

**PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL McCLOSKEY CONFERENCE ROOM
April 17, 2013, 4:00 P.M.**

I. ROLL CALL

II. REVIEW OF SUMMARY – March 20, 2013 pp. 3-4

III. CONSENT AGENDA

- (1) 13-TV-30 **313 N. Overhill Drive**, Jiangmei Wu. Request for an extension of time to complete repairs. pp. 5-12
- (2) 13-TV-31 **1911-1915 N. Maxine Road**, Ron Yearby. Request for an extension of time to complete repairs. pp. 13-20
- (3) 13-TV-34 **2514 S. Milton Drive**, Wallace Wampler. Request for an extension of time to complete repairs. pp. 21-27
- (4) 13-TV-35 **3801-3811 E. Morningside Drive**, The Legacy Group. Request for an extension of time to complete repairs. pp. 28-32
- (5) 13-TV-37 **2266 E. Cape Cod Drive**, Ronald & Carolyn Kovener. Request for an extension of time to complete repairs. pp. 33-50
- (6) 13-TV-38 **2352 S. Henderson Street**, Donald & Jacquelyn Brice. Request for an extension of time to complete repairs. pp. 51-59
- (7) 13-TV-39 **129 S. Union Street**, Rick Fettig. Request for an extension of time to complete repairs. pp. 60-66

IV. PETITIONS

- (8) 13-AA-33 **533 E. Smith Avenue**, Cassis Enterprises, LLC. Request for relief from an administrative decision. pp. 67-69

V. GENERAL DISCUSSION

VI. PUBLIC COMMENT

VII. ADJOURNMENT

B.H.Q.A. MEETING OF MARCH 20, 2013

SUMMARY

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

STAFF PRESENT: Lisa Abbott, Michael Arnold, Daniel Bixler, John Hewett, Robert Hoole, Maria McCormick, Jo Stong (HAND), Patty Mulvihill, Greg Small (Legal)

OTHERS PRESENT: Mark Ritter (1130 E. Carnaby Street), Erik Sumwalt (Bradford Place Apartments)

I. REVIEW OF SUMMARY

Hamilton made a motion to approve the minutes for February 20, 2013. Strauser seconded. Motion passed, 5-0.

II. CONSENT AGENDA

210 S. Grant Street, Bruce Storm Real Estate & Mgmt., LLC, 13-TV-18. Request for an extension of time to complete repairs. Staff recommendation to grant the request with an August 15, 2013 deadline.

1130 E. Carnaby Street, Mark D. & Vivian Ritter, 13-AA-19. Request for relief from an administrative decision. Recommendation was to grant relief from the rental registration process as long as the unit continues to be owned by current owner and is occupied by Mr. & Mrs. Ermil Ritter. The property will be pull dated in one year to check its status.

420 E. 9th Street, Schenk Rentals, LLC, 13-TV-20. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a July 15, 2013 deadline.

2600 S. Olcott Boulevard, Silvana Falconi, 13-TV-21. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a March 27, 2013 deadline.

1722 N. Walnut Street, Kenny Patel, 13-TV-25. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a June 20, 2013 deadline.

1009 W. 6th Street, Edna Morrison, 13-TV-26. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a May 20, 2013 deadline.

223 E. 1st Street, Tom Ruemler, 13-TV-27. Request for an extension of time to complete repairs. Staff recommendation to deny the request with a March 20, 2013 deadline.

315 E. Southern Drive, Robert Duke, 13-TV-28. Request for an extension of time to complete repairs. Staff recommendation to grant the request with an April 20, 2013 deadline.

321 E. 14th Street, CRE Rentals, 13-TV-29. Request for an extension of time to complete repairs. Staff recommendation was to grant the request for replacement of the wooden shakes with an April 01, 2013 deadline, but deny the request for an extension of time for the windows and doors.

Approved.

III. PETITIONS

422 S. College Avenue, Apartments. 3 & 4, Monroe County Convention Center Building Corp., 13-TV-22. Pulled from Consent Agenda. The petitioner was not present to request an extension of time to complete the repairs. Staff recommendation was to deny the request. Hamilton made a motion to accept staff recommendation and deny the request. Strauser seconded. Motion passed, 4-0-1 (Floyd recused himself). Request denied.

422 S. College Avenue, Apartments. 1 & 2, Monroe County Convention Center Building Corp., 13-V-23. The petitioner was not present to request a variance to allow sleeping rooms not meeting minimum size requirements. Staff recommendation was to deny the request since current code does not require the variance. Hamilton made a motion to deny the request per staff recommendation and for HAND to assess the two bedrooms under current code. Strauser seconded. Motion passed, 4-0-1 (Floyd recused himself). Request denied.

4535 W. Middle Court, Sally Walker, 13-TV-24. Pulled from Consent Agenda. The petitioner was not present to request an extension of time to complete the repairs. Staff recommendation was to grant the request for soffit repairs and painting with an October 01, 2013 deadline, but not grant an extension of time to repair/replace the furnace. Strauser made a motion to grant the request per staff

recommendations. Hamilton seconded. Motion passed, 5-0. Request granted for soffit repairs and painting with an October 01, 2013 deadline, but no extension of time to repair/replace the furnace.

IV. GENERAL DISCUSSION

A brief review of the January 2013 meeting general discussion of legislation before Indiana State House concerning rental inspections.

V. PUBLIC COMMENT

None.

VI. ADJOURNMENT

Made a motion to adjourn. Strauser seconded. Motion unanimously passed. Meeting adjourned at 4:19 PM.



City of Bloomington
H.A.N.D.

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

Meeting Date: April 17, 2013

Petition Type: An extension of time to complete repairs.

Petition Number: 13-TV-30

Address: 313 N. Overhill Drive

Petitioner: Jiangmei Wu

Inspector: Jo Stong

Staff Report: February 24, 2012: Conducted cycle inspection
March 2, 2012: Sent report
May 4, 2012: Conducted reinspection. All but exterior painting complied.
May 9, 2012: Issued temporary permit
December 27, 2012: Drive-by inspection; painting not complete.
December 31, 2012: Sent exterior extension reminder
February 22, 2013: Received appeal

During a cycle inspection on the above property it was noted that the exterior had peeling paint, which is a violation of the Property Maintenance Code. The petitioner is requesting an extension of time until the weather is warm enough to complete the painting of the exterior.

