill height: 44" above finished floor

**Existing area: 5.58 sq. ft.**

Existing width: 33 1/2"

Existing height: 24"

Existing sill: 27" above finished floor

NC 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](http://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:**

✓ Scrape and paint exterior surfaces where paint is peeling or wood is exposed on the door jamb of the doors to the back deck. PM-303.2

**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**

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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)

**This is the end of this report.**



City of Bloomington  
H.A.N.D.

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

Meeting Date: December 19, 2012  
Petition Type: Relief from an administrative decision  
Variance Request: Relief from the requirement to register as a rental  
Petition Number: 12-AA-132  
Address: 3900 E. Stonegate Drive  
Petitioner: Patricia A. Ierino

This property was brought to the attention of the Planning Department. The owner has added a second unit to their family home to create space for the owner's elderly mother and disabled sister to live. Technically, this is a duplex and the occupants of the second unit are not the owner of record so it is also considered a rental unit. The owner is requesting that this be exempted from Title 16 requirements as it is and will continue to be occupied by the owner's family members who need assistance with their care.

Staff recommendation: Grant the relief from the rental registration process provided that the unit is occupied by Betty and Cheryl Thompson.

Conditions: This unit will not be considered a rental as long as it is owned by the current owner and occupied by Betty and Cheryl Thompson. This property will be pull dated for one year to check status.

Compliance Deadline: None

Attachments: Appeal form

8-5pm

Showers  
STE 130



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  
NOV 1 2 2012  
BY:.....

Property Address: 3900 E. Stonegate Dr., Bloomington IN 47401

Petitioner's Name: Patricia A. Terino

Address: 3900 E. Stonegate Dr., Bloomington IN 47401

City: Bloomington State: IN Zip Code: 47401

Phone Number: 3229331 E-mail Address: Trishi88@Att.net

Owner's Name: Patricia A Terino

Address: Same info as Petitioner's

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Occupants: Patricia A & Louis J. Terino  
Betty & Cheryl Thompson

- 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: AA

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)  
Petition Number: 12-AA-132

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.

Our addition/in-law suite was solely built to care for my elderly mother (Beth Thompson) + my sister (Cheryl Thompson) who is developmentally challenged. This is NOT a rental unit - It's a family home.  
See attached letter

Signature (Required): Patricia A. Ferrino

Name (Print): Patricia A. Ferrino Date: 11/19/12 11-12-2012

**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.



October 7, 2012

You may or may not have met our family at 3900 E. Stonegate Dr; Trish and Louie Ierino and Betty and Cheryl Thompson. We are on the corner of Stonegate Dr and Smith Rd – Ranch with the red brick and white porch. We recently discovered a zoning issue with our home and I wanted to provide some insight to you before you receive a letter from the zoning and planning commission.

Our family moved from Northwest Indiana to Bloomington in January 2006. My father had unexpectedly passed away so my husband and I took over caregiver responsibilities. We arrived to Bloomington first and then brought down my elderly mother and special needs sister in July 2006. We needed to purchase a home in city limits so that my sister would have door to door transportation to Stone Belt (service provider for those with disabilities). 3900 E. Stonegate Dr was the perfect location to meet our new family needs.

We have spent a considerable sum in updating and improving our home. This included building an addition for an in-law suite for Mom and Cheryl. This allows us to care for their needs with allowing them to have a little independence. We were unable to make our basement into the in-law suite due to Mom's inability to manage the stairs.

September 2012, we decided to refinance our mortgage. During the process, we were informed that the contractor who built the addition did not complete all the necessary paperwork. Since there was a very small kitchenette in the addition – there was now an occupancy problem.

I have contacted the City and all can be corrected with a use variance allowing us to care for my elderly mom and sister. Part of the process is informing the neighbors. I have attached a letter that explains the situation and it will go to the zoning and planning office.

This is a lot of information- especially from a neighbor you may not even know. I would be happy to explain in person, email or via phone at your convenience. I do ask if you see my Mom in the yard – please do not ask her questions. Because of her health, I have not shared this process with her. Appreciate your understanding and support.

Thank you

Trish Ierino  
322 9331  
[Trishi88@att.net](mailto:Trishi88@att.net)



City of Bloomington  
H.A.N.D.

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

Meeting Date: December 19, 2012  
Petition Type: Relief from an administrative decision  
Variance Request: Relief from the requirement to register as a rental  
Petition Number: 12-AA-133  
Address: 2412 S. Madison Street  
Petitioner: L.D. Honeycutt

The owner is requesting that this be removed from Title 16 requirements as it is occupied by his daughter, Lisa Burton.

Staff recommendation: Grant the relief from the rental registration process provided that the unit is occupied by Lisa Burton.

Conditions: This unit will not be considered a rental as long as it is owned by the current owner and occupied by his daughter Lisa Burton and any other persons who meet the definition of Family per Title 20. This property will be pull dated for one year to check status.

