

**PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL McCLOSKEY CONFERENCE ROOM
May 20, 2015, 4:00 P.M.**

I. ROLL CALL

II. REVIEW OF SUMMARY – April 15, 2015

III. CONSENT AGENDA

- (1) 13-TV-120 **807 N. Lincoln Street**, Jeremy Nation & Rebecca Swanson. Request for an extension of time to complete repairs. Previously heard May 21, 2014.
- (2) 14-TV-189 **711 W. Kirkwood Avenue**, Tom Gallagher. Request for an extension of time to complete repairs. Previously heard May 21, 2014.
- (3) 15-TV-02 **508 N. Washington Street**, Cheryl Underwood. Request for an extension of time to complete repairs. Previously heard January 21, 2015 and February 18, 2015.
- (4) 15-TV-22 **408 S. Mitchell Street**, Salman Alani. Request for an extension of time to complete repairs. Previously heard February 18, 2015.
- (5) 14-TV-49 **3416-3418 S. Kennedy Drive**, John Jacobs (Nextwave Apartment Homes). Request for an extension of time to complete repairs. Previously heard February 18, 2015.
- (6) 15-TV-107 **1016 E. Thornton Drive**, Maureen Maple (Jamar Property Management, Co.). Request for an extension of time to complete repairs.
- (7) 15-TV-108 **311 N. Clark Street**, John D. Hayes. Request for an extension of time to complete repairs.
- (8) 15-RV-109 **440 E. 2nd Street**, H.A.N.D. (John C. Simpson). Request for rescission of a variance.
- (9) 15-TV-110 **400 S. High Street**, Janet Nichols. Request for an extension of time to complete repairs.
- (10) 15-TV-111 **814 N. Oolitic Drive**, Lynda Porter. Request for an extension of time to complete repairs.
- (11) 15-RV-112 **407 E. 4th Street**, H.A.N.D. (Bryan Rentals, Inc.). Request for rescission of a variance.
- (12) 15-TV-113 **728 E. Atwater Avenue**, Richard Wells. Request for an extension of time to complete repairs.
- (13) 15-TV-114 **909 S. Fess Avenue**, Diana Houston. Request for an extension of time to complete repairs.

- (14) 15-TV-115 **412 E. 2nd Street**, Islamic Center of Bloomington (Jamar Property Management, Co.). Request for an extension of time to complete repairs.
- (15) 15-TV-116 **714 ½ E. 2nd Street**, Fatih Akin (Bill Baus). Request for an extension of time to complete repairs.
- (16) 15-TV-117 **104 W. Club House Road**, DGTL Monastery (Lisa Farnsworth). Request for an extension of time to complete repairs.
- (17) 15-RV-118 **416 N. Lincoln Street**, H.A.N.D. (10-29, LLC). Request for rescission of a variance.
- (18) 15-TV-119 **416 N. Lincoln Street**, 10-29, LLC (Jeff Brawley). Request for an extension of time to complete repairs.
- (19) 15-TV-120 **821 W. 1st Street**, McKee Properties. Request for an extension of time to complete repairs.

IV. **PETITIONS**

- (20) 14-AA-55 **750 S. Walker Street #95**, Robert & Nancy Shaw. Request for relief from an administrative decision.

V. **GENERAL DISCUSSION**

VI. **PUBLIC COMMENT**

VII. **ADJOURNMENT**

B.H.Q.A. MEETING OF APRIL 15, 2015

SUMMARY

MEMBERS PRESENT: Meagen Binder, Nikki Gastineau, Susie Hamilton, Ryan Strauser

STAFF PRESENT: Michael Arnold, Daniel Bixler, John Hewett, Norman Mosier, Jo Stong, Matthew Swinney, Dee Wills (HAND), Christopher Wheeler (Legal)

GUESTS: Peter Kinne (1016 S. Henderson Street), Miechele McCoy (750 S. Walker Street Unit 95), Myrtle Pietsch (2508 S. Bryan Street)

I. REVIEW OF SUMMARY

Hamilton made a motion to approve the minutes for February 18, 2015 and March 18, 2015. Gallman seconded. Motion passed, 4-0.

II. CONSENT AGENDA

116-118 S. Yancy Street, Magie Read, 15-TV-77. Request for an extension of time to complete repairs. Staff recommendation to grant the request with an April 30, 2015 for repairs other than those specific to Unit 118 and a May 15, 2015 deadline for interior repairs to Unit 118.

214 ½ S. Maple Street, H.A.N.D. (Terry Morgan), 15-RV-78. Request for rescission of a variance. Staff recommendation to grant the rescission.

424 N. Lincoln Street, H.A.N.D. (HP Allen, LLC), 15-RV-79. Request for rescission of a variance. Staff recommendation to grant the rescission.

1315 S. Washington Street, H.A.N.D. (Andrea Love), 15-RV-80. Request for rescission of a variance. Staff recommendation to grant the rescission.

1017 S. Rogers Street, H.A.N.D. (Roy J. Campbell), 15-RV-81. Request for rescission of a variance. Staff recommendation to grant the rescission.

201 E. 2nd Street, H.A.N.D. (Rhea Lawrence), 15-RV-82. Request for rescission of a variance. Staff recommendation to grant the rescission.

1300 S. Walnut Street, H.A.N.D. (James Gronquist), 15-RV-83. Request for rescission of a variance. Staff recommendation to grant the rescission.

1204 N. Madison Street, Yadi Ziaeehezarjeribi, 15-TV-84. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a June 15, 2015 deadline.

501 S. Rogers Street, H.A.N.D. (James Jackson), 15-RV-85. Request for rescission of a variance. Staff recommendation to grant the rescission.

303 E. 8th Street, H.A.N.D. (JDPHP Investment Group, LLC), 15-RV-86. Request for rescission of a variance. Staff recommendation to grant the rescission.

1213 N. Washington Street, H.A.N.D. (Joseph Christine, LLC), 15-RV-87. Request for rescission of a variance. Staff recommendation to grant the rescission.

901 W. 11th Street, Fiona Taggart (Zandro Pleimann), 15-TV-88. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a July 10, 2015 deadline.

1100 S. Chaseway Court, Kenneth Toney (Action Property Management), 15-TV-89. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a May 15, 2015 for deck repairs and painting on regular date of August 08, 2015.

704 W. 15th Street, Stephanie Benton (Action Property Management), 15-TV-90. Request for an extension of time to complete repairs. Staff recommendation to grant the request with an October 16, 2015 deadline.

1213 S. Lincoln Street, Kevin Schick (Action Property Management), 15-TV-91. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a May 15, 2015 deadline.

610 E. Atwater Avenue, H.A.N.D. (Elkins Grandchildren's Trust), 15-RV-92. Request for rescission of a variance. Staff recommendation to grant the rescission.

2508 S. Bryan Street, Myrtle Peitsch, 15-TV-93. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a June 15, 2015 deadline.

1514 E. Maxwell Lane, H.A.N.D. (Steven Dunphy), 15-RV-94. Request for rescission of a variance. Staff recommendation to grant the rescission.

401 E. 2nd Street, H.A.N.D. (College Rentals, LLC), 15-RV-95. Request for rescission of a variance. Staff recommendation to grant the rescission.

401 E. 2nd Street, College Rentals, LLC (Jeanne Walters Real Estate), 15-TV-96. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a June 15, 2015 deadline.

1614 W. Arlington Road, H.A.N.D. (JMT, LLC), 15-RV-97. Request for rescission of a variance. Staff recommendation to grant the rescission.

411 N. Lincoln Street, H.A.N.D. (Bryan Rentals), 15-RV-98. Request for rescission of a variance. Staff recommendation to grant the rescission.

1104 S. Washington Street, H.A.N.D. (Highlands, LLC), 15-RV-99. Request for rescission of a variance. Staff recommendation to grant the rescission.

421 E. Cottage Grove Avenue, Stasny & Horn, IGP, 15-TV-100. Request for an extension of time to complete repairs. Staff recommendation to grant the request with an October 09, 2015 deadline.

628 E. University Street, Baseline Properties, LLC (Vince Eads), 15-TV-101. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a June 01, 2015 deadline.

1022-1024 W. 7th Street, PT&A Property, LLC, 15-TV-102. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a July 30, 2015 deadline.

1016 S. Henderson Street, Peter W. Kinne, 15-TV-103. Request for an extension of time to complete repairs. Staff recommendation to grant the request with an August 01, 2015 deadline.

326 W. Kenwood Drive, H.A.N.D. (Charles Belcher), 15-RV-104. Request for rescission of a variance. Staff recommendation to grant the rescission.

521 S. Park Avenue, H.A.N.D. (John Simpson), 15-RV-105. Request for rescission of a variance. Staff recommendation to grant the rescission.

1719 W. Arlington Road, H.A.N.D. (Joseph Collison), 15-RV-106. Request for rescission of a variance. Staff recommendation to grant the rescission.

Approved.

III. **PETITIONS**

750 S. Walker Street, Unit 95, Robert & Nancy Shaw, 14-TV-175. The petitioner, H.A.N.D., was present, as well as the tenant of the property, Miechele McCoy. This item was previously heard May 21, 2014. The petitioner requested a rescission of the rental exemption for the property. Staff recommendation was to rescind the exemption with an April 29, 2015 deadline to schedule a rental inspection. Gallman made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 4-0. Exemption rescinded.

IV. **GENERAL DISCUSSION**

None.

V. **PUBLIC COMMENT**

None.

VI. **ADJOURNMENT**

Gastineau made motion to adjourn. Strauser seconded. Motion unanimously passed. Meeting adjourned at 4:21 PM.



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015

Petition Type: An extension of time to complete repairs.

Petition Number: 13-TV-120(old)

Address: 807 N. Lincoln St.

Petitioner: Jeremy Nation & Rebecca Swanson

Inspector: Maria McCormick

Staff Report: This property has been granted previous extensions of time to complete the sidewalk repairs noted in the Cycle Inspection Report from June 20, 2013. They are asking for 3rd extension as did not get the repairs completed by the April 15, 2015 deadline that was extended at the December 18, 2014 meeting. They are still working with the city to have the street department complete this work, the Street Dept. expects to have this work complete in the next 30 days.

Staff recommendation: Grant the extension of time

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

Compliance Deadline: July 1, 2015

Attachments: Application of Appeal & Photo of sidewalk

A



RECEIVED
4.10.15

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: 807 N. Lincoln St.

Petitioner's Name: Jeremy Nation & Rebecca Swanson

Address: 2973 N. Ramble Pl. E

City: Bloomington State: IN Zip Code: 47408

Phone Number: 812-331-2604 Email Address: jeremy.nation@gmail.com

Property Owner's Name: Jeremy Nation & Rebecca Swanson

Address: Same

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

Occupants: Trenis & Richelle Brown

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 Residential Rental Unit and Lodging Establishment Inspection Program (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-120

(OLD BUSINESS)

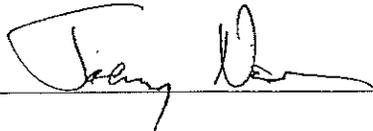
SEE REVERSE

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

The City will be doing this sidewalk work, this Spring, but it won't be completed before April 15th.

Work has been co-ordinated w/ Joe Vandewater.

Signature (required):



Name (please print):

Jeremy Nation

Date:

4-10-15

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: May 20, 2015

Petition Type: An extension of time to complete repairs.

Petition Number: 14-TV-189

Address: 711 W. Kirkwood

Petitioner: Tom Gallagher

Inspector: John Hewett

Staff Report: December 3, 2013 Cycle Inspection
February 21, 2014 Reinspection, issued temporary permit
November 18, 2014 Received appeal.
December 17, 2014 Received an extension of time for the painting.

