

**PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL McCLOSKEY CONFERENCE ROOM
January 16, 2013, 4:00 P.M.**

Please Note: All items are on the Consent Agenda

- I. **ROLL CALL**
- II. **REVIEW OF SUMMARY** – December 19, 2012 p. 2
- III. **ELECTION OF 2013 OFFICERS**
- IV. **NEW BUSINESS**
 - (1) 13-TV-01 **1300 S. Madison Street**, Sura Gail Tala. Request for an extension of time to complete repairs. pp. 3-6
 - (2) 13-TV-02 **615 N. Lincoln Street**, Dana Morrison. Request for an extension of time to complete repairs. pp. 7-18
 - (3) 13-TV-03 **3100 E. Braeside Drive**, Scott May. Request for an extension of time to complete repairs. pp. 19-40
 - (4) 13-TV-04 **414 E. Cottage Grove Avenue**, Fred Soskel. Request for an extension of time to complete repairs. pp. 41-49
 - (5) 13-TV-05 **1511, 1157 & 1163 S. Fenbrook Lane**, Inland Group Management, LLC. Request for an extension of time to complete repairs. pp. 50-59
- V. **GENERAL DISCUSSION**
- VI. **PUBLIC COMMENT**
- VII. **ADJOURNMENT**

B.H.Q.A. MEETING OF DECEMBER 19, 2012

SUMMARY

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

STAFF PRESENT: Daniel Bixler, John Hewett, Robert Hoole, Doris Sims, Jo Stong (HAND)

OTHERS PRESENT: Patricia Ierino (3900 E. Stonegate Drive)

I. REVIEW OF SUMMARY

Gallman made a motion to approve the minutes for November 28, 2012. Strauser seconded. Motion passed, 7-0.

II. CONSENT AGENDA

419 N. Washington Street, Fierst Rentals, 12-TV-102. Request for an extension of time to complete repairs. Previously heard September 19, 2012. Staff recommendation to grant the request with an April 30, 2013 deadline.

2591 S. Addisyn Lane, Peek & Associates, 12-TV-131. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a February 28, 2013 deadline.

3900 E. Stonegate Drive, Patricia Ierino, 12-AA-132. Request for relief from an administrative decision. Recommendation was to grant relief from the rental registration process as long as the unit continues to be owned by current owner and is occupied by Betty and Cheryl Thompson. The property will be pull checked in one year to check its status.

2412 S. Madison Street, L.D. Honeycutt, 12-AA-133. Request for relief from an administrative decision. Recommendation was to grant relief from the rental registration process as long as the unit continues to be owned by current owner and is occupied by his daughter, Lisa Burton, and any other persons who meet the definition of family per Title 20. The property will be pull checked in one year to check its status.

1603 W. Arlington Road, Ronald Stanhouse, 12-TV-134. Request for an extension of time to complete repairs. This item was withdrawn from the Agenda.

1715 N. Lincoln Street, Chester's Rentals, 12-TV-136. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a February 19, 2013 deadline.

111 W. 4th Street, Yinbao Xu, 12-TV-137. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a February 19, 2013 deadline.

1009 S. Walnut Street, Sandra and Bobbie Burke, 12-TV-138. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a March 18, 2013 deadline.

Approved.

III. PETITIONS

2622 N. Walnut Street, Olympus Properties, 12-TV-135. Pulled from Consent Agenda. The petitioner was not present to request an extension of time to complete the repairs. Staff recommendation was to grant the request with an October 30, 2013 deadline. Cole made a motion to grant the request per staff recommendation with an April 30, 2013 deadline. Gallman seconded. Motion failed, 0-7. Floyd made a motion to grant the request per staff recommendation with a January 31, 2013 deadline. Strauser seconded. Motion passed, 7-0. Request granted.

IV. GENERAL DISCUSSION

Reminder that election of officers for 2013 will take place next month.

V. PUBLIC COMMENT

None.

VI. ADJOURNMENT

Cole made a motion to adjourn. Strauser seconded. Motion unanimously passed. Meeting adjourned at 4:29 PM.



City of Bloomington
H.A.N.D.

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

Meeting Date: January 16, 2013

Petition Type: An extension of time to complete repairs.

Petition Number: 13-TV-01

Address: 1300 S. Madison

Petitioner: Sura Gail Tala

Inspector: Robert Hoole

Staff Report: August 29, 2012 Cycle inspection report mailed
October 29, 2012 Appeal filed, incomplete form
October 29, 2012 Emailed owner requesting appeal info
November 16, 2012 Emailed owner again
December 21, 2012 Reinspection conducted
January 2, 2013 Remaining violations report mailed

There owner has filed an unspecified appeal. Multiple unsuccessful attempts have been made to have the owner specify what she is asking for and to sign her appeal form.

The owner was cited for violations of the Property Maintenance Code as well as violation of Bloomington Municipal Code Title 20 with regard to a bedroom that was added without approval of the Planning Department. A reinspection was conducted December 21, 2012. Some Property Maintenance Code violations are unresolved, as well as the violation of BMC Title 20.

Staff recommendation: Grant an 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: 3/16/2013

Attachments: Appeal form, remaining violations report

Handwritten initials



RECEIVED
OCT 23 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: 1300 S. Madison

Petitioner's Name: SURA GAIL TALA

Address: 8920 Southshore Dr.

City: Unionville State: IN Zip Code: 47468

Phone Number: 812 336 4050 Email Address: suragail@hotmail

Property Owner's Name: SURA GAIL TALA

Address: 8920 Southshore Dr.

City: Unionville State: IN Zip Code: 47468

Phone Number: 812 336 4050 Email Address: suragail@hotmail

Occupants: Tom Johnson + Tim Owens + 2 ?

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY

Petition Number 13-TV-01

SEE REVERSE



City of Bloomington
Housing and Neighborhood Development

Remaining Violation Report
Reinspected 12/21/2012

4107

OWNERS

=====

Tala, Sura Gail
8920 Southshore Dr.
Unionville, IN 47468

Prop. Location: 1300 S Madison ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/4

Date Inspected: 08/13/2012
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 2

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

REINSPECTION REQUIRED

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

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

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under BMC 16.03.040

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.

This unit has 3 approved sleeping rooms. During the cycle inspection, conditions were noted that indicate that this property may be in violation of Bloomington Municipal Code Title 20 with regard to sleeping rooms and density. This unit needs to be brought into compliance with Title 20 within sixty (60) days from the date of this inspection to avoid possible legal action by the City of Bloomington Legal Department. *The City's Planning Department will be the Department which decides whether or not a violation of Title 20 has occurred and whether or not any violation of Title 20 has been remedied.* For more information, please contact the Planning Department at 349-3423. *Please note that the City of Bloomington Housing and Neighborhood Development Department will not issue a residential rental occupancy permit for any property that is not compliance with Title 20 of the Bloomington Municipal Code.*

North central bedroom (11 x 14)

Replace the entry door. PM-304.6

Rear bedroom (13 x 9)

This room was constructed without approval of the City of Bloomington Planning Department. No rental occupancy permit for this property will be issued until Planning Department requirements are satisfied.