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 17, 2013

Attachments: Cycle report, temporary permit, appeal

Dr



RECEIVED

Application for Appeal
To The BY: _____
Board of Housing Quality Appeals

P.O. Box 100
Bloomington, IN 47402
812-349-3420

RECEIVED

hand@bloomington.in.gov

Property Address: 313 N Overhill BY: _____

Petitioner's Name: Jiangmei Wu

Address: 2230 E. Rock Creek Dr.

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-272-3078 Email Address: jiawu@indiana.edu

Property Owner's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ 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)

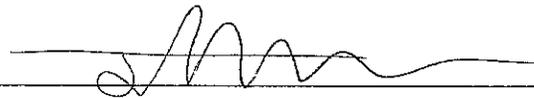
REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY
Petition Number 13-TV-30

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 repair job is for outdoor painting of the siding. ~~An~~ extension will be needed ~~and~~ until the weather is warm enough for painting outside. An extension to May or Jun will be preferred.

Signature (required):



Name (please print):

Jiangmei Wu

Date:

2-22-13

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

8963

OWNERS

=====

Wu, Jiangmei
2230 E. Rock Creek Drive
Bloomington, IN 47401

Prop. Location: 313 N Overhill DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 02/24/2012
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 2

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

VARIANCE

=====

03/11/2009 Variance granted for an exception to requirement for bathroom ventilation.

Monroe County Assessor's records indicate this structure was built in 1954.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

Living Room (15-4 x 15-4):
No violations noted.

Bathroom:
Repair the leak/drip in the right faucet of the sink. PM-504.1

Secure toilet to its mountings. PM-504.1

Properly seal the entire perimeter of the tub/shower including the floor. PM-304.3

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

Kitchen (12-1 x 11-5):

Service or replace the metal-headed fire extinguisher. Maintain a record that the extinguisher has been checked every 30 days. **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 (9-7 x 9-7):

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

Repair the broken window panes. PM-303.13

Existing Egress Window Measurements (double-hung; both sashes removable):

Height: 52 inches
Width: 26 ½ inches
Sill Height: 27 ¾ inches
Openable Area: 9.57 sq. ft.

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

Northeast Bedroom (12-0 x 10-7):

Repair the north window to stay open. Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

Existing Egress Window Measurements (double-hung; both sashes removable):

Height: 52 ½ inches
Width: 26 ½ inches
Sill Height: 24 ¾ inches
Openable Area: 9.66 sq. ft.

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

Northwest Bedroom (13-2 x 12-8):

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

Existing Egress Window Measurements (double-hung; both sashes removable):

Height: 52 ½ inches
Width: 26 ½ inches
Sill Height: 28 inches

Openable Area: 9.66 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

Family Room (21-2 x 13-0):

Provide operating power to smoke detector. PM-704.1

Garage:

No violations noted.

Half Bath:

No violations noted.

Laundry/Mechanical Room:

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

Southeast Room (12-8 x 10-3):

No violations noted.

EXTERIOR:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed (east soffit). PM-303.2

(the painting violation has a one-year deadline from the date of the cycle inspection)

OTHER REQUIREMENTS:

Required documentation:

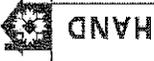
A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.050 (d).

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)

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



CITY OF BLOOMINGTON
Housing and
Neighborhood
Development

improving our neighborhoods

401 N. Morton St.
Suite 130
Bloomington, IN 47404
(812) 349-3420

TEMPORARY RENTAL OCCUPANCY PERMIT

Address 313 N. Overhill Drive

This Temporary Permit indicates that the interior violations listed on the Cycle Inspection Report dated 2.24.2012, are now in compliance, and the only remaining violations are not life-safety in nature.

The remaining violations are noted in the cycle report dated 2.24.2012; this document is incorporated by reference into the Temporary Permit.

All remaining violations shall be in compliance and the owner or agent shall call HAND to schedule a re-inspection of the property prior to the expiration of this Temporary Permit.

This Temporary Permit expires, 2.24.2013.
Director: Lee Abbott Date 5/12



City of Bloomington
H.A.N.D.

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

Meeting Date: April 17, 2013

Petition Type: An extension of time to complete repairs.

Petition Number: 13-TV-31

Address: 1911 Maxine Drive

Petitioner: Ron Yearby

Inspector: Jo Stong

Staff Report: November 26, 2012: Received complaint, conducted complaint inspection
November 29, 2012: Sent complaint report
December 14, 2012: Remaining violations report written
December 17, 2012: Owner scheduled reinspection
December 24, 2012: Sent remaining violations report
January 8, 2013: Conducted complaint reinspection. All but painting complied.
January 10, 2013: Called owner re: painting. Owner indicated he wanted to paint in warm weather. It was recommended that owner apply for extension of time.
January 18, 2013: 2nd Remaining violations report sent.
February 8, 2013: Contacted owner again to suggest applying for an extension of time to complete painting.
February 11, 2013: Owner responded indicating he would apply for extension of time today.
February 21, 2013: Legal proceedings begun
February 25, 2013: Received appeal

During a complaint inspection on the above property it was noted that there was peeling paint on a number of exterior property areas. The petitioner is requesting an extension of time until warmer weather to complete the painting. All other repairs on the complaint report have been made.

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 17, 2013

Attachments: Complaint report, appeal, email, legal letter



RECEIVED
FEB 25 2013

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

BY: _____

Property Address: 1911 Maxine Dr

Petitioner's Name: Ron Yearby

Address: 4743 N White River Dr.

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812 345 2765 Email Address: ron.yearby@homeindians.org

Property Owner's Name: SAME

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

Occupants: Elizabeth Perez and Macayla Merida

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 13-TV-31

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.

Part of the inspection required some exterior painting on some window trim and doors. With the weather so cold this type of work is better to be done in the spring and should last longer. All other repairs have been made.

Signature (required): Ronald W. Yearby II

Name (please print): Ronald W Yearby II Date: 2/14/13

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.



Jo Stong <stongj@bloomington.in.gov>

Re: 1911 N. Maxine Rd.