The petitioner is pursuing a façade grant from the Bloomington Urban Enterprise Association. The BUEA does not allow façade grants on residential properties at this time. Staff of the Economic and Sustainable Development department is preparing an amendment to the BUEA rules for their review and vote. According to Jason Carnes, of the Economic and Sustainable Development Department, this is not on any agenda and no decision has been made. The petitioner has requested until September 1, 2015

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: September 1, 2015

Attachments: Petitioner's letter.



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

Property Address: 711 W. KIRKWOOD

Petitioner's Name: TOM GALLAGHER

Address: 107 N. COLLEGE AVE

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812333-5252 Email Address: tgallagh52@gmail.com

Property Owner's Name: SAME

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 Residential Rental Unit and Lodging Establishment Inspection Program (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 14-TV-189

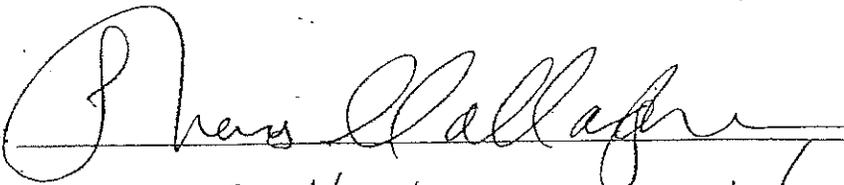
SEE REVERSE

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

Request Extension till
Sept. 30, 2015

See Jason Carnes
IN Economic & Sustainable
Development
Small Business Relation
For Further Questions

Signature (required):



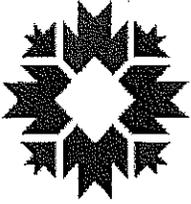
Name (please print):

Tom Gallagher

Date:

4/6/15

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, Indiana
H.A.N.D.

BOARD OF HOUSING QUALITY APPEALS
Staff Report: Petition For Extension of Time

Meeting Date: May 20, 2015

Petition Type: Extension of Time

Petition Number: 15-TV-02(old)

Address: 508 N. Washington St.

Petitioner: Cheryl Underwood

Inspector: Maria McCormick

Staff Report: On January 13, 2012, HAND conducted a Cycle Inspection which, among other things noted that the exterior of the building needed to be scraped and painted and the owner was given one year to comply. Owner was told four times prior to the deadline that the exterior needed to be scraped and painted: First, on August 13, 2012, in a Remaining Violations Notice; Second, on August 15, 2012, in a letter to Cheryl Underwood explaining the Remaining Violations Notice; Third, on October 16, 2015, in a phone call from Ms. Underwood's office to Ms. Lisa Abbott; Fourth, on October 17, 2012, in a letter to Cheryl Underwood.

In spite of these numerous reminders the owner failed and refused to scrape and paint the exterior of the building within the required one year time deadline.

After the deadline passed, HAND sent additional notices to the owner indicating that the exterior of the building still needed to be scraped and painted including the following:

September 10, 2013: HAND sent a reminder that the exterior needs to be scraped and painted.

December 18, 2013: HAND sent a reminder that the exterior needs to be scraped and painted.

July 18, 2014: HAND sent a reminder that the exterior needs to be scraped and painted.

On October 28, 2014, City Legal directed a letter to owner explaining that the house needed to be scraped and painted no later than November 20, 2014, otherwise the City of Bloomington would initiate legal action.

On November 21, 2014, Owner filed a Petition for Extension of time to complete repairs with this Board. Staff recommended an extension and the Board saw fit to extend the deadline for compliance to May 31, 2015.

On April 16, 2015, Owner filed a second Petition for Extension of time to complete repairs.

The owner has had over three years to complete this project. No scraping or painting has been performed at all to the exterior of the home since the first notification back on January 13, 2012.

Staff

Recommendation: Deny the Extension.

Conditions: None

Attachments: Application for Appeal



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

RECEIVED
APR 16 2015

BY: _____

NOTE: A \$20 filing fee must accompany this application. The property will not be placed on the meeting agenda until the filing fee is received.

Property Address: 508 N. Washington Street

Petitioner's Name: Rob McCrea Attorney for Cheryl Underwood

Address: 119 South Walnut Street

City: Bloomington **State:** Indiana **Zip Code:** 47402-1310

Phone Number: 812.336.4840 **Email Address:** robsmccrea@gmail.com

Property Owner's Name: Cheryl R. Underwood

Address: 825 N. Walnut Street, Suite A (owners business address). The address of the property relevant to this appeal is 508 N. Washington Street, Bloomington, Indiana.

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

Phone Number: 812.334.0094 **Email Address:** cunderwoodbackup@gmail.com

Occupants: 9

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 check the petition type that you are requesting:

- An extension of time to complete repairs (Petition type TV)
- A modification or exception to the Residential Rental Unit and Lodging Establishment Inspection Program (Petition type V)
- Relief from an administrative decision (Petition type AA)
- Rescind a variance (Petition type RV)

OFFICE USE ONLY
Petition Number 15-TV-02 (OLD BUSINESS)

Call



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

RECEIVED
APR 16 2015

BY: _____

NOTE: A \$20 filing fee must accompany this application. The property will not be placed on the meeting agenda until the filing fee is received.

Property Address: 508 N. Washington Street

Petitioner's Name: Rob McCrea Attorney for Cheryl Underwood

Address: 119 South Walnut Street

City: Bloomington **State:** Indiana **Zip Code:** 47402-1310

Phone Number: 812.336.4840 **Email Address:** robsmccrea@gmail.com

Property Owner's Name: Cheryl R. Underwood

Address: 825 N. Walnut Street, Suite A (owners business address). The address of the property relevant to this appeal is 508 N. Washington Street, Bloomington, Indiana.

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

Phone Number: 812.334.0094 **Email Address:** cunderwoodbackup@gmail.com

Occupants: 9

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

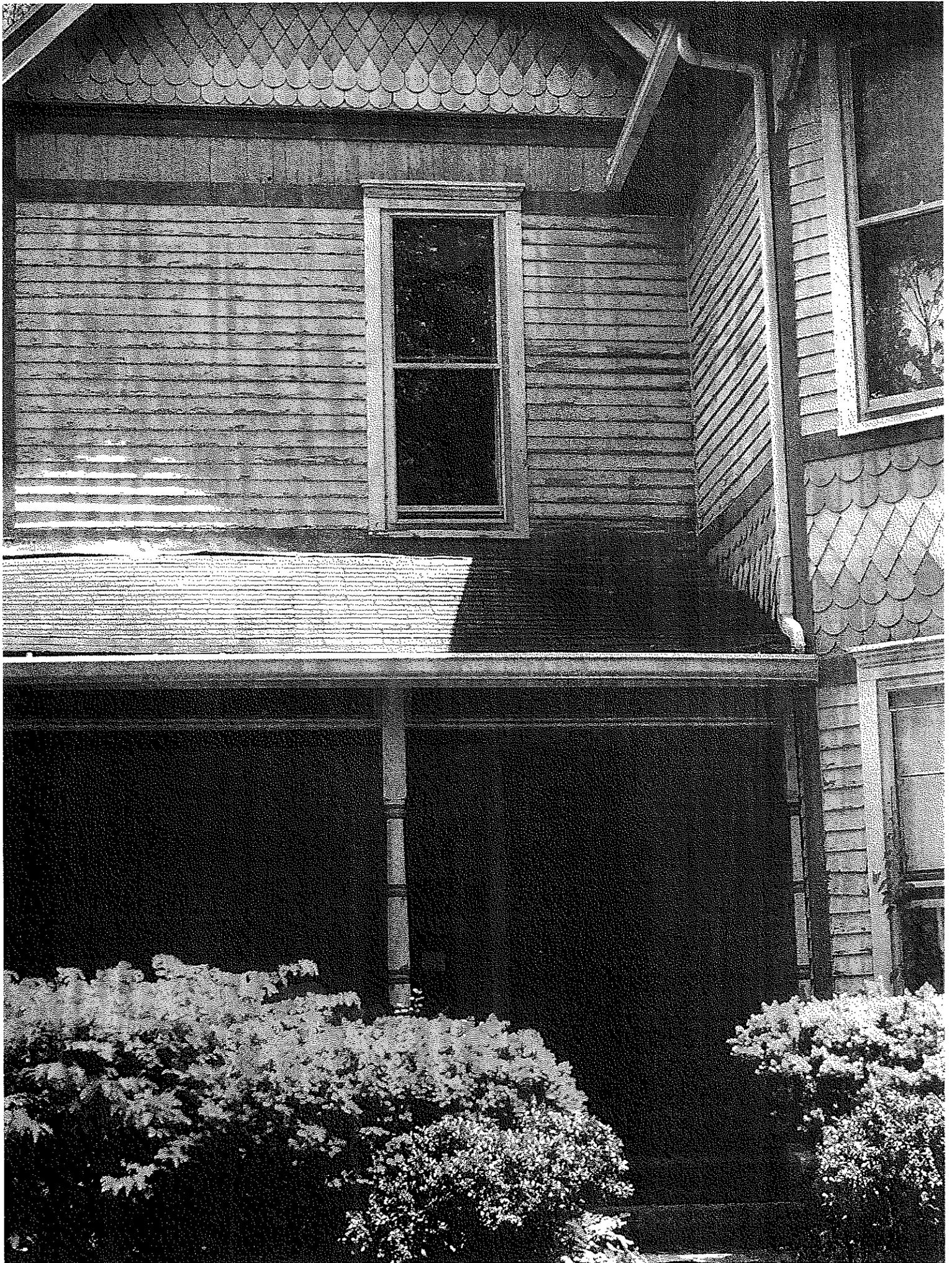
1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Please check the petition type that you are requesting:

- An extension of time to complete repairs (Petition type TV)
- A modification or exception to the Residential Rental Unit and Lodging Establishment Inspection Program (Petition type V)
- Relief from an administrative decision (Petition type AA)
- Rescind a variance (Petition type RV)

OFFICE USE ONLY
Petition Number 15-TV-02 (OLD BUSINESS)

CHL





City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015

Petition Type: An extension of time to complete repairs.

Petition Number: 15-TV-22

Address: 408 S. Mitchell Street

Petitioner: Salman Alani

Inspector: Jo Stong

Staff Report: December 8, 2014: Received complaint
December 10, 2014: Conducted complaint inspection
December 12, 2014: Mailed report
December 19, 2014: Received appeal
February 18, 2015 BHQA Granted extension of time until March 4, 2015
to complete repairs
March 4, 2015: Conducted reinspection. Basement work not complete.
March 27, 2015: Received appeal.

A complaint inspection regarding mold was conducted at this property in December 2015. The petitioner is requesting a second extension of time to complete repairs which were not finished with the deadline of the first extension of time.

Staff recommendation: Grant the extension of time

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

Compliance Deadline: May 26, 2015

Attachments: Remaining Violations Report, appeal



Application for Appeal
To The

RECEIVED
3-27-15

Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420

hand@bloomington.in.gov

Property Address: 408 S. Mitchell

Petitioner's Name: SALMAN Alani

Address: 424 Meadowbrook Dr

City: Bloomington State: IN Zip Code: 471601

Phone Number: 812-323-8243 Email Address: alani@indiana.edu

Property Owner's Name: SALMAN ALANI

Address: 424 Meadowbrook Dr

City: Bloomington State: IN Zip Code: 471601

Phone Number: 812-323-8243 Email Address: alani@indiana.edu

Occupants: Kelsey

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) 2 weeks
- B) A modification or exception to the Residential Rental Unit and Lodging Establishment Inspection Program (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 15-TV-22 (OLD BUSINESS)

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

I was Travelling - outside the
country to attend conference
- two weeks

Signature (required):

Salman Alani

Name (please print):

SALMAN ALANI

Date:

3-27-2018

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 Complaint Violations Report

Property was reinspected on March 4, 2015

3612

OWNERS

Alani, Salman H.
424 S. Meadowbrook Ave.
Bloomington, IN 47401

Prop. Location: 408 S Mitchell ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 12/10/2014
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

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

REINSPECTION REQUIRED

The following items are the result of a complaint inspection conducted on **December 10, 2014**. This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Residential Rental Unit and Lodging Establishment Inspection Program of Bloomington. **The deadline for the remaining violations is April 1, 2015.**

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 16.10.030 of the Bloomington Municipal Code.