Compliance Deadline: None

Attachments: Appeal form



Application for Appeal <sup>BY</sup>-----  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420  
hand@bloomington.in.gov

Property Address: 2412 S. Madison St. Bloomington, IN 47403  
Petitioner's Name: L.D. Honeycutt / Lisa Burton 812-272-6695  
Address: 4025 S. Gran Haven Dr.  
City: Bloomington State: IN Zip Code: 47401  
Phone Number: 812-606-6944 Email Address: \_\_\_\_\_  
Property Owner's Name: L.D. Honeycutt  
Address: ~~2412 S. Madison St.~~ 4025 S. Gran Haven Dr.  
City: Bloomington State: IN Zip Code: 47401  
Phone Number: 812-606-6944 Email Address: \_\_\_\_\_  
Occupants: Lisa Burton resides at 2412 S. Madison St.

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.

Please circle the petition type that you are requesting:

- A) An extension of time to complete repairs (Petition type TV)
- B) A modification or exception to the Housing Property Maintenance Code (Petition type V)
- C) Relief from an administrative decision (Petition type AA)
- D) Rescind a variance (Petition type RV)

REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY  
Petition Number 12-AA-133

SEE REVERSE

Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance, and any modifications and/or alterations you are suggesting.

*This request is being made because my daughter, Lisa R Burton, resides at said property, 2412 S Madison St. Bloomington, In 47403.*

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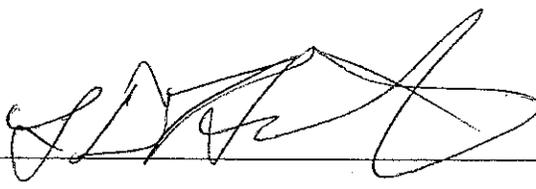
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Signature (required): 

Name (please print): L. D. Hozycutt Date: 11-13-12

You may attend the meeting. If you attend, please note that all petitioners presenting a matter to the Board shall be limited to no more than five minutes to present their case and arguments. Additional time can be granted if deemed appropriate by the Board. Please note that if your property is listed on the consent agenda it is more likely than not that your property will not be individually discussed during the Board's meeting.



City of Bloomington  
H.A.N.D.

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

Meeting Date: 19 December 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-134

Address: 1603 W. Arlington Rd.

Petitioner: Choice Realty and Management

Inspector: Michael Arnold

Staff Report:

01 October 2012	Received Complaint
02 October 2012	Complaint inspection
09 October 2012	Sent Complaint Inspection
22 October 2012	Complaint Reinspection scheduled
01 November 2012	Reinspection completed
14 November 2012	Received Appeal

During the reinspection it was noted that some items were not in compliance with the Complaint Inspection Report. Maintenance was waiting for the water damaged area to dry before addressing the drywall and for owner approval for repairs to the electrical items.

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: 31 December 2012

Attachments: Complaint Inspection Report, petitioner's letters



Application for Appeal  
 To The  
 Board of Housing Quality Appeals  
 P.O. Box 100  
 Bloomington, IN 47402  
 812-349-3420  
[hand@bloomington.in.gov](mailto:hand@bloomington.in.gov)

RECEIVED  
 NOV 1 2012

Property Address: 1603 W. Arlington Road

BY: \_\_\_\_\_

Petitioner's Name: Choice Realty + Management

Address: 1715 S. Walnut Street

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-331-7353 Email Address: PM@CallChoiceRealty.com

Property Owner's Name: Ronald Starbase

Address: 2837 Blue Slopes Drive

City: Bloomington State: IN Zip Code: 47408

Phone Number: 332-8592 Email Address: \_\_\_\_\_

Occupants: Philip King

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.

Please circle the petition type that you are requesting:

- A) An extension of time to complete repairs (Petition type TV)
- B) A modification or exception to the Housing Property Maintenance Code (Petition type V)
- C) Relief from an administrative decision (Petition type AA)
- D) Rescind a variance (Petition type RV)

REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY  
 Petition Number 12-TV-134

SEE REVERSE

Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance, and any modifications and/or alterations you are suggesting.

The home needs some electrical work completed to repair the light switches as requested in the inspection report. Repairs are scheduled and will be completed within a few weeks. Electrical work needs repaired at box.

Signature (required): Leanne Hopkins

Name (please print): Leanne Hopkins Date: 11-9-12

You may attend the meeting. If you attend, please note that all petitioners presenting a matter to the Board shall be limited to no more than five minutes to present their case and arguments. Additional time can be granted if deemed appropriate by the Board. Please note that if your property is listed on the consent agenda it is more likely than not that your property will not be individually discussed during the Board's meeting.