1 message

ron.yearby@homefinder.org <ron.yearby@homefinder.org>

Mon, Feb 11, 2013 at 10:17 AM

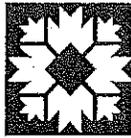
To: Jo Stong <stongj@bloomington.in.gov>

Filing it today. Thanks!!

Ron

Quoting Jo Stong <stongj@bloomington.in.gov>:

- > Hello Ron,
- >
- > I tried your phone (345-2765) but the mailbox was full. We have not gotten
- > an appeal for the Board of Housing Quality Appeals from you for this
- > property for an extension of time to complete the exterior painting. We
- > need it as soon as possible. The deadline for the repairs was in 2012, and
- > the next step is taking the property to the City Legal Department to file
- > suit.
- >
- > It costs \$20 to file an appeal. Here is a link to the appeal form, which
- > you can fill out and bring in or mail in. Please contact our office if you
- > have any questions at 349-3420.
- >
- > <http://bloomington.in.gov/media/media/application/pdf/12241.pdf>
- >
- > Jo Stong
- > Housing & Neighborhood Development
- > City of Bloomington, Indiana
- > (812) 349-3420
- >



**City of Bloomington
Housing and Neighborhood Development**

Complaint Report

3730

OWNERS

Yearby, Ron
4743 N. White River Drive
Bloomington, IN 47404

Prop. Location: 1911 N Maxine RD, 1915 N Maxine RD
Number of Units/Structures: 2/1
Units/Bedrooms/Max # of Occupants: 2/2/3

Date Inspected: 11/26/2012
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

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

The following items are the result of a complaint inspection conducted on **November 26, 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:

UNIT 1911

Living Room:

Install a sweep or other weather-tight material on the entry door. Entry door shall be weather tight. No gaps shall be visible around the edges. PM-303.13

Repair the light fixture and fan to function as intended. A bulb has broken and the base remains in the socket. PM-604.3

Repair the HVAC ductwork so that this room has heat coming from the register. PM-603.1

Replace the deteriorated glazing compound on the windows. PM-303.13.1

Mechanical Room:

Repair the water heater and the furnace to function as intended. Water heater kicks off when furnace turns on; pilot will not stay lit. PM-603.1, PM-504.1

Kitchen:

Repair the casement window on the east wall to open. Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

Bathroom:

Replace the bulb in the light /fan unit and clean the exhaust fan. PM-603.1

Properly repair the flooring in the bathroom (linoleum is bubbling up close to tub). PM-304.4

Southwest Bedroom:

Repair the closet doors to function as intended (they come off the rails). PM-304.6

Northwest Bedroom:

Repair the HVAC ductwork so that this room has heat coming from the register. PM-603.1

Reverse the doorknob so that the lock is on the interior side of the door. PM-702.3, PM-304.6

Hallway:

Properly secure the smoke detector (it is hanging by its wires). PM-704.2, PM-605.1

EXTERIOR:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed (front door, north windows and frames). PM-303.2

Corporation Counsel
Margie Rice



City of Bloomington
Legal Department

Assistant City Attorneys
Susan Failey
Barbara E. McKinney
Jacquelyn F. Moore
Patricia M. Mulvihill
Michael M. Rouker

City Attorney
Vickie Renfrow

February 27, 2013

Ron Yearby
4742 North White River Drive
Bloomington, Indiana 47404

Re: Property located at 1911-1915 North Maxine Road, Bloomington

Dear Mr. Yearby:

Our office has received a referral from the Housing and Neighborhood Development Department concerning your failure to make repairs pursuant to a cycle inspection conducted by the City of Bloomington at the above referenced property. The violations listed in the November 26, 2012, inspection report should all now be remedied.

Please be advised that you need to schedule an inspection of said property within fourteen (14) days of the date of this letter and bring said property into compliance. The initiation of legal proceedings against you for failing to comply with the Bloomington Municipal Code is a viable option. If legal proceedings are initiated, you may be fined up to one hundred dollars (\$100.00) per day for each day that the property has remained out of compliance with the Bloomington Municipal Code.

Please give prompt attention to this matter by contacting the Housing and Neighborhood Development Department at (812) 349-3401.

Sincerely,

Patricia M. Mulvihill
Assistant City Attorney

cc: Housing and Neighborhood Development Department



City of Bloomington
H.A.N.D.

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

Meeting Date: April 17, 2013
Petition Type: An extension of time to complete repairs.
Petition Number: 13-TV-34
Address: 2514 S. Milton Dr.
Petitioner: Wallace Wampler
Inspector: Norman Mosier
Staff Report: March 26, 2012 - Conducted Cycle Inspection
June 28, 2012 - Conducted Re-inspection
July 30, 2012 - Issued Temporary Permit
February 7, 2013 – Sent Exterior Extension Reminder
March 8, 2013 – Received BHQA Application

It was noted during the cycle inspection that the exterior of the property needed to be painted. All interior violations are resolved and the exterior painting is all that remains to be completed.

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: May 17, 2013

Attachments: Cycle Report, EE Reminder Report, BHQA Application, Petitioner's Letter



RECEIVED
MAR 08 2013

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

Property Address: 2514 Milton Drive Bloomington IN 47401

Petitioner's Name: Wallace Wampler

Address: 4241 North Ridgeway Drive

City: Bloomington State: IN Zip Code: 47404

Phone Number: 876 7906 Email Address: WEWampler

Property Owner's Name: Wallace Wampler

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ 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 13-TV-34

SEE REVERSE

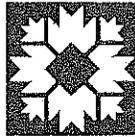
Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance,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

The Current Weather NOT Permitting
to PAINT outside of Home [ICE SNOW]
60 DAYS MIGHT BE ENOUGH TIME FOR
WEATHER TO IMPROVE FOR THIS WORK TO BE
Done

Signature (required): Walter Wampler

Name (please print): WALTER WAMPLER Date: 8 MARCH 2013

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

7083

OWNERS

Wampler, Wallace E. & Nancy J.
4241 N. Ridgewood Dr.
Bloomington, IN 47404

Prop. Location: 2514 S Milton DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 03/26/2012
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

Inspectors: Norman Mosier
Foundation Type: Basement
Attic Access: No
Accessory Structure: Shed

Monroe County Assessor's records indicate this structure was built in 1960.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

Living Room 15-3 x 14-9:

Repair the deteriorated threshold on the entry door. PM-303.15

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

Interior walls shall be free of holes, cracks, peeling paint and deteriorated drywall/plaster, south wall. PM-304.3

Kitchen/Dining Room:

Relocate the fire extinguisher. 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.