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

INTERIOR:

BASEMENT

Ensure that the dryer is vented properly to the exterior. BMC 16.04.060(c)

Remove all mold on walls. BMC 16.04.060(a)

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: May 20, 2015

Petition Type: An extension of time to complete repairs.

Petition Number: 15-TV-49 (old business)

Address: 3416-3418 S. Kennedy Dr.

Petitioner: Suzanne Peperak

Inspector: Dee Wills

Staff Report: August 6, 2014 Completed Cycle Inspection
January 02, 2015 Completed Reinspection
January 22, 2015 Received 1st Application for Appeal
March 30, 2015 Received 2nd Application for Appeal (old business)

The petitioner is requesting an extension of time for completing the installation of the interior sliding glass door. The door was ordered on March 24, 2015 and will not arrive until April 14 – 21, 2015. The petitioner needs more time to allow for the delivery and the installation.

Staff recommendation: Grant the extension

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

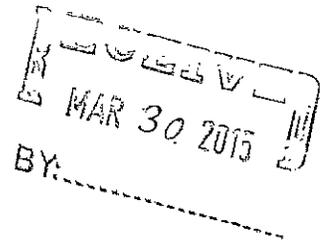
Compliance Deadline: May 30, 2015

Attachments: Application for Appeal, Remaining Violation, Contractors Estimate

J



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



NOTE: A \$20 filing fee must accompany this application. The property will not be placed on the meeting agenda until the filing fee is received.

Property Address: 3418 S. Kennedy Drive, Bloomington, IN 47401

Petitioner's Name: Suzanne Peperak as agent for Nextwave Apartment Homes

Address: 3755 E. 82nd Street, Suite 300

City: Indianapolis State: IN Zip Code: 46240

Phone Number: 317-845-4171 ext. 2438 Email Address: suzanne@barrettandstokely.com

Property Owner's Name: Willow Court LLC; Nextwave Management Group LLC

Address: 505 N. Walnut Street

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812-339-0799 Email Address: manager@nextwaveapts.com

Occupants: #3418: 3 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 check the petition type that you are requesting:

- An extension of time to complete repairs (Petition type TV)
- A modification or exception to the Residential Rental Unit and Lodging Establishment Inspection Program (Petition type V)
- Relief from an administrative decision (Petition type AA)
- Rescind a variance (Petition type RV)

OFFICE USE ONLY

Petition Number 15-TV-49 (OLD BUSINESS)

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.

Unit #3418 has had a replacement patio door ordered by VMIntegrated as the contractor for Nextwave. This door was ordered on March 24, 2015 but is a custom size door and is estimated to arrive between April 14 - 21. It will be installed within 5 days of arrival. We are requesting an extension until April 30, 2015 to complete this item. Please see attached page with order information.

Signature (required): Suzanne Peperak AS ABENT PROOWNER WILLOW COURT LLC

Name (please print): Suzanne Peperak

Date: March 27, 2015

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

JAN 09 2015

Remaining Violations Report

5192

OWNERS

Jacobs, John
505 N Walnut Street
Bloomington, IN 47404

AGENT

Nextwave Apartment Homes
505 N. Walnut St.
Bloomington, IN 47404

Prop. Location: 3418 S Kennedy DR, 3416 S Kennedy DR
Number of Units/Structures: 2/1
Units/Bedrooms/Max # of Occupants: 2/3/5
Date Inspected: 08/06/2014
Primary Heat Source: Electric
Property Zoning: RM
Number of Stories: 1

Inspectors: Dee Wills
Foundation Type: Slab
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 Residential Rental Unit and Lodging Establishment Inspection Program 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 16.10.040

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.

Unit # 3418

Kitchen (16-5 x 9-1)

Repair/replace the damaged sliding glass door. BMC 16.04.060(a)

EXTERIOR

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. For sidewalks in the public right of way, contact the City of Bloomington Engineering Department at 349-3417 to apply for the **required permit**. The fee will be waived but the permit must be obtained prior to work in the public right of way. Properly repair the sidewalk to be flush and prevent possible accidents. BMC 16.04.040(c)

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)

This is the end of this report.

ENTERED MAR 25 2015

JELD-WEN
WINDOWS & DOORS

Job # WCT108

QUOTE BY: Keith Jesch
SOLD TO: VM Integrated
Adam
IN 46256
Phone: 3174478206

QUOTE #: JKEI00014

SHIP TO:

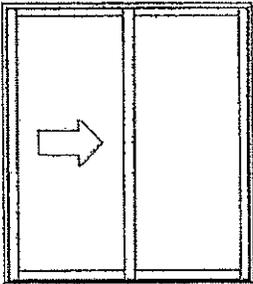
* ETA BETWEEN 4-14 / 4-21
ORDERED - 3/24/15

PROJECT NAME: Flood Job
REFERENCE: Willow Court

PO#:

Ship Via: Ground/Next Truck

LINE NO.	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
Line-1	Rough Opening: 72 X 80	TWSLDN6068 Frame Size : 71 1/4 X 79 1/2 (Outside Casing Size: 73 15/16 X 80 7/8), Premium Wood Sliding Patio Door, Auralast Pine, Right-X / Stationary-O, Narrow Stile, Primed Exterior, Clear Panel/Frame, Standard Grey Sill, Natural Interior, Brick Mould, Vinyl DripCap, 4 9/16 Jamb, US National-WDMA/ASTM, PG 35, Polished Brass Hardware, Keyed, Polished Brass Flush Bolt, Premium Handle, Multi-Point Insulated Low-E 366 Tempered Glass, Preserve Film, Argon Filled, Neat, BetterVue Mesh Bottom Rolling Extruded Screen , Brilliant White Screen, PEF 2014.4.1.1193/PDV 6.192 (12/10/14) CW	\$1,465.61	1	\$1,465.61



Viewed from Exterior. Scale: 1/4" = 1'

Total: \$1,465.61
Total Units: 1



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015
Petition Type: An extension of time to complete repairs.
Petition Number: 15-TV-107
Address: 1016 E. Thornton
Petitioner: James Eiermann
Inspector: Dee Wills
Staff Report: December 16, 2014 Completed Cycle Inspection
March 20, 2015 Received Application for Appeal

Petitioner is requesting an extension of time for the tree removal violation. He is still awaiting approval from the owner for the proposed bid.

Staff recommendation: Grant the extension of time.
Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.
Compliance Deadline: July 20, 2015
Attachments: Application for Appeal, Cycle Report

js



RECEIVED
MAR 20 2015

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: 1016 E Thornton

Petitioner's Name: James Freeman

Address: 318 E 3rd Street

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-330-8655 Email Address: jamarproperties@yahoo.com

Property Owner's Name: Maureen Maple

Address: 2220 Kensington Blvd

City: Ft Wayne State: IN Zip Code: 46805

Phone Number: _____ Email Address: _____

Occupants: Brittany Penzer

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 Residential Rental Unit and Lodging Establishment Inspection Program (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 15-TV-107

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.

Needing an extention on the tree removal.
waiting for owner to approve bid.

Signature (required): James Eiermann
Name (please print): James Eiermann Date: 3/20/15

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

JAN 07 2015

RENTAL PERMIT INFORMATION

Maple, Maureen
2220 Kensington Blvd.
Fort Wayne, IN. 46805

Property Location: 1016 E. Thornton Dr

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

Once violations have been corrected, it is your responsibility to call the Housing and Neighborhood Development office by **MAR 08 2015** to schedule a re-inspection. You have the right to appeal any violation to the Board of Housing Quality Appeals. An appeal form can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 812-349-3420 and a form will be provided.

This report is issued in accordance with BMC 16.10.020(a) and 16.10.040(a) of the Residential Rental Unit and Lodging Establishment Inspection Program. Residential Rental Occupancy Permits will not be issued until all interior and exterior violations have been corrected, and all fees have been paid. Please be advised that non-compliance by the deadlines listed in this letter can limit the permit period to a maximum of three (3) years. A copy of the Notice of Fees can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

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

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

Sincerely,

Housing and Neighborhood Development Department

Enclosures: Inspection Report

Xc: Jamar Property Mgmt. Co.





City of Bloomington
Housing and Neighborhood Development

Cycle Report

3834

OWNERS

Maple, Maureen
2220 Kensington Blvd
Fort Wayne, IN 46805

AGENT

Jamar Property Mgmt. Co.
P.O. Box 7812
Bloomington, IN 47407

Prop. Location: 1016 E Thornton DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/2/3
Date Inspected: 12/16/2014
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

Inspectors: Dee Wills
Foundation Type: Crawl Space
Attic Access: No
Accessory Structure: Shed

Monroe County Assessor's records indicate this structure was built in 1935.
There are no minimum requirements for emergency egress at the time of construction.

INTERIOR

Enclosed Front Porch

Repair the entry door to be weather tight. No gaps shall be visible around the edges. BMC 16.04.060(a)

Properly repair floor. (Floor is sagging. Gaps between flooring and wall) This includes but is not limited to replacing or repairing damaged or deteriorated floor covering, decking and structural members. BMC 16.04.060(a)

Living Room (12 x 10)

No violations noted.

East Hallway

Replace the missing protective cover for the light fixture. BMC 16.04.060(c)

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. IC 22-11-18-3.5

Furnace / Water Heater/ Laundry Closet

Properly remove the insulation from around the flue collar and leave enough exposed area so that it may function as intended. BMC 16.04.060(b)

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

BMC 16.01.060(f) and 16.04.060 (c)

West Hallway

Replace the missing protective cover for the light fixture. BMC 16.04.060(c)

South Bedroom (11-4 x 8-11)

Scrape and paint the interior of the window jambs. BMC 16.04.060(f)

Existing Egress Window Measurements:

Height: 21.50 inches

Width: 27 inches

Sill Height: 22.50 inches

Openable Area: 4.03 sq. ft.

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

Bathroom

Seal edge of floor covering adjacent to bathtub. BMC 16.04.060(a)

North Bedroom (11-6 x 11-1)

Properly repair the west window to be openable, to lock securely using its own hardware, and to be weather tight. BMC 16.04.060(b)

Scrape and paint the interior of the window jambs. BMC 16.04.060(f)

Existing Egress Window Measurements:

Height: 25.50 inches

Width: 26.25 inches

Sill Height: 24.25 inches

Openable Area: 4.64 sq. ft.

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

Kitchen (measure at reinspection)

Properly ground the electrical receptacle adjacent to the refrigerator. If the receptacle is on an ungrounded system, it is acceptable to install a 2-pole, ungrounded receptacle, or a GFCI receptacle. BMC16.04.020(a); 2009 IEC Article 406(D)(3)

Properly replace the missing burner knob for the stove. BMC 16.04.060(c)

Repair the ceiling light fixture to function as intended. (Light casing is broken and has a short) BMC 16.04.060(b)

Replace the missing protective cover for the ceiling light fixture. BMC 16.04.060(c)

Provide electrical power to the receptacles on the north wall so that it functions as intended. BMC 16.04.060(c)

Properly install/wire (or replace) GFCI protected receptacle on the north wall adjacent to sink, so that it functions as intended. BMC 16.04.060(b)

EXTERIOR

Clean debris from the roof, gutters and downspouts. BMC 16.04.050(a)

Remove and properly dispose of yard waste/brush pile from behind the shed. BMC 16.04.040(d)

All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property. Remove the dead tree on the northeast corner of property. BMC 16.04.040(e)

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e)

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

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)

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: May 20, 2015
Petition Type: An extension of time to complete repairs.
Petition Number: 15-TV-108
Address: 311 N. Clark Street
Petitioner: John D. Hayes
Inspector: Jo Stong
Staff Report: December 15, 2014: Conducted cycle inspection
December 24, 2014: Mailed cycle report
March 23, 2015: Conducted reinspection
March 24, 2015: Received appeal

During a cycle inspection at the above property it was noted that the garage had a wooden floor covered with crushed stone installed over a filled-in hole on the south half of the garage. The plywood surface was failing. Additionally, Jack posts had been installed to support the roof trusses and were resting on the joists and surfaces of the wood floor. The petitioner is requesting an extension of time to repair the roof and the floor of the garage after the current tenants move out.

