

**PUBLIC HEARING  
BOARD OF HOUSING QUALITY APPEALS  
CITY HALL McCLOSKEY CONFERENCE ROOM  
September 19, 2012, 3:00 P.M.**

I. ROLL CALL

II. REVIEW OF SUMMARY – June 20, 2012; July 18, 2012 pp. 5-8

III. OLD BUSINESS

- (1) 12-TV-42 **515, 521 & 545 E. Smith Avenue**, DB Crossing, LLC. Request for an extension of time to complete repairs. Previously heard April 18, 2012. pp. 9-18
- (2) 12-TV-81 **2517 S. Milton Drive**, Wallace Wampler. Request for an extension of time to complete repairs. Previously heard June 20, 2012. pp. 19-24

IV. NEW BUSINESS

- (3) 12-AA-94 **904 S. Lincoln Street**, Grace Fellowship Assembly of God. Request for relief from an administrative decision. pp. 25-27
- (4) 12-AA-95 **613 W. Duncan Drive**, Cole Roberts. Request for relief from an administrative decision. pp. 28-31
- (5) 12-TV-97 **325 E. 10<sup>th</sup> Street**, 606 Building Company. Request for an extension of time to complete repairs. pp. 32-38
- (6) [WITHDRAWN] 12-TV-99 **1719 & 1737 N. Lincoln Street**, Kevin Nguyen. Request for an extension of time to complete repairs.
- (7) 12-TV-100 **327 E. 2<sup>nd</sup> Street**, Tariq Khan. Request for an extension of time to complete repairs. pp. 39-47
- (8) 12-TV-101 **502 E. Graham Place**, Thomas Volke. Request for an extension of time to complete repairs. pp. 48-56
- (9) 12-TV-102 **419 N. Washington Street**, Fierst Rentals. Request for an extension of time to complete repairs. pp. 57-65
- (10) 12-TV-103 **519, 541 & 543 E. Smith Avenue**, DB Crossing, LLC. Request for an extension of time to complete repairs. pp. 66-78
- (11) 12-TV-104 **523 & 525 E. Smith Avenue**, Harold & Sandra Sabbagh. Request for an extension of time to complete repairs. pp. 79-90
- (12) 12-TV-105 **1019 W. Pinehurst Drive**, Mike Avila. Request for an extension of time to complete repairs. pp. 91-98
- (13) 12-TV-106 **505 E. Dixie Street**, Catherine Sundwall. Request for an extension of time to complete repairs. pp. 99-108
- (14) 12-TV-107 **206 & 361 E. Varsity Lane**, Scott Gilbert. Request for an extension of time to complete repairs. pp. 109-125

- (15) 12-TV-108 **404 W. Kirkwood Avenue**, Middle Way House, Inc. Request for an extension of time to complete repairs. pp. 126-140
- (16) 12-RV-109 **504 N. Lincoln Street**, H.A.N.D. Request for rescission of a variance. pp. 141-143
- (17) 12-RV-110 **213 N. Grant Street**, H.A.N.D. Request for rescission of a variance. pp. 144-146
- (18) 12-TV-111 **711 W. Kirkwood Avenue**, Thomas G. Gallagher. Request for an extension of time to complete repairs. pp. 147-153
- (19) 12-V-112 **1008 W. Kirkwood Avenue**, Fred Volland. Request for a modification or exception to the Property Maintenance Code. pp. 154-160

V. GENERAL DISCUSSION

VII. PUBLIC COMMENT

VIII. ADJOURNMENT

## BHQA CONSENT AGENDA – September 19, 2012

### Relief from Administrative Decision

- (3) 12-AA-94 **904 S. Lincoln Street**, Grace Fellowship Assembly of God. Request for relief from an administrative decision. pp. 25-27
- (4) 12-AA-95 **613 W. Duncan Drive**, Cole Roberts. Request for relief from an administrative decision. pp. 28-31

### Extension of Time – Complete Repairs

- (5) 12-TV-97 **325 E. 10<sup>th</sup> Street**, 606 Building Company. Request for an extension of time to complete repairs. pp. 32-38
- (7) 12-TV-100 **327 E. 2<sup>nd</sup> Street**, Tariq Khan. Request for an extension of time to complete repairs. pp. 39-47
- (13) 12-TV-106 **505 E. Dixie Street**, Catherine Sundwall. Request for an extension of time to complete repairs. pp. 99-108
- (14) 12-TV-107 **206 & 361 E. Varsity Lane**, Scott Gilbert. Request for an extension of time to complete repairs. pp. 109-125
- (18) 12-TV-111 **711 W. Kirkwood Avenue**, Thomas G. Gallagher. Request for an extension of time to complete repairs. pp. 147-153

### Extension of Time – State Variance

- (8) 12-TV-101 **502 E. Graham Place**, Thomas Volke. Request for an extension of time to complete repairs. pp. 48-56
- (10) 12-TV-103 **519, 541 & 543 E. Smith Avenue**, DB Crossing, LLC. Request for an extension of time to complete repairs. pp. 66-78
- (11) 12-TV-104 **523 & 525 E. Smith Avenue**, Harold & Sandra Sabbagh. Request for an extension of time to complete repairs. pp. 79-90
- (12) 12-TV-105 **1019 W. Pinehurst Drive**, Mike Avila. Request for an extension of time to complete repairs. pp. 91-98

### Rescind Variance

- (16) 12-RV-109 **504 N. Lincoln Street**, H.A.N.D. Request for rescission of a variance. pp. 141-143
- (17) 12-RV-110 **213 N. Grant Street**, H.A.N.D. Request for rescission of a variance. pp. 144-146



# B.H.Q.A. MEETING OF JUNE 20, 2012

## SUMMARY

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

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

OTHERS PRESENT: Tara White (GT Rentals)

### I. REVIEW OF SUMMARY

Hamilton made a motion to approve the minutes for April 18, 2012 and May 16, 2012. Gallman seconded. Motion passed, 6-0.

### II. CONSENT AGENDA

(1) Extensions of Time- Complete Repairs:

**615 W. 15<sup>th</sup> Street, Acacia Investments, LLC, 12-TV-67.** Request for an extension of time to complete repairs. Recommendation was to grant with a March 20, 2013 deadline.

**111 E. 16<sup>th</sup> Street, Karen Haley, 12-TV-70.** Request for an extension of time to complete repairs. Recommendation was to grant with a March 5, 2013 deadline.

**623 N. Kerry Drive, Thomas & Renee Dreher, 12-TV-71.** Request for an extension of time to complete repairs. Recommendation was to grant with an August 15, 2012 deadline.

**407 E. Smith Avenue, Dolores Rockwood, 12-TV-77.** Request for an extension of time to complete repairs. Recommendation was to grant with a June 29, 2012 deadline for all life-safety violations and a July 30, 2012 deadline for all other violations.

**1000 S. Ballantine Road, Fuchs Investments, LLC, 12-TV-79.** Request for an extension of time to complete repairs. Recommendation was to grant with a July 10, 2012 deadline.

**2517 S. Milton Drive, Wallace Wampler, 12-TV-81.** Request for an extension of time to complete repairs. Recommendation was to grant with a June 27, 2012 deadline for all smoke detectors and an August 20, 2012 deadline for all other repairs.

**Approved.**

(2) Extensions of Time- State Variance:

**1739 N. Lincoln Street, Tempo Properties, Inc., 12-TV-75.** Request for an extension of time to complete repairs. Recommendation was to grant with an August 20, 2012 deadline.

**2360 S. Henderson Street, Beverley Chen, 12-TV-76.** Request for an extension of time to complete repairs. Recommendation was to grant with an August 20, 2012 deadline.

**Approved.**

(3) Rescission of Variance:

**1004-1004 ½ W. 6<sup>th</sup> Street, H.A.N.D., 12-RV-69.** Request for rescission of variance.

Recommendation was to grant the rescission.

**1413 S. Walnut Street, H.A.N.D., 12-RV-80.** Request for rescission of variance. Recommendation was to grant the rescission.

**414 E. Hillside Drive, H.A.N.D., 12-RV-82.** Request for rescission of variance. Recommendation was to grant the rescission.

**Approved.**

(4) Grant variance:

**318 E. Smith Avenue, Norman Ladd, 12-V74.** Request for an exception or modification to the Housing Property Maintenance Code. Recommendation was to deny the request.

**Approved.**

### III. PETITIONS

**210 E. 12<sup>th</sup> Street, Richard Pollert, 12-V-68.** Pulled from Consent Agenda. The petitioner, Tara White of GT Rentals, was present to request an exception or modification to the Housing Property

Maintenance Code for bedroom size. A State Variance is required. Staff recommendation was to grant an extension of time for the petitioner to obtain the State Variance with a deadline of September 30, 2012. Strauser made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 6-0. Request granted.

**219 E. Burks Drive/3382 S. Burks Court, Dara May, 12-TV-36.** The petitioner was not present to request for an extension of time to complete repairs. Previously heard March 21, 2012. Staff recommendation was to grant the request with a deadline of July 20, 2012. Floyd made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 6-0. Request granted.

**432 S. College Avenue, Monroe County Convention Building Corp., 12-V-72.** The petitioner was not present to request an exception or modification to the Housing Property Maintenance Code. Staff recommendation was to grant the variance. Floyd made a motion to table. Strauser seconded. Motion passed, 6-0. Request tabled to next month. Request was made to secure pictures and a floor plan.

**1207 S. Lincoln Street, Jonathan Cargill, 12-TV-73.** The petitioner was not present to request an extension of time to complete repairs and a variance for the bathroom requirement to have either an openable window or mechanical ventilation. Staff recommendation was to grant the variance and the request for an extension of time with a deadline of August 20, 2012. Hamilton made a motion to grant the request per staff recommendation. Lessing seconded. Motion passed, 5-1 (Johnson voted nay). Request granted.

**2307 E. Winding Brook Court, Kristianne Kuntz, 12-TV-78.** Pulled from Consent Agenda. The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a deadline of July 02, 2012. Strauser made a motion to grant the request per staff recommendation. Strauser withdrew motion. Hamilton made a motion to grant the request with an August 20, 2012 deadline. Gallman seconded. Motion passed, 6-0. Request granted.

**IV. GENERAL DISCUSSION**

None.

**V. PUBLIC COMMENT**

None.

**VI. ADJOURNMENT**

Strauser made a motion to adjourn. Floyd seconded. Motion passed, unanimously. Meeting adjourned at 4:51 PM.

# B.H.Q.A. MEETING OF JULY 18, 2012

## SUMMARY

MEMBERS PRESENT: Kris Floyd, Elizabeth Gallman, Susie Hamilton, Nikki Johnson, Katherine Lessing (left at 4:45 PM), Ryan Strauser

STAFF PRESENT: Michael Arnold, Daniel Bixler, John Hewett, Robert Hoole, Maria McCormick, Norman Mosier, Jo Stong (HAND), Patty Mulvihill (Legal)

OTHERS PRESENT: Clyde Fox, Jerry Fox (111 E. 10<sup>th</sup> Street), Monika Kroener (Crown Management), Jason McAuley (Mara Jade Properties), Angela Parker (Crown Management), Earl Reagan, Ron Yearby (Tech Park)

### I. REVIEW OF SUMMARY

No minutes to approve.

### II. CONSENT AGENDA

(1) Extension of time – State Variance:

**506 W. Northlane Drive, Marios Fellouka, 12-TV-84.** Request for an extension of time to complete repairs. Recommendation was to grant with August 20, 2012 deadline.

**1403 N. Lincoln Street, John Seeber, 12-TV-85.** Request for an extension of time to complete repairs. Recommendation was to grant with September 18, 2012 deadline.

**507 S. Fess Avenue, Asset Management Services, 12-TV-86.** Request for an extension of time to complete repairs. Recommendation was to grant with September 18, 2012 deadline.

**118 E. 17<sup>th</sup> Street, Lance Weidner, 12-TV-88.** Request for an extension of time to complete repairs. Recommendation was to grant with September 20, 2012 deadline.

**Approved.**

(2) Extension of time – Complete Repairs

**426 E. Dodds Street, Phuc Q. Phan, 12-TV-90.** Request for an extension of time to complete repairs. Recommendation was to grant with August 20, 2012 deadline and condition the house shall remain vacant after the tenants move out until sold.

**2313 S. Rockport Road, Forum Credit Union, 12-TV-92.** Request for an extension of time to complete repairs. Recommendation was to grant with September 18, 2012 deadline or before occupancy by a subsequent tenant.

**Approved.**

(3) Rescission of Variance

**103 E. 16<sup>th</sup> Street, H.A.N.D., 12-RV-91.** Request to rescind a variance. Recommendation was to grant the rescission.

**Approved.**

(4) Deny variance

**111 E. 10<sup>th</sup> Street, Jerry M. Fox, 12-V-93.** Request for a modification or exception to the Housing Property Maintenance Code. Recommendation was to install the exhaust fans in the two bathrooms and schedule a reinspection with August 31, 2012 deadline, and deny request for variance.

**Approved.**

### III. PETITIONS

**513-519 E. 2<sup>nd</sup> Street, Crown Management, 12-TV-89.** The petitioner, Monika Kroener, and her legal representative, Angela Parker, were present to request an extension of time to obtain a State Variance and resolve Title 20 issues with the Planning Department. They requested keeping a five year permit for the property. Staff recommendation was to grant the request for an extension of time with a September 20, 2012 deadline for the State Variance and resolution of Title 20 issues with Planning. Staff recommended denying the request for a five year permit. Hamilton made a motion to accept staff recommendation concerning the extension of time. Strauser seconded. Motion passed, 6-0. Hamilton made a motion to allow petitioner to keep five year permit for the property. Johnson

seconded. Motion passed, 6-0. Both requests granted.

**328 S. Grant Street, Mara Jade Holdings, LLC, 11-TV-137.** The petitioner, Jason McAuley, was present to request an extension of time to complete repairs. Previously heard November 09, 2011. Staff recommendation was to grant the request with a deadline of November 20, 2012. Johnson made a motion to deny the request. Lessing seconded. Motion passed, 6-0. Request denied.

**332 S. Grant Street, Mara Jade Holdings, LLC, 11-TV-138.** The petitioner, Jason McAuley, was present to request an extension of time to complete repairs. Previously heard November 09, 2011. Staff recommendation was to grant the request with a deadline of November 20, 2012. Floyd made a motion to deny the request. Strauser seconded. Motion passed, 6-0. Request denied.

**432 S. College Avenue, Monroe County Convention Building Corp., 12-V-72.** The petitioner was not present to request an exception or modification to the Housing Property Maintenance Code to allow a bedroom not meeting minimum size requirements. Previously heard June 20, 2012. The item was tabled. Staff recommendation was to grant the variance. Strauser made a motion to deny staff recommendation to grant the variance, but grant an extension of time for the petitioner to apply to HAND changing the status from a bedroom to efficiency, or obtain a State Variance. Johnson seconded. Motion was withdrawn. Item pulled from the agenda.

**508 W. Northlane Drive, Rick Halterman, 12-AA-83.** Pulled from Consent Agenda. The petitioner was not present to request relief from an administrative decision limiting him to a three year permit. Staff recommendation was to deny the request. Johnson made a motion to grant the request. Floyd seconded. Motion passed, 5-0 (Lessing not present). Request granted.

**IV. GENERAL DISCUSSION**

None.

**V. PUBLIC COMMENT**

None.

**VI. ADJOURNMENT**

Strauser made a motion to adjourn. Floyd seconded. Motion passed, unanimously. Meeting adjourned at 5:10 PM.



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012

Petition Type: An extension of time to secure a State Egress Window Variance.

Petition Number: 12-TV-42 (OLD)

Address: 515, 521, & 545 E. Smith St.

Petitioner: Tempo Properties Inc.

Inspector: John Hewett

Staff Report: November 1, 2011 – Conducted Cycle Inspection  
January 25, 2012 – Conducted Re-inspection, all but windows complied.  
February 10, 2012 - Sent Remaining Violations report  
March 4, 2012 – Start Legal  
April 18, 2012 – **Received Extension from Board**  
June 22, 2012 – Received Appeal under old business

During the cycle inspection it was noted that the egress window in the front bedroom does not meet the minimum size required by the Building Code in place, at the time of construction. Window size is as follows:

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1985:

|   |                                     |
|---|-------------------------------------|
| Openable area required: 4.75 sq. ft.                              | Existing area: 5.4 sq. ft.          |
| Clear width required: 18 inches                                   | Existing width: 34.25 inches        |
| <b>Clear height required: 24 inches</b>                           | <b>Existing eight: 22.75 inches</b> |
| Maximum sill height: Not more than 48 inches above finished floor | Existing sill: 31 inches            |

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: November 19, 2012

Attachments: Cycle Report BHQA Appeal, Petitioner's Letter

RECEIVED  
JUN 22 2012

Page 1 of 2



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:** 515/521/545 E. Smith Ave, Bloomington IN

**Petitioner's Name:** TEMPO Properties

**Address:** PO Box 5727

**City:** Bloomington

**State:** Indiana

**Zip Code:** 47407

**Phone Number:** (812) 336-2026

**E-mail Address:** dave\_tempoproperties@yahoo.com

**Owner's Name:** D.B. Crossing

**Address:** 1673 Bellemeade Dr

**City:** Bloomington

**State:** Indiana

**Zip Code:** 47401

**Phone Number:** 812-336-2026

**E-mail Address:** dave\_tempoproperties@yahoo.com

**Occupants:** 2 in each unit

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

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

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

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

**Reminder:**

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

(Will be assigned by BHQA)

12-TV-42 (OLD)

Petition Number: \_\_\_\_\_

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

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

We are asking for an extension of time as we have filed the necessary paperwork for the window variance to the state, and we are still awaiting their response. We have done our due diligence, and area at the mercy of the State at this point in them getting back to us regarding this issue. Thank you

Signature (Required): 

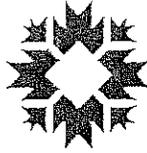
Name (Print): William Thornbury

Date: 6/22/12

**Important information regarding this application format:**

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





City of Bloomington  
Housing and Neighborhood Development

Cycle Report

1756

OWNERS

DB Crossing, LLC  
1673 Bellemeade Dr.  
Bloomington, IN 47401

AGENT

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

Prop. Location: 515 E Smith AVE  
Date Inspected: 11/01/2011  
Inspectors: John Hewett  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 1

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 2  
Max # of Occupants: 4  
Foundation Type: Slab  
Attic Access: N/A  
Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 1985.  
Minimum emergency egress requirements for the time of construction:

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

Interior

Kitchen

12-0 x 12-4

No violations noted.