City of Bloomington  
Housing and Neighborhood Development

Complaint Report

7392

OWNERS

=====

Stanhouse, Ronald W.  
2837 Blue Slopes Drive  
Bloomington, IN 47408

AGENT

=====

Choice Realty & Management  
1715 S. Walnut Street  
Bloomington, IN 47401

Prop. Location: 1603 W Arlington RD  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 10/02/2012  
Primary Heat Source: Gas  
Property Zoning: RS  
Number of Stories: 1

Inspectors: Mike Arnold  
Foundation Type: Crawl Space  
Attic Access: Yes  
Accessory Structure: none

The following items are the result of a complaint inspection conducted on **10/02/2012**. It is your responsibility to repair these items and to schedule a reinspection within fourteen (14) days of the receipt of this report. Failure to comply with this inspection report will result in this matter being turned over to the City Legal Department. If you have questions regarding this report, please contact this office at 349-3420.

**Interior:**

**Kitchen, Bathroom:**

Repair the light switch to function as intended. PM-605.1

**Laundry Room:**

Eliminate the source of the water and repair the water damaged materials behind the washer. PM-304.3

**Exterior:**

Verify the porch light is functioning as intended. PM-605.1

Secure the screens on the attic vents. PM-303.6

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

Secure the storm windows on the south wall. PM-304.3



City of Bloomington  
H.A.N.D.

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

Meeting Date: December 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-135

Address: 2622 N. Walnut Street

Petitioner: Olympus Properties

Inspector: Robert Hoole

Staff Report: February 28, 2012      Cycle Inspection  
August 7, 2012      Re-inspection  
October 8, 2012      Amended RV  
November 24, 2012      Received appeal

The petitioner is requesting an extension of time to address the roof issue. This violation was not cited on the original report as the roof issue was not evident at that time. This property was delayed as there was a Title 20 concern that was not fully addressed until June. During this time, the roof issue became evident by the placement of a large blue tarp held down by two tires. An amended Remaining Violations report was sent on 10/8/12. Since that time, a second blue tarp has been placed on the roof. The owner is assessing whether to pursue an entire roof replacement or repair the section(s) that is leaking. All of the violations on the cycle report have been complied.

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: October 30, 2013

Attachments: Cycle Inspection Report, 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

RECEIVED  
BY: \_\_\_\_\_

Property Address: 2622 N Walnut St, Bloomington IN 47404

Petitioner's Name: Olympus Properties

Address: 2620 N Walnut St, Suite 1000

City: Bloomington State: Indiana Zip Code: 47404

Phone Number: (812) 334-8200 E-mail Address: manager@olympusproperties.com

Owner's Name: Acacia Investments, LLC

Address: 403 East 6th St

City: Bloomington State: Indiana Zip Code: 47408

Phone Number: 812-334-8200 E-mail Address: manager@olympusproperties.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-135  
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:

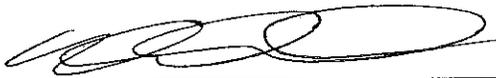
- A. An extension of time to complete repairs. (Petition type: TV)
  - 1. Specify the items that need the extension of time to complete.
  - 2. Explain why the extension is needed.
  - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition 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 original HAND inspection (enclosed) took place on 2/28/12. Work related to the exceptions on that report has been completed.

However, a follow up violations report (enclosed) was received on October 9, 2012 with the listed violation "properly repair the roof where it is currently covered by a blue tarp. PM-303.7"

This follow up violation was not included on the original inspection report from 2/28/12.

Acacia Investments and Olympus Properties requests an extension of time of one year to complete this repair. We are in the process of securing bids to both repair this section of the roof as well as replace the entire roof of the building at 2622 N Walnut. Time is needed to adequately assess which course of action to take and then to properly complete the repairs.

Signature (Required): 

Name (Print): Rick Krouse, Property Manager, Olympus Properties

Date: 11/6/12

**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

2252

**OWNERS**

=====  
 Acicia Investments, Llc  
 403 E. 6th St.  
 Bloomington, IN 47408

Prop. Location: 2622 N Walnut ST  
 Number of Units/Structures: 45/1  
 Units/Bedrooms/Max # of Occupants: 40/Eff/2 5/1/2

Date Inspected: 02/28/2012  
 Primary Heat Source: Gas  
 Property Zoning: CA  
 Number of Stories: 1

Inspectors: Robert Hoole  
 Foundation Type: Slab  
 Attic Access: No  
 Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 1975.  
 There were no requirements for emergency egress at the time of construction.