EXTERIOR

Repair the damaged gutter on the south side. PM-302.4.1

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:

- 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
BMC16.03.050

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 16.03.030(d)

This is the end of the report



City of Bloomington
H.A.N.D.

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

Meeting Date: January 16, 2013

Petition Type: An extension of time to complete repairs.

Petition Number: 13-TV-02

Address: 615 N. Lincoln St.

Petitioner: Dana Morrison

Inspector: Norman Mosier

Staff Report: June 26, 2012-Conducted Cycle Inspection
September 11, 2012-Owner Scheduled Re-inspection
September 17, 2012-Owner Rescheduled Re-inspection
November 2, 2012-Conducted Re-inspection and received BHQA Appeal

It was noted during the cycle inspection that numerous repairs are needed to bring this property into compliance. Petitioner is requesting an extension of time to complete the necessary 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: July 16, 2013

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



RECEIVED
NOV 08 2012

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

Property Address: 1015 N. Lincoln Street

Petitioner's Name: Dana Morrison

Address: 5820 S. HANDY Rd

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-345-1524 Email Address: dmorrison@aol.com

Property Owner's Name: DANA DAVID MORRISON

Address: SAME

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

Occupants: EMPTY APT #2

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY
Petition Number 13-TV-02

SEE REVERSE

#1 #3

This extension would pertain to Apartment #2 ~~only~~ ^{psm}

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.

According to report ceiling Paint/Plaster needed repaired. The apartment is vacant and has been since 8-17-12. Our intentions are to remodel this older apartment, to actually remove old paneling/ceiling and replace it with drywall. The existing material continues to peel and crack. This project will involve removing all Paneling/old ceilings.

We are asking for an extension of time to finish our renovation. The apart will remain vacant and will not be rented until remodeling is finished & re-inspection is completed. We feel this action will provide a more attractive/safe environment for future tenants. Please allow this time for repairs as they are done by us only. Thank you for your consideration
Dana Morrison

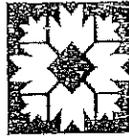
Signature (required): Dana Morrison

Name (please print): Dana Morrison Date: 11-2-12

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

Please allow for extension for all apartments @ 615 N. Lincoln Apartments #1 #2 #3

Thank you,
Dana Morrison



City of Bloomington
Housing and Neighborhood Development

NOV 13 2012

REMAINING VIOLATIONS REPORT

2885

OWNERS

Morrison, David & Dana
5820 S. Handy Rd.
Bloomington, IN 47401

Prop. Location: 615 N Lincoln ST
Number of Units/Structures: 3/1
Units/Bedrooms/Max # of Occupants: 2/1/2 1/2/3

Date Inspected: 06/26/2012
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 2

Inspectors: Norman Mosier
Foundation Type: Basement
Attic Access: No
Accessory Structure: Det. Garage - Landlord use

VARIANCE

01/14/1981 Granted a variance to the ceiling height requirement in the upstairs unit. NOTE: The basement area is not approved for sleeping purposes.

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:

UNIT 1

Living Room 14-5 x 12-5:

Repair the entry door to latch properly. PM-303.15

Bedroom 12-5 x 10-8:

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

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1900

Height: 15 inches

Width: 23 inches

Sill Height: 36 inches

Openable Area: 2.39 sq. ft.

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

UNIT 2

Living Room 12-3 x 11-8:

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

Bedroom 14-4 x 11-10: Exit door for egress requirements.

Repair the entry storm door to latch properly, latch broken. PM-303.15

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

Bathroom:

Repair the door to latch properly, missing striker plate. PM-304.6

Replace the broken toilet tank lid. PM-504.1

Properly repair, then clean and surface coat damaged or stained ceiling area. PM-304.3

Install a transition strip at doorway, trip hazard. PM-304.3

BASEMENT:

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

EXTERIOR:

S Stairway:

Porches, balconies, or raised floor surfaces located more than 30 inches above the floor or grade below shall have guards not less than 42 inches in height. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guards not less than 34 inches in height measured vertically from the nosing of the tread. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches or more in diameter. 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
Housing and Neighborhood Development

CYCLE REPORT

2885

OWNERS

Morrison, David & Dana
5820 S. Handy Rd.
Bloomington, IN 47401

Prop. Location: 615 N Lincoln ST
Number of Units/Structures: 3/1
Units/Bedrooms/Max # of Occupants: 2/1/2 1/2/3

Date Inspected: 06/26/2012
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 2

Inspectors: Norman Mosier
Foundation Type: Basement
Attic Access: No
Accessory Structure: Det. Garage

VARIANCE

01/14/1981 Granted a variance to the ceiling height requirement in the upstairs unit. NOTE: The basement area is not approved for sleeping purposes.

Monroe County Assessor's records indicate this structure was built in 1900.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

UNIT 1

Living Room 14-5 x 12-5:

C Install approved closing device for storm door. PM-303.14

MIC Repair the entry door to latch properly. PM-303.15

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

Bedroom 12-5 x 10-8:

N/C

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

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1900

Height: 15 inches

Width: 23 inches

Sill Height: 36 inches

Openable Area: 2.39 sq. ft.

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

Kitchen:

C

Replace the discharged fire extinguisher. PM-704.3

C

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

C

Install the counter top and the sink. PM-304.3 & PM-504.1

Bathroom:

C

Properly repair floor. 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

Back Room:

C

Repair the door to latch properly. PM-303.15

UNIT 2

Living Room 12-3 x 11-8:

N/C

Install approved closing device for storm door and repair the door to latch properly. PM-303.14

C

Provide operating power to smoke detector. PM-704.1

N/C

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

Bedroom 14-4 x 11-10: Exit door for egress requirements.

N/C Repair the entry storm door to latch properly, latch broken. PM-303.15

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

Kitchen:

C Provide operating power to smoke detector. PM-704.1

N/C 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

Bathroom:

N/C Repair the door to latch properly, missing striker plate. PM-304.6

N/C Replace the broken toilet tank lid. PM-504.1

N/C Properly repair, then clean and surface coat damaged or stained ceiling area. PM-304.3

N/C Install a transition strip at doorway, trip hazard. PM-304.3

Back Room:

No violations noted.

UNIT 3

UPSTAIRS

Living Room/ Kitchen:

N/C Repair the screen on the entry storm door. 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

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

C Properly ground the electrical receptacle on the 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

Living Room/Kitchen: (continued)

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

S Bedroom 10-8 x 8-5:

No violations noted.