Nook

6-6 x 5-8

No violations noted.

SE bedroom

11-3 x 9-7

401 N. Morton  
PO Box 100  
Bloomington, IN 47402

**City Hall**

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

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

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

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1985:

|                         |                          |                  |             |
|-------------------------|--------------------------|------------------|-------------|
| Openable area required: | 4.75sq. ft.              | Existing area:   | 5.4 sq. ft. |
| Clear width required:   | 18"                      | Existing width:  | 34.25"      |
| Clear height required:  | 24"                      | Existing height: | 22.75"      |
| Maximum sill height:    | 48" above finished floor | Existing sill:   | 31"         |

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

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

Bathroom

No violations noted.

SW bedroom

9-8 x 13-4

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

Living room

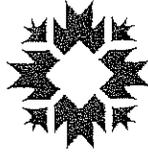
12-5 x 16-0

No violations noted.

Exterior

No violations noted.

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



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

1759

OWNERS

=====

Db Crossing, Llc  
1673 Bellemeade Dr.  
Bloomington, IN 47401

AGENT

=====

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

Prop. Location: 521 E Smith AVE  
Date Inspected: 11/01/2011  
Inspectors: John Hewett  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 1

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 2  
Max # of Occupants: 4  
Foundation Type: Slab  
Attic Access: N/A  
Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 1985.  
Minimum emergency egress requirements for the time of construction:

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

Interior

Kitchen

12-0 x 12-4

Replace the malfunctioning doorknob. PM-303.15

Nook

6-6 x 5-8

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

401 N. Morton  
PO Box 100  
Bloomington, IN 47402

**City Hall**

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

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

SE bedroom

11-3 x 9-7

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1985:

|                         |                          |                  |             |
|-------------------------|--------------------------|------------------|-------------|
| Openable area required: | 4.75sq. ft.              | Existing area:   | 5.4 sq. ft. |
| Clear width required:   | 18"                      | Existing width:  | 34.25"      |
| Clear height required:  | 24"                      | Existing height: | 22.75"      |
| Maximum sill height:    | 48" above finished floor | Existing sill:   | 31"         |

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

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

Bathroom

No violations noted.

SW bedroom

9-8 x 13-4

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

Living room

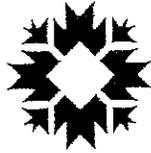
12-5 x 16-0

No violations noted.

Exterior

No violations noted.

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



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

1770

OWNERS

=====

DB Crossing, LLC  
1673 Bellemeade Dr.  
Bloomington, IN 47401

AGENT

=====

Tempo Properties, Inc  
P.O. Box 5727  
Bloomington, IN 47402

Prop. Location: 545 E Smith AVE  
Date Inspected: 11/01/2011  
Inspectors: John Hewett  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 1

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 2  
Max # of Occupants: 4  
Foundation Type: Slab  
Attic Access: N/A  
Accessory Structure:

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

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

Interior

Kitchen

12-0 x 12-4

Repair or replace the right front burner on the stove to function. PM-603.1

Nook

6-6 x 5-8

No violations noted.

401 N. Morton  
PO Box 100  
Bloomington, IN 47402

**City Hall**

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

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Housing Division: (812) 349-3401  
Fax: (812) 349-3582

SW bedroom

11-3 x 9-7

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1985:

|                         |                          |                  |             |
|-------------------------|--------------------------|------------------|-------------|
| Openable area required: | 4.75sq. ft.              | Existing area:   | 5.4 sq. ft. |
| Clear width required:   | 18"                      | Existing width:  | 34.25"      |
| Clear height required:  | 24"                      | Existing height: | 22.75"      |
| Maximum sill height:    | 48" above finished floor | Existing sill:   | 31"         |

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

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

Bathroom

The tenant states the toilet runs on after flushing. Repair the toilet to function as intended. PM-504.1

SE bedroom

9-8 x 13-4

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

Living room

12-5 x 16-0

NC

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

Exterior

No violations noted.

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-81 (Old)

Address: 2517 S. Milton Dr.

Petitioner: Wallace E. Wampler

Inspector: Norman Mosier

Staff Report: March 6, 2012 – Conducted Cycle Inspection  
May 22, 2012 – Received BHQA Appeal  
June 26, 2012 – Conducted Re-inspection for Smoke Detectors  
August 14, 2012 – Received 2<sup>nd</sup> BHQA Appeal for Extension of Time

It was noted during the Cycle Inspection that many repairs are needed to bring this property into compliance, including repairing and/or replacing the deteriorated roofing. Petitioner is requesting a 2<sup>nd</sup> extension of time to complete 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: December 19, 2012

Attachments: Cycle Report, 2<sup>nd</sup> BHQA Appeal, Petitioner's Letter



RECEIVED  
AUG 14 2012

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

Property Address: 2517 S. Milton Drive Bloomington IN 4740

Petitioner's Name: Wallace E Wampler

Address: 4241 N. Ridgewood Drive

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812 876-7906 Email Address: WEWampler@aol.com

Property Owner's Name: Wallace E Wampler

Address: 4241 N. Ridgewood Drive

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812 876-7906 Email Address: WEWampler@aol.com

Occupants: Anthony Dismang / Victoria Ballis

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY  
Petition Number 12-TV-81 (OLD)

SEE REVERSE

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

We previously got an extension on this house for repairs unfortunately. Due to hardships we haven't had the money to get everything done. My husband works full time and is doing the work himself as we can't afford to hire it done. He has gotten the roof replaced which has been a big job. but we need more time for the many other repairs. We are asking for 3 months to bring our house in compliance with city codes.  
Thank you

Signature (required): Wallace E Wampler

Name (please print): Wallace E Wampler Date: 8-13-12

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



City of Bloomington  
Housing and Neighborhood Development  
CYCLE REPORT

7090

OWNERS

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

Prop. Location: 2517 S Milton DR  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/3

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: None

Monroe County Assessor's records indicate this structure was built in 1910.  
There were no requirements for emergency egress at the time of construction.

INTERIOR:

Living Room 13-8 x 13-6:

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

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

Replace the missing trim around the front door. PM-303.15

S Bedroom 13-8 x 13-3:

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

**Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1910**

**Height: 24 inches**

**Width: 26 inches**

**Sill Height: 22 inches**

**Openable Area: 4.33 sq. ft.**

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

22  
~~117~~

Hallway:

Provide operating power to smoke detector. PM-704.1

N Bedroom 10-2 x 8-10:

No violations noted.

**Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1910**

**Height: 24 inches**

**Width: 26 inches**

**Sill Height: 22 inches**

**Openable Area: 4.33 sq. ft.**

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

Bathroom:

Repair the door to latch properly, and install the missing trim. PM-304.6

Secure toilet to its mountings. PM-504.1

Kitchen:

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

Pantry:

No violations noted.

Laundry Room:

No violations noted.

**BASEMENT**

Repair both entry doors to fit the door jamb, and repair the door to latch properly.  
PM-303.15

Eliminate all unused openings in service panel/junction box, by installing approved rigid knockout blanks. PM-604.3

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

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

BASEMENT (continued)

Provide operating power to smoke detector. PM-704.1

Support the hanging duct work adjacent to the north wall. PM-607.1

Reconnect the separated duct work from the furnace to the living room at the collar.  
PM-607.1

EXTERIOR:

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

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

Replace the missing soffit on the south and east sides of structure. PM-303.7

Replace broken or missing spindles in handrail/guardrail on the front porch and the rear deck. Guardrail intermediates must be installed such that a 4" sphere cannot pass through any opening.  
PM-303.12.1 (exterior)

Repair/replace the deteriorated deck boards on the deck. PM-303.10

Stabilize the rear deck to eliminate side to side movement. PM-303.10

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



City of Bloomington  
H.A.N.D.

### Board of Housing Quality Appeals

Meeting Date: September 19, 2012  
Petition Type: Relief from an administrative decision  
Variance Request: Relief from the requirement to register as a rental  
Petition Number: 12-AA-94  
Address: 904 S. Lincoln Street  
Petitioner: Grace Fellowship Assembly of God

Prior to the expiration of the rental permit, the owner notified HAND that this property is being used by the church as housing for the Youth Director, Joe James, and his family. The church would like it removed from the rental inspection program.

Staff recommendation: Grant the relief from the rental registration process

Conditions: This agreement shall remain in force so long as the church continues to use this property as housing for the Youth Director, Joe James, and his family.

Compliance Deadline: None

Attachments: Appeal form, letter from petitioner



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

RECEIVED  
JUN 25 2012

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

Property Address: 904 So. LINCOLN ST.

Petitioner's Name: GRACE FELLOWSHIP ASSEMBLY OF GOD

Address: 915 S. WASHINGTON ST.

City: BLOOMINGTON, State: INDIANA Zip Code: 47401

Phone Number: (812) 325-0435 E-mail Address: \_\_\_\_\_

Owner's Name: GRACE Fellowship ASSEMBLY OF GOD

Address: 915 S. WASHINGTON ST

City: BLOOMINGTON, State: INDIANA Zip Code: 47401

Phone Number: (812) 325-0435 E-mail Address: \_\_\_\_\_

Occupants: TWO

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

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

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

Variance Type: FOR USE AS CHURCH PARSONAGE

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

(Will be assigned by BHQA)  
12-AA-94  
Petition Number: \_\_\_\_\_

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

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

WE DESIRE TO NO LONGER USE THE HOUSE AS A RENTAL. WE NEED THE HOUSE AS A PARSONAGE FOR OUR YOUTH DIRECTOR & WIFE. WE ALSO NEED TO USE THE BASEMENT FOR CHURCH STORAGE. ALSO, IT HAS A LARGE ROOM WHERE WE CAN HAVE BIBLE STUDIES.

WE ARE PLEASED TO TELL YOU THE NEIGHBORS ARE REALLY HAPPY IT WILL NO LONGER BE A RENTAL.

THANK YOU FOR YOUR TIME AND CONSIDERATION

PASTOR ROBERT S. CLENDENING

Signature (Required):

*Robert S. Clending - Pastor*

Name (Print): ROBERT S. CLENDENING

Date: 6-25-12

Important information regarding this application format:

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

Print Form



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012  
Petition Type: Relief from an administrative decision  
Variance Request: Relief from the requirement to register as a rental  
Petition Number: 12-AA-95  
Address: 613 W. Duncan Dr.  
Petitioner: Cole R. Roberts

At the inspection for the renewal of the Residential Rental Occupancy Permit the owner stated that he would prefer not to renew, because his daughter and her husband live in this unit and he plans to put her name on the deed. This unit will not be rented to anyone else in the future.

Staff recommendation: Grant the relief from the rental registration process

Conditions: This unit will not be considered a rental as long as it is owned by the current owner and occupied by his daughter Margaret Huseby and her husband. This property will be pull dated for one year to check status.

Compliance Deadline: None

Attachments: Appeal form

012



City of Bloomington  
H.A.N.D.

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

Meeting Date: August 15, 2012  
Petition Type: Relief from an administrative decision  
Variance Request: Relief from the requirement to register as a rental  
Petition Number: 12-AA-95  
Address: 613 W. Duncan Dr.  
Petitioner: Cole R. Roberts

At the inspection for the renewal of the Residential Rental Occupancy Permit the owner stated that he would prefer not to renew, because his daughter and her husband live in this unit and he plans to put her name on the deed. This unit will not be rented to anyone else in the future.

Staff recommendation: Grant the relief from the rental registration process

Conditions: This unit will not be considered a rental as long as it is owned by the current owner and occupied by his daughter Margaret Huseby and her husband. This property will be pull dated for one year to check status.

Compliance Deadline: None

Attachments: Appeal form



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

RECEIVED  
JUL 02 2012

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

Petitioner's Name: Cole R. Roberts

Petitioner's Address & Phone Number: 611 W. Duncan Drive - 812-606-6037

Owner's Name: Cole R. Roberts

Owner's Address & Phone Number: 611 W. Duncan Drive - 812-339-0901

Address of Property: 613 W. Duncan Drive

Occupant(s) Name(s): Margaret Huseby

- The following conditions must be found in each case in order for the Board to consider the request:
1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
  2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.

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

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: C. Ray Roberts

Name (print): Cole Ray Roberts

12-AA-95  
Petition Number: \_\_\_\_\_

(Please use the reverse side for further explanation and/or request).



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

Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

The property at 613 W. Duncan Drive is no longer being used as a rental now or in the future as my daughter has lived there for the past 4 years - I am requesting the status be changed as a rental to a family guest house.

Signature: C. Gary Roberts Date: 6-30-2012



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012  
Petition Type: An extension of time to complete repairs.  
Petition Number: 12-TV-97  
Address: 325 E. 10<sup>th</sup> Street Apt. 1-5  
Petitioner: Parker Real Estate Management  
Inspector: Maria McCormick  
Staff Report: 05/15/12 Cycle inspection completed  
07/06/12 Received Application for Appeal

During the cycle inspection it was noted that 3 of the living room windows needed to be repaired to be weather tight and function as intended. The petitioner is requesting an extension of time to complete the replacement of these windows, which needed to be ordered.

Staff recommendation: Grant the extension of time.  
Conditions: All repairs specified above (all other repairs maintain the original 60 day deadline) must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.  
Compliance Deadline: October 14, 2012  
Attachments: Application for Appeal, Cycle Report



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

RECEIVED
JUL 06 2012

BY:.....

Property Address: 325 E 10th St # 1-5

Petitioner's Name: Candi Mullis

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

City: Bloomington State: Indiana Zip Code: 47402

Phone Number: (812) 339-2115 E-mail Address: cmullis@parkermgt.com

Owner's Name: 606 Building Company

Address: 1149 Linden Drive

City: Bloomington State: Indiana Zip Code: 47408

Phone Number: 812-336-2300 E-mail Address:

Occupants: Anirban Chakraborty, Soumya Ghosh, Arpita Ganguly, Kathleen Carney, Emily Weisbard, Linda Sapp, Brian Falaas, Kara Fitzpatrick, Timothy Paton

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

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

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

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

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

(Will be assigned by BHQA)
12-TV-97
Petition Number: \_\_\_\_\_



June 27, 2012

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

To Whom It May Concern:

Enclosed you will find the Application for Appeal and the \$20.00 filing fee for 325 E 10<sup>th</sup> St.

A cycle inspection was conducted on May 15<sup>th</sup>, 2012. All violations have been corrected except for the windows. I have requested estimates to replace all windows and have requested for owner approval. I need an extension of time to complete the replacement of the windows. I am requesting the extension of time till September 14, 2012.

The windows in question have been violated for:

Repair or replace all 3 windows in the living to be weather tight, the sashes shall fit snugly and properly with in the frames and be easily openable and shall remain open on their own hardware as part of the window.

There are 30 windows in this building and the windows will need to be ordered and installed. For the reason stated above we are requesting the extension of time.

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



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

798

OWNERS

606 Building Company  
1149 Linden Drive  
Bloomington, IN 47408

AGENT

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

Prop. Location: 325 E 10th ST  
Units/Bedrooms/Max # of Occupants: 2/2/4 3/1/2  
Date Inspected: 05/15/2012  
Primary Heat Source: Electric  
Property Zoning: RM  
Number of Stories: 2

Number of Units/Structures: 5/1  
Inspectors: Maria McCormick  
Foundation Type: Slab  
Attic Access: Yes  
Accessory Structure: None

Monroe County Assessor's records indicate that this structure was built in 1969. At that time there were no minimum requirements for emergency egress.

All bedroom windows have the following measurements unless otherwise noted:

Existing Egress Window Measurements:

Height: 31 ½ inches  
Width: 21 inches  
Sill Height: 16 inches  
Openable Area: 4.60 sq. ft.

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

INTERIOR:

Apt. 1 –

Living Room 14-0 x 10-8:

Repair or replace all three (3) windows to be weather tight. The sashes shall fit snugly and properly within the frame. Windows shall be easily and fully openable and shall remain fully open using hardware that is part of the window. PM-303.13, PM-303.13.2

Hallway:

Eliminate all unused openings in service panel/junction box, by installing approved rigid knockout blanks. PM-604.3

Kitchen:

No violation noted.

North Bedroom 12-0 x 10-0/Bathroom:

No violation noted.

South Bedroom 18-0 x 9-8/Bathroom:

Properly re-caulk around the countertop to eliminate water infiltration. PM-304.3

This room has a door to the exterior for egress.