Hallway:

No violations noted.

NE Bedroom 11-7 x 9-1:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: const. Yr. - 1960

Height: 23.5 inches

Width: 32 inches

Sill Height: 28 inches

Openable Area: 5.22 sq. ft.

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

Hall Bath:

Repair/replace the damaged door. PM-304.6

SW Bedroom 11-6 x 10:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: const. Yr. - 1960

Height: 23.5 inches

Width: 32 inches

Sill Height: 28 inches

Openable Area: 5.22 sq. ft.

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

SE Bedroom 12 x 11-7:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: const. Yr. - 1960

Height: 23.5 inches

Width: 32 inches

Sill Height: 28 inches

Openable Area: 5.22 sq. ft.

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

BASEMENT

Stairs:

No violations noted.

Main Room:

Properly secure all support posts at the top and bottom to eliminate the possibility of movement. PM-304.2

Main Room: (continued)

Repair or replace existing smoke detector in a manner so that it functions as intended.
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

EXTERIOR:

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

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

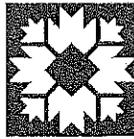
Replace the missing gutter on the west side of structure. PM-303.7

Shed:

Repair/replace the deteriorated roof. PM-303.7

Repair/replace the deteriorated walls. PM-303.6

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

EXTERIOR EXTENSION REMINDER REPORT

7083

OWNERS

Wampler, Wallace E. & Nancy J.
4241 N. Ridgewood Dr.
Bloomington, IN 47404

Prop. Location: 2514 S Milton DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 03/26/2012
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

Inspectors: Norman Mosier
Foundation Type: Basement
Attic Access: No
Accessory Structure: shed

This report is your reminder from the Housing and Neighborhood Development Office that this rental property is operating under a Temporary Permit that expires on 03/26/2013.

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

EXTERIOR:

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



City of Bloomington
H.A.N.D.

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

Meeting Date: April 17, 2013
Petition Type: An extension of time to complete repairs.
Petition Number: 13-TV-35
Address: 3801 – 3811 E. Morningside Dr. Apt. # 59
Petitioner: Scott May
Inspector: Norman Mosier
Staff Report: February 27, 2013 – Conducted Complaint Inspection
March 13, 2013 – Received BHQA Appeal

It was noted during the complaint inspection that the basement was leaking in several different areas with ground water, and mold was present. Petitioner is requesting an extension of time to complete the repairs due to one of the occupants having allergies. Occupants will be moving out of the unit on March 29, 2013

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: June 17, 2013, or prior to re-occupancy.

Attachments: Complaint Inspection Report, BHQA Appeal, Petitioner's Letter



RECEIVED
MAR 13 2013

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: 3811 E. Morningside Drive, Apt 59

Petitioner's Name: The Legacy Group

Address: 3112 E. Braeside Drive

City: Bloomington State: IN Zip Code: 47408

Phone Number: 812-339-1400 Email Address: _____

Property Owner's Name: Scott May

Address: 701 E. Summitview Place

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-331-2666 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 13-TV-35

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.

Management is requesting more than 14 days to complete the necessary repairs. The tenant is moving out of the unit on March 29, 2013 and we will not be able to seal basement wall until unit is vacant due to allergies of one of the current occupants. We are not even able to use any type of bleach or mildew remover to clean the painted block walls.

All exterior guttering has been checked and we have a contractor looking at the concrete slab in front of the apartment for possible replacement.

Signature (required): Legacy Group / M.A. Waggoner

Name (please print): Mary Ann Waggoner Date: 3-12-13

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

MAR 04 2013

COMPLAINT INSPECTION REPORT

3486

OWNERS

Woodington Management, Llc
205 E. 17th Street
Bloomington, IN 47408

AGENT

Legacy Group
3112 Braeside Dr.
Bloomington, IN 47408

Prop. Location: 3801 – 3811 E. Morningside Dr.
Number of Units/Structures: 65/6
Units/Bedrooms/Max # of Occupants: 2/4/5

Date Inspected: 02/27/2013
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Inspectors: Norman Mosier
Foundation Type: Basement
Attic Access: No
Accessory Structure: None

VARIANCE

01/18/1990 Apt. B2 Granted a variance to the minimum requirement for light and ventilation in the living room and bedroom.

The following items are the result of a complaint inspection conducted on **02/27/2013**. It is your responsibility to repair these items and to schedule a re-inspection within **fourteen (14)** days of the mailing of this report. Failure to comply with this inspection report will result in this matter being referred to the City of Bloomington Legal Department. Failure to comply with this complaint inspection report may result in fines of up to \$100.00/day. If you have questions regarding this report, please contact this office at 349-3420.

UNIT 59

BASEMENT

Repair the basement not to leak, several different areas where water infiltrates basement.
BMC 16.04.060(b)

Remove the mold from the basement. BMC 16.04.060(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: April 17, 2013
Petition Type: An extension of time to complete repairs.
Petition Number: 13-TV-32
Address: 2266 E. Cape Cod Dr.
Petitioner: Ronald & Carolyn Kovener
Inspector: Norman Mosier
Staff Report: November 29, 2012 – Conducted Cycle Inspection
February 20, 2013 – Received BHQA Appeal, less Fee
February 22, 2013 – Sent Remaining Violations Report
February 26, 2013 – Received BHQA Application Fee

It was noted during the cycle inspection that the egress windows did not meet egress requirements at the time of construction, however; this violation was inadvertently cited by the inspector. Petitioner is requesting an extension of time to complete repairs due to the fact petitioner was under the assumption that the state egress variance was to be resolved prior to completing the repairs. During this time the petitioner was also actively negotiating to sell the property to the tenant, but this sale fell through. As a result of the time spent working with the State concerning his variance request he needs additional time to complete the other repairs.