Existing Egress Window Measurements: Dbl Hung: Const. Yr. - 1900

Height: 22 inches

Width: 28 inches

Sill Height: 17 inches

Openable Area: 4.28 sq. ft.

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

East/West Hallway:

No violations noted.

~~REPLACED~~ REPLACED BATTERY

Bathroom:

C Secure toilet to its mountings. PM-504.1

N Bedroom 9-5 x 8-3:

No violations noted.

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1900

Height: 18 inches

Width: 23 inches

Sill Height: 17 inches

Openable Area: 2.88 sq. ft.

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

North/South Hallway:

No violations noted.

BASEMENT:

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

C Install the missing cover on the electrical service panel. PM-605.1

Flue
Supply

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:

S Stairway:

MC

Porches, balconies, or raised floor surfaces located more than 30 inches above the floor or grade below shall have guards not less than 42 inches in height. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guards not less than 34 inches in height measured vertically from the nosing of the tread. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches or more in diameter. PM-303.10

Deck:

C

Secure the north handrail so it is capable of withstanding normally imposed loads. PM-303.12 (exterior)

Back Porch:

No violations noted.

C

Properly install approved crawlspace entry cover in a manner that is reasonably weather tight and excludes the entrance of rodents. PM-303.6

C

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

DETACHED GARAGE:

C

Repair the south door to fit the door jamb and to latch properly. PM-303.15

C

All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration, south side of garage. PM-303.6

OTHER REQUIREMENTS:

Required documentation:

PAID
6/25/15

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)

C
PAST
60
DAYS

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: January 16, 2013
Petition Type: An extension of time to complete repairs.
Petition Number: 13-TV-03
Address: 3100 E. Braeside Dr.
Petitioner: Scott May
Inspector: Mosier/Hoole
Staff Report: October 15, 2012-Conducted Cycle Inspection
December 12, 2012-Received BHQA Appeal

It was noted during the cycle inspection that there are numerous exterior violations for the complex as well as interior violations. Petitioner is requesting an extension of time to complete the interior/exterior 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: January 31, 2013 for life safety violations
March 16, 2013 for interior repairs.
January 16, 2014 for exterior repairs

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

Handwritten mark

RECEIVED
DEC 19 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

Property Address: 3100 Braeside Drive

Petitioner's Name: Scott May

Address: 701 Summit View Place

City: Bton State: IN Zip Code: 47401

Phone Number: 812.331.2666 Email Address: ---

Property Owner's Name: Scott May

Address: 701 Summitview Place

City: Bton State: IN Zip Code: 47401

Phone Number: 812.331.2666 Email Address: ---

Occupants: _____

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY
Petition Number 13-TV-03

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 would like to request a one (1) year extension
① of time to complete the exterior repairs, including
those listed on individual unit's decks, due
to the volume of repairs & the season of year.

② We would like to ask for an additional 60
days for all other repairs.

Signature (required): Christina Wood

Name (please print): Christina Wood Date: 12/10/12

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

47

OWNERS

May, Scott G.
701 Summitview Place
Bloomington, IN 47401

AGENT

Legacy Group
3112 Braeside Dr.
Bloomington, IN 47408

Prop. Location: 3100 E Braeside DR

Number of Units/Structures: 140/15

Units/Bedrooms/Max # of Occupants: Bld 1: 6/2/4, Bld 2: 8/2/4 4/1/2, Bld 3: 8/2/4 4/1/2, Bld 4: 8/1/2, Bld 5: 8/2/4 4/1/2, Bld 6: 8/1/2, Bld 7: 6/2/4, Bld 8: 16/1/2, Bld 9: 8/2/4 4/1/2, Bld 10: 6/2/4, Bld 11: 8/2/4, Bld 12: 8/3/5, Bld 13: 6/2/4, Bld 14: 8/1/2, Bld 15: 8/1/2 4/2/4

Date Inspected: 10/16/2012
Primary Heat Source: Gas
Property Zoning: RH
Number of Stories: 2

Inspectors: Mosier/Hoole
Foundation Type: Slab
Attic Access: Yes
Accessory Structure: Carports

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

NOTE:

- ☞ Room dimensions are in the file or listed on the previous cycle inspection report.
- ☞ Only Units/Rooms with violations shall be listed on this report.

GENERAL VIOLATIONS:

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

Show documentation that the fireplaces have 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

✓ Install the missing smoke detectors in units containing a loft. PM-704.1

GENERAL STATEMENT

Egress window measurements for complex are as follows:

Townhouses

Existing Egress Window Measurements: Slider: Const. Yr. - 1983

Height: 44 inches
Width: 33.5 inches
Sill Height: 36 inches
Openable Area: 10.24 sq. ft.

Existing Egress Window Measurements: Slider: Const. Yr. - 1983

Height: 45 inches
Width: 33 inches
Sill Height: 36 inches
Openable Area: 10.31 sq. ft.

Flats

Existing Egress Window Measurements: Slider: Const. Yr. - 1983

Height: 57 inches
Width: 22 inches
Sill Height: 24 inches
Openable Area: 8.71 sq. ft.

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

INTERIOR:

BLDG 15

3111

Bathroom:

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

✓ Hallway:

Repair or replace existing smoke detector in a manner so that it functions as intended, also secure smoke detector to its base. PM-704.1

3117

Furnace Closet:

Repair the bi-fold doors to function as intended. PM-304.6

Balcony:

Secure the handrail so it is capable of withstanding normally imposed loads. PM-303.12 (exterior)

3119

Bathroom:

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

3123

Living Room:

Replace the missing door handle on the sliding glass door. PM-303.15

✓ Balcony:

Secure the handrail so it is capable of withstanding normally imposed loads. PM-303.12 (exterior)

L Bedroom:

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

3129

Kitchen:

Repair the defective power switch for the garbage disposal to function as intended. PM-605.1

✓ Replace the discharged fire extinguisher. PM-704.3

✓ 3131

Balcony:

Secure the handrail so it is capable of withstanding normally imposed loads. PM-303.12 (exterior)

Bedroom:

Repair the window to lock as intended. PM-303.13.2

3133

Kitchen:

✓ Repair the rear burners on the stove to light as intended. PM-603.1

BLDG 14

3137

Kitchen:

✓ Repair the right rear burner on the stove to light as intended. PM-603.1

Bathroom:

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

Bedroom:

Repair the door to latch properly. PM-304.6

Repair the window to lock as intended. PM-303.13.2

3141

Kitchen:

✓ Repair the left front burner on the stove to light as intended. PM-603.1

3143

Bedroom:

Repair the window to lock as intended. PM-303.13.2

3147

Balcony:

Replace the deteriorated deck boards. PM-303.10

3149

Living Room:

Replace the broken receptacle cover plate on the south wall. PM-605.1

Kitchen:

✓ Replace the discharged fire extinguisher. PM-704.3

BLDG 13

3167

Living Room:

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

3169

Furnace Closet:

Repair the right side bi-fold door to function as intended, top pin defective. PM-304.6

3175

Kitchen:

✓ Replace the discharged fire extinguisher. PM-704.3

Dining Room:

✓ Provide operating power to smoke detector. PM-704.1

BLDG 12

3201

Kitchen:

✓ Repair the left rear burner on the stove to light as intended. PM-603.1

Dining Room:

✓ 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

UPSTAIRS

Hallway:

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

3205

Dining Room:

✓ Provide operating power to smoke detector. PM-704.1

3213

Dining Room:

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

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

N Bedroom:

Replace the missing receptacle cover plate on the south wall. PM-605.1

Hall Bath:

Properly repair the soft floor. 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

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

BLDG 11

3217

Living Room:

Repair the sliding glass door screen to function as intended. PM-303.15

3219

Living Room:

Clean the spot stained carpet. PM-304.3

Furnace Closet:

Install the missing knobs on the bi-fold doors, to function s intended. PM-304.6

3223 – Tenant Violation – House keeping:

Every occupant of a structure or part thereof shall keep that structure or part thereof which the tenant occupies, controls or uses in a clean and sanitary condition. PM-304.1.

✓ Kitchen:

Repair the front burners to light as intended. PM-603.1

Bathroom:

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

3227

✓ Kitchen:

Replace the discharged fire extinguisher. PM-704.3

3229

✓ Balcony:

Secure the handrail so it is capable of withstanding normally imposed loads. PM-303.12 (exterior)

3231

Living Room:

Repair/replace the sliding glass screen door. PM-303.15

Dining Room:

Secure the loose ceiling fan. PM-605.1

BLDG 10

3251

Kitchen:

Repair the wiring splice to be inside the garbage disposal housing. PM-605.1

3253

½ Bath:

Repair the toilet to eliminate unnecessary water use. PM-504.1

3255

½ Bath:

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

Dining Room:

✓ 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

UPSTAIRS

Stairway/Hallway:

Secure the smoke detector to its base. PM-704.1

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

Hall Bath:

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

3259 Note: Gas was not turned on at the time of cycle inspection, furnace and stove must meet code requirements within the same 60 day period as complex.

BLDG 9

3292

Kitchen:

✓ Replace the discharged fire extinguisher. PM-704.3

3296

S Bedroom:

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials. Also check the roof for leaks. PM-304.3 & PM-303.7

3298

Kitchen:

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

Balcony:

Secure the loose handrail. PM-303.12 (exterior)

3284

Kitchen:

✓ Repair all burners on the stove to light as intended. PM-603.1

3288

✓ Balcony:

Secure the loose handrail. PM-303.12 (exterior)

3290

✓ Balcony:

Secure the loose handrail. PM-303.12 (exterior)

3278

Kitchen:

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

3280

Balcony:

Secure the loose handrail. PM-303.12 (exterior)

3282

Kitchen:

Repair the garbage disposal to function as intended, jammed. PM-603.1

Bathroom:

Replace or clean the aerator on sink faucet so that it functions as intended, clogged.
PM-504.1

Repair the tub drain to function as intended, clogged. PM-504.1

BLDG 1

3106

Kitchen:

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

3108

✓ Living Room:

Provide operating power to smoke detector. PM-704.1

3110

✓ Living Room:

Provide operating power to smoke detector. PM-704.1

Kitchen:

Mount the fire extinguisher. A minimum **1A 10BC** classification fire extinguisher shall be **mounted in a visible, accessible location, in or adjacent to the kitchen, away from the**

range, and in the path of egress. The securing mechanism must be no more than 5 feet above the floor. PM-704.3.

UPSTAIRS

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

BLDG 2

3116

Kitchen:

✓ Replace the discharged fire extinguisher. PM-704.3

3126

Loft:

✓ Install the smoke detector on the loft level. PM-704.1

BLDG 3

3154

Furnace Closet:

Repair the flue for the water heater to fit on diverter hood and secure. PM-603.1

3156

Kitchen:

✓ Replace the discharged fire extinguisher. PM-704.3

BLDG 4

3164

Furnace Closet:

Repair the flue for the water heater to fit on diverter hood and secure. PM-603.1

Kitchen:

✓ Replace the discharged fire extinguisher. PM-704.3

UPSTAIRS

Hallway:

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

3168

Living Room:

✓ 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

UPSTAIRS

✓ **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

3170

✓ **Living Room:**

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

✓ **3172**

Kitchen:

Replace the discharged fire extinguisher. PM-704.3

✓ **3174**

Kitchen:

Replace the discharged fire extinguisher. PM-704.3

BLDG 5

3180

Hallway:

Secure the hanging smoke detector to its base. PM-704.1

✓ **3182**

Kitchen:

Replace the discharged fire extinguisher. PM-704.3

3188

Furnace Closet:

Repair the water heater flue pipe to fit properly. PM-603.1

Hallway:

Secure the hanging smoke detector to its base. PM-704.1

3184

Bedroom:

Replace the damaged door. PM-304.6

3190

Hallway:

Secure the hanging smoke detector to its base. PM-704.1

3196

Kitchen:

Relocate the fire extinguisher. A minimum **1A 10BC** classification fire extinguisher shall be **mounted in a visible, accessible location, in or adjacent to the kitchen, away from**

the range, and in the path of egress. The securing mechanism must be no more than 5 feet above the floor. PM-704.3.

BLDG 8

3254

Bathroom:

Repair the toilet to eliminate unnecessary water use. PM-504.1

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 10/15/2013.