Apt. 2 –

Living Room 14-0 x 10-8:

Repair or replace the northwest to be weather tight. The sashes shall fit snugly and properly within the frame. Windows shall be easily and fully openable and shall remain fully open using hardware that is part of the window. PM-303.13, PM-303.13.2

Hallway:

Repair or replace closet doors so they function as intended. PM-304.6

Kitchen:

No violation noted.

North Bedroom 12-0 x 10-0/Bathroom:

No violation noted.

Existing Egress Window Measurements:

Height: 25 ¾ inches

Width: 21 ½ inches

Sill Height: 27 inches

Openable Area: 3.85 sq. ft.

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

Hallway:

Repair or replace closet doors so they function as intended. PM-304.6

South Bedroom 18-0 x 9-8/Bathroom:

Secure loose GFCI electrical receptacle. PM-605.1

Repair or replace the southwest to be weather tight. The sashes shall fit snugly and properly within the frame. Windows shall be easily and fully openable and shall remain fully open using hardware that is part of the window. PM-303.13, PM-303.13.2

This room has a door to the exterior for egress.

**Apt. 3 –**

Kitchen 10-0 x 8-0; Living Room 18-0 x 12-0; Bedroom 11-6 x 11-0:

No violations noted.

Bathroom:

Properly re-caulk around the countertop to eliminate water infiltration. PM-304.3

Seal the base of shower surround at the top of the tub. PM-304.1

**Apt. 4 –**

Mechanical Closet:

Properly cap the unused pipe adjacent to the water heater. PM-504.1

Eliminate all unused openings in service panel/fuse box, by installing approved rigid knockout blanks. PM-604.3

Determine why fuses keep blowing and the electricity flickers in the apartment. Provide documentation that this issue has been resolved. PM-604.3

Living Room 14-0 x 12-6, Kitchen 10-9 x 8-6; Bedroom 12-8 x 11-6; Bathroom:

No violations noted.

**Apt. 5 –**

Living Room 20-3 x 12-0; Bedroom 14-0 x 11-3; Kitchen; Bathroom:

No violations noted.

**Common Hallway –**

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

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

Replace the missing protective cover for the light fixture over the door of Apt. 2. PM-605.1

**EXTERIOR:**

Scrape and paint exterior surfaces where paint is peeling and all metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. All metal surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. PM-303.2 (This item only has a compliance deadline of May 15, 2013.)

Repair or replace the door on the furnace closet for apartment 1. The door should be weather tight and exclude the entrance of rodents and be easily operable. PM-303.13

Replace the missing protective cover for the light fixture at the front entry to the apartments. PM-605.1

---

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





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

Property Address: 327 E. 2<sup>nd</sup> STREET

A Petitioner's Name: TARIQ KHAN

Address: 1201 W. Allen St. #19

City: BLOOMINGTON State: IN Zip Code: 47401

Phone Number: 812 369-1661 Email Address: \_\_\_\_\_

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 12-TV-100

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.

HAND wanted us to change the thick wire that brings power to the house. We got the permit from the building dept. Wilkinson Electric was schedule to replace the wire - They replaced the ~~the~~ wire and ~~had~~ were suppose to contact Duke since meter base was involved. Wilkinson got into an accident and is not available to do the job. We have contacted WIRE NUT ELECTRIC to do the job but they think there is more work to be done. So we need a little more time to get the job done since they are busy.

Signature (required): Tariq Khan

Name (please print): TARIQ KHAN Date: 7/13/12

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



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

2554

OWNERS

=====

Khan, Tariq  
1201 W. Allen Street # 19  
Bloomington, IN 47401

Prop. Location: 327 E 2nd ST  
Number of Units/Structures: 4/1  
Units/Bedrooms/Max # of Occupants: 3/1/2 1/2/4

Date Inspected: 04/16/2012  
Primary Heat Source: Gas  
Property Zoning: RH  
Number of Stories: 2

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

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

This property has 4 approved dwelling units. During the cycle inspection, conditions were noted that indicate that this property may be in violation of Bloomington Municipal Code Title 20 with regard to number of units and usage. This property needs to be brought into compliance with Title 20 within sixty (60) days from the date of this inspection to avoid possible legal action by the City of Bloomington Legal Department. *The City's Planning Department will be the Department which decides whether or not a violation of Title 20 has occurred and whether or not any violation of Title 20 has been remedied.* For more information, please contact the Planning Department at 349-3423. *Please note that the City of Bloomington Housing and Neighborhood Development Department will not issue a residential rental occupancy permit for any property that is not compliance with Title 20 of the Bloomington Municipal Code.*

INTERIOR

1

Entry hall

Provide operating power to smoke detector. PM-704.1

Living room (15 x 15)

This room contains a fireplace. It has been sealed to prevent use.

1<sup>st</sup> floor bedroom / bath (12 x 15)

Provide operating power to smoke detector. PM-704.1

**Existing Egress Window Measurements:**

**Height:** 33 inches  
**Width:** 30 ½ inches  
**Sill Height:** 18 inches  
**Openable Area:** 6.98 sq. ft.

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

2<sup>nd</sup> floor hallway

Provide operating power to smoke detector. PM-704.1

2<sup>nd</sup> floor kitchen (10 x 10)

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

2<sup>nd</sup> floor bath

No violations noted.

2<sup>nd</sup> floor northeast bedroom (12 x 12)

Scrape and paint the ceiling to match adjacent areas. PM-304.3

**Existing Egress Window Measurements:**

**Height:** 28 inches  
**Width:** 22 inches  
**Sill Height:** 28 inches  
**Openable Area:** 4.27 sq. ft.

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

2nd floor southeast bedroom (13 x 13)

**Existing Egress Window Measurements:**

**Height:** 26 inches  
**Width:** 30 ½ inches  
**Sill Height:** 27 inches  
**Openable Area:** 5.50 sq. ft.

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

2<sup>nd</sup> floor southwest bedroom (13 ½ x 10)

Repair the windows to remain fully open using hardware that is part of the window. The windows cannot be measured at this time. PM-303.13.2

3

Entry hallway

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

The tenant has stored combustibles in close proximity to the furnace. A separate tenant violation will be issued. PM-603.3

Bedroom (10 x 10)

There is an air conditioner installed in the window. The window cannot be measured at this time.

Bath

No violations noted.

Main room (12 x 18)

Replace the missing receptacle cover plate at the south end of the east wall. PM-605.1

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

4

Living room (10 x 15)

No violations noted.

Kitchen (8 x 12)

Replace the GFCI receptacle at the south end of the countertop. PM-605.2

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

Hallway

Provide operating power to smoke detector. PM-704.1

Bath

No violations noted.

Bedroom (10 x 13)

There is an air conditioner installed in the window. It cannot be measured at this time.

Laundry

No violations noted.

### Storage room

No violations noted.

### Basement

Thoroughly clean and service the furnaces, 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

Temperature/pressure relief (TPR) valve discharge tubes:

- shall not be reduced in size from the valve outlet
- shall be rigid galvanized, rigid copper, or any CPVC pipe
- shall not have a threaded discharge end
- drain by gravity
- shall have a minimum 1" air gap where discharging into a sanitary drain, or an approved air break
- shall extend to within 6" of floor. PM-505.4

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

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

### EXTERIOR

Remove and replace the deteriorated electrical service entrance cables. PM-605.1

## OTHER REQUIREMENTS

### Required documentation:

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

### Required documentation:

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

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012

Petition Type: An extension of time to secure a State Egress Variance.

Petition Number: 12-TV-101

Address: 502 E Graham Place

Petitioner: Candi Mullis

Inspector: John Hewett

Staff Report: June 25, 2012      Cycle Inspection  
                                  July 9, 2012      Report Sent  
                                  July 16, 2012      Received Appeal

During the Cycle Inspection the windows were cited for not meeting the minimum requirements for egress at the time of construction. The petitioner has requested time to secure a variance from the State of Indiana. Window Measurements are as follows:

Basement window:

|                               |                          |                         |               |
|-------------------------------|--------------------------|-------------------------|---------------|
| Openable area required:       | 4.75sq. ft.              | Existing area:          | 4.81sq. ft.   |
| Clear width required:         | 18"                      | Existing width:         | 34.25"        |
| <b>Clear height required:</b> | <b>24"</b>               | <b>Existing height:</b> | <b>20.25"</b> |
| Maximum sill height:          | 48" above finished floor | Existing sill:          | 39"           |

Upper floor windows:

|                               |                          |                         |              |
|-------------------------------|--------------------------|-------------------------|--------------|
| Openable area required:       | 4.75sq. ft.              | Existing area:          | 5.05 sq. ft. |
| Clear width required:         | 18"                      | Existing width:         | 31"          |
| <b>Clear height required:</b> | <b>24"</b>               | <b>Existing height:</b> | <b>23.5"</b> |
| Maximum sill height:          | 48" above finished floor | Existing sill:          | 31"          |

Staff recommendation: Grant the extension

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City

LA

of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: November 19, 2012

Attachments: Cycle Report, Petitioner's letter



Application For Appeal  
To The  
Board of Housing Quality Appeals

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

RECEIVED  
JUL 10 2012

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

Property Address: 502 E Graham Place Bloomington Indiana 47401

Petitioner's Name: Candi Mullis

Address: 621 N Walnut St/P.O. Box 1112 47404

City: Bloomington

State: Indiana

Zip Code: 47404

Phone Number: (812) 339-2115

E-mail Address: cmullis@parkermgt.com

Owner's Name: Thomas Volke

Address: 8250 W Holly Rd

City: Mequon

State: Wisconsin

Zip Code: 53092

Phone Number: 262-424-2368

E-mail Address: \_\_\_\_\_

Occupants: Amairani Romero, Angela Romero

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

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

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

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

Reminder:

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

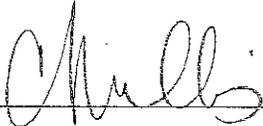
(Will be assigned by BHQA)

12-TV-101

Petition Number: \_\_\_\_\_

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

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

Signature (Required): 

Name (Print): Candi Mullis Date: 7/13/12

**Important information regarding this application format:**

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

**Print Form**



**Parker  
Real Estate  
Management**

621 N. Walnut St.  
P.O. Box 1112  
Bloomington, IN 47402

July 11, 2012

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

To Whom It May Concern:

Enclosed please find the Application for Appeal and the \$20.00 filing fee for 502 E. Graham Place.

A cycle inspection was conducted on June 25, 2012. All violations have been complete except for the windows that now are in non-compliance. I have asked the Department of Homeland Security and the Fire Prevention and Building Safety Commission for a variance for these windows. I am requesting an extension of time to complete the application process and the approval decision till October 1, 2012. The commission meeting and review is on September 5, 2012. After the review meeting we will need to have copies of the variance, if granted to provide to the HAND Department.

Per the inspection:

Basement Bedroom: The egress window does not meet the minimum code requirements for the time the structure was built. The window shall be altered or replaced to meet the code requirements at the time of construction.

Existing Egress Window Measurements:

|                             |   |
|-----------------------------|---|
| Height: 20.25 inches        | Required Height: 24"                      |
| Width: 34.25 inches         | Required Width: 18"                       |
| Sill Height: 39 inches      | Required Sill Height: 48" above the floor |
| Openable Area: 4.81 Sq. Ft. | Required Openable Area: 4.75 Sq. Ft       |

2<sup>nd</sup> Floor East Bedroom- The egress window does not meet the minimum code requirements for the time the structure was built. The window shall be altered or replaced to meet the code requirements at the time of construction.

Existing Egress Window Measurements:

|                             |   |
|-----------------------------|---|
| Height: 23.5 inches         | Required Height: 24"                      |
| Width: 31 inches            | Required Width: 18"                       |
| Sill Height: 31 inches      | Required Sill Height: 48" above the floor |
| Openable Area: 5.05 Sq. Ft. | Required Openable Area: 4.75 Sq. Ft       |

2<sup>nd</sup> Floor West Bedroom- The egress window does not meet the minimum code requirements for the time the structure was built. The window shall be altered or replaced to meet the code requirements at the time of construction.

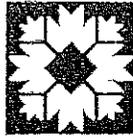
Existing Egress Window Measurements:

|                |              |                         |                     |
|----------------|--------------|-------------------------|---------------------|
| Height:        | 23.5 inches  | Required Height:        | 24"                 |
| Width:         | 31 inches    | Required Width:         | 18"                 |
| Sill Height:   | 31 inches    | Required Sill Height:   | 48" above the floor |
| Openable Area: | 5.05 Sq. Ft. | Required Openable Area: | 4.75 Sq. Ft         |

For the reasons stated above we request an extension of time.

There is one window in the basement bedroom and this window pops out of it's casing to provide the extra space for egress. This window has never been violated in past inspections.

Yours Truly,  
Candi Mullis  
Maintenance Coordinator  
Parker Real Estate Mgt.



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

419

OWNERS

Volke, Thomas  
8250 W. Holly Rd  
Mequon, WI 53092

AGENT

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

Prop. Location: 502 E Graham PL  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/4

|                               |                           |
|-------------------------------|---------------------------|
| Date Inspected: 06/25/2012    | Inspectors: John Hewett   |
| Primary Heat Source: Electric | Foundation Type: Basement |
| Property Zoning: RM           | Attic Access: Yes         |
| Number of Stories: 2          | Accessory Structure:      |

Monroe County Assessor's records indicate this structure was built in 1932.

Minimum emergency egress requirements for the time of construction:

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

Interior

Entry, ½ Bathroom

No violations noted.

Living room

Provide operating power to smoke detector. PM-704.1

Kitchen

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

Basement

Main room

Provide operating power to smoke detector. PM-704.1

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:           | 4.75sq. ft.              | Existing area:          | 4.81sq. ft.   |
| Clear width required:             | 18"                      | Existing width:         | 34.25"        |
| <b>Clear height required: 24"</b> |                          | <b>Existing height:</b> | <b>20.25"</b> |
| Maximum sill height:              | 48" above finished floor | Existing sill:          | 39"           |

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

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

Laundry/mechanical

No violations noted.

2<sup>nd</sup> Floor

E bedroom, W bedroom

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:           | 4.75sq. ft.              | Existing area:          | 5.05 sq. ft. |
| Clear width required:             | 18"                      | Existing width:         | 31"          |
| <b>Clear height required: 24"</b> |                          | <b>Existing height:</b> | <b>23.5"</b> |
| Maximum sill height:              | 48" above finished floor | Existing sill:          | 31"          |

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

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

Bathroom

No violations noted.

Exterior

No violations noted.

Deck

No violations noted.

Other requirements

**Required documentation:**

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

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-102

Address: 419 N. Washington Street

Petitioner: Dan Fierst

Inspector: Maria McCormick

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

During the cycle inspection it was noted that the a portion of the sidewalk along Washington Street need to be replaced. The petitioner is requesting an extension of time that will coincide with the exterior painting deadline to complete this work. All other violations found during the cycle inspection have been repaired and re-inspected.

Staff recommendation: Grant the extension of time.

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

Compliance Deadline: October 21, 2012

Attachments: Application for Appeal, Remaining Violations Report



Application for Appeal  
To The  
Board of Housing Quality Appeals

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

RECEIVED  
JUL 16 2012

hand@bloomington.in.gov

Property Address: 410 N Washington

BY: No Fee PD  
DATE: 7/16/12

Petitioner's Name: Don First

RECEIVED  
JUL 18 2012

Address: 24 E Cottage Grove

City: Bloomington State: IN Zip Code: 47108

BY: PAID

Phone Number: 800-287-0669 Email Address: donfirst@att.net

Property Owner's Name: Reed First

Address: 2292 V Belmont Ct

City: Bloomington State: IN Zip Code: 47101

Phone Number: 287-0036 Email Address: \_\_\_\_\_

Occupants: \_\_\_\_\_

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

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

Please circle the petition type that you are requesting:

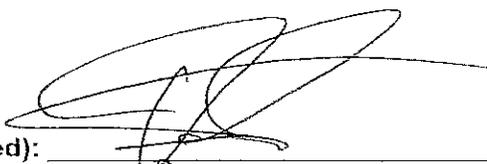
- A) An extension of time to complete repairs (Petition type TV)
- B) A modification or exception to the Housing Property Maintenance Code (Petition type V)
- C) Relief from an administrative decision (Petition type AA)
- D) Rescind a variance (Petition type RV)

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

OFFICE USE ONLY  
Petition Number 12-TV-102

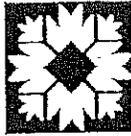
Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance,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

First Rights needs more time to  
comply w/ this.

Signature (required): 

Name (please print): Don First Date: July 16

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

Remaining Violation Report  
Re-inspected 03/20/2012

2833

**MAR 28 2012**

OWNERS

Fierst, Roger L.  
2202 Belhaven Court  
Bloomington, IN 47408

Prop. Location: 419 N Washington ST  
Units/Bedrooms/Max # of Occupants: 1/5/5  
Date Inspected: 10/21/2011  
Primary Heat Source: Gas  
Property Zoning: RM  
Number of Stories: 2

AGENT

Fierst, Dan P.  
430 N. Washington Street  
Bloomington, IN 47408

Number of Units/Structures: 1/1

Inspectors: Maria McCormick  
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.

Monroe County Assessor's records indicate that the two eastern most upper level bedrooms in this structure were built in 1891. At that time there were no minimum requirements for emergency egress. The western most upper level bedrooms and the mail level bedroom were built in Nov. 2001. The minimum requirements for emergency egress for One and Two Family Dwellings built between 2001 - 2005:

Clear Height: 22"

Clear Width: 20"

Sill Height: 44" above the floor

Openable Area: 5.7 sq. ft.