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: June 20, 2015

Attachments: Cycle report, appeal, photos



MAR 24 2015

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: 311 N Clark, Blgtn IN 47408
Petitioner's Name: John D Hayes
Address: 8521 W Haines Rd
City: Blgtn State: IN Zip Code: 47403
Phone Number: 812-360-2628 Email Address: engine1captain@gmail.com
Property Owner's Name: SAME
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 Residential Rental Unit and Lodging Establishment Inspection Program (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 15-TV-108

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.

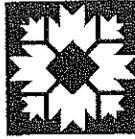
We purchased this home/garage May 2014. We were told, for whatever reason, tenants prior to current lease had "dug a large hole" in the garage. Parker Management, either allowed the construction of, or directed that a wooden floor be built over the hole AND gravel to be placed to cover the wooden floor.

The floor covers one entire side of a 2-car garage.

New supports, trusses, and the removal of floor will take place when tenants move out and better weather remains.

Signature (required): John D Hayes
Name (please print): John D Hayes Date: 3/24/15

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 Inspection Report

156

OWNERS

Hayes, John D. & Stacy R.
8521 W. Hinds Road
Bloomington, IN 47403

Prop. Location: 311 N Clark ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/2/3

Date Inspected: 12/15/2014
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 1948.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

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

Living Room:

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. IC 22-11-18-3.5

Hallway, Kitchen, Bathroom:

No violations noted.

Northwest Bedroom, Northeast Bedroom:

No violations noted.

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

Height: 49 ¼ inches
Width: 23 ½ inches
Sill Height: 24 ½ inches
Openable Area: 8.04 sq. ft.

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

Crawlspace:

Thoroughly clean and service the furnace, and 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:	50ppm BMC 16.01.060(f) and 16.04.060 (c)

EXTERIOR:

Clean debris from the roof, gutters and downspouts. BMC 16.04.050(a)

Properly seal the hole and crack in the foundation wall on the east side. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. BMC 16.04.050(a) and BMC 16.04.060(a)

Garage:

The garage had a wooden floor covered with crushed stone installed over a filled-in hole on the south half of the garage. The (plywood) surface was failing at the time of inspection. Additionally, jack posts had been installed to support the trusses and were resting on the joists and surface of the wood floor. Remove the wooden flooring and install an approved floor, and properly support the trusses. BMC 16.04.050(a), (b)

OTHER REQUIREMENTS:

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.03.030(d): 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)

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

This is the end of this report.





City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015
Petition Type: Rescind a variance
Petition Number: 15-RV-109
Address: 440 E. 2nd Street
Petitioner: HAND
Inspector: Jo Stong

Staff Report: This property was previously granted a variance to the minimum square footage requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a minimum square footage requirement and the Building Code in place at the time of construction (1920) did not address minimum square footage; therefore we are asking the board to rescind this variance.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None

JS



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015

Petition Type: An extension of time for repairs that are contingent on the insurance claim.

Petition Number: 15-TV-110

Address: 400 S. High St.

Petitioner: Janet Nichols

Inspector: Matt Swinney

Staff Report: January 8, 2015 Completed Cycle Inspection

Owner has requested an extension of time for repairing the gutters. The start of the repairs are contingent on the insurance company completing the claim.

Staff recommendation: Grant the request.

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

Compliance Deadline: June 24, 2015

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

2



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

Property Address: 400 S. High Street

Petitioner's Name: Janet Nichols

Address: 4288 East Robinson Road

City: Bton State: IN Zip Code: 47408

Phone Number: 812-272-4426 Email Address: janetsnichols1@comcast.net

Property Owner's Name: Rachel Nichols/Janet Nichols

Address: 4288 East Robinson Rd

City: Bton State: IN Zip Code: 47408

Phone Number: _____ Email Address: ranichols@gmail.com

Occupants: 3

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

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

Please circle the petition type that you are requesting:

- A) An extension of time to complete repairs (Petition type TV)
- B) A modification or exception to the Residential Rental Unit and Lodging Establishment Inspection Program (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 15-TV-110

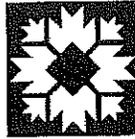
Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request; the amount of time needed to bring the property into compliance,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

Insurance claim pending
for outside repair. Need 60 days
extension

Signature (required): Janet S. Nichols

Name (please print): Janet S. Nichols Date: 3/24/15

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

5927

OWNERS

Nichols, Rachel
3419 Louisiana Street
San Diego, CA 92104

AGENT

Nichols, Wayne & Janet
4288 E. Robinson Road
Bloomington, IN 47408

Prop. Location: 400 S High ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/2/3

Date Inspected: 01/08/2015	Inspectors: Matt Swinney
Primary Heat Source: Gas	Foundation Type: Basement
Property Zoning: RC	Attic Access: No
Number of Stories: 1	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

Living Room (24-5 x 14-5)

Note: This room contains a fireplace which has been sealed.

Replace existing smoke detector with a new smoke detector. IC 22-11-18-3.5

Northwest Bedroom (13-7 x 11-9)

No violations noted.

Existing Egress Window Measurements

Height: 24 inches

Width: 33 ½ inches

Sill Height: 27 inches
Openable Area: 5.58 sq. ft.

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

Kitchen (12-4 x 10-3)

Replace non-functioning GFCI electrical receptacle with a GFCI-protected receptacle(s), per Indiana Electric Code requirements. BMC 16.04.020

Install/replace batteries in smoke detectors so that they function as intended. IC 22-11-18-3.5

Hallway, Bathroom

No violations noted.

Southwest Bedroom (13-7 x 11-2)

No violations noted.

Existing Egress Window Measurements

Height: 24 inches
Width: 33 ½ inches
Sill Height: 27 inches
Openable Area: 5.58 sq. ft.

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

Southeast Bedroom (14-4 x 11-1)

No violations noted.

Existing Egress Window Measurements

Height: 26 inches
Width: 33 ½ inches
Sill Height: 27 inches
Openable Area: 6.04sq. ft.

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

BASEMENT

Install/replace batteries in smoke detectors so that they function as intended. IC 22-11-18-3.5

EXTERIOR

Secure guttering to the structure on the back of the house. BMC 16.04.050(b)

OTHER REQUIREMENTS

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

BMC 16.01.060(f) and 16.04.060 (c)

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. This form must be submitted to the HAND office within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.03.010(b) and BMC 16.01.030(b)**

Required documentation

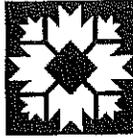
A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector **within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.03.060(c) and BMC 16.10.030(b)**

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. BMC 16.03.050(e) and BMC 16.10.030(b)**

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 this report.



**City of Bloomington
Housing and Neighborhood Development**

Remaining Violations Report

5927

OWNERS

Nichols, Rachel
3419 Louisiana Street
San Diego, CA 92104

AGENT

Nichols, Wayne & Janet
4288 E. Robinson Road
Bloomington, IN 47408

Prop. Location: 400 S High ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 01/08/2015	Inspectors: Matt Swinney
Primary Heat Source: Gas	Foundation Type: Basement
Property Zoning: RC	Attic Access: No
Number of Stories: 1	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 Residential Rental Unit and Lodging Establishment Inspection Program 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 16.10.040

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.

INTERIOR

Living Room (24-5 x 14-5)

Note: This room contains a fireplace which has been sealed.

Replace existing smoke detector with a new smoke detector. IC 22-11-18-3.5

Kitchen (12-4 x 10-3)

Replace non-functioning GFCI electrical receptacle with a GFCI-protected receptacle(s), per Indiana Electric Code requirements. BMC 16.04.060(b)

Install/replace batteries in smoke detectors so that they function as intended. IC 22-11-18-3.5

BASEMENT

Install/replace batteries in smoke detectors so that they function as intended. IC 22-11-18-3.5

EXTERIOR

Secure guttering to the structure on the back of the house. BMC 16.04.050(b)

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. This form must be submitted to the HAND office within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.03.010(b) and BMC 16.01.030(b)**

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 16.03.060(c) and BMC 16.10.030(b)**

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. BMC 16.03.050(e) and BMC 16.10.030(b)**

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 this report.



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015
Petition Type: An extension of time to complete exterior repairs.
Petition Number: 15-TV-111
Address: 814 N. Oolitic Dr.
Petitioner: Linda Porter
Inspector: Matt Swinney
Staff Report: November 18, 2014 Completed Cycle Inspection

Due to inclement weather the owner has requested an extension of time to complete exterior repairs. The remaining exterior repairs needed are repairing/replacing damage or missing underpinning, scraping and painting of exposed wood surfaces, and repairing/replacing damage missing soffit.

Staff recommendation: Grant the request.

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

Compliance Deadline: June 18, 2015

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

[Handwritten mark]



RECEIVED
MAR 25 2015

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: 814 Colitic Dr - Bloomington IN

Petitioner's Name: Lynda Porter

Address: 7071 Pied Hill Rd

City: Ellettsville State: IN Zip Code: 47429

Phone Number: 812 576-1700 Email Address: cabrams23@yahoo.com

Property Owner's Name: Lynda Porter

Address: 7071 Pied Hill Rd

City: Ellettsville State: IN Zip Code: 47429

Phone Number: 812 576-1700 Email Address: _____

Occupants: John Dennis, Phyllis Dennis

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 Residential Rental Unit and Lodging Establishment Inspection Program (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 15-TV-111

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.

Due to weather conditions extra time is needed

Signature (required):

Lynna Porter

Name (please print):

Lynna Porter

Date:

3-25-15

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

7450

OWNERS

Porter, Linda M.
7071 Red Hill Road
Ellettsville, IN 47429

Prop. Location: 814 N Oolitic DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 11/18/2014	Inspectors: Matt Swinney
Primary Heat Source: Electric	Foundation Type: Other
Property Zoning: RS	Attic Access: No
Number of Stories: 1	Accessory Structure: Shed

This property is a mobile home and meets the requirements for manufactured housing, including emergency egress requirements.

General Statements:

Existing Egress Window Measurements:

Height: 36 inches
Width: 22 inches
Sill Height: 34 inches
Openable Area: 5.5 sq. ft.

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

Properly repair or replace loose, damaged, or missing floor covering throughout the entire structure. BMC 16.04.060(a)

INTERIOR

Living Room/Dining Room (26-7 x 15-5), Kitchen (13-4 x 12-3)

No violations noted.

NE Bedroom (11-4 x 10-0)

Replace missing door knob assembly in a manner so that it functions as intended. BMC 16.04.060(a)

Repair/replace the damaged door frame at the latch area in a workmanlike manner. BMC 16.04.060(a)

Center Bedroom (11-4 x 9-8)

Repair the door to latch and function as intended. BMC 16.04.060(a)

West Bedroom (13-2 x 12-0)

Properly repair floor in front of the bathroom door. This includes but is not limited to replacing or repairing damaged or deteriorated floor covering, decking and structural members. BMC 16.04.060(a)

East Bathroom

Replace the missing and damaged door stop trim in a workmanlike manner. BMC 16.04.060(a)

Utility Room

Install a cable clamp where the power supply enters the disconnect box for the electric furnace. BMC 16.04.060(c)

West Bathroom

Repair the GFCI outlet to function as intended. BMC 16.04.060(b)

EXTERIOR

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e)

Properly repair or replace damaged or deteriorated soffit in a manner that leaves the structure weather tight and excludes the entrance of rodents. This is to be done in a workmanlike manner and includes but is not limited to all damaged or deteriorating soffit and structural members. BMC 16.04.050(a)

Properly install or replace damaged underpinning in a manner that seals all openings and excludes the entrance of rodents. BMC 16.04.050(a)

OTHER REQUIREMENTS

Thoroughly clean and service the furnace. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. BMC 16.04.060(c)

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 16.03.060(c) and BMC 16.10.030(b)**

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. BMC 16.03.050(e) and BMC 16.10.030(b)**

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 this report.