Permanently label all electrical service disconnects and air conditioner electrical disconnects to indicate which units they serve. PM-605.1

Replace the rotted trim on the front window of unit 3120. PM-303.6

Replace the rotted material on the north side of the breezeway adjacent to unit 3122. PM-303.6

Replace all rotted materials on the north and south walls of building 2. PM-303.6

Replace the rotted material below the guardrail of the deck on unit 3124. PM-303.10

Replace the rotted materials on the north-facing area of the rear of unit 3158. PM-303.6

Replace the rotted material on the north-facing wall of the storage closet of unit 3152. PM-303.6

Replace the rotted window trim, front window of unit 3148. PM-303.6

Replace the rotted material on the north-facing wall of the breezeway adjacent to unit 3144. PM-303.6

Replace the rotted trim on the front window of unit 3144. PM-303.6

Replace the deteriorated shingles and roof decking of the carport adjacent to building 4. PM-303.7

Eliminate the lean of the carport adjacent to building 4 and install additional bracing to prevent the lean from recurring, or provide documentation from a licensed structural engineer that the carport is structurally sound and stable. PM-302.7

Replace the rotted materials on the rear wall of unit 3166. PM-303.6

Replace the deteriorated materials on the east-facing wall of the rear of unit 3162. PM-303.6

Replace the rotted soffit above the rear door of unit 3162. PM-303.6

Replace the deteriorated material below the back door of unit 3162. PM-303.6

Replace the rotted material below the front window on the first floor of unit 3162. PM-303.6

Secure the loose board on the west-facing wall of 3172 near the roof. PM-303.6

Replace the rotted materials on the west-facing wall of unit 3172. PM-303.6

Replace the rotted material adjacent to the front door of unit 3172. PM-303.6

Eliminate the lean of the carport adjacent to building 4 and install additional bracing to prevent the lean from recurring, or provide documentation from a licensed structural engineer that the carport is structurally sound and stable. PM-302.7

Replace the deteriorated shingles of the carport adjacent to building 4. PM-303.7

Replace the rotted materials at the lower portion of the north-facing wall of units 3178 and 3180. PM-303.6

Replace the rotted materials at the lower portion of the north-facing wall of building 5. PM-303.6

Replace the rotted material at the southeast corner of the rear deck of unit 3182. PM-303.6

Replace the missing weather-proof cover of the electrical enclosure at the southeast corner of building 5. PM-605.1

Replace the rotted material below the south window of unit 3176. PM-303.6

Replace the rotted material between the front windows of unit 3176. PM-303.6

Replace the fallen soffit on the west wall of unit 3182. PM-303.6

Replace the rotted material below the front window of unit 3184. PM-303.6

Replace the rotted materials adjacent to the front windows of units 3188 and 3186. PM-303.6

Replace the rotted materials on the lower portion of the north-facing wall of unit 3186. PM-303.6

Replace the rotted materials adjacent to the front windows of unit 3218. PM-303.6

Replace the rotted materials below the front window of unit 3224. PM-303.6

Replace the deteriorated materials on the north-facing wall of the storage closet of unit 3230. PM-303.6

Replace the deteriorated materials on the north-facing wall of units 3224 and 3230. PM-303.6

Replace the deteriorated material on the south-facing wall of the storage closet of unit 3220. PM-303.6

Secure the fence where it is detached from the wall at the rear of unit 3218. PM-302.7

Replace the rotted material on the west-facing wall of unit 3240. PM-303.6

Replace the rotted material between the front doors of units 3240 and 3242. PM-303.6

Replace the rotted material adjacent to the front window of unit 3242. PM-303.6

Replace the deteriorated material on the east wall of building 7. PM-303.6

Replace the broken and/or rotted components of the storage shed at unit 3242. PM-302.7

Replace the deteriorated materials on the lower portion of the south-facing wall of unit 3236. PM-303.6

Replace the fallen soffit on the south wall of unit 3236. PM-303.6

Replace the deteriorated attic access door and adjacent materials on the west wall of building 7. PM-303.6

Replace the rotted material adjacent to the front windows of units 3250 and 3244. PM-303.6

Replace the rotted materials adjacent to the front windows of units 3248 and 3246. PM-303.6

Replace the rotted materials adjacent to the front windows of units 3258 and 3252. PM-303.6

Replace the rotted materials on the lower portion of the front wall of unit 3252. PM-303.6

Replace the rotted material on the west-facing side of the breezeway adjacent to unit 3252. PM-303.6

Replace the rotted materials adjacent to the front windows of units 3256 and 3254. PM-303.6

Replace the rotted material on the lower portion of the front wall of unit 3254. PM-303.6

Replace the rotted material on the northwest corner of the front wall of unit 3260. PM-303.6

Replace the rotted material adjacent to the front windows of units 3266 and 3260. PM-303.6

Replace the rotted material on the front wall of units 3264 and 3262. PM-303.6

Replace the rotted material on the lower portion of the front wall of unit 3262. PM-303.6

Replace the rotted material adjacent to the front window of unit 3268. PM-303.6

Replace the rotted materials adjacent to the front windows of units 3272 and 3270. PM-303.6

Replace the rotted material on the south and west sides of the rear deck of unit 3272. PM-303.6

Replace the rotted material adjacent to the rear door of unit 3270. PM-303.6

Replace the rotted material on the east wall of the rear deck of unit 3264. PM-303.6

Completely remove the tree growing in close proximity to the foundation and the gas meters behind unit 3254. PM-302.4.1

Replace the rotted material on the west-facing wall of the storage closet at unit 3250. PM-303.6

Secure the loose board on the upper portion of the west wall of building 8. PM-303.6

Replace the rotted materials adjacent to the front windows of unit 3276. PM-303.6

Replace the rotted material on the lower portion of the front wall of unit 3276. PM-303.6

Replace the fallen soffit on the front wall of unit 3280. PM-303.6

Replace the rotted material adjacent to the front window of unit 3284. PM-303.6

Replace the rotted material on the north and south walls of the breezeway adjacent to unit 3284. PM-303.6

Replace the deteriorated material on the north wall of building 9. PM-303.6

Replace the rotted material below the rear window of unit 3294. PM-303.6

Replace the rotted material adjacent to the rear door of unit 3292. PM-303.6

Replace the rotted material on the south wall of the rear deck of unit 3298. PM-303.6

Replace the rotted rake board between units 3298 and 3288. PM-303.6

Replace the rotted material above the rear door of unit 3286. PM-303.6

Replace the clouded sliding glass door at the rear of unit 3288. PM-303.15

Replace the rotting material on the east side of the rear deck of unit 3290. PM-303.6

Replace the rotted material adjacent to the storage closet door for unit 3284. PM-303.6

Replace the rotted material below the rear window of unit 3278. PM-303.6

Replace the rotted material on the north wall of rear deck of unit 3280. PM-303.6

Replace the rotted material adjacent to the meter bases between units 3276 and 3278. PM-303.6

Properly enclose the electrical splice near the base of the light pole in the parking area between buildings 9 and 10. PM-605.1

Replace the rotted materials on the lower portion of the south wall of the patio area of unit 3255. PM-303.6

Replace the rotted material on the lower portion of the south wall of the patio area of unit 3259. PM-303.6

Seal the opening into the attic area above the soffit on the south wall of the patio area of unit 3259. PM-303.6

Replace the rotted material on the north wall of building 10. PM-303.6

Replace the missing shingles on the south side of the carport adjacent to building 10. PM-302.7

Replace the rotted materials on the east side of the carport adjacent to building 10. PM-302.7

Properly enclose the electrical splice near the base of the light pole at the south side of building 11. PM-605.1