5/10/12

INTERIOR:

**Main Level –**

NW Bedroom 15-6 x 14-10/Bathroom:

- C Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1
- C Every window shall be capable of being easily opened and held in position by its own hardware. Repair the north window to function as intended. PM-303.13.2
- C Seal edge of floor covering adjacent to bathtub. PM-304.1

**2<sup>nd</sup> Level –**

SW Bedroom 15-6 x 15-6/Bathroom:

- C Repair/replace the damaged door. PM-304.6

EXTERIOR:

NC Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2  
(This item has a compliance deadline of October 21, 2012.)

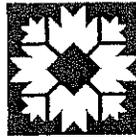
NC All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Replace or repair the sidewalk along Washington Street. PM-302.3

OTHER REQUIREMENTS:

The following documents were not provided to the office or reviewed by the inspector within 60 days of the date of the inspection, and as such a fine will be levied:

- A completed copy of the **Tenants & Owners Rights and Responsibilities Summary** BMC16.12.050 (d).
- **Inventory & Damage List:** 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  
**BMC16.12.040**

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



City of Bloomington  
Housing and Neighborhood Development

JAN 17 2012

Remaining Violation Report

2833

OWNERS

Fierst, Roger L.  
2202 Belhaven Court  
Bloomington, IN 47408

AGENT

Fierst, Dan P.  
430 N. Washington St.  
Bloomington, IN 47408

Prop. Location: 419 N Washington ST  
Date Inspected: 10/21/2011  
Inspectors: Maria McCormick  
Primary Heat Source: Gas  
Property Zoning: RM  
Number of Stories: 2

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 5  
Max # of Occupants: 5  
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.

Monroe County Assessor's records indicate that the two eastern most upper level bedrooms in this structure were built in 1891. At that time there were no minimum requirements for emergency egress. The western most upper level bedrooms and the mail level bedroom were built in Nov. 2001. The minimum requirements for emergency egress for One and Two Family Dwellings built between 2001 – 2005:

Clear Height: 22"

Clear Width: 20"

Sill Height: 44" above the floor

Openable Area: 5.7 sq. ft.

3/20/12

INTERIOR:

Main Level –

Entry:

- ☐ Replace the cracked/broken window pane in the entry door. PM-303.13.1

Middle Living Room 15-5 x 15-3:

- ☐ Repair/replace the damaged door. PM-304.6

Dining Room 15-3 x 12-9:

- ☐ Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

- ☐ Repair the hole in the west wall. PM-304.3

- ☐ Replace broken electrical receptacle covers. PM-605.1

Kitchen 17-6 x 15-2:

- ☐ Properly re-caulk around the countertop to eliminate water infiltration. PM-304.3

- ☐ Replace the missing knobs on the stove so that the stove may function as intended. PM-404.7

- ☐ Replace the cracked/broken window pane in the breakfast area. PM-303.13.1

- ☐ Repair the holes in the wall in the breakfast area. PM-304.3

NW Bedroom 15-6 x 14-10/Bathroom:

Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

no access

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

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

3/20/12  
Bathroom:

- C Repair the holes in the walls. PM-304.3
- C Secure toilet to its mountings. PM-504.1

**Basement –**

Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

- C 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

**2<sup>nd</sup> Level –**

Bathroom:

- C Seal the base of shower surround at the top of the tub. PM-304.1
- C Repair the holes in the walls. PM-304.3

SW Bedroom 15-6 x 15-6/Bathroom:

- C Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1
- C Replace the missing protective cover for the light fixture. PM-605.1
- NC Repair/replace the damaged door. PM-304.6

CHECK WINDOW MEASUREMEAMENTS AT RE-INSPECTION. 25<sup>3</sup>/<sub>4</sub> 26<sup>1</sup>/<sub>4</sub> h  
29sllp

NW Bedroom 15-4 x 15-0/Bathroom:

- C Repair or replace existing smoke detector in a manner so that it functions as intended. PM-704.1
- C Secure toilet to its mountings. PM-504.1
- C Seal the base of shower surround at the top of the tub. PM-304.1

EXTERIOR:

*no* Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2  
(This item has a compliance deadline of October 21, 2011.)

*no* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Replace or repair the sidewalk along Washington Street. PM-302.3

OTHER REQUIREMENTS:

The following documents were not provided to the office or reviewed by the inspector within 60 days of the date of the inspection, and as such a fine will be levied:

*reviewed*

- A completed copy of the Tenants & Owners Rights and Responsibilities Summary BMC16.12.050 (d).
- Inventory & Damage List: 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 **BMC16.12.040**

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-103

Address: 519, 541 & 543 E. Smith Avenue

Petitioner: Tempo Properties, Inc (William Thornbury)

Inspector: Jo Stong

Staff Report:

| 519  | 541                                       | 543                                       |
|--|---|---|
| February 9, 2012: Conducted cycle inspection     | June 28, 2012: Conducted cycle inspection | June 28, 2012: Conducted cycle inspection |
| February 17, 2012: Sent cycle report             | July 9, 2012: sent cycle report           | July 9, 2012: sent cycle report           |
| April 25, 2012: Sent Remaining Violations report | July 18, 2012: Received appeal            | July 18, 2012: Received appeal            |
| May 29, 2012: Sent Legal letter                  |   |   |
| June 4, 2012: Agent scheduled reinspection       |   |   |
| July 12, 2012: Conducted reinspection            |   |   |
| July 18, 2012: Received appeal                   |   |   |

During cycle inspections of the three properties above it was noted that windows did not meet the minimum emergency egress requirements for the time of construction (1985).

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"  
Maximum Allowable Sill Height: 48" above finished floor

Existing Window Measurements:

| <b>519</b>                          | <b>541</b>                          | <b>543</b>                          |
|-------------------------------------|-------------------------------------|-------------------------------------|
| Openable area: 5.31 sq. ft.         | Existing area: 5.33 sq. ft.         | Existing area: 5.13 sq. ft.         |
| Openable width: 34 inches           | Existing sill: 31 inches            | Existing width: 34 inches           |
| Sill height: 30 ¼ inches            | <b>Existing height: 22 ¾ inches</b> | Existing sill: 31 inches            |
| <b>Openable height: 22 ¾ inches</b> | Existing width: 33 ¾ inches         | <b>Existing height: 21 ¾ inches</b> |

The petitioner is requesting an extension of time of sixty days to secure a variance from the State for the windows.

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: November 19, 2012  
September 24, 2012 for all other violations

Attachments: Cycle reports, application for appeal



RECEIVED  
JUL 18 2012

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

Property Address: 519, 541, 543 E. Smith Av., Bloomington IN

Petitioner's Name: TEMPO Properties Inc (William Thornbury)

Address: P.O. Box 5727

City: Bloomington State: IN Zip Code: 47407

Phone Number: 812-336-2026 Email Address: \_\_\_\_\_

Property Owner's Name: D.B. Crossing (David Byrne)

Address: 1637 Bellemead Dr

City: Bloomington State: IN Zip Code: 47402

Phone Number: 812-336-2026 Email Address: \_\_\_\_\_

Occupants: (10)

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

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

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

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

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

OFFICE USE ONLY  
Petition Number 12-TV-103

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.

Please allow an extension of time (60 days) for me to get the necessary paperwork from the state for a window variance for the listed properties. Thank You!

Signature (required):



Name (please print):

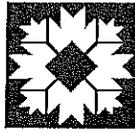
William Thornberg

Date:

7/17/12

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

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

May 24, 2012

DB Crossing, LLC  
1673 Bellemeade Drive  
Bloomington, Indiana 47401

Re: Property located at 519 East Smith Avenue, Bloomington

Dear Property Owner:

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 April 25, 2012 inspection report should all now be remedied.

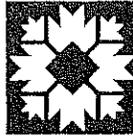
Please be advised that you need to schedule an inspection of said property within fourteen (14) days of the date of this letter and bring said property into compliance. The initiation of legal proceedings against you for failing to comply with the Bloomington Municipal Code is a viable option. If legal 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  
Tempo Management, P.O. Box 5727, Bloomington, Indiana 47407



**City of Bloomington  
Housing and Neighborhood Development**

Cycle Report

1758

OWNERS

Db Crossing, Llc  
1673 Bellemeade Dr.  
Bloomington, IN 47401

AGENT

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

Prop. Location: 519 E Smith AVE  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/4

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

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

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

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

**INTERIOR:**

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

71

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

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

Southwest Bedroom (13-0 x 12-9):

No violations noted.

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

Bathroom:

No violations noted.

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

Minimum emergency egress requirements  
for the time of construction:

Openable area required: 4.75 sq

Clear width required: 18"

**Clear height required: 24"**

Maximum Allowable Sill Height: 48"  
above finished floor

EXISTING MEASUREMENTS

Openable area: 5.31 sq. ft.

Openable width: 34 inches

**Openable height: 22 ¾ inches**

Sill height: 30 ¼ inches

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

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

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

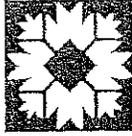
EXTERIOR:

No violations noted.

OTHER REQUIREMENTS:

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

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



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

1768

OWNERS

Db Crossing, Llc  
1673 Bellemeade Dr.  
Bloomington, IN 47401

AGENT

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

Prop. Location: 541 E Smith AVE  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/4

Date Inspected: 06/28/2012  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 1

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

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

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

INTERIOR:

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

73

Kitchen/Dining Nook:

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

Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

West Bedroom:

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

|  |                                     |
|--|-------------------------------------|
| Openable area required: 4.75 sq. ft.                                 | Existing area: 5.33 sq. ft.         |
| Clear width required: 18 inches                                      | Existing width: 33 ¾ inches         |
| <b>Clear height required: 24 inches</b>                              | <b>Existing height: 22 ¾ inches</b> |
| Maximum sill height: Not more than 48 inches<br>above finished floor | Existing sill: 31 inches            |

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

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

Bathroom:

No violations noted.

East Bedroom:

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

Remove the items blocking the egress door. The clear opening area for the emergency egress shall not be blocked by furniture or storage. PM-102.3 & PM-702.4

Provide operating power to smoke detector. PM-704.1

Living Room:

No violations noted.

EXTERIOR:

Deck:

541 E. Smith Avenue

July 6, 2012

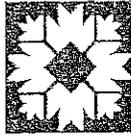
Page 3 of 3

No violations noted.

**OTHER REQUIREMENTS:**

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

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



543 E. Smith Avenue

July 6, 2012

Page 1 of 3

City of Bloomington  
Housing and Neighborhood Development

Cycle Report

1769

OWNERS

Db Crossing, Llc  
1673 Bellemeade Dr.  
Bloomington, IN 47401

AGENT

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

Prop. Location: 543 E Smith AVE  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/4

Date Inspected: 06/28/2012  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 1

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

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

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

INTERIOR:

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

76

Bathroom:

Properly seal the top of the tub/shower surround. PM-304.3

Living Room:

Mount the smoke detector in a proper location (it is too low). If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

East Bedroom:

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

No violations noted.

Kitchen/Dining nook:

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

West Bedroom:

Provide operating power to smoke detector. PM-704.1

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

|  |                                     |
|--|-------------------------------------|
| Openable area required: 4.75 sq. ft.                                 | Existing area: 5.13 sq. ft.         |
| Clear width required: 18 inches                                      | Existing width: 34 inches           |
| <b>Clear height required: 24 inches</b>                              | <b>Existing height: 21 ¾ inches</b> |
| Maximum sill height: Not more than 48 inches<br>above finished floor | Existing sill: 31 inches            |

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

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

Mechanical Room:

No violations noted.

EXTERIOR:

Deck:

No violations noted.

543 E. Smith Avenue

July 6, 2012

Page 3 of 3

OTHER REQUIREMENTS:

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

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012  
Petition Type: An extension of time to complete repairs.  
Petition Number: 12-TV-104  
Address: 523 & 525 E. Smith Avenue  
Petitioner: Tempo Properties, Inc  
Inspector: Jo Stong  
Staff Report: June 28, 2012: Conducted cycle inspection of both properties  
July 9, 2012: Sent cycle report  
July 19, 2012: Received appeal

During a cycle inspection of the two above properties it was noted that windows did not meet the minimum emergency egress requirements for the time of construction (1985).

Minimum emergency egress requirements for the time of construction:

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

Existing Window Measurements:

**523**  
Existing area: 5.21 sq. ft.  
Existing width: 33 ¾ inches  
Existing sill: 29 ¼ inches  
**Existing height: 22 ¼ inches**

**525**  
Existing area: 5.31 sq. ft.  
Existing sill: 30 inches  
**Existing height: 22 ½ inches**  
Existing width: 34 inches

The petitioner is seeking an extension of time to secure a variance from the State for the windows. An application for the variance has been sent to the State.

Staff recommendation: Grant the extension of time

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

Compliance Deadline: October 15, 2012 for a variance from the state  
September 24, 2012 for all other violations

Attachments: Cycle reports, appeal, State Variance application



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: 523 & 525 East Smith Avenue

Petitioner's Name: TEMPO Properties, Inc.

Address: 2676 East 2nd Street; PO Box 5727

City: Bloomington State: IN Zip Code: 47407

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

Owner's Name: Harold & Sandra Sabbe

Address: 2609 Spuewood Lane

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-339-9446 E-mail Address: ssabbe@homefinder.org

Occupants: Amelia Smith Elizabeth Lohse  
523 - Courtney Brown 525 - Meghan Jackson

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

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

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

Variance Type: Window Variance

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

(Will be assigned by BHQA)  
Petition Number: 12-TV-104

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.

*See attached Application for Variance  
sent to Department of Homeland Security*

Signature (required): *Joanne Sabagh*  
Name (please print): *Joanne Sabagh* Date: *7-17-12*

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



# APPLICATION FOR VARIANCE

State Form 44400 (R6 / 6-12)

Approved by State Board of Accounts, 2012

INDIANA DEPARTMENT OF HOMELAND SECURITY  
CODE SERVICES SECTION  
302 West Washington Street, Room W246  
Indianapolis, IN 46204-2739  
[http://www.in.gov/dhs/fire/fp\\_bs\\_comm\\_code/](http://www.in.gov/dhs/fire/fp_bs_comm_code/)

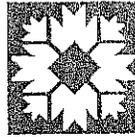


**INSTRUCTION:** Please refer to the attached four (4) page instructions.  
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

| 1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)   |                                      |                  |
|---|--------------------------------------|------------------|
| Name of the applicant<br>Harold & Sandra Sabbagh  | Title<br>Owners                      |                  |
| Name of organization<br>Dumax, LLC  | Telephone number<br>( 812 ) 339-3446 |                  |
| Address (number and street, city, state, and ZIP code)<br>2609 Spicewood Lane, Bloomington, IN 47401  |                                      |                  |
| 2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)   |                                      |                  |
| Name of person on behalf of the applicant<br>Dave Thornbury   | Title<br>Property Manager            |                  |
| Name of organization<br>TEMPO Properties, Inc.  | Telephone number<br>( 812 ) 336-2026 |                  |
| Address (number and street, city, state, and ZIP code)<br>2676 East 2nd Street, Bloomington, IN 47401   |                                      |                  |
| 3. DESIGN PROFESSIONAL OF RECORD (If applicable)  |                                      |                  |
| Name of design professional   | License number                       |                  |
| Name of organization  | Telephone number<br>( )              |                  |
| Address (number and street, city, state, and ZIP code)  |                                      |                  |
| 4. PROJECT IDENTIFICATION   |                                      |                  |
| Name of project<br>Henderson Crossing   | State project number                 | County<br>Monroe |
| Site address (number and street, city, state, and ZIP code)<br>523 and 525 East Smith Avenue  |                                      |                  |
| Type of project: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input checked="" type="checkbox"/> Existing           |                                      |                  |
| 5. REQUIRED ADDITIONAL INFORMATION  |                                      |                  |
| The following required information has been included with this application (check as applicable):   |                                      |                  |
| <input checked="" type="checkbox"/> A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)  |                                      |                  |
| <input type="checkbox"/> One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.  |                                      |                  |
| <input checked="" type="checkbox"/> Written documentation showing that the local fire official has received a copy of the variance application.   |                                      |                  |
| <input checked="" type="checkbox"/> Written documentation showing that the local building official has received a copy of the variance application.   |                                      |                  |
| 6. VIOLATION INFORMATION  |                                      |                  |
| Has the Plan Review Section of the Division of Fire & Building Safety issued a Correction Order?<br><input type="checkbox"/> Yes (if yes, attach a copy of the Correction Order) <input checked="" type="checkbox"/> No |                                      |                  |
| Has a violation been issued? <input type="checkbox"/> Yes (if yes, attach a copy of the Violation and answer the following) <input type="checkbox"/> No   |                                      |                  |
| Violation issued by: <input checked="" type="checkbox"/> Local Building Department <input type="checkbox"/> State Fire and Building Code Enforcement Section<br><input type="checkbox"/> Local Fire Department          |                                      |                  |





City of Bloomington  
Housing and Neighborhood Development

Cycle Report

1760

OWNERS

=====  
Sabbagh, Harold & Sandra  
2609 Spicewood Ln.  
Bloomington, IN 47401

AGENT

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

Prop. Location: 523 E Smith AVE  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/4

Date Inspected: 06/28/2012  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 1

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

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

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

**INTERIOR:**

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

25

Entry:

Repair the entry door to be weather tight. No gaps shall be visible around the edges. PM-303.13

Kitchen/Dining Nook:

No violations noted.