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: June 17, 2013

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

D

RECEIVED
MAR 14 2013



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: 2266 E Cape Rd Vr Bfn 47401
Petitioner's Name: Ronald & Carolyn Kovner
Address: 2453 Tamarack Trail #172
City: Bloomington State: IN Zip Code: 47408
Phone Number: 812-337-9920 Email Address: vrkovner@aol.com
Property Owner's Name: Ronald & Carolyn Kovner
Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email Address: _____
Occupants: Brian Besser

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 13-TV-37

SEE REVERSE

More time to complete repairs is needed because:

1. When the inspection was done, we were in the process of selling the house. This was reported to inspector Mosier who put the inspection on hold.
2. The sale negotiations were terminated on 2/17/13. This was reported to inspector Mosier who then activated the file.
3. All of the significant "violations" seemed suspect. I was fortunate to find an independent and knowledgeable authority on these issues:
Mara Snyder, Director
Legal and Code Services
Indiana Department of Homeland Security
302 W. Washington Street, Rm. W246
Indianapolis, IN 46204
(317) 233-5341 (phone)
(317) 232-0146 (fax)
msnyder@dhs.in.gov

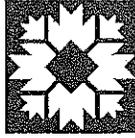
Ms. Snyder was helpful in evaluating the appropriateness of the alleged "violations." For all of these "violations," inspector Mosier has now agreed that they are in error by being based on outdated code provisions, non-applicable code provisions, and unapproved code provisions. On 3/13, I received a letter removing some of these inappropriate "violations" from the official record and also received a call from inspector Mosier agreeing that other "violations" were also issued in error.

This investigation was essential to avoid unnecessary disruption of my tenant and unnecessary expenses. This investigation took time and only today (3/13) has been resolved.

4. Now that the true extent of the necessary repairs has been established, they will be completed promptly. Given the significant delay caused by faulty procedures of HAND, it is appropriate to provide a reasonable amount of time to complete the necessary repairs.

We have communicated promptly and honestly throughout this process and have not unnecessarily delayed any essential action. Both we as owners and our tenant are eager to provide safe occupancy but are not willing to incur unnecessary costs or disruption.

The \$20 fee is not being submitted with this application because inspector Mosier has said that a fee previously paid was unnecessary due to errors made by HAND and was being held to apply to any future financial obligation.



City of Bloomington
Housing and Neighborhood Development

CYCLE REPORT

9738

OWNERS

Kovener, Ron
2455 Tamarack Trail #122
Bloomington, IN 47408

AGENT

Hallmark Rentals & Mgmt. Inc.
1205 N. Walnut St.
Bloomington, IN 47404

Prop. Location: 2266 E Cape Cod DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/4/5

Date Inspected: 11/29/2012
Primary Heat Source: Gas
Property Zoning: PUD
Number of Stories: 1

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

The Monroe County assessor's records indicate that this structure was built in 1984.
Minimum egress requirements for a single 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

Entry Hallway:

No violations noted.

Living Room 20-10 x 15:

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

Deck, Dining Room 14 x 9-6, Kitchen/Nook, Family Room, Garage, Attic, Pantry, E Hallway, Hall Bath, laundry Closet:

No violations noted.

SE Bedroom 15-6 x 13-2:

Repair the door to latch properly. PM-304.6

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1984. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 5.7 sq. ft.

Existing area: 5.34 sq. ft.

Clear width required: 20 inches

Existing width: 26.5 inches

Clear height required: 24 inches

Existing height: 29 inches

Maximum sill height: 44 inches above finished floor Existing sill: 19 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. 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.

Master Bedroom 22-6 x 13-2:

No violations noted.

Existing Egress Window Measurements: Dbl hung: const. Yr. - 1984

Height: 29 inches

Width: 30.5 inches

Sill Height: 19 inches

Openable Area: 6.14 sq. ft.

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

Master Bath, Closet:

No violations noted.

BASEMENT

Stairway:

No violations noted.

Main Room:

Repair the deadbolt on the south wall to function as intended. PM-303.15

Stairway closet:

Properly provide a 1hr fire-resistive rated material to the underside of the stair, per Indiana Building Code Sec1304, Sec3301 and as per Sec 4303 Table No. 43-B dated Oct 1959.

SW Storage Room:

No violations noted.

SE Bedroom 22-6 x 14-10:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1984. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 5.7 sq. ft.

Existing area: 5.46 sq. ft.

Clear width required: 20 inches

Existing width: 31.5 inches

Clear height required: 24 inches

Existing height: 25 inches

Maximum sill height: 44 inches above finished floor Existing sill: 27 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. 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.

Hallway:

No violations noted.

Utility Closet:

Furnaces shall be separated from sleeping rooms by an enclosure which shall consist of 2 layers of 5/8" Type X gypsum wallboard taped and spackled. The enclosure shall extend from floor to ceiling and shall be constructed to eliminate all openings in the enclosure (including floor and ceiling). Access to such an enclosure shall be through a weather-stripped solid door equipped with an approved self-closing device, or have a minimum 1-hour fire rating. PM-603.7

Utility Closet: (continued)

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

A minimum clearance of 36" shall be maintained between combustibles and fuel fired appliances. PM-603.3

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

Hall Bath:

No violations noted.

NE Bedroom 17-6 x 14-9:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1984. The relevant code is the Indiana Building Code, section: 1204.

<u>Openable area required: 5.7 sq. ft.</u>	<u>Existing area: 5.46 sq. ft.</u>
Clear width required: 20 inches	Existing width: 31.5 inches
Clear height required: 24 inches	Existing height: 25 inches
Maximum sill height: 44 inches above finished floor	Existing sill: 27 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. 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:

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)

This is the end of this report.



City of Bloomington
Housing and Neighborhood Development

REMAINING VIOLATIONS REPORT

9738

OWNERS

=====

Kovener, Ron
2455 Tamarack Trail #122
Bloomington, IN 47408

AGENT

=====

Hallmark Rentals & Mgmt. Inc.
1205 N. Walnut St.
Bloomington, IN 47404

Prop. Location: 2266 E Cape Cod DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/4/5

Date Inspected: 11/29/2012
Primary Heat Source: Gas
Property Zoning: PUD
Number of Stories: 1

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

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.