Replace the rotting materials on the north wall of the breezeway adjacent to unit 3227. PM-303.6

Replace the rotted materials above the breezeway adjacent to unit 3227. PM-303.6

Replace the rotted materials between the front windows of unit 3217. PM-303.6

Replace the rotted material on the lower portion of the front wall of unit 3219. PM-303.6

Properly protect the electrical cable on the ground outside of the southeast corner of the patio of unit 3219. PM-605.1

Replace the rotted material at the east edge of the rear deck of unit 3223. PM-303.10

Replace the rotted material at the northeast corner of the rear deck of unit 3229. PM-303.10

Replace the rotted material at the southeast corner of the rear deck of unit 3231. PM-303.10

Replace the rotted structural elements and secure the loose light fixture on the light pole adjacent to the east end of building 12. PM-605.1, PM-302.7

Replace the rotted material adjacent to the west window of unit 3201. PM-303.6

Replace the rotted material on the east wall of the patio area of unit 3211. PM-303.6

Replace the missing roof shingles above unit 3167. PM-303.7

Replace the rotted materials on the west wall of building 13. PM-303.6

Replace the rotted material and secure the loose board at the west wall of the patio area of unit 3169. PM-303.6

Replace the rotted material on the east wall of the patio area of unit 3171. PM-303.6

Replace the rotted material on the south wall of building 14. PM-303.6

Replace the rotted material below the electrical meter bases between units 3145 and 3143. PM-303.6

Replace the rotted material on the north wall of building 14. PM-303.6

Replace the rotted material adjacent to the front windows of units 3149 and 3143. PM-303.6

Replace the rotted materials adjacent to the front window of unit 3145. PM-303.6

Replace the rotted materials adjacent to the front window of unit 3111. PM-303.6

Replace the rotted materials at the northwest corner of the rear deck of unit 3115. PM-303.6

Replace the rotted material below the meter bases between units 3121 and 3119. PM-303.6

Replace the rotted material on the east and west walls of the rear deck area of unit 3125. PM-303.10

Replace the rotted material on the east walls of units 3125 and 3119. PM-303.6

Replace the rotted material on the north edge of the deck of unit 3131. PM-303.10

Install a lock or an interior cover over the line voltage connections on the timer on the west wall of the pool house. PM-605.1

Eliminate all unused openings in service panel on the west wall of the pool house by installing approved rigid knockout blanks. PM-604.3

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)

This is the end of this report.

2978 E. Ramble Rd

Att: Norman

24774

Thank you!
Richard

BLOOMINGTON
HEATING, COOLING, REFRIGERATION & ELECTRICAL
1801 East Smithville Road
Bloomington, IN 47401
(812) 824-4850

<input checked="" type="checkbox"/> SERVICE INSTALL	<input type="checkbox"/> WILL CALL DELIVER	PHONE 327-3573	DATE 13 Nov. 2012
NAME Javad Moorthosani		MAKE York	
APT. 204 E. Lakewood Dr.		MODEL P4DUC16N09201A	
47401		SERIAL EAKM003947	
ITEM TO BE SERVICED Furnace		NATURE OF SERVICE REQUEST HAND inspection.	
QUAN.	DESCRIPTION OF PARTS OR MATERIAL	AMOUNT	
1	18x20x1" air filter	7	1.99
Perform HAND inspection			
1) Air filter changed.			
2) Flame sensor cleaned.			
3) Hard to air pressure switch cleaned.			
4) Burner vestibule vacuumed out.			
5) No burnt or chewed wiring.			
6) Temp. rise measured at 247° E floor reg.			
7) Carbon monoxide measured at 10 ppm in flue pipe, 0 ppm ambient floor reg.			
8) Flue in good shape.			
9) Burner end of heat exchanger inspected with camera; no cracks, soot, or rust.			
LABOR PERFORMED		Total Material	1.99
10) Cycled properly.		Tax	.14
Rental Pump at 2978 E. Ramble Rd.		Total Labor	89.00
		Total Amount	91.13

349-3582

I accept the work indicated as being completed and agree to be responsible for payment of this bill. I also agree to pay attorney fees, interest of 18% A.P.R., and reasonable collection costs associated with non-payment if remittance is not made within 15 days upon receipt. We, Bloomington Heating, reserves the option of placing a lien on property if payment is not received within this time frame.

Signature _____

Att: Norman
2978 E. Ramble Rd.



City of Bloomington
H.A.N.D.

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

Meeting Date: January 16, 2013
Petition Type: An extension of time to complete repairs.
Petition Number: 13-TV-04
Address: 414 E. Cottage Grove Ave.
Petitioner: Fred Soskel
Inspector: Norman Mosier
Staff Report: November 5, 2012-Conducted Cycle Inspection
November 9, 2012-Sent Cycle Report
December 12, 2012-Received BHQA Appeal

It was noted during the cycle inspection that the egress window in the SW bedroom (2nd Level) does not meet egress requirements at the time of reconstruction of the building. The window is a casement/skylight window installed in the roof of the building. The window hardware blocks egress accessibility when opened and the sill height is too high from the floor. (See measurements below). Petitioner is requesting an extension of time to make the repairs by installing a code compliant window.

Openable area required: 4.75 Sq. Ft.	Existing Area: 9.72 Sq. Ft.
Clear width required: 18 inches	Existing width: 28 inches
Clear height required: 24 inches	Existing height: 50 inches, opens to 22 inches
<u>Max. sill height: 48 inches above floor</u>	<u>Existing sill height: 58 inches above floor</u>

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.

js

Compliance Deadline: July 16, 2013

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

RECEIVED
DEC 11 2012



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

Property Address: 414 E Cottage Grove

Petitioner's Name: Fred Soskel

Address: 6828 Oakwood Trl. S.

City: Indianapolis State: IN Zip Code: 46260

Phone Number: 317-254-9607 Email Address: fsoskel@soskelingram.com

Property Owner's Name: Fred Soskel

Address: 6828 Oakwood Trl. S.

City: Indianapolis State: IN Zip Code: 46260

Phone Number: 317-254-9607 Email Address: fsoskel@soskelingram.com

Occupants: Rachel S. Bond, Alexa N. Friedenberg, Abigail P. Gray,
James B. Fannon, Miryam E. Lipper, Abby L. Peelman, Eve M. Solomon

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

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

Please circle the petition type that you are requesting:

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

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

OFFICE USE ONLY
Petition Number 13-TV-04

SEE REVERSE

December 11, 2012

HAND
P.O. Box 100
Bloomington, IN 47402

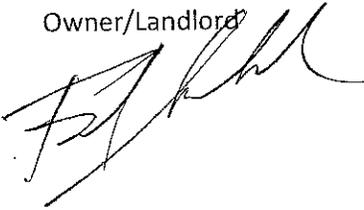
Re: Cycle report for 414 E. Cottage Grove conducted 11/5/2012, Item in question Skylight casement window.