Living Room:

No violations noted.

West Bedroom:

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

No violations noted.

East Bedroom:

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

Openable area required: 4.75 sq. ft.

Existing area: 5.21 sq. ft.

Clear width required: 18 inches

Existing width: 33 ¾ inches

**Clear height required: 24 inches**

**Existing height: 22 ¼ inches**

Maximum sill height: Not more than 48 inches

above finished floor

Existing sill: 29 ¼ inches

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

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

Mechanical Room:

No violations noted.

**EXTERIOR:**

No violations noted.

**OTHER REQUIREMENTS:**

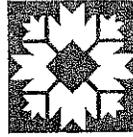
523 E. Smith Avenue

July 5, 2012

Page 3 of 3

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

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



**City of Bloomington  
Housing and Neighborhood Development**

**Cycle Report**

1761

**OWNERS**

=====  
Sabbagh, Harold & Sandra  
2609 Spicewood Ln.  
Bloomington, IN 47401

**AGENT**

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

Prop. Location: 525 E Smith AVE  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/4

Date Inspected: 06/28/2012  
Primary Heat Source: Electric  
Property Zoning: PUD  
Number of Stories: 1

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

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

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

**INTERIOR:**

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

88

Kitchen/Dining nook:

Replace the battery in the smoke detector (it is beeping) so that it functions as intended. PM-704.1

East Bedroom:

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

|  |                                     |
|--|-------------------------------------|
| Openable area required: 4.75 sq. ft.                                 | Existing area: 5.31 sq. ft.         |
| Clear width required: 18 inches                                      | Existing width: 34 inches           |
| <b>Clear height required: 24 inches</b>                              | <b>Existing height: 22 ½ inches</b> |
| Maximum sill height: Not more than 48 inches<br>above finished floor | Existing sill: 30 inches            |

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

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

Mechanical Room:

No violations noted.

Bathroom:

**Note:** The water was turned off in this unit and could not be checked. The water system will be checked at the reinspection.

No other violations noted.

West Bedroom:

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

No violations noted.

Living Room:

Repair or replace the smoke detector above the bedroom doorway so that it functions as intended (or remove it—there is another functioning smoke detector in this room). PM-704.1

**EXTERIOR:**

Deck:

No violations noted.

**OTHER REQUIREMENTS:**

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

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-105

Address: 1019 W. Pinehurst

Petitioner: Mike Avila

Inspector: Robert Hoole

|               |                              |                                    |
|---------------|------------------------------|------------------------------------|
| Staff Report: | March 23, 2012               | Cycle inspection report mailed     |
|               | June 15 <sup>th</sup> , 2012 | Remaining violations report mailed |
|               | June 27, 2012                | Appeal filed                       |

The petitioner is requesting additional time to secure an egress variance from the State of Indiana.

**Existing Egress Window Measurements:**

**Height: 32 inches**  
**Width: 20 ¾ inches**  
**Sill Height: 43 inches**  
**Openable Area: 4.61 sq. ft.**

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1996. The relevant code is the 1990 Indiana One and Two Family Dwelling Code, section 210.2.

|                         |                          |                  |                     |
|-------------------------|--------------------------|------------------|---------------------|
| Openable area required: | <b>4.75 sq. ft.</b>      | Existing area:   | <b>4.61 sq. ft.</b> |
| Clear width required:   | 18"                      | Existing width:  | 20.75"              |
| Clear height required:  | 24"                      | Existing height: | 32"                 |
| Maximum sill height:    | 44" above finished floor | Existing sill:   | 43"                 |

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: November 2, 2012

Attachments: Appeal form, cycle inspection report



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

Property Address: 1019 Pinehurst, Bloomington, IN 47403

Petitioner's Name: Mike Avila

Address: 1631 S Andrew Circle

City: Bloomington State: IN Zip Code: 47401

Phone Number: 8122194829 Email Address: mike47408@gmail.com

Property Owner's Name: Eunhee Lee

Address: 906 Kettleridge Street

City: London State: ON Zip Code: N6H0E7

Phone Number: 226-663-6289 Email Address: eunhee21@hotmail.com

Occupants: none at time of appeal for extension.

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY

Petition Number: 12-TV-105

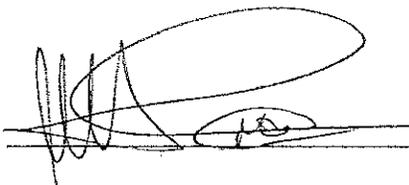
SEE REVERSE

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.

Window variance. Appealed to state for variance, their hearing date based on filing date is September 5, 2012. I am relying on this Board's judgment and experience for allocation of time beyond the state's hearing date as a reasonable deadline for this extension. As soon as I receive documentation that the state has approved the appeal for variance I will contact HAND office to finalize rental permit application.

Thanks, Mike Avila

Signature (required):



Name (please print):

Mike Avila

Date:

7/27/12

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

Cycle Report

7103

OWNERS

=====

Lee, Eunhee  
906 Kettleridge Street  
London, ON N6H0E7

AGENT

=====

Avila, Mike  
P.O. Box 8024  
Bloomington, IN 47407

Prop. Location: 1019 W Pinehurst DR  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/4/3

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

Inspectors: Robert Hoole  
Foundation Type: Basement  
Attic Access: Yes  
Accessory Structure:

The Monroe County Assessors records indicate that this structure was built in 1996. These are the minimum egress requirements for One and two Family Dwellings built or altered between 1990 and 1996.

Clear opening height: 24"

Clear opening width: 18"

Sill height: 44" above finished floor

Openable area: 4.75 sq. ft.

**INTERIOR**

Kitchen (14 x 5)

No violations noted.

Living room (13 x 15)

No violations noted.

Bath

No violations noted.

Northeast bedroom (11 x 13)

**Existing Egress Window Measurements:**

**Height:** 44 inches  
**Width:** 20 ½ inches  
**Sill Height:** 35 inches  
**Openable Area:** 6.26 sq. ft.

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

Northwest bedroom (9 x 9)

**Existing Egress Window Measurements:**

**Height:** 44 inches  
**Width:** 20 ½ inches  
**Sill Height:** 35 inches  
**Openable Area:** 6.26 sq. ft.

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

Attic

No violations noted.

Basement living room (12 x 17)

No violations noted.

Laundry

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

Basement bath

No violations noted.

Basement northeast bedroom (12 x 8)

**Existing Egress Window Measurements:**

**Height: 32 inches**  
**Width: 20 ¾ inches**  
**Sill Height: 43 inches**  
**Openable Area: 4.61 sq. ft.**

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1996. The relevant code is the 1990 Indiana One and Two Family Dwelling Code, section 210.2.

|                         |                          |                  |                     |
|-------------------------|--------------------------|------------------|---------------------|
| Openable area required: | <b>4.75 sq. ft.</b>      | Existing area:   | <b>4.61 sq. ft.</b> |
| Clear width required:   | 18"                      | Existing width:  | 20.75"              |
| Clear height required:  | 24"                      | Existing height: | 32"                 |
| Maximum sill height:    | 44" above finished floor | Existing sill:   | 43"                 |

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

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

Basement northwest bedroom (8 x 12)

**Existing Egress Window Measurements:**

**Height: 32 inches**  
**Width: 20 ¾ inches**  
**Sill Height: 43 inches**  
**Openable Area: 4.61 sq. ft.**

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 1996. The relevant code is the 1990 Indiana One and Two Family Dwelling Code, section 210.2.

|                         |                          |                  |              |
|-------------------------|--------------------------|------------------|--------------|
| Openable area required: | 4.75 sq. ft.             | Existing area:   | 4.61 sq. ft. |
| Clear width required:   | 18"                      | Existing width:  | 20.75"       |
| Clear height required:  | 24"                      | Existing height: | 32"          |
| Maximum sill height:    | 44" above finished floor | Existing sill:   | 43"          |

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

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

Attached garage

No violations noted.

### EXTERIOR

No violations noted.

### OTHER REQUIREMENTS

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

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012  
Petition Type: An extension of time to complete repairs.  
Petition Number: 12-TV-106  
Address: 505 E. Dixie St.  
Petitioner: Action Property Mgmt. & Realty  
Inspector: Norman Mosier  
  
Staff Report: May 3, 2012 – Conducted Cycle Inspection  
June 27, 2012 – Scheduled Re-inspection  
July 27, 2012 – Cancelled Re-inspection, Received BHQA Appeal

It was noted during the cycle inspection that the basement walls are failing. The east, west, and north walls are moving inward due to water damage from the exterior side of walls. Petitioner is requesting an extension of time to find a contractor that can do the job, and time to complete the 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: October 4, 2012 - For all Life Safety Violations  
November 19, 2012 – For All Other Repairs

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

*AS*



RECEIVED JUL 27 2012

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

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

Property Address: 505 E. DIXIE

Petitioner's Name: Action Property Mgmt & Realty

Address: 714 North Walnut

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812-332-8870 Email Address: action@bluemarble

Property Owner's Name: Cathy Sundwall

Address: 4943 Eastridge Lane #128A

City: Salt Lake City State: Utah Zip Code: 84117

Phone Number: 303-907-4871 Email Address: \_\_\_\_\_

Occupants: Mark Hain / Vincent Desjardins

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY
Petition Number 12-TV-106

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.

Foundation problems -  
We are trying to find a company that can repair the foundation as well as the current water issue. This all takes time to find a company and then time for them to do the repairs

Thank you,  
Linda Guillea for Catherine Sundwall

Signature (required): Linda L. Guillea  
Name (please print): Action Property Mgmt. & Realty Date: 7/27/12

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



City of Bloomington  
Housing and Neighborhood Development

CYCLE REPORT

5265

OWNERS

Sundwall, Catherine H.  
620 Hawkesbury Terrace  
Silver Spring, MD 20904

AGENT

Action Property Mgmt. & Realty  
714 N Walnut Street  
Bloomington, IN 47404

Prop. Location: 505 E Dixie ST  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/3

Date Inspected: 05/03/2012  
Primary Heat Source: Gas  
Property Zoning: RC  
Number of Stories: 1

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

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

INTERIOR:

Living Room/Dining Room 27-6 x 13-6:  
No violations noted.

S Bedroom 13-4 x 9:  
No violations noted.

S Bedroom 13-4 x 9: (continued)

**Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1946**

**Height: 49 inches**

**Width: 25 inches**

**Sill Height: 32 inches**

**Openable Area: 8.51 sq. ft.**

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

Middle Bedroom 13-4 x 9:

No violations noted.

**Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1946**

**Height: 49 inches**

**Width: 25 inches**

**Sill Height: 32 inches**

**Openable Area: 8.51 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 in a manner so that it functions as intended.  
PM-704.1

Hall Bath:

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

Repair the deteriorated drywall on the west wall under the sink and adjacent to the bath tub.  
PM-304.3

Kitchen:

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

Family Room:

No violations noted.

**BASEMENT**

Stairs:

No violations noted.

Main Room:

The Housing and Neighborhood Development Department requires that a Structural Engineer be contracted to inspect the basement walls for structural integrity. If deemed by the Structural Engineer to be unsafe, or in need of repair, adequate repairs must be made according to the Structural Engineer's report.

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:**

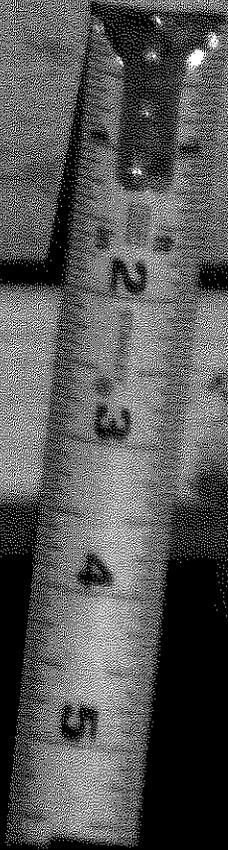
Clean debris from the roof, gutters and downspouts. PM-303.7

All trees on premises shall be in good health and pose no danger to persons or building. Remove all of the trees adjacent to the foundation on the east side of structure. PM-302.4.1

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

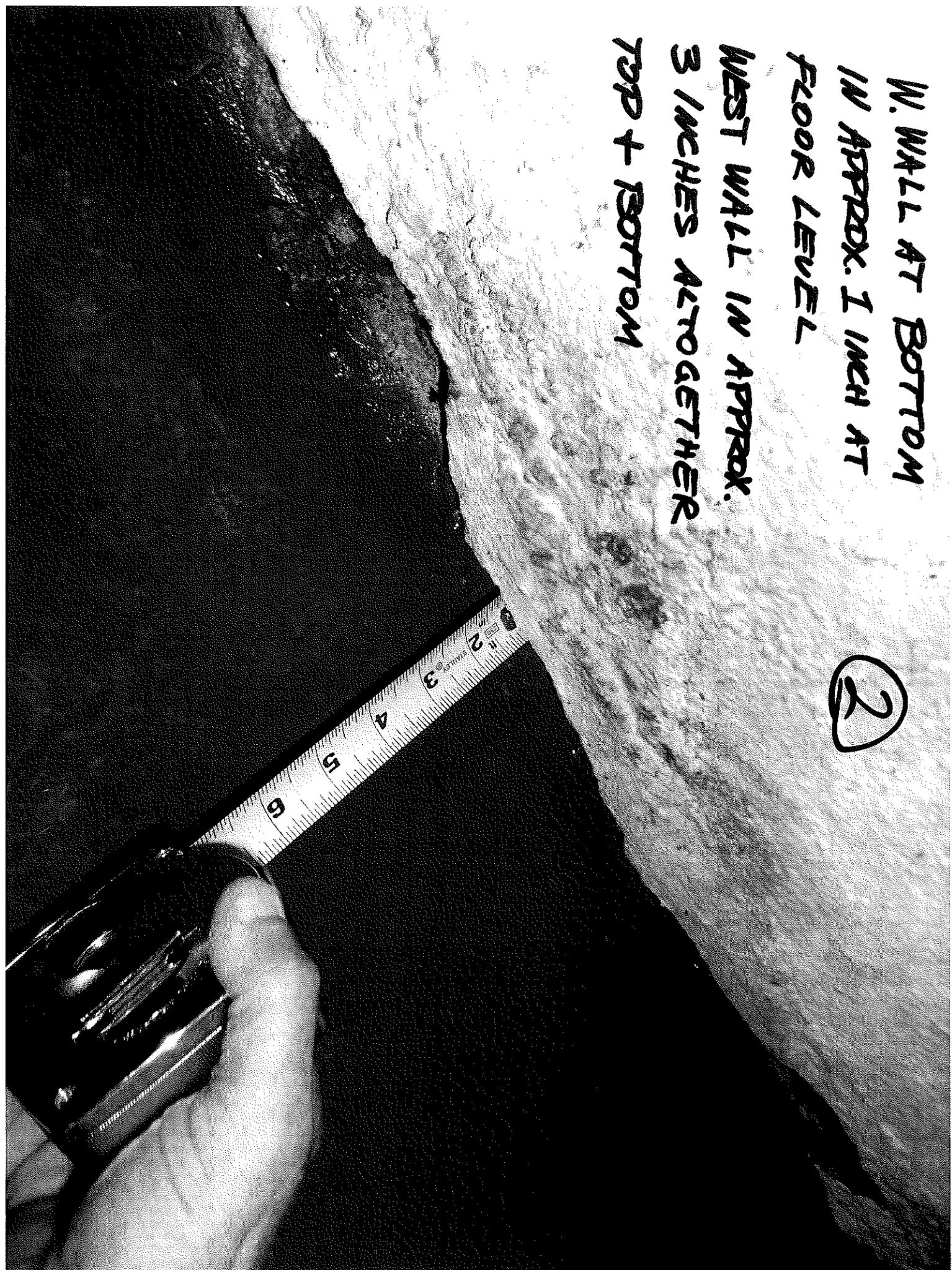
W. WALL AT TOP,  
1/2 INCHES - APPROX.