42

INTERIOR:

MAIN LEVEL

Entry Hallway:

No violations noted.

Living Room 20-10 x 15:

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

Deck, Dining Room 14 x 9-6, Kitchen/Nook, Family Room, Garage, Attic, Pantry, E Hallway, Hall Bath, laundry Closet:

No violations noted.

SE Bedroom 15-6 x 13-2:

Repair the door to latch properly. PM-304.6

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1984. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 5.7 sq. ft.

Clear width required: 20 inches

Clear height required: 24 inches

Maximum sill height: 44 inches above finished floor

Existing area: 5.34 sq. ft.

Existing width: 26.5 inches

Existing height: 29 inches

Existing sill: 19 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. 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.

Master Bedroom 22-6 x 13-2:

No violations noted.

Existing Egress Window Measurements: Dbl hung: const. Yr. - 1984

Height: 29 inches

Width: 30.5 inches

Sill Height: 19 inches

Openable Area: 6.14 sq. ft.

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

Master Bath, Closet:

No violations noted.

BASEMENT

Stairway:

No violations noted.

Main Room:

Repair the deadbolt on the south wall to function as intended. PM-303.15

Stairway closet:

Properly provide a 1hr fire-resistive rated material to the underside of the stair, per Indiana Building Code Sec1304, Sec3301 and as per Sec 4303 Table No. 43-B dated Oct 1959.

SW Storage Room:

No violations noted.

SE Bedroom 22-6 x 14-10:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1984. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 5.7 sq. ft.

Existing area: 5.46 sq. ft.

Clear width required: 20 inches

Existing width: 31.5 inches

Clear height required: 24 inches

Existing height: 25 inches

Maximum sill height: 44 inches above finished floor Existing sill: 27 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. 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.

Hallway:

No violations noted.

Utility Closet:

Furnaces shall be separated from sleeping rooms by an enclosure which shall consist of 2 layers of 5/8" Type X gypsum wallboard taped and spackled. The enclosure shall extend from floor to ceiling and shall be constructed to eliminate all openings in the enclosure (including floor and ceiling). Access to such an enclosure shall be through a weather-stripped solid door equipped with an approved self-closing device, or have a minimum 1-hour fire rating. PM-603.7

A minimum clearance of 36" shall be maintained between combustibles and fuel fired appliances. PM-603.3

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

Hall Bath:

No violations noted.

NE Bedroom 17-6 x 14-9:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1984. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 5.7 sq. ft.

Existing area: 5.46 sq. ft.

Clear width required: 20 inches

Existing width: 31.5 inches

Clear height required: 24 inches

Existing height: 25 inches

Maximum sill height: 44 inches above finished floor

Existing sill: 27 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. 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:

Required documentation:

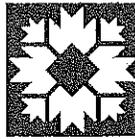
A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector **within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.12.050 (d)**

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)

This is the end of this report.



City of Bloomington
Housing and Neighborhood Development

AMENDED
CYCLE REPORT

9738

OWNERS

Kovenar, Ron
2455 Tamarack Trail #122
Bloomington, IN 47408

AGENT

Hallmark Rentals & Mgmt. Inc.
1205 N. Walnut St.
Bloomington, IN 47404

Prop. Location: 2266 E Cape Cod DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/4/5

Date Inspected: 11/29/2012
Primary Heat Source: Gas
Property Zoning: PUD
Number of Stories: 1

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

The Monroe County assessor's records indicate that this structure was built in 1984.
Minimum egress requirements for a single family dwelling built at the time of construction.
Openable area: 4.75 Sq. Ft.
Clear height: 24 inches
Clear width: 18 inches
Sill height: Not more than 48 inches above finished floor.

INTERIOR:

MAIN LEVEL

Entry Hallway:

No violations noted.

Living Room 20-10 x 15:

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

Deck, Dining Room 14 x 9-6, Kitchen/Nook, Family Room, Garage, Attic, Pantry, E Hallway, Hall Bath, Laundry Closet:

No violations noted.

NE Bedroom 15-6 x 13-2:

Repair the door to latch properly. PM-304.6

Existing Egress Window Measurements: Dbl hung: Const. yr. - 1984

Height: 29 inches

Width: 26.5 inches

Sill Height: 19 inches

Openable Area: 5.34 sq. ft.

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

Master Bedroom 22-6 x 13-2:

No violations noted.

Existing Egress Window Measurements: Dbl hung: const. Yr. - 1984

Height: 29 inches

Width: 30.5 inches

Sill Height: 19 inches

Openable Area: 6.14 sq. ft.

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

Master Bath, Closet:

No violations noted.

BASEMENT

Stairway:

No violations noted.

Main Room:

Repair the deadbolt on the south wall to function as intended. PM-303.15

Stairway Closet:

No violations noted.

SW Storage Room:

No violations noted.

SE Bedroom 22-6 x 14-10:

No violations noted.

Existing Egress Window Measurements: Dbl hung: const. Yr. - 1984

Height: 25 inches

Width: 31.5 inches

Sill Height: 27 inches

Openable Area: 5.46 sq. ft.

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

Hallway:

No violations noted.

Utility Closet:

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

A minimum clearance of 36" shall be maintained between combustibles and fuel fired appliances. PM-603.3

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

Hall Bath:

No violations noted.

NE Bedroom 17-6 x 14-9: Window same as SE Bedroom.

No violations noted.

EXTERIOR:

No violations noted.

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)

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: April 17, 2013
Petition Type: An extension of time to secure a State egress window variance.
Petition Number: 13-TV-38
Address: 2352 S. Henderson St.
Petitioner: Jaquelyn Brice
Inspector: Norman Mosier
Staff Report: December 4, 2012- Conducted Cycle Inspection
March 15, 2013 – Conducted Re-inspection
March 19, 2013 – Received BHQA Appeal

It was noted during the cycle inspection that the egress windows do not meet egress requirements at the time of construction. Petitioner is requesting an extension of time to secure the State egress window variance.