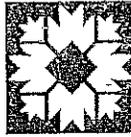
To whom it may concern:

The Skylight in question, installed when building renovated in 1986, does not meet current Indiana Building Code.

I am requesting a time extension to facilitate a solution which may be the replacement of the existing skylight window or construction of a dormer window system; in either case would conform to current Indiana Building Codes. Correcting the situation will be disruptive to the current tenants during the school semesters; therefore I'm requesting an extension of time, into mid-summer 2013, at which time the likelihood of full occupancy of the house would be unlikely and weather more appropriate for opening the roof system for repair or construction.

Regards,
Fred Soskel
Owner/Landlord

A handwritten signature in black ink, appearing to read 'Fred Soskel', written over the typed name.



City of Bloomington
Housing and Neighborhood Development

CYCLE REPORT

2387

OWNERS

Soskel, Frederick
6828 Oakwood Trail South Dr.
Indianapolis, IN 46260

Prop. Location: 414 E Cottage Grove AVE
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/7/14

Date Inspected: 11/05/2012
Primary Heat Source: Gas
Property Zoning: RH
Number of Stories: 2

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

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:

MAIN LEVEL

Hallway:

No violations noted.

NW Bedroom 15 x 11:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1899
Height: 22 inches
Width: 30 inches
Sill Height: 31 inches
Openable Area: 4.58 sq. ft.

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

46

Hall Bath:

No violations noted.

NE Bedroom 13 x 12:

No violations noted. Egress window measurements same as above.

E Bathroom, Kitchen 13 x 7:

No violations noted.

Dining Room 15 x 12:

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

SE Bedroom 13 x 10:

No violations noted. Egress window measurements same as above.

E Center Bedroom 13 x 12:

No violations noted. Egress window measurements same as above.

2ND LEVEL

Stairway/Hallway, Family Room 19 x 16, Laundry Room, Hall Bath:

No violations noted.

SW Bedroom 17 x 7:

Tighten the loose window crank to function as intended. PM-303.13

NOTE: Skylight casement window installed in 1986, hardware restricts opening to 22 inches, restricting egress accessibility. Ladder attached to wall to serve as egress aid.

The emergency egress window does not meet the minimum requirements for a one and two family dwelling altered in 1986. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 4.75 sq. ft.

Existing area: 9.72 sq. ft.

Clear width required: 18 inches

Existing width: 28 inches

Clear height required: 24 inches

Existing height: 50 inches, opens to 22"

Maximum sill height: 48 inches above finished floor Existing sill: 58 inches above floor

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

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

NW Bedroom 18 x 10:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1899

Height: 23 inches

Width: 38 inches

Sill Height: 25 inches

Openable Area: 6.07 sq. ft.

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

NE Bedroom 18 x 8:

No violations noted. Egress window measurements same as above.

BASEMENT:

Stairway:

No violations noted.

Main Room:

Replace the missing receptacle cover plate on the receptacle attached to the ceiling at the base of stairway. PM-605.1

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

Desired level: 0 parts per million (ppm)

Acceptable level in a living space: 9 ppm

Maximum concentration for flue products: 50 ppm

PM-603.1

EXTERIOR:

No violations noted.

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

This is the end of this report.



City of Bloomington
H.A.N.D.

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

Meeting Date: January 16, 2013

Petition Type: An extension of time to complete repairs.

Petition Number: 13-TV-05

Address: 1151, 1157, & 1163 Fenbrook Lane

Petitioner: Bonnie Burris

Inspector: Mike Arnold

Staff Report: August 17, 2012: Conducted cycle inspection
 August 22, 2012: Sent cycle report
 October 29, 2012: Conducted reinspection
 November 2, 2012: Sent remaining violations report
 November 13, 2012: Sent amended remaining violations report
 December 12, 2012: Legal letter sent
 December 14, 2012: Received appeal

During a cycle inspection it was noted that the above properties had windows in the front bedrooms that did not meet the emergency egress requirements for a structure built in 1998:

<u>REQUIRED:</u>	<u>EXISTING:</u>
Openable height: 24 inches	24.75 inches
Openable width: 20	27.5 inches
Sill height: Not more than 44 inches above finished floor	19 inches
Openable area: 5.7 square feet	4.76 sq. ft.

The petitioner is seeking an extension of time to obtain a variance from the state. Documentation was submitted to HAND indicating that an application was sent to the state on November 19, 2012.

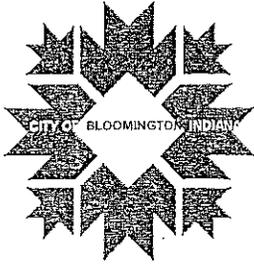
Handwritten initials

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: March 16, 2013

Attachments: Cycle Report, Amended Remaining Violations Report, BHQA Appeal, State Variance Application.



RECEIVED

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

Property Address: 1151, 1157 + 1163 S. Fenbrook Lane
Petitioner's Name: Bonnie Burris
Address: 1333 Fenbrook Lane
City: Bloomington State: IN Zip Code: 47401
Phone Number: 337-9000 Email Address: info@mlfields.com
Property Owner's Name: Inland Group Management, LLC
Address: 2901 Butterfield Rd.
City: Oak Brook State: IL Zip Code: 60523
Phone Number: 630-218-8000 Email Address: info@mlfields.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 13-TV-05

SEE REVERSE

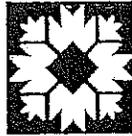
Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request, the amount of time needed to bring the property into compliance,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

We have requested a variance through the state. We are requesting this extension as we wait to hear back from the state.

Signature (required): B. Burns

Name (please print): Bonnie Burns Date: 12-14-12

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

6175

OWNERS

=====

Inland Group Management
1333 Fenbrook Lane
Bloomington, IN 47404

AGENT

=====

Stewart, Angie K.
1333 Fenbrook Lane
Bloomington, IN 47404

Prop. Location: 1151-1163 S Fenbrook LN
Number of Units/Structures: 3/1
Units/Bedrooms/Max # of Occupants: 3/2/3

Date Inspected: 08/17/2012
Primary Heat Source: Electric
Property Zoning: PUD
Number of Stories: 2

Inspectors: Mike Arnold
Foundation Type: Slab
Attic Access: No
Accessory Structure: none

This structure was built in 2000 1998. The minimum emergency egress requirements at the time of construction were as follows:

Height: 24 inches
Width: 20 inches
Sill Height: 44 inches
Openable Area: 5.7 sq. ft.