①



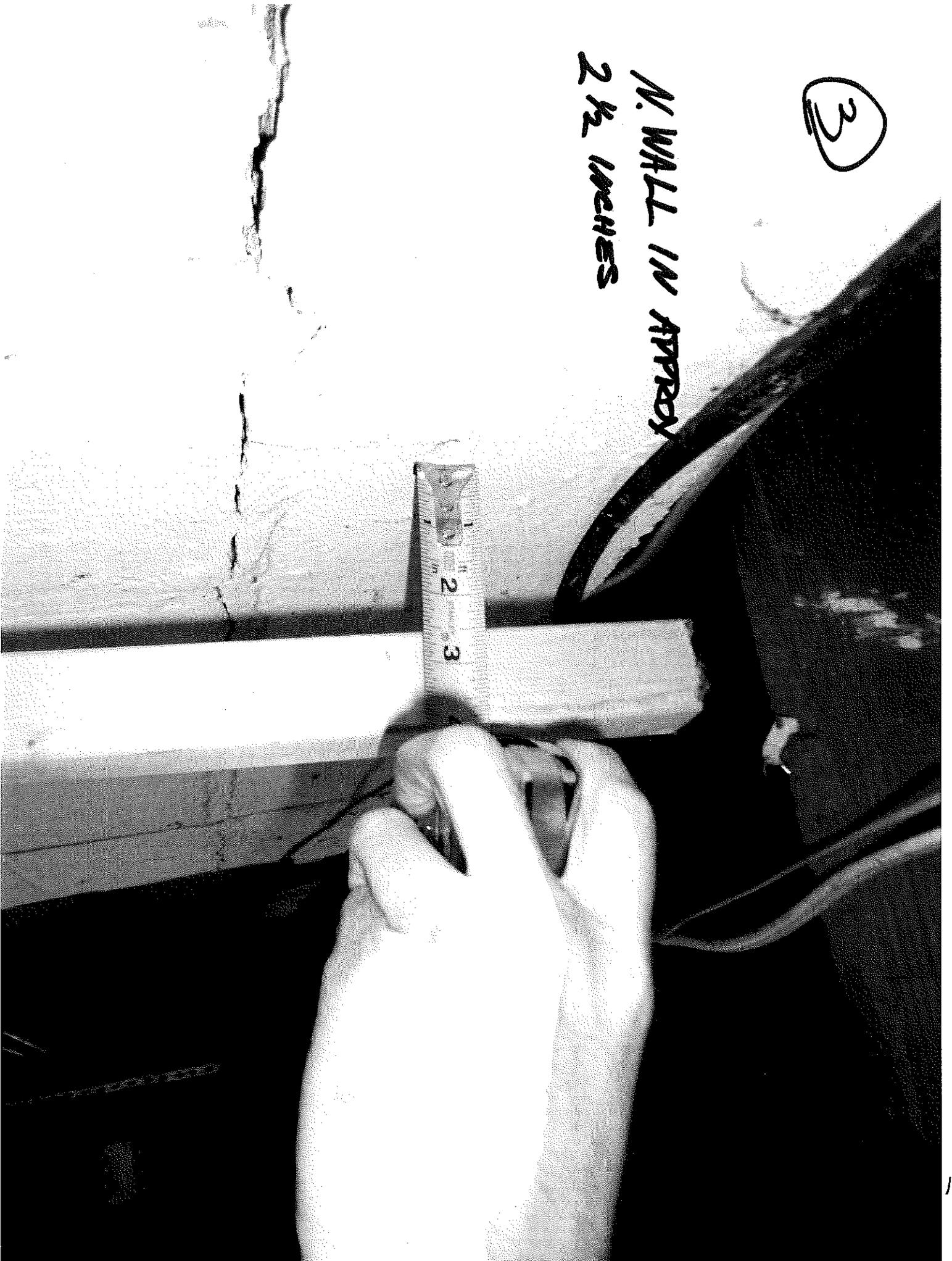
W. WALL AT BOTTOM  
IN APPROX. 1 INCH AT  
FLOOR LEVEL  
WEST WALL IN APPROX.  
3 INCHES ALTOGETHER  
TOP + BOTTOM

②



3

N. WALL IN APPROX  
2 1/2 INCHES







City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012  
Petition Type: An extension of time to complete repairs.  
Petition Number: 12-TV-107  
Address: 206 & 361 E. Varsity Ln.  
Petitioner: Tim Clark  
Inspector: Norman Mosier  
  
Staff Report: May 31, 2012 - Conducted Cycle Inspection  
July 30, 2012 – Received BHQA Appeal

It was noted during the cycle inspection that the egress windows for the east bedroom and the middle bedroom of Unit # 206 (E. Varsity Ln.) do not open easily and/or stay in position. Also there is the same violation with the egress window in the north bedroom of Unit 361 (E. Varsity Ln.). Petitioner is requesting an extension of time to replace the windows as the windows are not able to be repaired.

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: October 9, 2012 – For Remaining Violations  
November 19, 2012 – For Window Repairs

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



RECEIVED  
JUL 30 2012

BY: .....

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

Property Address: 206 Varsity Lane & 361 Varsity Lane

Petitioner's Name: Tim CLARK

Address: 1280 Short St.

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-219-4787 Email Address: TimRemodeltim@aol.com

Property Owner's Name: Scott Gilbert

Address: 1212 Cavell Av.

City: Highland Park State: IL Zip Code: 60035

Phone Number: 847-274-7911 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.

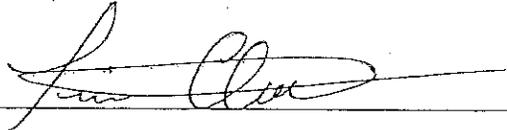
OFFICE USE ONLY  
Petition Number \_\_\_\_\_

SEE REVERSE

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

Requesting more time At both Units to  
Replace Defective windows that can not be  
Repaired. These are a special order windows  
AND take up to 3 weeks to get here.

Signature (required):

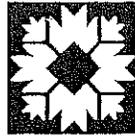


Name (please print):

Tim CLARK

Date:

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

1911

OWNERS

Gilbert, Scott  
1212 Cavell Avenue  
Highland Park, IL 60035

AGENT

Clark, Tim  
1280 Short St  
Bloomington, IN 47401

Prop. Location: 206 E Varsity LN  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/3/5

Date Inspected: 05/31/2012  
Primary Heat Source: Electric  
Property Zoning: RH  
Number of Stories: 3

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

The Monroe County Assessor's records indicate that this structure was built in 1987.  
Minimum egress requirements for a multi-family dwelling built at the time of construction.  
Openable area: 5.7 Sq. Ft.  
Clear height: 24 inches  
Clear width: 20 inches  
Sill height: Not more than 44 inches above finished floor.

INTERIOR:

MAIN LEVEL

Living Room:

No violations noted.

Hallway:

Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

Kitchen:

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

E Bedroom:

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: Single hung pop out: Const. Yr. - 1987**

**Height: 27 inches**

**Width: 42 inches**

**Sill Height: 23 inches**

**Openable Area: 7.88 sq. ft.**

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

Middle Bedroom:

Replace the missing door stop trim. PM-304.6

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: Single hung pop out: Const. Yr. - 1987**

**Height: 27 inches**

**Width: 42 inches**

**Sill Height: 23 inches**

**Openable Area: 7.88 sq. ft.**

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

Laundry Room:

No violations noted.

Hall Bath:

Secure toilet to its mountings. PM-504.1

W Bedroom: Exit door for egress requirements.

No violations noted.

Bathroom:

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**

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



City of Bloomington  
Housing and Neighborhood Development

REMAINING VIOLATIONS REPORT

1911

OWNERS

Gilbert, Scott  
1212 Cavell Avenue  
Highland Park, IL 60035

AGENT

Clark, Tim  
1280 Short St  
Bloomington, IN 47401

Prop. Location: 206 E Varsity LN  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/3/5

Date Inspected: 05/31/2012  
Primary Heat Source: Electric  
Property Zoning: RH  
Number of Stories: 2

Inspectors: Norman Mosier  
Foundation Type: Slab  
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.

115

## INTERIOR:

### MAIN LEVEL

#### Living Room:

No violations noted.

#### Hallway:

Replace the missing smoke detector. If the missing smoke detector was hard wired it must be replaced with a hard wired model. PM-704.1

#### Kitchen:

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

#### E Bedroom:

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: Single hung pop out: Const. Yr. - 1987**

**Height: 27 inches**

**Width: 42 inches**

**Sill Height: 23 inches**

**Openable Area: 7.88 sq. ft.**

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

#### Middle Bedroom:

Replace the missing door stop trim. PM-304.6

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: Single hung pop out: Const. Yr. - 1987**

**Height: 27 inches**

**Width: 42 inches**

**Sill Height: 23 inches**

**Openable Area: 7.88 sq. ft.**

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

Laundry Room:

No violations noted.

Hall Bath:

Secure toilet to its mountings. PM-504.1

W Bedroom: Exit door for egress requirements.

No violations noted.

Bathroom:

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)**

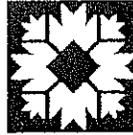
**Required documentation:**

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**

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

This is the end of this report.



City of Bloomington  
Housing and Neighborhood Development

CYCLE REPORT

2075

OWNERS

Gilbert, Scott  
1212 Cavell Avenue  
Highland Park, IL 60035

AGENT

Clark, Tim  
1280 Short St  
Bloomington, IN 47401

Prop. Location: 361 E Varsity LN  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/3/5

Date Inspected: 05/31/2012  
Primary Heat Source: Electric  
Property Zoning: RH  
Number of Stories: 2

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

The Monroe County Assessor's records indicate that structure was built in 1985.  
Minimum egress requirements for a multi-family dwelling built at the time of construction.  
Openable area: 4.75 Sq. Ft.  
Clear width: 24 inches  
Clear width: 18 inches  
Sill height: Not more than 48 inches above finished floor.

INTERIOR:

MAIN LEVEL

Entryway:

Repair the entry door to latch as intended, without the use of the deadbolt. PM-303.15

Repair the deadbolt to function as intended. PM-303.15

½ Bath:

No violations noted.

Kitchen:

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.

Living Room:

Provide operating power to smoke detector. PM-704.1

Repair the broken latch on the sliding glass door to function as intended. PM-303.15

Deck:

No violations noted.

**BASEMENT**

Stairway:

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

Bathroom:

Remove the deteriorated caulk inside shower base and install new caulk. PM-304.3

Utility Room:

No violations noted.

Bedroom: Exit door for egress requirements.

Repair the sliding glass door to latch properly, latch is missing. PM-303.15

**2<sup>nd</sup> LEVEL**

Stairway/Hallway, S Bedroom:

No violations noted.

**Existing Egress Window Measurements: Single Hung pop out: Const. Yr. - 1985**

**Height: 27 inches**

**Width: 30 inches**

**Sill Height: 23 inches**

**Openable Area: 5.62 sq. ft.**

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

Bathroom:

Secure toilet to its mountings. PM-504.1

Repair or replace exhaust fan so that it functions as intended. PM-603.1

Replace the damaged door trim on the north door. PM-304.6

N Bedroom:

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: Single Hung pop out: Const. Yr. - 1985**

**Height: 27 inches**

**Width: 42 inches**

**Sill Height: 23 inches**

**Openable Area: 7.88 sq. ft.**

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

Attic:

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)



City of Bloomington  
Housing and Neighborhood Development

REMAINING VIOLATIONS REPORT

2075

OWNERS

Gilbert, Scott  
1212 Cavell Avenue  
Highland Park, IL 60035

AGENT

Clark, Tim  
1280 Short St  
Bloomington, IN 47401

Prop. Location: 361 E Varsity LN  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/3/5

Date Inspected: 05/31/2012  
Primary Heat Source: Electric  
Property Zoning: RH  
Number of Stories: 2

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.

## INTERIOR:

### MAIN LEVEL

#### Entryway:

Repair the entry door to latch as intended, without the use of the deadbolt. PM-303.15

Repair the deadbolt to function as intended. PM-303.15

#### ½ Bath:

No violations noted.

#### Kitchen:

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.

#### Living Room:

Provide operating power to smoke detector. PM-704.1

Repair the broken latch on the sliding glass door to function as intended. PM-303.15

#### Deck:

No violations noted.

### BASEMENT

#### Stairway:

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

#### Bathroom:

Remove the deteriorated caulk inside shower base and install new caulk. PM-304.3

#### Utility Room:

No violations noted.

#### Bedroom: Exit door for egress requirements.

Repair the sliding glass door to latch properly, latch is missing. PM-303.15

### 2<sup>nd</sup> LEVEL

#### Stairway/Hallway, S Bedroom:

No violations noted.

**Existing Egress Window Measurements: Single Hung pop out: Const. Yr. - 1985**

**Height: 27 inches**

**Width: 30 inches**

**Sill Height: 23 inches**

**Openable Area: 5.62 sq. ft.**

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

Bathroom:

Secure toilet to its mountings. PM-504.1

Repair or replace exhaust fan so that it functions as intended. PM-603.1

Replace the damaged door trim on the north door. PM-304.6

N Bedroom:

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: Single Hung pop out: Const. Yr. - 1985**

**Height: 27 inches**

**Width: 42 inches**

**Sill Height: 23 inches**

**Openable Area: 7.88 sq. ft.**

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

Attic:

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)



City of Bloomington  
H.A.N.D.

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

Meeting Date: 19 September 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-108

Address: 404 W. Kirkwood Ave.

Petitioner: Cynthia Brubaker for Bloomington Cooperative Living, LLC

Inspector: Michael Arnold

Staff Report: 26 May 2012            Cycle Inspection  
                  30 May 2012            Cycle report sent  
                  31 July 2012            Received Appeal

Petitioner is requesting additional time to complete the remodel work. The remodel work will alter and/or create new sleeping rooms. These rooms will need to be inspected at completion for compliance. The new and altered sleeping rooms and the egress windows within will need to be measured to determine compliance with the building code has been met.

Staff recommendation: Grant the extension of time

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

Compliance Deadline: 03 October 2012 – Life Safety Issues  
                                  31 December 2012 – All Other Issues

Attachments: Application, Cycle Inspection, Old and New Floor Plans

*Handwritten mark*



RECEIVED  
JUL 31 2012

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

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

Property Address: 404 West Kirkwood Avenue, Bloomington, IN 47404  
Petitioner's Name: Cynthia Brubaker on behalf of Bloomington Cooperative Living Inc.  
Address: same as property

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone Number: 812.361.6719 Email Address: cynthia.brubaker@gmail.com

Property Owner's Name: Middle Way House Inc. (Bloomington Cooperative Living Inc. has an Option to Purchase)  
Address: 338 South Washington Street, Bloomington, IN 47401  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone Number: 812.333.7404 Email Address: tobystrout@middlewayhouse.org

Occupants: one (1)

**The following conditions must be found in each case in order for the Board to consider the request:**  
1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety and general welfare.  
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY  
Petition Number 12-TV-108

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.

Architect Tip Scott prepared plans and specifications to renovate the property to include the violations cited by HAND as well as additional modifications required by the owner (a copy is attached). Cynthia Brubaker is the Construction Manager and has contractor proposals for various aspects of the work. BCL is in the process of obtaining funding and now has a \$25,000 construction loan. HAND violations that are already corrected include:

Room 10 (kitchen) sink faucet is secure; plumbing in ceiling that serves the upstairs bathroom is repaired and ceiling drywall repaired (but not finished)

HVAC inspected - carbon monoxide levels are not acceptable; two bids for replacing furnaces are in hand - furnaces will be replaced; downstairs AC units were serviced and are now functioning; upstairs AC unit had lines cut (vandalism) - AC and furnace together will be replaced within two weeks.

Owner is changing floor finishes to an improved condition.

Reason for requested extension is to allow owner to obtain financing for the larger project that includes repairing and/or replacing windows and creating additional bedrooms so there is primarily one person per bedroom. Planning Commission and BZA meetings in July were necessary to obtain approvals for this work to move forward due to lack of a zoning category for housing cooperatives. Ten bedrooms will be in habitable condition before occupied; the other nine will not be occupied until after work is completed to make those bedrooms HAND compliant.

Requested extension is until December 31, 2012.

Signature (required):



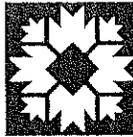
Name (please print):

Cynthia Brubaker

Date:

7/5/12

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



City of Bloomington  
Housing and Neighborhood Development

Cycle Report

3832

OWNERS

=====

Middle Way Crisis House  
338 S. Washington Street  
Bloomington, IN 47401

AGENT

=====

Marta Shocket - Bloomington Cooperative Living  
404 W. Kirkwood Ave  
Bloomington IN 47404

Prop. Location: 404 W Kirkwood AVE

Number of Units/Structures: 14/1

Units/Bedrooms/Max # of Occupants: 5/1/1 5/1/2 1/1/3 3/1/5

Date Inspected: 05/26/2012

Primary Heat Source: Gas

Property Zoning: CD

Number of Stories: 2

Inspectors: Mike Arnold

Foundation Type: Basement

Attic Access: Yes

Accessory Structure: none

**Monroe County records show that the original structure was built in 1900. There were no minimum emergency egress requirements at the time of construction.**

**This structure will be going through a remodeling process. This report is for the structure in its current state. All remodel plans shall go through the Monroe County Building Department, the City of Bloomington Planning Department and the Housing and Neighborhood Development Department for review. Reinspection for compliance with the Property Maintenance Code for all remodel work shall be required.**

**Rooms that currently meet the Property Maintenance Code requirements for Sleeping Rooms are listed as bedrooms in this report. After remodel work is complete, all rooms to be used for sleeping purposes shall be verified for compliance with the Housing Property Maintenance Code.**

**Attic shall be checked at reinspection.**

**Note: See the floor plan in the file for the location of the rooms by room number.**

**Interior:**

**Basement:**

Provide operating power to smoke detector. PM-704.1

Temperature/pressure relief (TPR) valve discharge tubes:

- shall not be reduced in size from the valve outlet
- shall be rigid galvanized, rigid copper, or any CPVC pipe
- shall not have a threaded discharge end
- drain by gravity
- shall have a minimum 1" air gap where discharging into a sanitary drain, or an approved air break
- shall extend to within 6" of floor. PM-505.4

**Main Level:**

**Entry Hall:**

No violations noted

**Room 1 (SE Room)(15-6 x 6-9):**

**Existing Egress Window Measurements:**

Height: 23 inches  
 Width: 30 inches  
 Sill Height: 41 inches  
 Openable Area: 4.79 sq. ft.

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

This room does not meet the minimum size requirements for use as a sleeping room.

**Room 2(Living Room)(16-0 x 15-9):**

**Current floor plan prevents this room from being used as a sleeping room if room 1 is a sleeping room.**

No violations noted

**Room 3 (Bedroom)(17-0 x 16-7):**

**Measure this window at reinspection**

**Room 4 (Bedroom)(15-6 x 8-0):**

**Existing Egress Window Measurements:**

Height: 34 inches  
Width: 34 inches  
Sill Height: 20 inches  
Openable Area: 8.03 sq. ft.