E Bedroom 13-10 x 9-7:

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

Openable area required: 4.75 sq. ft.	Existing area: 4.97 sq. ft.
Clear width required: 18 inches	Existing width: 30.5 inches
Clear height required: 24 inches	Existing height: 23.5 inches
Maximum sill height: 48 inches above finished floor	Existing sill: 31 inches above finished floor

W Bedroom 11-5 x 7-9:

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

Openable area required: 4.75 sq. ft.	Existing area: 4.87 sq. ft.
Clear width required: 18 inches	Existing width: 30.5 inches
Clear height required: 24 inches	Existing height: 23 inches
Maximum sill height: 48 inches above finished floor	Existing sill: 31 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: June 17, 2013

Attachments: Cycle Report, Remaining Violations 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: 2352 S Henderson St

Petitioner's Name: ~~Bloomington~~ Jacquelyn Brice

Address: 2352 S Henderson St

City: Bloomington State: IN Zip Code: 47401

Phone Number: (812) 534-2085 Email Address: jacbrice@indiana.edu

Property Owner's Name: Donald Brice, Jacquelyn Brice

Address: 20034 Salt Fork Rd

City: Lawrenceburg State: IN Zip Code: 47025

Phone Number: (812) 537-1985 Email Address: dm_brice@urcorp.org

Occupants: 3

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 13-TV-38

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 window variance form has not yet been received.
I am waiting on the state for that to come through.

Signature (required):

Jacquelyn Brice

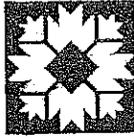
Name (please print):

Jacquelyn Brice

Date:

03-19-2013

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

MAR 26 2013

REMAINING VIOLATIONS REPORT

4646

OWNERS

Brice, Jacquelyn C.
2352 S. Henderson Street
Bloomington, IN 47401

Prop. Location: 2352 S Henderson ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/4

Date Inspected: 12/04/2012
Primary Heat Source: Electric
Property Zoning: RM
Number of Stories: 2

Inspectors: Norman Mosier
Foundation Type: Basement
Attic Access: No
Accessory Structure: None

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.

INTERIOR:

MAIN LEVEL

Kitchen:

Determine the source and eliminate the water leak under the sink. PM-504.1

2nd LEVEL

E Bedroom 13-10 x 9-7:

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

Openable area required: 4.75 sq. ft.	Existing area: 4.97 sq. ft.
Clear width required: 18 inches	Existing width: 30.5 inches
<u>Clear height required: 24 inches</u>	<u>Existing height: 23.5 inches</u>
Maximum sill height: 48 inches above finished floor	Existing sill: 31 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. 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.

W Bedroom 11-5 x 7-9:

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

Openable area required: 4.75 sq. ft.	Existing area: 4.87 sq. ft.
Clear width required: 18 inches	Existing width: 30.5 inches
<u>Clear height required: 24 inches</u>	<u>Existing height: 23 inches</u>
Maximum sill height: 48 inches above finished floor	Existing sill: 31 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. 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.

This is the end of this report.



City of Bloomington
Housing and Neighborhood Development

CYCLE REPORT

4646

OWNERS

Brice, Jacquelyn C.
2352 S. Henderson Street
Bloomington, IN 47401

Prop. Location: 2352 S Henderson ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/4

Date Inspected: 12/04/2012
Primary Heat Source: Electric
Property Zoning: RM
Number of Stories: 2

Inspectors: Norman Mosier
Foundation Type: Basement
Attic Access: No
Accessory Structure: None

The Monroe County Assessor's records indicate that this structure was built in 1983.
Minimum egress requirements for a multi-family dwelling built at the time of construction.
Openable Area: 4.75 Sq. Ft.
Clear height: 24 inches
Clear width: 18 inches
Sill height: Not more than 48 inches above finished floor.

INTERIOR:

MAIN LEVEL

½ Bath:

No violations noted.

Kitchen:

Determine the source and eliminate the water leak under the sink. PM-504.1

Living Room 14 x 12, Balcony:

No violations noted.

BASEMENT

Stairway:

C The walls and soffits within enclosed usable spaces under enclosed or unenclosed stairways shall be protected by 1-hour fire-resistant-rated construction, or the fire-resistance rating of the stairway enclosure, whichever is greater. Access to the enclosed usable space shall not be directly from within the stair enclosure. Either discontinue use of this space for storage and seal, or comply with the minimum requirements as stated above.
PM-102.3 & PM-703.1

C Bathroom/Utility Room:

Repair the hole in the shower wall. PM-304.3

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

Main Room:

No violations noted.

C Bedroom 14 x 10: Exit door for egress requirements.

Install the missing light switch adjacent to the door. PM-605.1

C Once the interior painting is complete all cover plates and switch plates shall be reinstalled.
PM-605.1

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

C Install the missing register vent on the ceiling. PM-304.3

2nd LEVEL

Stairway/Hallway:

No violations noted.

E Bedroom 13-10 x 9-7:

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1983. The relevant code is the Indiana Building Code, section: 1204.

M/C Openable area required: 4.75 sq. ft.

Existing area: 4.97 sq. ft.

Clear width required: 18 inches

Existing width: 30.5 inches

Clear height required: 24 inches

Existing height: 23.5 inches

Maximum sill height: 48 inches above finished floor

Existing sill: 31 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. 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.

Hall Bath:

No violations noted.

Attic:

No access.

W Bedroom 11-5 x 7-9:

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1983. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 4.75 sq. ft.

Existing area: 4.87 sq. ft.

Clear width required: 18 inches

Existing width: 30.5 inches

Clear height required: 24 inches

Existing height: 23 inches

Maximum sill height: 48 inches above finished floor Existing sill: 31 inches above finished floor

MC
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)

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: April 17, 2013

Petition Type: An extension of time to complete repairs.

Petition Number: 13-TV-39

Address: 129 S. Union Street

Petitioner: Rick Fettig

Inspector: Maria McCormick & Jo Stong

Staff Report: March 13, 2012 Cycle inspection completed
February 5, 2013 Exterior Extension Reminder report sent
March 13, 2013 Exterior Painting compliance deadline
March 21, 2013 Received Application for Extension of time

During the cycle inspection it was noted that portions of the exterior of the structure had peeling paint and exposed wood requiring painting. The petitioner is requesting an extension of time to complete this work due to bad weather.

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 17, 2013

Attachments: Application for Appeal; Cycle Report; Exterior extension reminder.