Typical Unit:

Living Room (21-0 x 15-6)	Dining Room (12-0 x 11-9)
Kitchen (10-6 x 10-0)	Garage
Bathroom	NE Bedroom (14-0 x 12-9)
Master Bedroom (14-4 x 13-9)	Master Bathroom
Loft (18-10 x 11-7)	

Typical Egress:

Front Bedroom:

Height: 24.75 inches
Width: 27.5 inches
Sill Height: 19 inches
Openable Area: 4.76 sq. ft.

Master Bedroom:

Door to the exterior

Note: Only rooms with violations are listed in this report

Interior:

General Condition:

Front Bedroom:

Verify window measurements at reinspection

*verified
see front page*

Unit 1151, 1157:

No violations noted

Unit 1163:

Main Level:

Bathroom:

Repair the sink faucet to function properly. PM-504.1

Exterior:

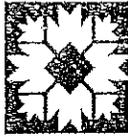
Repair the erosion issue at the downspouts on the back side of the structure. PM-302.2

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)

This is the end of this report.



City of Bloomington
Housing and Neighborhood Development

NOV 13 2012

Remaining Violation Report
Amended 08 November 2012

6175

OWNERS

=====

Inland Group Management, Llc
2901 Butterfield Rd
Oak Brook, IL 60523

AGENT

=====

Burris, Bonnie
1333 Fenbrook Ln
Bloomington, IN 47401

Prop. Location: 1151 S Fenbrook LN, 1157 S Fenbrook LN, 1163 S Fenbrook LN
Number of Units/Structures: 3/1
Units/Bedrooms/Max # of Occupants: 3/2/3

Date Inspected: 08/17/2012
Primary Heat Source: Electric
Property Zoning: PUD
Number of Stories: 2

Inspectors: Mike Arnold
Foundation Type: Slab
Attic Access: No
Accessory Structure: none

STATE VARIANCE REQUIRED

This report is your notice from the Housing and Neighborhood Development (HAND) Office that it is your responsibility to apply for and secure a variance from the Indiana Fire and Building Safety Commission for any egress windows that do not meet the minimum code requirements for the time the structure was built.

A copy of the variance application to the State's Commission shall be submitted to the HAND Office. In the event the State cannot rule on your variance request within the next sixty (60) days, you will need to file for an extension of time with the Board of Housing Quality Appeals (BHQA).

Upon the State's approval of your requested variance, you shall submit a copy of that variance to HAND to be retained in your rental file.

Failure to apply for and/or secure the required documentation 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 on this matter. Our mailing address and telephone number are listed below.

This structure was built in 2000. The minimum emergency egress requirements at the time of construction were as follows:

Interior:

General Condition:

Front Bedroom:

Existing Egress Window Measurements:

Height: 27.25 inches
Width: 25 inches
Sill Height: 19 inches
Openable Area: 4.73 sq. ft.

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 2000:

Openable area required:	5.70 sq. ft.	Existing area:	4.76 sq. ft.
Clear width required:	20"	Existing width:	27.5"
Clear height required:	24"	Existing height:	24.75"
Maximum sill height:	44" above finished floor	Existing sill:	19"

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-16.02.040 (b).

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

This is the end of this report.



APPLICATION FOR
 State Form 44400 (R6 / 6-12)
 Approved by State Board of Accountancy

*Original along
 with check was
 sent to Homeland
 Security 11.19.12*

HOMELAND SECURITY
 PLAN REVIEW SECTION
 Street, Room W246
 46204-2739
 #fp_bs_comrn_code/



INSTRUCTION: Please refer to the attached
 Attach additional pages

Number (Assigned by department)

*Thank you!
 Chausea*

Number (usually this is the owner)

Number
 1-8000

1. APPLICANT INFORMATION (Per State Form 44400)		
Name of the applicant David Engelke		
Name of organization Inland American Apartment Management		
Address (number and street, city, state, and ZIP code) 2901 Butterfield Rd. Oak Brook, IL 60455		
2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)		
Name of person on behalf of the applicant (See above)	Title	
Name of organization	Telephone number ()	
Address (number and street, city, state, and ZIP code)		
3. DESIGN PROFESSIONAL OF RECORD (If applicable)		
Name of design professional N/A	License number	
Name of organization	Telephone number ()	
Address (number and street, city, state, and ZIP code)		
4. PROJECT IDENTIFICATION		
Name of project The Fields Apartments	State project number	County
Site address (number and street, city, state, and ZIP code) 1151 & 1157 & 1163 S. Fenbrook Ln. Bloomington, IN 47401		
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. } <i>see attached.</i>		
6. VIOLATION INFORMATION		
Has the Plan Review Section of the Division of Fire & Building Safety issued a Correction Order? <input type="checkbox"/> Yes (if yes, attach a copy of the Correction Order) <input checked="" type="checkbox"/> No		
Has a violation been issued? <input checked="" 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 <input type="checkbox"/> Local Fire Department <i>→ Housing + Neighborhood Development (HAND)</i>		

7. DESCRIPTION OF REQUESTED VARIANCE	
Name of code or standard and edition involved (Emergency Egress Windows.)	Specific code section Section R310, Code R310.1.1 (IRC)
Nature of non-compliance (include a description of spaces, equipment, etc. involved as necessary) The emergency egress window does not meet the minimum requirements for a one or two family dwelling/multi-unit structure built in 2000.	

8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED
Select one of the following statements: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Non-compliance with the rule will not be adverse to the public health, safety or welfare; or <input type="checkbox"/> Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).
Facts demonstrating that the above selected statement is true: The windows in question currently have the following measurements: -Clear width required is currently 27.5 inches, which exceeds code. -Height required is currently 24.75 inches, which exceeds code. <i>- The Sill Height is 19 inches which is code compliance.</i>

9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE
Select at least one of the following statements: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services. <input type="checkbox"/> Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure. <input checked="" type="checkbox"/> Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements. <input checked="" type="checkbox"/> Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.
Facts demonstrating that the above selected statement is true: Imposition of the rule would result in an undue hardship with the physical limitations due to a brick structure that surrounds these windows. Imposition of the rule would definitely create a financial hardship to replace these existing windows at this property which was built in 2000. Imposition of the rule would architecturally change the design of the existing building envelope.

10. STATEMENT OF ACCURACY		
I hereby certify under penalty of perjury that the information contained in this application is accurate.		
Signature of applicant or person submitting application <i>[Signature]</i>	Please print name David Engelke	Date of signature (month, day, year) 11/8/12
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

11. STATEMENT OF AWARENESS (if the application is submitted on the applicant's behalf)	
I hereby certify under penalty of perjury that I am aware of this request for variance at	
Signature of applicant <i>[Signature]</i>	Please print name David Engelke

Inland American Apartment Management LLC



David Engelke
Senior Vice President