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

No violations noted

**Room 5 (Bedroom)(9-6 x 9-0):**

**Existing Egress Window Measurements:**

Height: 34 inches  
Width: 34 inches  
Sill Height: 20 inches  
Openable Area: 8.03 sq. ft.

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

No violations noted

**Room 6 (9-2 x 6-8):**

This room does not meet the minimum size requirements for use as a sleeping room.

**Existing Egress Window Measurements:**

Height: 16.5 inches  
Width: 30 inches  
Sill Height: 40 inches  
Openable Area: 3.44 sq. ft.

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

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

Repair/replace the deteriorated flooring. PM-304.1

**Room 7 (Bathroom):**

Repair/replace the deteriorated flooring. PM-304.1

Repair the door to open to 90°. PM-304.1

**Room 8 (Bedroom )(10-10 x 7-0):**

**Existing Egress Window Measurements:**

**Height: 24 inches**  
**Width: 35 inches**  
**Sill Height: 35 inches**  
**Openable Area: 5.83 sq. ft.**

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

Provide operating power to smoke detector. PM-704.1

**Room 9(Storage Room):**

Repair the door and lock so it is capable of being opened from the inside without the use of a key, tools or special knowledge. PM-702.3

**Room 10 (Kitchen)(25-7 x 15-8):**

Secure the sink faucet. PM-504.1

Repair the damaged ceiling. PM-304.1

Replace the missing cabinet fronts, doors and counter tops. PM-304.1

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.

Repair/replace the lighting fixtures. PM-605.1

Replace the broken/missing outlet cover plate. PM-605.1

Replace broken/missing light switch cover plate. PM-605.1

Repair/replace the trim on the exterior door. PM-304.1

**Room 11 (Laundry/Storage /Utility Room)(12-2 x 10-2):**

No violations noted

**Room 12 (Bedroom)(15-0 x 10-8):**

**Existing Egress Window Measurements:**

**Height: 24 inches**  
**Width: 34 inches**  
**Sill Height: 34 inches**  
**Openable Area: 5.67 sq. ft.**

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

Repair/replace the deteriorated flooring. PM-304.1

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

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

**Room 13 (Common Room) [(16-0 x 15-0)+(10-0 x 3-0)]:**

Repair/replace the deteriorated flooring. PM-304.1

Repair the damaged ceiling. PM-304.1

Repair/replace the light fixtures damaged by the spray on ceiling finish. PM-605.1

Repair window to latch securely. PM-303.13.2

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

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

Seal the gaps at tops of walls along ceiling. PM-304.1

**Room 14 (Bedroom)(11-9 x 10-4):**

**Existing Egress Window Measurements:**

**Height: 32 inches**

**Width: 34 inches**

**Sill Height: 12inches**

**Openable Area: 7.56 sq. ft.**

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

Scrape and paint interior surfaces where paint is peeling or wood is exposed. PM-304.3

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

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

**Upper Level:**

**Room 21 (Bedroom)(11-2 x 8-10):**

**Measure windows at reinspection**

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

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

**Room 22 (Common Space)(26-6 x 15-3):**

**Existing Egress Window Measurements:**

**Height:** 29.5 inches  
**Width:** 34 inches  
**Sill Height:** 19 inches  
**Openable Area:** 6.97 sq. ft.

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

No violations noted

**Room 23 (Bedroom)(13-3 x 10-8):**

**Measure windows at reinspection**

No violations noted

**Room 24 (Bedroom)(27-8 x 15-3):**

**Existing Egress Window Measurements:**

**Height:** 34 inches  
**Width:** 34 inches  
**Sill Height:** 14 inches  
**Openable Area:** 8.03 sq. ft.

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

No violations noted

**NW Bathroom, West Bathroom:**

No violations noted

**Room 25 (Bedroom)(17-11 x 16-0):**

**Existing Egress Window Measurements:**

**Height: 34 inches**  
**Width: 34 inches**  
**Sill Height: 14 inches**  
**Openable Area: 8.03 sq. ft.**

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

Repair the broken window. PM-303.13

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

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

**Room 26 (Bedroom)(15-8 x 7-6):**

**Existing Egress Window Measurements:**

**Height: 21.5 inches**  
**Width: 34 inches**  
**Sill Height: 12 inches**  
**Openable Area: 5.07sq. ft.**

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

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

Provide operating power to smoke detector. PM-704.1

**Hallway:**

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

**Room 27 (Bedroom)(10-11 x 8-11):**

**Existing Egress Window Measurements:**

**Height:** 34 inches  
**Width:** 34 inches  
**Sill Height:** 14 inches  
**Openable Area:** 8.03 sq. ft.

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

No violations noted

**Room 28 (Bedroom)(10-8 x 9-0):**

**Existing Egress Window Measurements:**

**Height:** 34 inches  
**Width:** 34 inches  
**Sill Height:** 14 inches  
**Openable Area:** 8.03 sq. ft.

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

No violations noted

**Room 29 (Bedroom)(15-2 x 9-4):**

**Existing Egress Window Measurements:**

**Height:** 34 inches  
**Width:** 34 inches  
**Sill Height:** 14 inches  
**Openable Area:** 8.03 sq. ft.

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

No violations noted

**Exterior:**

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2 (**This item has a deadline of 26 May 2013**).

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

From May 15th to October 15th of each year, every door opening directly from any rental unit to the outdoors, and every window or other outside opening used for ventilation purposes shall be supplied with approved screening. PM-303.14 (Torn/damaged screens shall be repaired)

Replace the missing downspout on the NW corner of the structure. PM-303.7

West side second floor stair handrail shall extend all the way down to last step. PM-303.12

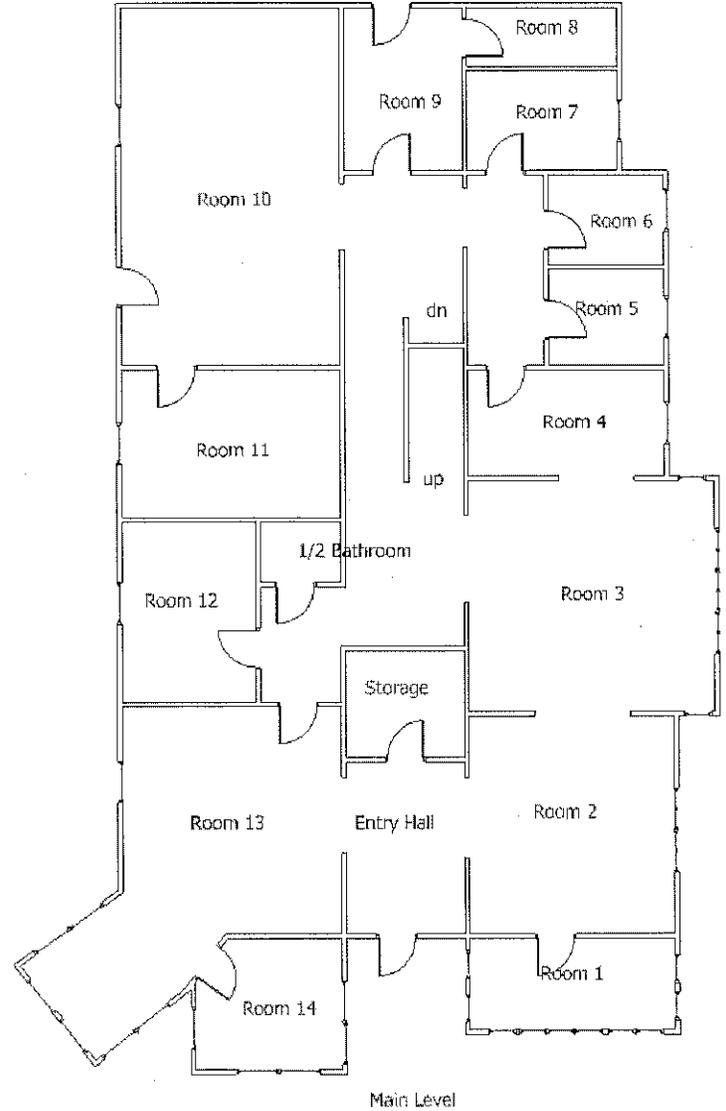
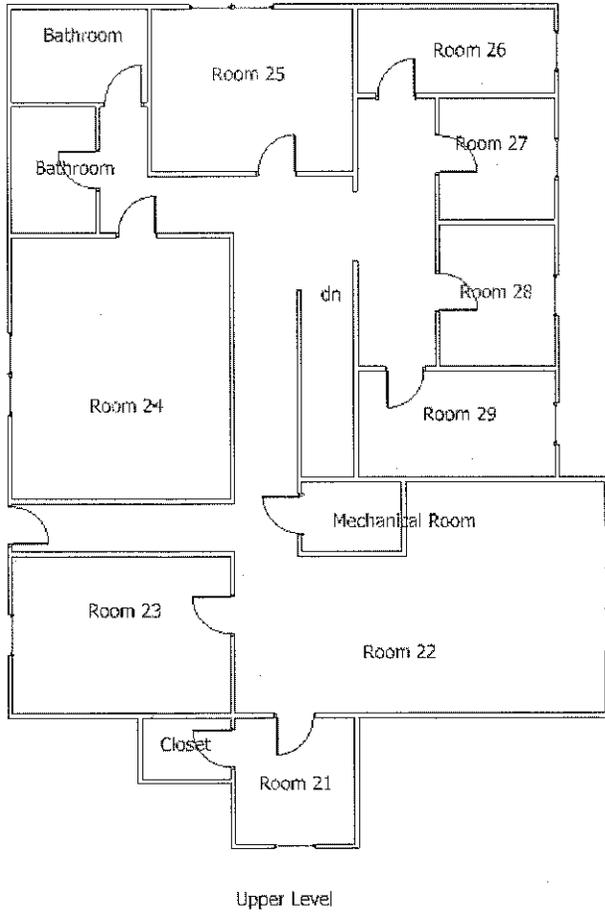
**Required Documentation:**

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                    |

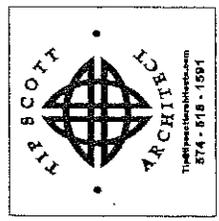
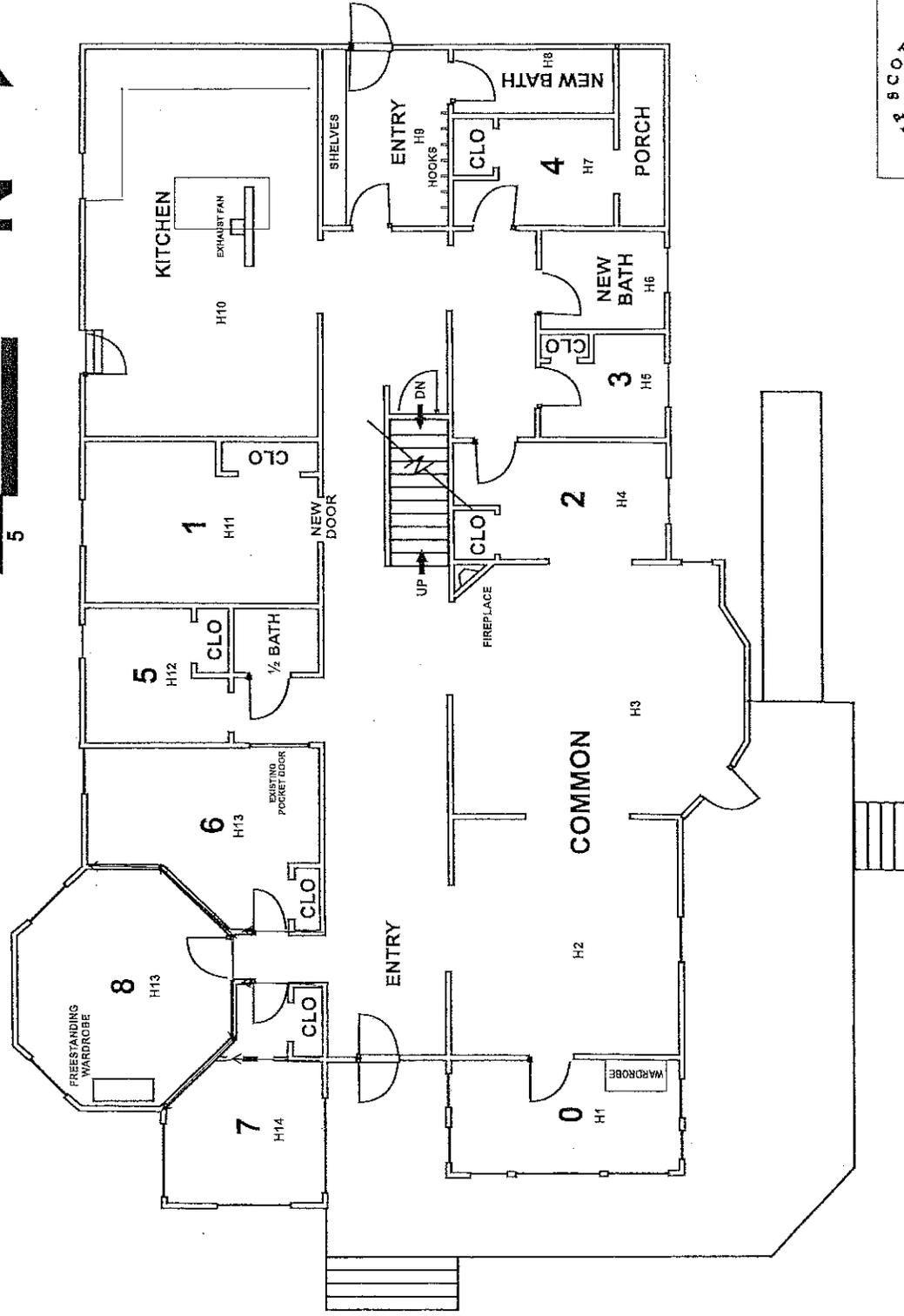
PM-603.1

**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)**



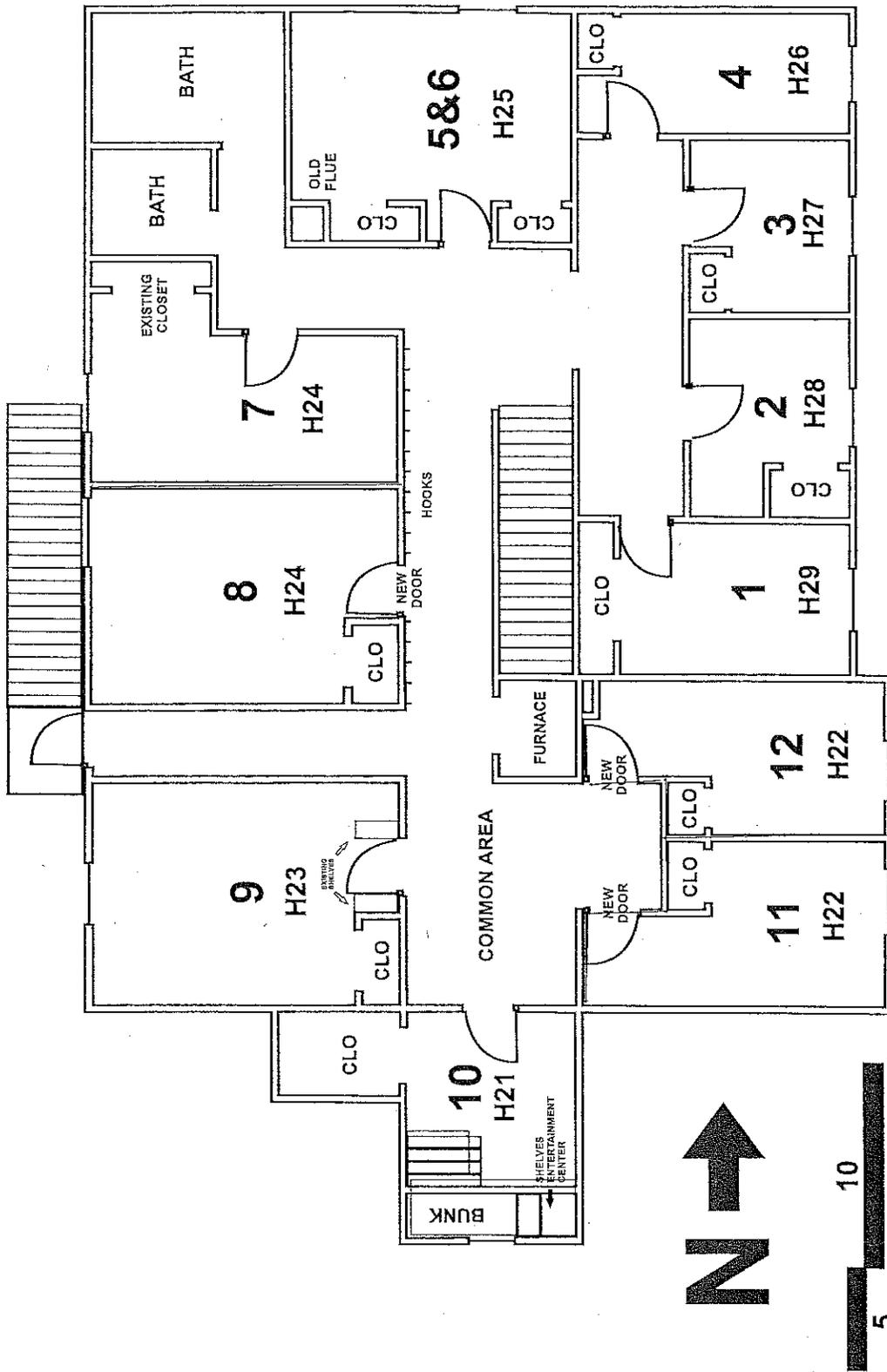
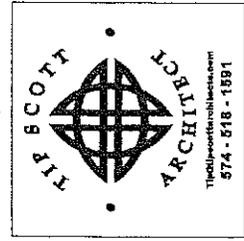
404 W. Kirkwood Ave.  
26 May 2012 - MA

Room Numbers on file cycle  
Report MATCH this floor plan  
(EXISTING LAYOUT)



**BLOOMINGTON COOPERATIVE LIVING  
MIDDLE EARTH HOUSE MAIN FLOOR**

*proposed floor plan*



BLOOMINGTON COOPERATIVE LIVING  
 MIDDLE EARTH HOUSE SECOND FLOOR



City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition to Rescind Variance**

Meeting Date: September 19, 2012

Petition Type: Rescind a Variance

Petition Number: 12-RV-109

Address: 504 N. Lincoln Street

Petitioner: HAND

Inspector: Maria McCormick

Staff Report: This property was granted a variance on 01/05/1983 to allow cooking in sleeping rooms #2 & #3. This variance is no longer necessary for this property as the current owner have converted the structure from a rooming house to a single family structure.