RECEIVED
MAR 21 2013

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

BY: _____

Property Address: 129 S. Union ST.

Petitioner's Name: Rick Fetting

Address: PO Box 157

City: Nashville State: In Zip Code: 47448

Phone Number: 812-345-2642 Email Address: _____

Property Owner's Name: Avery Thatcher

Address: 107 E 6th St.

City: Bloomington State: In Zip Code: 47402

Phone Number: 812-219-8960 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 13-TV-39

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.

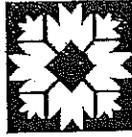
I Was Asked Earlier To Scrape & Paint
The Chipped Areas On The Gable Ends Of
This House. Normally March Temperatures
Are At, Or Above 50°, Which Is Adequate
For Painting. The Entire Month Of March
Has Been Running 20° Below Average. If
The Temperature Even Approached 50°, It
Seemed To Be Raining.

We Completed Everything On The Inspection
List Last Year. Weather Has Held Us Up.
We Want To Do A Proper Job, So We Are Asking
For A Reasonable Extension For The Weather
To Break. (30 Days) Thanks

Signature (required): Rick Fetting

Name (please print): Rick Fetting Date: 3/21/13

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**

FEB 07 2013

Exterior Extension Reminder Report

4365

OWNERS

Thatcher, Avery
612 E. University Street
Bloomington, IN 47408

AGENT

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

Prop. Location: 129 S Union ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 03/13/2012
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

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

This report is a reminder that there are exterior items with an extended period of time for completion still outstanding at this address.

If you have made all of the repairs on this report, contact our office immediately to schedule the required drive-by 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 16.10.030 of the Bloomington Municipal Code.

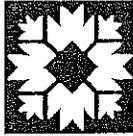
It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

EXTERIOR:

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

This is the end of this report.

63



City of Bloomington
Housing and Neighborhood Development

Cycle Report

4365

OWNERS

Thatcher, Avery Iii
612 E. University Street
Bloomington, IN 47408

AGENT

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

Prop. Location: 129 S Union ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 03/13/2012
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

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

Monroe County Assessor's records indicate this structure was built in 1950.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

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

Living Room:

Remove the deadbolt lock from the door to the hallway. PM-702.3

64

Kitchen (9-6 x 9-1):

Properly seal the countertop where it meets the wall behind the sink. PM-304.3

Properly repair the door to the basement to function as intended. PM-304.6

West Bedroom:

Repair the window to function as intended (sash falls out when it is raised). Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

Repair the window to latch securely. PM-303.13.2

Existing Egress Window Measurements (double-hung):

Height: 23 inches

Width: 24 ½ inches

Sill Height: 30 inches

Openable Area: 3.91 sq. ft.

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

Hallway:

Repair or replace existing smoke detector so that it functions as intended. PM-704.1

Bathroom:

Secure toilet to its mountings. PM-504.1

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

Northeast Bedroom:

No violations noted.

Existing Egress Window Measurements (double-hung; both sashes removable):

Height: 52 ½ inches

Width: 25 ¼ inches

Sill Height: 25 inches

Openable Area: 9.20 sq. ft.

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

Southeast Bedroom:

No violations noted.

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

BASEMENT

Properly seal the crack in the wall of the stairwell. PM-303.6, PM-304.3

Replace the missing/broken electrical receptacle cover plates. PM-605.1

Secure toilet to its mountings. PM-504.1

Properly seal the opening around the window where the dryer vent terminates to the exterior. PM-303.6, PM-303.13

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:

5.24.12
57

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:

Properly replace and/or secure the downspout on the northwest corner gutter. PM-303.7

Replace the missing siding. PM-303.6

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
(the painting violation has a one-year deadline from the date of the cycle inspection)

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.



City of Bloomington
H.A.N.D.

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

Meeting Date: April 17, 2013
Petition Type: Relief from an administrative decision
Variance Request: Relief from the requirement to register as a rental
Petition Number: 13-AA-33
Address: 533 E. Smith Avenue
Petitioner: Cassis Enterprises, LLC

On September 14, 2012, this property was issued a 3 year rental occupancy permit. Petitioner is requesting that this permit length be extended to 5 years. Petitioner received an extension of time to apply to the State for a window variance on May 16, 2012. Deadline was July 16, 2012. HAND received the window variance paperwork on 9/4/12. Petitioner received a 3 year permit for failing to meet the deadline.

Staff recommendation: Deny the relief from the rental registration process

Conditions: None.

Compliance Deadline: None

Attachments: Appeal form

RECEIVED
MAR 07 2013



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 % Joanne Sabbagh
Address: 3709 Tamarck Dr, PO Box 8002
City: Bloomington State: IN Zip Code: 47407
Phone Number: 812-219-5217 Email Address: jsabbagh@homefinger.org
Property Owner's Name: Cassis Enterprises, LLC % Joanne Sabbagh
Address: same as above
City: _____ State: _____ Zip Code: _____
Phone Number: _____ 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 13-AA-33

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.

I am requesting that the three-year permit I was issued for 533 East Smith Avenue be changed to a five-year permit. I have been the owner of this condo since August, 1998, and have been the registered owner since that time. I have had a five-year permit for the past several cycles and was upset to see that I was dropped to a three-year permit.

When I called and asked why I got changed to a three year permit, I was told that I had not turned in my registration form on time. I told them that they have my registration form as it has not changed and I was still the owner and asked to speak to Lisa to see if she would change the permit. She had a different story and said I had to appeal it to you and that I got dropped to a three-year permit because I did not have the work completed in a timely fashion.

I went before you after my cycle inspection because of the window needing a variance from Homeland Security (you may recall that TEMPO was dealing with many units with this issue) and told you it would take time. I was told that if I had all the other work completed on time I would still be able to keep this five-year status once I received the approval from Homeland Security and got it to HAND which is what I did.

Could you please reissue me a new permit for five years which I am entitled to as I followed all the requirements that were under my control and moved as quickly as I could once I got approval from Homeland Security.

I await your response and hope a hearing is not necessary, but will attend if required.

Signature (required): Cassia Enterprises, LLC Joanne Sabbagh
Name (please print): Joanne Sabbagh Date: 3-5-13

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.