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 the conversion of an office space to a dwelling unit. 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.*

**Existing Egress Window Measurements (except Apt. 149):**

Height: 20 inches  
 Width: 41 ½ inches  
 Sill Height: 29 inches  
 Openable Area: 5.76 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)

**Existing Egress Window Measurements (Apt. 149):**

**Height:** 20 inches  
**Width:** 32 inches  
**Sill Height:** 27 inches  
**Openable Area:** 4.44 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)

All efficiency units have the following rooms and dimensions:  
Main room (13 x 12), Bath

All 1 bedroom units with the exception of Apt. 149 have the following rooms and dimensions:  
Bath, Living room / kitchen (17 x 20), Bedroom / bath (13 x 13)

Apt. 149 has the following rooms and dimensions:  
Living room / kitchen (13 x 13), Bath, Utility area, Bedroom (8 x 13)

NOTE: Only those areas containing violations are listed in this report.

**INTERIOR**

**Boiler room**

Thoroughly clean and service the boiler, 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

**146**

**Bath**

Eliminate the drip from the tub faucet. PM-504.1

**Common hallway**

Repair the exit sign at the south end to function as intended. PM-605.1

149

Main room

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

EXTERIOR

Install unit identification numbers at the exterior entrance to Apt. 149. PM-303.3

OTHER REQUIREMENTS

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

Provide documentation of the fire suppression/fire alarm systems annual inspection as required by the Indiana Fire Prevention Code. PM-704.2

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

OCT 0 9 2012 Remaining Violation Report

2252

OWNERS

=====  
Acicia Investments, Llc  
403 E. 6th St.  
Bloomington, IN 47408

AGENT

=====  
Olympus Properties  
2620 N. Walnut Street #1000  
Bloomington, IN 47404

RECEIVED  
OCT 10 2012  
OLYMPUS PROPERTIES

Prop. Location: 2622 N Walnut ST  
Number of Units/Structures: 45/1  
Units/Bedrooms/Max # of Occupants: 40/Eff/2 5/1/2

Date Inspected: 02/28/2012  
Primary Heat Source: Gas  
Property Zoning: CA  
Number of Stories: 1

Inspectors: Robert Hoole  
Foundation Type: Slab  
Attic Access: No  
Accessory Structure:

**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.

**Properly repair the roof where it is currently covered by a blue tarp. PM-303.7**



City of Bloomington  
H.A.N.D.

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

Meeting Date: December 19, 2012  
Petition Type: An extension of time to secure a State Egress Variance.  
Petition Number: 12-TV-136  
Address: 1715 N. Lincoln St.  
Petitioner: Candi Mullis/Parker Real Estate Mgmt.  
Inspector: Norman Mosier  
Staff Report: October 9, 2012-Conducted Cycle Inspection  
November 20, 2012-Received BHQA Appeal  
November 27, 2012-Conducted Re-inspection

It was noted during the cycle inspection that the egress windows in the bedrooms do not meet egress requirements at the time that the structure was built. Petitioner is requesting an extension of to secure a state egress window variance from the Fire Prevention and Building Safety Commission/Dept. of Homeland Security.

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1990. The relevant code is Indiana Building Code, section: 1204.

Openable area required: 5.7 Sq. Ft.	Existing area: 4.72 Sq. Ft.
Clear width required: 20 inches	Existing width: 34 inches
Clear height required: 24 inches	Existing height: 20 inches
Maximum sill height: 44 inches above finished floor	Existing sill: 36 inches above finished floor

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: February 19, 2013

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



RECEIVED  
NOV 27 2012

Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420  
[hand@bloomington.in.gov](mailto:hand@bloomington.in.gov)

BY: \_\_\_\_\_

Property Address: 1715 N. Lincoln St.

Petitioner's Name: Candi Mullis

Address: 621 N. Walnut St / P.O. Box 1112

City: Bloomington State: IN Zip Code: 47408

Phone Number: 812 339 2115 Email Address: cmullis@parkermgt.com

Property Owner's Name: Cheryl Cunningham / Chesters Rentals, LLC

Address: 1924 S. Dan Jones Rd.

City: Avon State: IN Zip Code: 46123

Phone Number: 317 563 2845 Email Address: \_\_\_\_\_

Occupants: Aaron Brown, William McLane

**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.

**Please circle the petition type that you are requesting:**

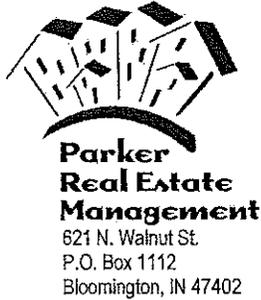
- (A) An extension of time to complete repairs (Petition type TV)
- (B) A modification or exception to the Housing Property Maintenance Code (Petition type V)
- (C) Relief from an administrative decision (Petition type AA)
- (D) Rescind a variance (Petition type RV)

REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY  
Petition Number 12-TV-136

SEE REVERSE





November 14, 2012

City Of Bloomington  
Housing and Neighborhood Development  
P.O. Box 100  
Bloomington, Indiana 47402

To Whom It May Concern:

Enclosed you will find the Application for Appeal and the \$20.00 filing fee for 1715 N. Lincoln St.