**City of Bloomington
Housing and Neighborhood Development**

Remaining Violations Report

7450

OWNERS

Linda M. Porter
7071 Red Hill Road
Ellettsville, IN 47429

Prop. Location: 814 N Oolitic DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 11/18/2014	Inspectors: Matt Swinney
Primary Heat Source: Electric	Foundation Type: Other
Property Zoning: RS	Attic Access: No
Number of Stories: 1	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 Residential Rental Unit and Lodging Establishment Inspection Program 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 16.10.040

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.

EXTERIOR

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e)
(The painting violation has a one-year deadline from the date of the cycle inspection)

Properly repair or replace damaged or deteriorated soffit in a manner that leaves the structure weather tight and excludes the entrance of rodents. This is to be done in a workmanlike manner and includes but is not limited to all damaged or deteriorating soffit and structural members. BMC 16.04.050(a)

Properly install or replace damaged underpinning in a manner that seals all openings and excludes the entrance of rodents. BMC 16.04.050(a)

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 **BMC16.03.060(c)**
- 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 to Rescind Variance**

Meeting Date: 20 May 2015

Petition Type: Rescind a variance

Petition Number: 15-RV-112

Address: 407 E. 4th St.

Petitioner: HAND

Inspector: Michael Arnold

Staff Report: 22 December 2014 Cycle Inspection
13 January 2015 Sent Report
13 March 2015 Sent Remaining Violations Report
24 March 2015 Reinspection Scheduled
25 March 2015 BHQA Application

This property was previously granted a variance to the minimum ceiling height requirements of the Property Maintenance Code . The Residential Rental and Lodging Establishment Inspection Program does not include minimum ceiling height requirements and the Building Code in place at the time of construction did not address minimum ceiling height requirements; therefore we are asking the Board to rescind this variance. This structure was built in 1900.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None

4



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015

Petition Type: An extension of time to complete repairs.

Petition Number: 15-TV-113

Address: 728 E. Atwater Ave.

Petitioner: Richard Wells

Inspector: Norman Mosier

Staff Report: April 3, 2014 – Conducted Cycle Inspection.
July 25, 2014 – Sent Remaining Violations Report.
September 12, 2014 – Start Legal.
October 22, 2014 – Owner called and requested copy of cycle report, spoke with Director.
December 30, 2014 – Conducted Re-inspection w/maint., updated legal.
February 10, 2015 – Conducted Re-inspection – All Complied except exterior painting, issued temporary permit, updated legal.
February 13, 2015 – Mailed Temporary permit and EE reminder report.
April 2, 2015 – Received BHQA Appeal

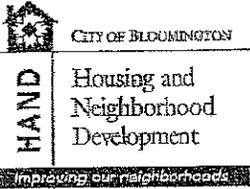
Staff recommendation: Grant the request.

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: September 18, 2015

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

Y



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

TEMPORARY RENTAL OCCUPANCY PERMIT

Address 728 E. ATWATER AVE.

This Temporary Permit indicates that the interior violations listed on the Cycle Inspection Report dated 4-3-2014, are now in compliance, and the only remaining violations are not life-safety in nature.

The remaining violations are noted in the REMAINING VIOLATIONS REPORT dated 12-30-14; this document is incorporated by reference into the Temporary Permit.

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

This Temporary Permit expires, 4-3-2015.

Director: Spencer Abbott Date 2/13/15



City of Bloomington
Housing and Neighborhood Development

EXTERIOR EXTENSION REMINDER REPORT

32

OWNERS

Wells, Richard D.
703 S. Park Ave.
Bloomington, IN 47401

AGENT

Giles, Scott
805 W. 12th Street
Bloomington, IN 47404

Prop. Location: 728 E Atwater AVE
Number of Units/Structures: 2/1
Units/Bedrooms/Max # of Occupants: 2/4/5

Date Inspected: 04/03/2014
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 2

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

This report is your reminder from the Housing and Neighborhood Development Office that this rental property is operating under a Temporary Permit that expires on 04/03/2015.

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

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.10.030 of the Bloomington Municipal Code.

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

EXTERIOR:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC
16.04.050(e)

(This violation has a one-year deadline from the date of the Cycle Inspection.)

This is the end of this report.



City of Bloomington
Housing and Neighborhood Development

JAN 05 2015

REMAINING VIOLATIONS REPORT

32

OWNERS

Wells, Richard D.
812 W. 11th Street No. 1
Bloomington, IN 47404

AGENT

Giles, Scott
805 W. 12th Street
Bloomington, IN 47404

Prop. Location: 728 E Atwater AVE
Number of Units/Structures: 2/1
Units/Bedrooms/Max # of Occupants: 2/4/5

Date Inspected: 04/03/2014
Primary Heat Source: Gas
Property Zoning: RM
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 Department that your rental property continues to be in violation of the Bloomington Municipal Code, Title 16 - Residential Rental Unit and Lodging Establishment Inspection Program.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection. It is your responsibility to contact the Housing and Neighborhood Development Department to schedule the required re-inspection. Our mailing address and telephone number are listed below.

If you fail to make the repairs and/or schedule the required re-inspection then this matter will be referred to the City Legal Department for legal action under Bloomington Municipal Code § 16.10.04.

Your prompt attention to this matter is greatly appreciated.

INTERIOR:

UNIT 1

MAIN LEVEL

C N Bedroom 14-9 x 8-5:

Repair the double doors to latch as intended. BMC 16.04.060(a)

C S Bedroom 17-4 x 13-3: Exit door for egress requirements.

Secure the loose window trim on the west window, left side. (shoe trim) BMC 16.04.060(a)

UNIT 2

BASEMENT

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

C
1/15/16
Desired level: 0 parts per million (ppm)

Acceptable level in a living space: 9 ppm

Maximum concentration for flue products: 50 ppm

BMC 16.01.060(f) and 16.04.060 (c)

2nd LEVEL

C SW Bedroom 11-9 x 7-5:

Install/replace batteries in smoke detectors so that they function as intended.
IC 22-11-18-3.5

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. BMC16.04.020(a)(5); 2009 IEC Article 406(D)(3)

EXTERIOR:

C Provide a complete directory of all service panels and circuits, south panel. BMC 16.04.020

NIC Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e)
(This violation has a one-year deadline from the date of the Cycle Inspection.)

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 BMC16.03.060(c)
- 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 this report.



City of Bloomington
Housing and Neighborhood Development

JUL 25 2014

REMAINING VIOLATIONS REPORT

32

OWNERS

Wells, Richard D.
703 S. Park Ave.
Bloomington, IN 47401

AGENT

Giles, Scott
805 W. 12th Street
Bloomington, IN 47404

Prop. Location: 728 E Atwater AVE
Number of Units/Structures: 2/1
Units/Bedrooms/Max # of Occupants: 2/4/5

Date Inspected: 04/03/2014
Primary Heat Source: Electric
Property Zoning: RM
Number of Stories: 2

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

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

INTERIOR:

UNIT 1

Basement Bedroom 18-5 x 12-2:

C Secure the loose receptacle on the north wall. BMC 16.04.060(b)

C Replace the missing protective cover for the light fixture. BMC 16.04.060(c)

Stairway:

No violations noted.

MAIN LEVEL

Kitchen 11-3 x 8-7:

C Repair the right front burner to light as intended. BMC 16.04.060(c)

Dining Room 12-7 x 11-1:

C Every window shall be capable of being easily opened and held in position by its own hardware, west wall. BMC 16.04.060(b)

N Bedroom 14-9 x 8-5:

N/C Repair the double doors to latch as intended. BMC 16.04.060(a)

C Replace the missing protective cover for the light fixture. BMC 16.04.060(c)

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

Height: 20 inches

Width: 26.5 inches

Sill Height: 35.5 inches

Openable Area: 3.69 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-16.04.020

Hallway:

No violations noted.

Hall Bath:

C Repair the sink faucet to eliminate the constant dripping. BMC 16.04.060(c)

C Install a light switch for the light over the sink, works off of the GFCI receptacle. BMC 16.04.060(b)

Middle W Bedroom 10 x 7-2:

C Replace the missing smoke detector. The missing smoke detector was hard wired and must be replaced with a hard wired model. IC 22-11-18-3.5

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

Height: 24.5 inches

Width: 31 inches

Sill Height: 28 inches

Openable Area: 5.27 sq. ft.

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

NK

S Bedroom 17-4 x 13-3: Exit door for egress requirements.

Secure the loose window trim on the west window, left side. (shoe trim) BMC 16.04.060(a)

Bathroom:

No violations noted.

Balcony:

No violations noted.

UNIT 2

BASEMENT

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

N/C

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

BMC 16.01.060(f) and 16.04.060 (c)

Entryway:

No violations noted.

2nd LEVEL

Stairway/Hallway:

C

Replace the missing receptacle cover plate at the top of the stairway, adjacent to the floor.
BMC 16.04.060(b)

C

Install/replace batteries in smoke detectors so that they function as intended.
IC 22-11-18-3.5

C

NE Bedroom 9-7 x 9-4:

Repair the door to latch properly. BMC 16.04.060(a)

Existing Egress Window Measurements: Dbl hung; Const. Yr. - 1920
Height: 24 inches
Width: 27 inches
Sill Height: 25 inches
Openable Area: 4.50 sq. ft.

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

NW Bedroom 13-5 x 10-3:

C Repair/replace the damaged door stop trim. BMC 16.04.060(a)

C Repair the door to fit the door jamb and to latch properly, missing striker plate.
BMC 16.04.060(a).

C Every window shall be capable of being easily opened and held in position by its own hardware, NW window. BMC 16.04.060(b)

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

Height: 21 inches

Width: 31 inches

Sill Height: 25 inches

Openable Area: 4.52 sq. ft.

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

Middle Bedroom 12-8 x 11-8:

C Repair/replace the damaged door. BMC 16.04.060(a)

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

Height: 24.5 inches

Width: 31 inches

Sill Height: 26 inches

Openable Area: 5.27 sq. ft.

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

N Bathroom:

No violations noted.

S Bathroom:

C Re-attach the loose trim at the base of the tub adjacent to the floor. BMC 16.04.060(a)

SW Bedroom 11-9 x 7-5:

N/C Install/replace batteries in smoke detectors so that they function as intended.
IC 22-11-18-3.5

N/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. BMC16.04.020(a)(5); 2009 IEC Article 406(D)(3)

SW Bedroom 11-9 x 7-5: (continued)

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

Height: 34 inches

Width: 36 inches

Sill Height: 31 inches

Openable Area: 8.50 sq. ft.

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

Kitchen/DiningRoom20-1 x 13-3:

Repair the garbage disposal to function as intended, stuck. BMC 16.04.060(c)

Balcony:

No violations noted.

EXTERIOR:

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

BMC 16.04.040(e)

Provide a complete directory of all service panels and circuits, south panel. BMC 16.04.020

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e)

(This violation has a one-year deadline from the date of the Cycle Inspection.)

OTHER REQUIREMENTS:

Required documentation:

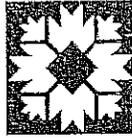
A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector **within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.03.060(c) and BMC 16.10.030(b)**

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. BMC 16.03.050(e) and BMC 16.10.030(b)**

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 this report.