Staff Recommendation: Rescind the variance

Conditions: None

Attachments: Application

*JS*



**RECEIVED**  
AUG 07 2012

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

Property Address: 504 N. Lincoln St.

Petitioner's Name: HAND

Address: 401 N. Morton Street Suite 130

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812-349-3420 Email Address: hand@bloomington.in.gov

Property Owner's Name: Johnie & Loretta Edwards

Address: PO Box 534

City: Ellettsville State: IN Zip Code: 47429-0534

Phone Number: 812-876-4030 Email Address: jpe@eprents.com

Occupants: \_\_\_\_\_

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY

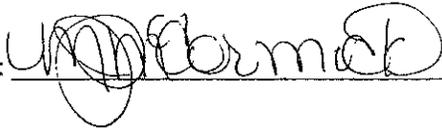
Petition Number 12-RV-109

SEE REVERSE

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

This property was previously categorized as a rooming house with sleeping room when  
when the 1983 variance to allow cooking in sleeping rooms 2 & 3 was granted. This  
has since been converted back to a single family rental with only 1 kitchen. Therefor  
there is no longer a need for this variance since this property no longer has sleeping  
rooms.

Signature (required):



Name (please print):

Maria McCormick for HAND

Date:

08/07/2012

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



City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition to Rescind Variance**

Meeting Date: September 19, 2012

Petition Type: Rescind a Variance

Petition Number: 12-RV-110

Address: 213 N. Grant Street

Petitioner: HAND

Inspector: Maria McCormick

Staff Report: This property was granted a variance on 09/19/1985 for a special exception to the minimum ceiling height requirements for the units in the basement. The current owner has converted this into a single family residence and moved all of the bedrooms to the main floor. Since there are no longer apartment units or bedrooms in the basement this variance is no long necessary for this property.

Staff Recommendation: Rescind the variance

Conditions: None

Attachments: Application

10



RECEIVED  
AUG 08 2012

BY:-----

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

Property Address: 213 N. Grant Street

Petitioner's Name: HAND

Address: 401 N. Morton Street Suite 130

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812-349-3420 Email Address: hand@bloomington.in.gov

Property Owner's Name: Sheree Demming

Address: 3746 S. Bainbridge Drive

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-331-7633 Email Address: n/a

Occupants: \_\_\_\_\_

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

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

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

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

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

OFFICE USE ONLY  
Petition Number 12-RV-110

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.

On 09/19/1985 this property was granted a variance for an exception to the ceiling  
height requirements for the units in the basement. The current owner has remodeled  
the property and there are no longer units in the basement. This is a single family  
structure therefor the variance is no longer needed and we request that it be rescinded.

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Signature (required): 

Name (please print): Maria McCormick for HAND Date: 08/08/2012

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-111

Address: 711 W. Kirkwood

Petitioner: Tom Gallagher

Inspector: Robert Hoole

Staff Report: August 24, 2011                      Cycle inspection  
October 31, 2011                      Reinspection, temporary permit issued  
August 15, 2012                      Appeal filed

The petitioner is requesting additional time to complete exterior painting. All other repairs have been completed and reinspected.

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: October 19, 2012

Attachments: Appeal form, cycle inspection report



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AUG 15 2012

RECEIVED  
AUG 15 2012

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

Property Address: 711 W. KIRKWOOD AVE. BLOOMINGTON, IN 47404

Petitioner's Name: THOMAS G. GALLAGHER

Address: 107 N. COLLEGE AVE.

City: BLOOMINGTON State: Indiana Zip Code: 47404

Phone Number: (812) 333-5252 E-mail Address: tgallagh52@gmail.com

Owner's Name: THOMAS G. GALLAGHER

Address: 107 N. COLLEGE AVE.

City: BLOOMINGTON State: Indiana Zip Code: 47404

Phone Number: 812-333-5252 E-mail Address: tgallagh52@gmail.com

Occupants:

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

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

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

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

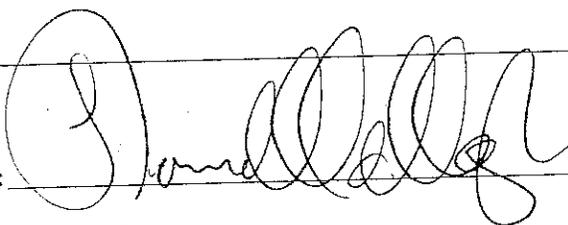
Reminder:  
A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)  
12-TV-111  
Petition Number: \_\_\_\_\_

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

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

REQUEST FOR AN EXTENSION OF TIME TO COMPLETE PAINTING ON EXTERIOR OF 711 W. KIRKWOOD AVENUE. COMPLICATED PROPERTY AND WANT TO WEIGH OPTION, INCLUDING RE-SIDING.

Signature (Required): 

Name (Print): THOMAS G. GALLAGHER

Date: 8/9/12

**Important information regarding this application format:**

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

Print Form



**City of Bloomington  
Housing and Neighborhood Development**

Cycle Report

8006

OWNERS

=====

GALLAGHER, THOMAS G.  
107 N. COLLEGE AVENUE SUITE 1  
BLOOMINGTON, IN 47404

Prop. Location: 711 W KIRKWOOD AVE  
Date Inspected: 08/24/2011  
Inspectors: Robert Hoole  
Primary Heat Source: Gas  
Property Zoning: CL  
Number of Stories: 2

Number of Units/Structures: 1 / 1  
Number of Bedrooms: 4  
Max # of Occupants: 5  
Foundation Type: Basement  
Attic Access: No  
Accessory Structure: Garage

Monroe County Assessor's records indicate this structure was built in 1899.  
There were no requirements for emergency egress at the time of construction.

**INTERIOR**

East living room (12 x 12)

No violations noted.

West living room (15 x 15)

No violations noted.

Kitchen (10 x 8)

No violations noted.

1<sup>st</sup> floor bedroom / bath (15 x 13)

Properly ground the electrical receptacles on the east wall, west wall, and north wall. If the receptacle is on an ungrounded system, it is acceptable to install a 2-pole, ungrounded receptacle, or a GFCI receptacle. PM-605.1

**Existing Egress Window Measurements:**

**Height:** 34 inches  
**Width:** 27 inches  
**Sill Height:** 23 inches  
**Openable Area:** 6.37 sq. ft.

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

Enclosed back porch

No violations noted.

2<sup>nd</sup> floor hallway

No violations noted.

2<sup>nd</sup> floor northeast bedroom (12 x 11)

Repair the deteriorated wall surface below the north window. PM-304.3

**Existing Egress Window Measurements:**

**Height:** 23 inches  
**Width:** 34 inches  
**Sill Height:** 25 inches  
**Openable Area:** 5.43 sq. ft.

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

2<sup>nd</sup> floor northwest bedroom (16 x 12)

**Existing Egress Window Measurements:**

**Height:** 28 inches  
**Width:** 33 inches  
**Sill Height:** 22 inches  
**Openable Area:** 6.41 sq. ft.

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

2<sup>nd</sup> floor southwest bedroom (9 x 13)

Repair the south window to remain fully open using hardware that is part of the window. The window will be measured at the reinspection. PM-303.13.2

2nd floor bath

Repair the deteriorated wall surface above the shower. PM-304.3

2nd floor southeast storage room (13 x 9)

Install a plug in the gas line. PM-102.8

Basement

Secure the loose stair treads. PM-304.4

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

Seal the hole in the exterior door. PM-303.15

Garage

No violations noted.

**EXTERIOR**

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

NOTE: This item has a compliance deadline of 8/26/2012

## OTHER REQUIREMENTS

Required documentation:

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

Required documentation:

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

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



City of Bloomington  
H.A.N.D.

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

Meeting Date: September 19, 2012  
Petition Type: A modification or exception to the Property Maintenance Code  
Variance Request: To allow a bedroom to be the only means of access to another bedroom  
Petition Number: 12-V-112  
Address: 1008 W. Kirkwood  
Petitioner: Fred Volland  
Inspector: Jo Stong  
Staff Report: August 13, 2012: Conducted cycle inspection  
August 15, 2012: Mailed inspection report  
August 20, 2012: Received appeal

During a cycle inspection it was noted that this property has two rooms being used as sleeping rooms, and that one of the sleeping rooms must be passed through to access the other, which is in violation of the Property Maintenance Code (pass-through, PM-404.4.2). The property has one approved bedroom. The petitioner is requesting that an exception to the code be made so that this property may have two sleeping rooms.

Staff recommendation: Grant the variance

Conditions: None

Compliance Deadline: None

Attachments: Cycle report, floor plan, appeal



RECEIVED  
AUG 22 2012

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

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

Property Address: 1008 W. KIRKWOOD

Petitioner's Name: FRED VOLLAND

Address: 7941 N. PAYNE RD

City: BLOOMINGTON State: IN Zip Code: 47408

Phone Number: 812-336-0260 Email Address: -

Property Owner's Name: 520-212-5005  
SAME AS ABOVE

Address: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Occupants: ERIN + DAVID + NOEL

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY

Petition Number 12-V-112

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.

My daughter, & her husband live in this houses. They have a young daughter who lives with them part-time and she stays in a bedroom with a door. To get to her bedroom you must pass thru a room where my daughter and her husband sleep. I would like a variance to make this a 2 bedroom house. It is obvious to anyone that you would have to pass thru one bedroom to get to the other. There is a separate living room, and numerous tenants have used this other room as a bedroom in the past. Thank you, There is a door to the outside and window from this room.

Signature (required): Fred M. Volland

Name (please print): FRED M. VOLLAND Date: 8/22/12

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



## City of Bloomington Housing and Neighborhood Development

### Cycle Report

1324

#### OWNERS

Volland, Fred M.  
7941 Payne Road  
Bloomington, IN 47408

Prop. Location: 1008 W Kirkwood AVE  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/1/2

Date Inspected: 08/13/2012  
Primary Heat Source: Gas  
Property Zoning: RC  
Number of Stories: 1

Inspector: Jo Stong  
Foundation Type: Crawl Space  
Attic Access: No  
Accessory Structure: Garage

Monroe County Assessor's records indicate this structure was built in 1940.  
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.

##### Kitchen:

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.

##### Living Room:

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

Install a new filter in the furnace. PM-603.1

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Remove the material surrounding the furnace, and maintain minimum clearance from combustibles:

- Fuel-fired appliances: 36" clearance from combustible storage
- Single-wall vent connectors: 1" clearance from Flow Guard Gold CPVC  
6" clearance for other combustibles
- Double-wall vent connectors: 1" clearance for all combustibles
- Draft hood: 6" clearance for all combustibles

PM-603.3

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

|  |                           |
|--|---------------------------|
| 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 (being used as a bedroom at the time of inspection):

Provide operating power to smoke detector. PM-704.1

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

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

Southwest Bedroom:

No violations noted.

Existing Egress Window Measurements (double-hung):

Height: 21 inches

Width: 27 inches

Sill Height: 22 inches

Openable Area: 3.94 sq. ft.

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

Bathroom:

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

Properly repair the floor around the toilet (very soft). This includes but is not limited to replacing or repairing damaged or deteriorated floor covering, decking and structural members. PM-304.2 PM-304.4

Laundry/Mechanical Room:

Repair or replace the kinked dryer ductwork. PM-603.1

Remove items stored around the water heater and maintain minimum clearances from combustibles:

- Fuel-fired appliances: 36" clearance from combustible storage
  - Single-wall vent connectors: 1" clearance from Flow Guard Gold CPVC  
6" clearance for other combustibles
  - Double-wall vent connectors: 1" clearance for all combustibles
  - Draft hood: 6" clearance for all combustibles
- PM-603.3

**EXTERIOR:**

Properly repair or replace damaged/deteriorated soffit/fascia on the south (front) side, and seal all openings. PM-303.6 & PM-303.7

Properly repair the shingles and flashing around the south chimney. PM-303.7

Properly repair or replace the deteriorated sill/frame around the window in the laundry/mechanical room on the west side. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather-tight. PM-303.13

East Entry:

Install an approved closing device for storm door. PM-303.14

Garage:

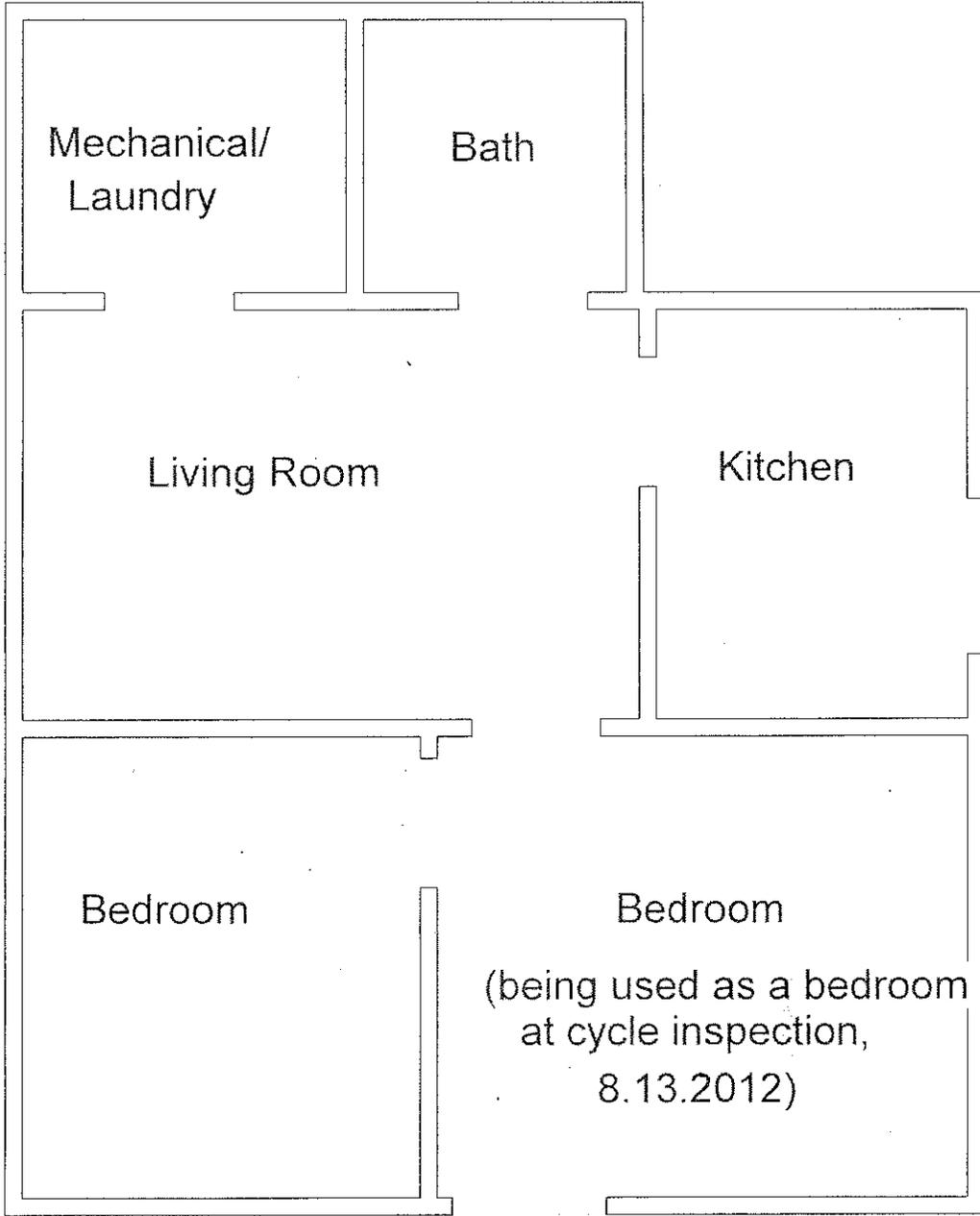
Have the wood stove inspected and approved, and or remove it. Approval will include elimination of aluminum foil and installation of proper vent pipes. All fireplaces/wood stoves shall be inspected and serviced as needed. This is to include the firebox, damper, chimney and or the flue. Cleaning by professional service is highly recommended. PM-603.1

**OTHER REQUIREMENTS:**

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

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

This is the end of this report.



1008 W. Kirkwood  
8/14/2012