A cycle inspection was conducted on October 9, 2012. All violations have been corrected except for the windows. The final inspection has been scheduled with your office on November 27, 2012. I have requested a variance for the windows through the Department of Homeland Security. I will need an extension of time to complete the variance and to provide HAND a copy till January 15, 2013.

The windows in question have been violated for:  
Not meeting egress requirements at the time the structure was built.

For the reason stated above we are requesting the extension of time.

Yours Truly,  
Candi Mullis  
Maintenance Coordinator  
Parker Real Estate Mgt.  
cmullis@parkermgt.com  
812-339-2115



City of Bloomington  
Housing and Neighborhood Development

CYCLE REPORT

3108

OWNERS

Chester'S Rentals, Llc  
1924 S. Dan Jones Road  
Avon, IN 46123

AGENT

Parker Real Estate Management  
P.O. Box 1112  
Bloomington, IN 47402

Prop. Location: 1715 N Lincoln ST  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/4

Date Inspected: 10/09/2012  
Primary Heat Source: Electric  
Property Zoning: RH  
Number of Stories: 2

Inspectors: Norman Mosier  
Foundation Type: Crawl Space  
Attic Access: Yes  
Accessory Structure: None

The Monroe County Assessor's records indicate that this structure was built in 1990.  
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: Not more than 44 inches above finished floor.

INTERIOR:

MAIN LEVEL

Living Room 17 x 12, Front porch, Kitchen, Bathroom/Laundry Room, Furnace closet:  
No violations noted.

**UPSTAIRS**

Stairway/Hallway:

No violations noted.

N Bedroom 13 x 11:

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1990. The relevant code is the Indiana Building Code, section: 1204.

**Openable area required: 5.7 Sq. Ft.**

**Existing area: 4.72 Sq. Ft.**

Clear width required: 20 inches

Existing width: 34 inches

**Clear height required: 24 inches**

**Existing height: 20 inches**

Maximum sill height: 44 inches above finished floor

Existing sill: 36 inches 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](http://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 Bathroom, Toilet Room, S Bathroom:

No violations noted.

S Bedroom 13 x 10:

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1990. The relevant code is the Indiana Building Code, section: 1204.

**Openable area required: 5.7 Sq. Ft.**

**Existing area: 4.72 Sq. Ft.**

Clear width required: 20 inches

Existing width: 34 inches

**Clear height required: 24 inches**

**Existing height: 20 inches**

Maximum sill height: 44 inches above finished floor

Existing sill: 36 inches 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](http://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.

Attic:

C Restore the integrity of the draft stop/fire separation wall in the attic. Repairs shall be made using like construction and materials. Replacement shall be done in accordance with current code requirements. PM-703.1

Crawlspace:

No access.

**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)

**This is the end of this report.**



City of Bloomington  
H.A.N.D.

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

Meeting Date: December 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-137

Address: 111 W. 4<sup>th</sup> Street

Petitioner: Yinbao Xu

Inspector: Jo Stong

Staff Report: September 9, 2012: Conducted cycle inspection  
September 17, 2012: Sent report  
October 30, 2012: Reinspection conducted. Issued Amended Report as owner stated that Unit #1 (which has no kitchen) would be storage only and not residential space. Windows had been replaced with new double-hung windows that do not meet egress requirements at the time of building alteration (1996).  
November 13, 2012: Sent letter of explanation to owners  
November 20, 2012: Received appeal

During a cycle inspection it was noted that the windows in units 3 & 4 do not meet egress requirements at the time that this unit was renovated. A fire at the property in 1996 required extensive renovation. The measurements are as follows:

<u>Existing (casement):</u>	<u>Required:</u>
Openable height: 31 inches	24 inches
Openable width: <b>16 inches</b>	<b>20 inches</b>
Sill height: 44 inches	22 ½ inches
Openable area: <b>3.44 sq. ft.</b>	<b>5.70 sq. ft.</b>

At the reinspection, the windows had been replaced by new double-hung windows with the following measurements:

Height: **22 ½ inches**  
Width: **35 ¾ inches**

Sill Height: 20 ½ inches  
Openable area: **5.59 sq. ft.**

The owners believed that the entire openable area with both of the sashes removed could be included in the measurement for openable area and height requirements. This is true for the Residential Code; however this property is a multi-unit structure and must adhere to the Building Code, which does not allow for the removal of sashes to be considered in calculating height or area. The petitioners are asking for an extension of time to obtain 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: February 19, 2013

Attachments: Amended cycle report, Letter of explanation, appeal, photos



RECEIVED  
NOV 20 2012

Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420  
[hand@bloomington.in.gov](mailto:hand@bloomington.in.gov)

BY: .....