City of Bloomington
Housing and Neighborhood Development

CYCLE REPORT

32

OWNERS

Wells, Richard D.
703 S. Park Ave.
Bloomington, IN 47401

AGENT

Giles, Scott
805 W. 12th Street
Bloomington, IN 47404

Prop. Location: 728 E Atwater AVE
Number of Units/Structures: 2/1
Units/Bedrooms/Max # of Occupants: 2/4/5

Date Inspected: 04/03/2014
Primary Heat Source: Electric
Property Zoning: RM
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 1920.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

UNIT 1

Basement Bedroom 18-5 x 12-2:

Secure the loose receptacle on the north wall. BMC 16.04.060(b)

Replace the missing protective cover for the light fixture. BMC 16.04.060(c)

Stairway:

No violations noted.

MAIN LEVEL

Kitchen 11-3 x 8-7:

Repair the right front burner to light as intended. BMC 16.04.060(c)

Dining Room 12-7 x 11-1:

Every window shall be capable of being easily opened and held in position by its own hardware, west wall. BMC 16.04.060(b)

N Bedroom 14-9 x 8-5:

Repair the double doors to latch as intended. BMC 16.04.060(a)

Replace the missing protective cover for the light fixture. BMC 16.04.060(c)

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

Height: 20 inches

Width: 26.5 inches

Sill Height: 35.5 inches

Openable Area: 3.69 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-16.04.020

Hallway:

No violations noted.

Hall Bath:

Repair the sink faucet to eliminate the constant dripping. BMC 16.04.060(c)

Install a light switch for the light over the sink, works off of the GFCI receptacle.
BMC 16.04.060(b)

Middle W Bedroom 10 x 7-2:

Replace the missing smoke detector. The missing smoke detector was hard wired and must be replaced with a hard wired model. IC 22-11-18-3.5

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

Height: 24.5 inches

Width: 31 inches

Sill Height: 28 inches

Openable Area: 5.27 sq. ft.

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

S Bedroom 17-4 x 13-3: Exit door for egress requirements.

Secure the loose window trim on the west window, left side. (shoe trim) BMC 16.04.060(a)

Bathroom:

No violations noted.

Balcony:

No violations noted.

UNIT 2

BASEMENT

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

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

BMC 16.01.060(f) and 16.04.060 (c)

Entryway:

No violations noted.

2nd LEVEL

Stairway/Hallway:

Replace the missing receptacle cover plate at the top of the stairway, adjacent to the floor.
BMC 16.04.060(b)

Install/replace batteries in smoke detectors so that they function as intended.
IC 22-11-18-3.5

NE Bedroom 9-7 x 9-4:

Repair the door to latch properly. BMC 16.04.060(a)

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

Height: 24 inches

Width: 27 inches

Sill Height: 25 inches

Openable Area: 4.50 sq. ft.

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

NW Bedroom 13-5 x 10-3:

Repair/replace the damaged door stop trim. BMC 16.04.060(a)

Repair the door to fit the door jamb and to latch properly, missing striker plate.
BMC 16.04.060(a).

Every window shall be capable of being easily opened and held in position by its own hardware, NW window. BMC 16.04.060(b)

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

Height: 21 inches

Width: 31 inches

Sill Height: 25 inches

Openable Area: 4.52 sq. ft.

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

Middle Bedroom 12-8 x 11-8:

Repair/replace the damaged door. BMC 16.04.060(a)

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

Height: 24.5 inches

Width: 31 inches

Sill Height: 26 inches

Openable Area: 5.27 sq. ft.

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

N Bathroom:

No violations noted.

S Bathroom:

Re-attach the loose trim at the base of the tub adjacent to the floor. BMC 16.04.060(a)

SW Bedroom 11-9 x 7-5:

Install/replace batteries in smoke detectors so that they function as intended.

IC 22-11-18-3.5

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. BMC16.04.020(a)(5); 2009 IEC Article 406(D)(3)

SW Bedroom 11-9 x 7-5: (continued)

Existing Egress Window Measurements: Dbl hung: Const. Yr. - 1920
Height: 34 inches
Width: 36 inches
Sill Height: 31 inches
Openable Area: 8.50 sq. ft.

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

Kitchen/DiningRoom20-1 x 13-3:

Repair the garbage disposal to function as intended, stuck. BMC 16.04.060(c)

Balcony:

No violations noted.

EXTERIOR:

Trim all tree branches away from the siding and roofline to maintain a 3' clearance.
BMC 16.04.040(e)

Provide a complete directory of all service panels and circuits, south panel. BMC 16.04.020

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e)
(This violation has a one-year deadline from the date of the Cycle Inspection.)

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 16.03.060(c) and BMC 16.10.030(b)**

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. BMC 16.03.050(e) and BMC 16.10.030(b)**

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 this report.



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015

Petition Type: An extension of time to complete repairs.

Petition Number: 15-TV-114

Address: 909 S. Fess Avenue

Petitioner: Diana Houston

Inspector: Jo Stong

Staff Report: March 24, 2015: Received rental complaint regarding dead trees, trash and a shed in disrepair on the property.
March 26, 2015: Mailed complaint report
March 31, 2015: Trash gone from property
April 8, 2015: Received appeal

Following a complaint and a drive-by inspection of the property it was noted that there were trees that were dead or had dead branches, and a shed that had missing siding and a deteriorated roof. The petitioner is seeking an extension of time to complete repairs, citing medical procedures requiring significant recovery time, and the need for the ground to be dry enough for Duke Energy trucks to get in to the property to remove and prune trees.

Staff recommendation: Grant the extension of time

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

Compliance Deadline: July 1, 2015

Attachments: Complaint, complaint report, appeal

JS

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 are requesting an extension for the following items:

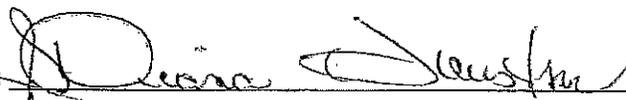
Removal of dead trees, removal of debris, clean gutters, and repair of shed.

Reason: Duke Energy has to be involved with the tree trimming of the dead trees because of power lines. The shed is scheduled to be removed and the gutters cleaned when the ground is dry enough to get in with equipment.

Replacing/repairing of light fixture cover, stove, floor covering, and hole in wall, grounding of receptacles, etc... are also included in this extension for reason of heart procedure being performed on owner this week.

Requested extension time is July 1st, 2015 (work will be completed as quickly as possible and office notified)

Signature (required):



Name (please print):

Diana Houston

Date:

7/8/15

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

RECEIVED
APR 08 2015

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: 909 South Fess Avenue

Petitioner's Name: Diana Houston

Address: PO Box 321

City: Clear Creek State: IN Zip Code: 47426

Phone Number: 812-334-8211 Email Address: pappy1441@gmail.com

Property Owner's Name: D Keith & S Diana Houston

Address: PO Box 321

City: Clear Creek State: IN Zip Code: 47426

Phone Number: 812-334-8211 Email Address: pappy1441@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.

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 Residential Rental Unit and Lodging Establishment Inspection Program (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 15-TV-114

SEE REVERSE

COMPLAINT

COMPLAINANT'S

NAME D. GARRICO ADDRESS 710 E MAXWELL PHONE# 332-8813

ADDRESS OR LOCATION OF PROBLEM 909 S. Fess

NATURE OF PROBLEM

dead trees on lot, debris in back yard
shed is rotting in places

HOW LONG HAS THIS PROBLEM EXISTED? years

HAS THE OWNER/AGENT BEEN NOTIFIED? ? DATE NOTIFIED _____

IN PERSON _____ IN WRITING _____ BY PHONE _____

SIGNATURE: Danny Garcia

COMPLAINT RECEIVED BY _____ DATE _____ TIME _____

Housing & Neighborhood Development

OWNER'S NAME _____ ADDRESS _____

HOUSING CODE FILE EXISTS _____ YES _____ NO CITY LIMITS / 2 MILE FRINGE

NEIGHBORHOOD COMPLIANCE OFFICER _____

COMMENTS _____



City of Bloomington
Housing and Neighborhood Development

Complaint Inspection Report

6900

OWNERS

Houston, Diana
P.O. Box 321
Clear Creek, IN 47426

Prop. Location: 909 S Fess AVE
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/4/3

Date Inspected: 03/24/2015
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 2

Inspector: Jo Stong
Foundation Type: Crawl Space
Attic Access: Yes
Accessory Structure: Shed

The following items are the result of a drive-by complaint inspection conducted on **March 24, 2015**. **It is your responsibility to repair these items and to schedule a re-inspection within fourteen (14) days of the mailing of this report.** Failure to comply with this inspection report will result in this matter being referred to the City of Bloomington Legal Department. Failure to comply with this complaint inspection report may result in fines of up to \$100.00/day. If you have questions regarding this report, please contact this office at 349-3420.

EXTERIOR:

Remove all dead trees from property. All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property. BMC
16.04.040(e)

Remove and properly dispose of all accumulated or scattered trash and debris on property. BMC
16.04.040(d)

Shed:

Properly repair the missing siding and deteriorated roof. BMC 16.04.050(a)

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: May 20, 2015

Petition Type: An extension of time to complete repairs.

Petition Number: 15-TV-115

Address: 412 E. 2nd Street

Petitioner: Jamar Properties

Inspector: Jo Stong

Staff Report: April 1, 2014: Conducted cycle inspection
April 7, 2014: Mailed inspection report
July 14, 2014: Conducted reinspection
July 18: Sent remaining violations report
September 24, 2014: Conducted reinspection—all but painting complied
October 1, 2014: Sent temporary permit
February 10, 2015: Mailed exterior extension reminder report
April 9, 2015: Painting not done. Suggested extension of time to agent.
Received appeal.

The petitioner is seeking an extension of time of three months to complete exterior painting at this property.

Staff recommendation: Grant the extension of time

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

Compliance Deadline: July 20, 2015

Attachments: Exterior extension reminder, appeal



RECEIVED
4.9.15
SF

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: 412 E 2nd Street

Petitioner's Name: Jamar Properties

Address: 318 E 3rd Street

City: B-Town State: IN Zip Code: 47401

Phone Number: 812-336-8655 Email Address: jamarproperties@yohco.com

Property Owner's Name: Islamic Center

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 Residential Rental Unit and Lodging Establishment Inspection Program (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 15-TV-115

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.

Extension for exterior painting. (3 months)

Signature (required): James Eiermann
Name (please print): James Eiermann Date: 4/9/15

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**

Exterior Extension Reminder Report

FEB 10 2015

2557

OWNERS

Islamic Center Of Bloomington
1925 E Atwater Ave
Bloomington, IN 47401

AGENT

Jamar Property Mgmt. Co.
P.O. Box 7812
Bloomington, IN 47407

Prop. Location: 412 E 2nd ST
Number of Units/Structures: 4/1
Units/Bedrooms/Max # of Occupants: 3/1/5 1/Eff/5

Date Inspected: 04/01/2014
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 1

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

This report is your reminder from the Housing and Neighborhood Development Office that this rental property is operating under a Temporary Permit that expires on April 1, 2015.

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

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.10.030 of the Bloomington Municipal Code.

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

EXTERIOR:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e)
(the painting violation has a one-year deadline from the date of the cycle inspection)

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: May 20, 2015

Petition Type: An extension of time to complete repairs.

Petition Number: 15-TV-116

Address: 714 ½ E. 2nd Street

Petitioner: William Baus

Inspector: Maria McCormick

Staff Report: On December 2, 2014 a complaint inspection was completed at this property. The petitioner is requesting an extension of time to complete the repair as the property owner is having issues accessing the property to complete the repairs.