Property Address: 111 W 4th St Bloomington IN 47404

Petitioner's Name: YINBAO XU

Address: 1706 S Williams Ct

City: Bloomington State: IN Zip Code: 47401

Phone Number: (812) 671-9946 Email Address: \_\_\_\_\_

Property Owner's Name: YINBAO XU

Address: 1706 Williams Ct

City: Bloomington State: IN Zip Code: 47401

Phone Number: (812) 671-9946 Email 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.

**Please circle the petition type that you are requesting:**

- (A) An extension of time to complete repairs (Petition type TV)
- (B) A modification or exception to the Housing Property Maintenance Code (Petition type V)
- (C) Relief from an administrative decision (Petition type AA)
- (D) Rescind a variance (Petition type RV)

REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY  
Petition Number 12-TV-137

SEE REVERSE

Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance, and any modifications and/or alterations you are suggesting.

Requesting an extension of time to change or  
alter windows or obtain a variance from the State.

Signature (required):

*Yinbao Xu*

Name (please print):

YINBAO XU

Date:

11/15/2012

You may attend the meeting. If you attend, please note that all petitioners presenting a matter to the Board shall be limited to no more than five minutes to present their case and arguments. Additional time can be granted if deemed appropriate by the Board. Please note that if your property is listed on the consent agenda it is more likely than not that your property will not be individually discussed during the Board's meeting.



City of Bloomington  
Housing and Neighborhood Development

Amended Cycle Report

7025

OWNERS

Xu, Yin-Bao  
1706 Williams Court  
Bloomington, IN 47401

Prop. Location: 111 W 4<sup>th</sup> ST  
Number of Units/Structures: 3/1  
Units/Bedrooms/Max # of Occupants: 3/1/2

Date Inspected: 09/10/2012  
Primary Heat Source: Electric  
Property Zoning: CD  
Number of Stories: 1

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

**This is an amended cycle report. The owner has stated that Unit #1, which does not have a kitchen, will be used as office space and will not be a residential unit. The permit will be changed to reflect this revision.**

Monroe County Assessor's records indicate this structure was built in 1920. Records in the file for Housing & Neighborhood Development indicate that apartments 3 & 4 were added in 1996.

The egress requirements for a building constructed or modified in 1996 are as follows:

Openable height: 24 inches

Openable width: 20

Sill height: Not more than 44 inches above finished floor

Openable area: 5.7 square feet

**INTERIOR:**

**Note:** Room dimensions are in the file and are not included in this report.

Common Hallway, Stairway:

No violations noted.

**Unit #3**

Bath, Kitchen:

No violations noted.

Living Room/Bedroom:

The emergency egress window (casement) does not meet the minimum requirements for a multi-unit structure built or modified in 1996. The relevant code is the 1992 Indiana Building Code, section: 1204 (103).

<b>Openable area required: 5.7 sq. ft.</b>	<b>Existing area:3.44 sq. ft.</b>
Clear width required: 20 inches	Existing width: 16 inches
Clear height required: 24 inches	Existing height: 31 inches
Maximum sill height: 44 inches above finished floor	Existing sill: 40 ½ inches

The emergency egress window does not meet the minimum code requirements for the time the structure was built or modified. 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 modification, 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](http://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.

**UNIT #4**

Kitchen, Bathroom:

No violations noted.

Living Room/Bedroom:

The emergency egress window (casement) does not meet the minimum requirements for a multi-unit structure built or modified in 1996. The relevant code is the 1992 Indiana Building Code, section: 1204 (103).

<b>Openable area required: 5.7 sq. ft.</b>	<b>Existing area:3.44 sq. ft.</b>
Clear width required: 20 inches	Existing width: 16 inches
Clear height required: 24 inches	Existing height: 31 inches
Maximum sill height: 44 inches above finished floor	Existing sill: 38 inches

The emergency egress window does not meet the minimum code requirements for the time the structure was built or modified. 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 modification, 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](http://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.

**UNIT #2 (This unit was constructed before 1978)**

Kitchen, Bathroom:

No violations noted.

Living Room/Bedroom:

No violations noted.

Existing Egress Window Measurements (double-hung):

Height: 24 inches

Width: 31 ½ inches

Sill Height: 24 inches

Openable Area: 5.25 sq. ft.

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

**UNIT #1**

**NOTE: This unit will be used only as office space. Occupancy of this unit is not permitted.**

**(this unit was vacant at the time of inspection, and was constructed before 1978)**

Living Room (16-9 x 13-8):

No violations noted.

Bedroom (16-9 x 14-10):

No violations noted.

Existing Egress Window Measurements (double-hung):

Height: 24 inches

Width: 31 ½ inches

Sill Height: 24 inches

Openable Area: 5.25 sq. ft.

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

Common Hallway, Common Bath:

No violations noted.

Mechanical Closet:

No violations noted.

**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)**

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

This is the end of this report.



**City of Bloomington  
Housing and Neighborhood Development**

13 November 2012

Xu, Yin-Bao  
1706 Williams Ct.  
Bloomington IN 47401

Re: 111 W. 4<sup>th</sup> St.