The petitioner is also requesting relief from an administrative decision in regards to having to provide documentation from a roofing contractor that the roof is in sound shape and free of leaks. BMC 16.01.060 (f) "The Director may require documentation from a licensed person or firm, or a person with particular knowledge and skills, to render a determination on strength, stability or proper operation with in a residential rental or lodging establishment"

Staff recommendation: Grant the extension of time; Deny the request for relief of an administrative decision.

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

Compliance Deadline: June 1, 2015

Attachments: Application of Appeal; Complaint Inspection Report

A



MAR 24 2015

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: 714 1/2 E. 2ND ST.

Petitioner's Name: WILLIAM BAUS

Address: 1210 W. 8TH ST.

City: BLMTN State: IND. Zip Code: 47404

Phone Number: 812-339-1210 Email Address: BAUS1210@GMAIL.COM

Property Owner's Name: FATIH ARIN

Address: 3891 REGENTS CIRCLE

City: BLMTN State: IND. Zip Code: 47401

Phone Number: 812-391-2600 Email Address: _____

Occupants: SARAH MASON & TOSHA SMITH

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 Residential Rental Unit and Lodging Establishment Inspection Program (Petition type V)
- C) Relief from an administrative decision (Petition type AA)
- D) Rescind a variance (Petition type RV)

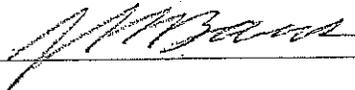
REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY
Petition Number 15-TV-116

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 STATEMENT

Signature (required):



Name (please print):

William BAUS

Date:

23 MARCH 2015

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.

DETAILS OF REQUEST

Fatih Akin, 714 ½ E. 2d, 23 March 2015

1. **EXTENSION OF TIME:** The owner, Mr. Akin, has been trying, with my assistance, to complete the repairs listed in the city inspector's report (copy attached). The city had given Mr. Akin until 27 March to complete the repairs. However, the tenant has been actively blocking the attempts to complete the repairs. As a result of the incidents described below, Chris Wheeler in the City Attorney's office asked that I apply for a hearing before the Board of Housing Appeals so that we would have time to resolve these problems. I am therefore requesting that the deadline for completing the repairs be extended until the tenant permits access or is evicted. One or both of these should be completed in no more than 90 days. None of the repairs listed are immediately critical to health or safety. Note, that the leaky pipe above the laundry room ceiling has been repaired, the tree branches have been trimmed to provide a 3' clearance, and dead limbs have over the house have been removed.

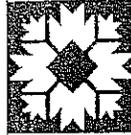
Incidents: On 19 March I went to the residence at 714 ½ E. 2d St. so that I could assess the progress in completing the repairs and assist the owner as needed. The tenant, who Mr. Akin identified as Sarah Masson, would not let me into the house, insisting that she needed 24 hours notice. Mr. Akin had told her the day before that we would be there, but she claimed there was no notice. I then informed her that I was thereby giving her 24 hours notice and that we would be back the next afternoon. We returned on 20 March, but the tenant was not there. We repaired the leak above the Laundry room ceiling (leaking due to the tap under the tub being clogged with hair and needing a new seal) but I was unable to access the upstairs bedroom ceiling because the tenant had installed a lock on the door.

I left a note for the tenant that we would be back the next day to finish repairing the ceiling and that I would need access the locked upstairs bedroom. Just before I was to meet Mr. Akin at the residence he informed me by phone that the police had detained him outside the house because the tenant had claimed he had stolen something from her. As a result I have still not been able to access the upstairs room or complete the ceiling repairs. (I am currently trying to get the details from the police of what happened.) There have also been other incidents of interference.

If we can not get access to complete repairs in the next few days, we will file for eviction.

2. **RELIEF FROM ADMINISTRATIVE DECISION:** Under the category "EXTERIOR" the inspector's report states "Provide documentation from a roofing contractor that the roof is in sound shape . . . BMC 16.04.050(a)". I can find no authority in the city code for the inspector to require documentation from a roofing contractor. The code only requires that "structures shall be maintained in a structurally sound manner, be in good repair[,] and be maintained in accordance with this title." We fully intend to insure that the roof does not currently leak, and to do this we need, among other things, access to the locked bedroom. If the roof leaks, it will be properly repaired. I will be discussing the "documentation from a roofing contractor" requirement with the housing department and will hopefully be able to resolve this satisfactorily.

DEC 15 2014



City of Bloomington
Housing and Neighborhood Development

Fatih Akin
1209 S. Grant Street
Bloomington, IN 47401

RE: NOTICE OF COMPLAINT INSPECTION

Dear Owner:

On December 02, 2014 a complaint inspection was performed at 714 ½ E. 2nd Street. During the inspection violations of the Residential Rental Unit and Lodging Establishment Inspection Program were found.

Please correct the violations cited on the enclosed inspection report within 14 days and call this office no later than **DEC 29 2014** to schedule the required re-inspection. Our mailing address and telephone number are listed below.

This directive is issued in accordance with Sections BMC 16.03.040 (c) and 16.10.040 (a) of the Residential Rental Unit and Lodging Establishment Inspection Program of Bloomington. You have the right to appeal to the Board of Housing Quality Appeals. If you need more than 14 days to correct the violations, or if you want to appeal any violation, an appeal form can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact HAND at 812-349-3420 and a form will be provided.

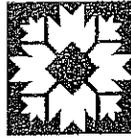
Please remember, it is your responsibility to contact the Housing and Neighborhood Development Department to schedule the required re-inspection.

Sincerely,

Housing & Neighborhood Development

Encl: Inspection Report

Xc:



City of Bloomington
Housing and Neighborhood Development

Complaint Report

8356

OWNERS

Akin, Fatih
1209 S. Grant St.
Bloomington, IN 47401

Prop. Location: 714 1/2 E 2nd ST
Units/Bedrooms/Max # of Occupants: 1/3/3
Date Inspected: 12/02/2014
Primary Heat Source: Electric
Property Zoning: RC
Number of Stories: 2

Number of Units/Structures: 1/1

Inspectors: Maria McCormick
Foundation Type: Crawl Space
Attic Access: Yes
Accessory Structure: None

The following items are the result of a complaint inspection conducted on 12/02/2014. It is your responsibility to repair these items and to schedule a re-inspection within **fourteen (14)** days of the mailing of this report. Failure to comply with this inspection report will result in this matter being referred to the City of Bloomington Legal Department. Failure to comply with this complaint inspection report may result in fines of up to \$100.00/day. If you have questions regarding this report, please contact this office at 349-3420.

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

INTERIOR:

Laundry Room:

Permanently and correctly repair the leaking pipes in the ceiling from the 2nd level bathtub in a workman like manner. BMC 16.04.060(b) & 16.04.060(c)

Properly repair the missing drywall to cover all the holes cut in the ceiling and walls. Patches shall be mudded and finished to match surrounding walls. BMC 16.04.060(a)

2nd Level North Bedroom:

Properly determine the source of the ceiling leak and properly repair it BMC 16.04.060(b)

Complete the drywall repairs to the area where the leak was located once the leak has been eliminated. This includes but is not limited to replacement of any damaged structural members, sanding and finishing of all drywall and then surface coating the wall with paint. BMC 16.04.060(a)

EXTERIOR:

Provide documentation from a roofing contractor that the roof is in sound shape and the roof has not been compromised due to the falling limbs of the tree to the northwest of the house. BMC 16.04.050(a)

Trim all tree branches away from the siding and roofline to maintain a 3' clearance. BMC 16.04.040(e)

All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property. Remove the dead tree to the northwest of the house that is dropping limbs on the roof. BMC 16.04.040(e)



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015
Petition Type: An extension of time to complete repairs.
Petition Number: 15-TV-117
Address: 104 W. Clubhouse Rd.
Petitioner: DGTL Monastery
Inspector: Matt Swinney
Staff Report: March 6, 2015 Completed Complaint Inspection Report

Owner has requested an extension of time to complete repairs. Owner has had trouble pinpointing the cause of the mold and feel they need to have a professional come in. Service Master will come in to determine the cause of the mold, what needs done, and make the needed repairs.

Staff recommendation: Grant the request.

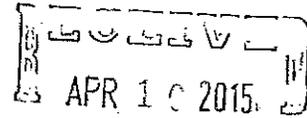
Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: June 3, 2015

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



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



BY: _____

NOTE: A \$20 filing fee must accompany this application. The property will not be placed on the meeting agenda until the filing fee is received.

Property Address: 104 CLUBHOUSE DRIVE

Petitioner's Name: DBTL MONASTERY

Address: 102 CLUBHOUSE DRIVE

City: B'ham State: IN Zip Code: 47404

Phone Number: 812- Email Address:

Property Owner's Name: DBTL MONASTERY

Address: SAME

City: State: Zip Code:

Phone Number: Email Address:

Occupants: MANA BAKER & NICK FERGUSON

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 check the petition type that you are requesting:

- An extension of time to complete repairs (Petition type TV)
- A modification or exception to the Residential Rental Unit and Lodging Establishment Inspection Program (Petition type V)
- Relief from an administrative decision (Petition type AA)
- Rescind a variance (Petition type RV)

OFFICE USE ONLY

Petition Number 15-TV-117

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.

Signature (required): *Lisa A. Fransworth*

Name (please print): *LISA A. FRANSWORTH* Date: *4.8.15*

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 to the Board of Housing Appeals
For 104 Clubhouse Drive, Bloomington, IN 47404
April 10, 2015

Background

The tenants in apartment 104 reported flooding from their toilet last fall (2014). CleanWorks, a mold remediation company based in Nashville, IN, found water under parts of the flooring in a small hallway leading from the bathroom, as well as flooring sections in the adjoining bedroom and living room. In October CleanWorks took out the flooring, dried the area, and put new flooring in place (see attached bill). We assumed any issues resulting from the flooding were resolved.

We did not know there was mold in the back bedroom until the tenants filed the complaint with the City in March. After receiving the complaint, we contacted CleanWorks to assess the work and clean surface mold the day they came. They reported that water was under the same areas of flooring as in the fall.

It became clear we needed to find the source of the water. Because the issue goes beyond the City's report of mold in the back bedroom, we are asking for a continuance to fully address the water problem so we can prevent mold from developing in the future.

At this point, we have taken the following steps:

1. We had a plumber from Mann Plumbing check the toilet and sewer line for possible overflowing. The toilet had been replaced after the first flood and the plumber determined both were not the cause of the water developing under the flooring (see attached bill).
2. We had a repairperson check the gutters and down spouts to make sure they were not preventing drainage around the apartment. The repairperson concluded that was not the problem.
3. On April 6, our insurance adjuster came to examine the area and after consultation with her, we have decided to use Service Master, a local mold remediation company, to take over the project. At this point the insurance adjuster believes the water under the floor and resulting mold are due either to incomplete work by CleanWorks or outside water seepage at the bottom of the bedroom wall.

We are asking for an extension to finish this process. The work is scheduled to begin next Monday, April 13. Service Master and the insurance adjuster estimate work will be completed in one week, unless they discover structural issues with the building.

Sincerely,


Suzanne Mudge, for the Monastery

Complaint Inspection Report

6369

OWNERS

Dgfl Monastery
102 Clubhouse Dr
Bloomington, IN 47404

TENANT

Maria Baker
104 W. Club House Drive
Bloomington, IN 47404

AGENT

Farnsworth, Lisa A.
712 W. 3rd St.
Bloomington, IN 47404

Prop. Location: 104, 106,108, 110, 112 W Club House RD
Number of Units/Structures: 5/2
Units/Bedrooms/Max # of Occupants: Bld 104-106: 2/1/1, Bld 108-112: 2/1/2 1/3/5

Date Inspected: 03/06/2015
Primary Heat Source: Electric
Property Zoning: IN
Number of Stories: 2

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

VARIANCE

07/17/2006 The northwest room in #108 is not approved for sleeping purposes and shall not be used as a bedroom.