Dear Nancy:

This structure located at 111 W. 4<sup>th</sup> St. was remodeled/rebuilt after a partial collapse in 1996. The 1993 Indiana Building Code was in use at the time of this construction

It was first determined to have residential use in 1996. The 1992 Indiana Building Code was in use at that time. Emergency egress requirements in both codes were as follows:

Height: 24 inches  
Width: 20 inches  
Sill Height: 44 inches  
Openable Area: 5.70 sq. ft.

The Board of Housing and Quality Appeals granted a variance to the minimum egress requirements on 14 August 2003 and that variance was removed by Court Order per 53 C01-0805-PL-01019.

At the last Rental Inspection the window measurements were as follows:

10 September 2012:

Height: 31 inches  
Width: 16 inches  
Sill Height: 20 ½ inches  
Openable Area: 3.44 sq. ft.

The windows were changed to the following:

Height: 22.5 inches (24.5 one sash removed and 64.5 with both sashes removed)  
Width: 35.75 inches  
Sill Height: 20 ½  
Openable Area: 5.59 sq. ft.

Housing and Neighborhood Development received the following interpretation for the Technical Service division of Fire and Building Service Department in the State of Indiana Homeland Security Office:

...the intent of the current IRC (675 IAC 14-4.3) Section R310 and IBC (675 IAC 13-2.4) Section 1009 are the same. Both codes use the words "normal operation" when describing the process for attaining the required minimum open area.

The commentary for the pertinent sections of both codes say a window must be the usual double-hung, horizontal sliding, or casement window, and that windows that achieve the required opening dimensions only by having a special sequence of operations performed upon them, such as the removal of sash or mullions, are not permitted.

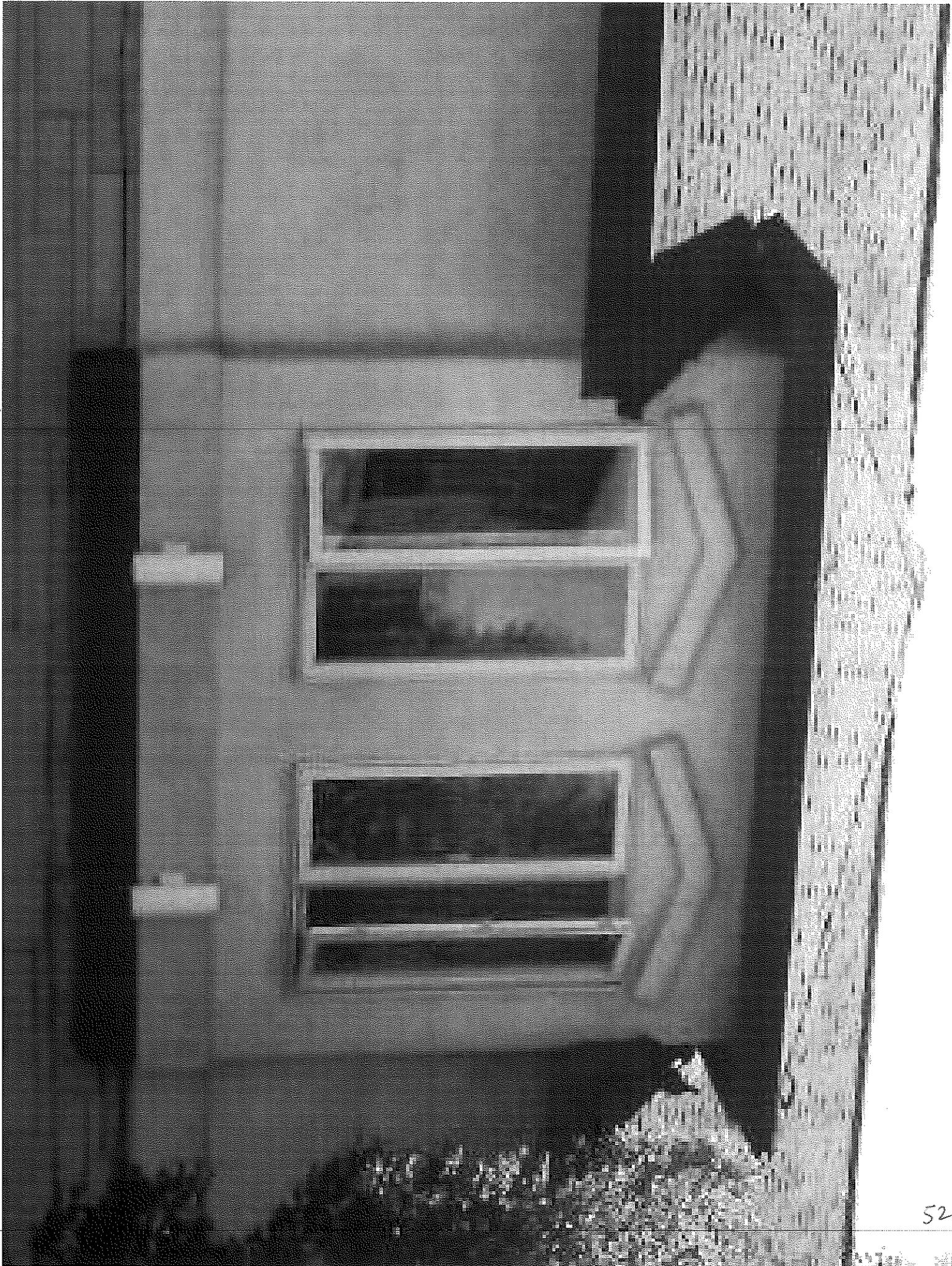
This interpretation indicates that emergency egress should be measured under normal use conditions. That means without removing the sash. Based on that information, the replacement windows do not meet the requirements set forth by the 2003 Indiana Building Codes.

In order for the windows to be in compliance, they shall be replaced or altered to meet the emergency egress requirements of the 2003 Indiana Building Code or a variance shall be granted by the Department of Homeland Security Fire Prevention and Building Safety Commission to allow the current windows to remain.

If you have questions regarding this letter please contact me at 349-3420.

Regards,

Jo Stong  
Neighborhood Compliance Officer  
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: December 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-138

Address: 1009 S. Walnut

Petitioner: Bob Burke

Inspector: John Hewett

Staff Report: November 17, 2011            Cycle Inspection  
February 24, 2012            Re-inspection  
November 21, 2012            Received appeal letter

The petitioner has requested an additional 90 days for the installation of vinyl siding on this house.

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: March 18, 2013

Attachments: Cycle Inspection Report, petitioner's letter



RECEIVED  
NOV 21 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: 1009 S. WALNUT STREET

Petitioner's Name: Bob Burke

Address: 3721 E. Silver Creek Ct.

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-320-3593 Email Address: info@bmgaviation.com

Property Owner's Name: Bob Burke

Address: 3721 E. Silver Creek Ct

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-320-3593 Email Address: info@bmgaviation.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.

**Please circle the petition type that you are requesting:**

- A) An extension of time to complete repairs (Petition type **TV**)
- B) A modification or exception to the Housing Property Maintenance Code (Petition type **V**)
- C) Relief from an administrative decision (Petition type **AA**)
- D) Rescind a variance (Petition type **RV**)

**REMINDER:** A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY  
Petition Number 12-TV-138

SEE REVERSE

Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance, and any modifications and/or alterations you are suggesting.

The extension was to paint house, and we decided to put on vinyl siding. We are waiting for the contractor to get started. Hopefully 90 Days will be enough Time

Signature (required): Bob Burke

Name (please print): Bob Burke Date: 11-20-12

You may attend the meeting. If you attend, please note that all petitioners presenting a matter to the Board shall be limited to no more than five minutes to present their case and arguments. Additional time can be granted if deemed appropriate by the Board. Please note that if your property is listed on the consent agenda it is more likely than not that your property will not be individually discussed during the Board's meeting.



**City of Bloomington  
Housing and Neighborhood Development**

Cycle Report

3615

OWNERS

Burke, Bob  
3721 E. Silver Creek Ct.  
Bloomington, IN 47401

Prop. Location: 1009 S Walnut ST  
Date Inspected: 11/17/2011  
Inspectors: John Hewett  
Primary Heat Source: Gas  
Property Zoning: CG  
Number of Stories: 2

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 4  
Max # of Occupants: 5  
Foundation Type: Basement  
Attic Access: Yes  
Accessory Structure: Garage

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

E bedroom

9-1 x 20-1

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

½ Bathroom

No violations noted.

Dining room

11-6 x 11-2

No violations noted.

Kitchen

8-2 x 13-0

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

16-2 x 12-8

No violations noted.

401 N. Morton  
PO Box 100  
Bloomington, IN 47402

**City Hall**

[www.bloomington.in.gov/hand](http://www.bloomington.in.gov/hand)

Rental Inspections: (812) 349-3420

Housing Division: (812) 349-3401

Fax: (812) 349-3582

2<sup>nd</sup> floor

Hallway

Provide operating power to smoke detector. PM-704.1

Bathroom

No violations noted.

SW bedroom 8-2 x 11-9, NW bedroom 11-10 x 10-3

Existing Egress Window Measurements:

Height: 24.25 inches

Width: 33 inches

Sill Height: 24 inches

Openable Area: 5.5 sq. ft.

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

NE bedroom

13-0 x 8-7

Provide operating power to smoke detector. PM-704.1

The window measurements are the same as noted above.

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

Exterior

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

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 Report.

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)