The following items are the result of a complaint inspection conducted on **March 6, 2015**. It is your responsibility to repair these items and to schedule a re-inspection within **fourteen (14)** days of the mailing of this report. Failure to comply with this inspection report will result in this matter being referred to the City of Bloomington Legal Department. Failure to comply with this complaint inspection report may result in fines of up to \$100.00/day. If you have questions regarding this report, please contact this office at 349-3420.

UNIT 104

INTERIOR:

Entire Unit:

There is a serious rodent infestation in this unit. Eliminate the infestation by approved extermination processes that are not injurious to human health. BMC 16.04.090(a), (c)

Bedroom:

Eliminate the mold under the baseboard heater on the west wall. BMC 16.04.060(a)

EXTERIOR:

Properly tuck point all missing or defective mortar joints, completely filling any openings to eliminate the entry of pests. BMC 16.04.050(a)

Properly seal any other defects in foundation walls and exterior walls which would allow the entry of pests. BMC 16.04.050(a)

Replace the dryer vent cover on the south side with one that functions as intended (existing cover does not close). BMC 16.04.050(a)

This is the end of this report.



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015
Petition Type: Rescind a variance
Petition Number: 15-RV-118
Address: 416 N. Lincoln St.
Petitioner: HAND
Inspector: Norman Mosier

Staff Report:

This property was previously granted a variance in 1981 to the requirement prohibiting cooking in a sleeping room for unit 7. It was also granted variances to the minimum ceiling height requirement in units 5 & 8. The Residential Rental and Lodging Establishment Inspection Program does not include a prohibition to cooking facilities in a sleeping room; nor does it have a requirement for minimum ceiling height. The Building Code in place at the time of construction did not address cooking facilities in a sleeping room or minimum ceiling height requirement. Therefore H.A.N.D. is requesting that the variances be rescinded by the Board of Housing and Quality Appeals. This structure was built in 1900.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None

lv



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015
Petition Type: An extension of time to complete repairs.
Petition Number: 15-TV-119
Address: 416 N. Lincoln St.
Petitioner: Jeff Brawley
Inspector: Norman Mosier
Staff Report: January 6, 2015 – Conducted Cycle Inspection
April 8, 2015 – Sent Remaining Violations Report
April 9, 2015 – Received May BHQA Appeal

It was noted during the cycle inspection that there are numerous repairs to be made, in addition there is a Title 20 issue with units 7 & 8 that needs to be resolved. Petitioner is requesting an extension of 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: August 20, 2015

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

RECEIVED
APR 13 2015



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: 416 N. Lincoln

Petitioner's Name: Jeff Brawley

Address: 115 N. College Ave.

City: Bloomington State: Indiana Zip Code: 47404

Phone Number: 812-327-5331 Email Address: jeff@thebrawleygroup.com

Property Owner's Name: 10-29 LLC

Address: PO. Box 5543

City: Bloomington State: IN Zip Code: 47402

Phone Number: 812-327-5331 Email Address: jeff@thebrawleygroup.com

Occupants: various

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 Residential Rental Unit and Lodging Establishment Inspection Program (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.

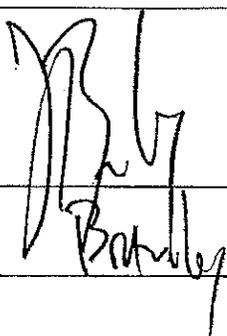
OFFICE USE ONLY

Petition Number 15-TV-119

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.

Asking for time extension - 90 Days

Signature (required): 

Name (please print): DEPO BARKLEY Date: 4/13/15

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

APR 08 2015

REMAINING VIOLATIONS REPORT

3475

OWNERS

10-29 Llc
115 N. College Ave. Suite 015
Bloomington, IN 47404

AGENT

Brawley Real Estate C/O Brawley, Jeff
115 N. College Ave. Suite 015
Bloomington, IN 47404

Prop. Location: 416 N Lincoln ST
Number of Units/Structures: 7/1
Units/Bedrooms/Max # of Occupants: 6/1/5 1/Eff/5

Date Inspected: 01/06/2015
Primary Heat Source: Other
Property Zoning: RM
Number of Stories: 2

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

VARIANCE

02/25/1981 Granted a variance to the no cooking facilities in a sleeping room in unit #7.
Granted a variance to the minimum ceiling height requirement in Apt. #5 and Apt. #8.
08/11/1976 NOTE: THE BOARD AGREED FOR A HARDSHIP VARIANCE.

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 Residential Rental Unit and Lodging Establishment Inspection Program 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 16.10.040

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 property was previously granted a variance to the no cooking facilities in a sleeping room in unit #7 and to the minimum ceiling height requirement in Apt. #5 and Apt. #8 requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a no cooking facilities in a sleeping room in unit #7 and to the minimum ceiling height requirement in Apt. #5 and Apt. #8 requirement and the Building Code in place at the time of construction did not address no cooking facilities in a sleeping room in unit #7 and to the minimum ceiling height requirement in Apt. #5 and Apt. #8; therefore the variance must be rescinded by the Board of Housing Quality Appeals. This process may slightly delay the issuance of your Rental Occupancy Permit, but will not negatively affect the length of your permit.

TITLE 20

This unit has 7 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.*

INTERIOR:

UNIT 1

Kitchen 14 x 3-6:

Repair the entry door to be weather tight. BMC 16.04.060(a)

Living Room 15-3 x 12-2:

No violations noted.

Bathroom:

No violations noted.

Bedroom 11-9 x 11-8:

Repair the door to latch properly. BMC 16.04.060(a)

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

Height: 21 inches

Width: 32.5 inches

Sill Height: 31 inches

Openable Area: 4.74 sq. ft.

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

UNIT 2 NOTE: Replace the missing hardwired/interconnected smoke detectors in this Unit. IC22-11-18-3.5

Living Room 14-6 x 9-8:

Repair the front door to latch without the use of the deadbolt. BMC 16.04.060 (a)

Interior walls shall be free of holes, cracks, peeling paint and deteriorated drywall/plaster, repair the gouges in the North, West, and East walls, and adjacent to the kitchen at doorway. BMC 16.04.060(a)

Kitchen 14-4 x 5-6:

Connect the dryer exhaust so that it vents to the exterior of the building envelope.
BMC 16.04.060(c)

It is strongly recommended that a minimum 1A 10BC classification fire extinguisher be mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress.

Bedroom 11 x 8-10: See note above for this unit.

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

Height: 21 inches

Width: 31.5 inches

Sill Height: 34.5 inches

Openable Area: 4.59 sq. ft.

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

Bathroom:

Seal the shower at the base to prevent water infiltration into the floor. BMC16.04.060(a)

UNIT 3-4:

Bedroom 14-2 x 10-6:

No violations noted.

Bathroom:

Repair the cold water handle to function as intended, leaks. BMC 16.04.060(c)

Repair the hot water handle to function as intended, stuck. BMC 16.04.060(c)

Repair the north door to fit the jamb and to latch properly. BMC 16.04.060(a)

Repair the east door to latch properly. BMC 16.04.060(a)

Living Room 14-2 x 10-6:

No violations noted.

Kitchen 8-6 x 8-6:

Properly install or replace the aerator on the sink faucet so that it functions as intended.
BMC 16.04.060(c)

Repair/replace the failing cabinet front. BMC 16.04.060(a)

Repair the faucet to eliminate the constant dripping. BMC 16.04.060(c)

It is recommended to service the expired fire extinguisher.

UNIT 5

Living Room 14-9 x 11-4:

Repair the threshold to be weather tight. BMC 16.04.060 16.04.060(a)

Dining Room 8-5 x 7-10:

No violations noted.

Kitchen 6-2 x 5-4:

Secure the loose sprayer at the sink. BMC 16.04.060(c)

2nd LEVEL

Stairway/Hallway:

No violations noted.

Bathroom:

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials, crack. BMC 16.04.060(a)

Bedroom 16-5 x 11-6:

No violations noted.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1900
Height: 25 inches
Width: 25.5 inches
Sill Height: 4.5 inches
Openable Area: 4.43 sq. ft.

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

Bathroom:

No violations noted.

UNIT 6

Kitchen 10-10 x 7, Bathroom:

No violations noted.

Living Room 14-6 x 12-1:

Replace the missing smoke detector. The missing smoke detector was hardwired/interconnected and must be replaced with a hard wired/interconnected model. IC 22-11-18-3.5

Replace the missing light switch cover plate. BMC 16.04.060(b)

Bedroom 12-1 x 10:

Repair the smoke detector to be interconnected. IC22-11-18-3.5

Every window shall be capable of being easily opened and held in position by its own hardware, east wall windows and the north wall window. BMC 16.04.060(b)

Repair the broken window on the north wall. BMC 16.04.060(b)

UNIT 7/8: See Title 20

Stairway:

Replace the missing trim on the furnace closet door. BMC 16.04.060(a)

Hall Bath:

No violations noted.

W Bedroom 15-4 x 14-5:

Repair the door to fit the door jamb and to latch properly. BMC 16.04.060(a)

Replace the missing trim for the door. BMC 16.04.060(a)

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1900
Height: 31.5 inches
Width: 30.5 inches
Sill Height: 17 inches

Openable Area: 6.67 sq. ft.

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

Laundry Closet:

No violations.

Living Room 13-9 x 12-1:

No violations noted.

Kitchen: Will measure at re-inspection.

No violations noted.

E Bedroom 9-4 x 8-1:

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

Height: 23 inches

Width: 28 inches

Sill Height: 26 inches

Openable Area: 4.47 sq. ft.

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

EXTERIOR:

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. For sidewalks in the public right of way, contact the City of Bloomington Engineering Department at 349-3417 to apply for the **required permit**. The fee will be waived but the permit must be obtained prior to work in the public right of way. **BMC 16.04.040(c)**

Properly label electrical service meters/disconnects with corresponding unit numbers.

BMC 16.04.020 NEC 225.37

Repair/replace the broken concrete slab for the back porch of unit 5. **BMC 16.04.050(a)**

Replace the broken concrete slab used as a patio. **BMC 16.04.050(a)**

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 16.03.060(c) and BMC 16.10.030(b)**

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. BMC 16.03.050(e) and BMC 16.10.030(b)**

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 this report.



City of Bloomington
Housing and Neighborhood Development

CYCLE REPORT

3475

OWNERS

10-29 Llc
P. O. Box 5543
Bloomington, IN 47402

AGENT

Brawley Real Estate C/O Brawley, Jeff
115 N. College Ave. Suite 015
Bloomington, IN 47404

Prop. Location: 416 N Lincoln ST
Number of Units/Structures: 7/1
Units/Bedrooms/Max # of Occupants: 6/1/5 1/eff/5

Date Inspected: 01/06/2015
Primary Heat Source: Other
Property Zoning: RM
Number of Stories: 2

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

VARIANCE

02/25/1981 Granted a variance to the no cooking facilities in a sleeping room in unit #7.
Granted a variance to the minimum ceiling height requirement in Apt. #5 and Apt. #8.

This property was previously granted a variance to the no cooking facilities in a sleeping room in unit #7 and to the minimum ceiling height requirement in Apt. #5 and Apt. #8 requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a no cooking facilities in a sleeping room in unit #7 and to the minimum ceiling height requirement in Apt. #5 and Apt. #8 requirement and the Building Code in place at the time of construction did not address no cooking facilities in a sleeping room in unit #7 and to the minimum ceiling height requirement in Apt. #5 and Apt. #8; therefore the variance must be rescinded by the Board of Housing Quality Appeals. This process may slightly delay the issuance of your Rental Occupancy Permit, but will not negatively affect the length of your permit.

TITLE 20

This unit has 7 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.*

INTERIOR:

UNIT 1

Kitchen 14 x 3-6:

Repair the entry door to be weather tight. BMC 16.04.060(a)

Living Room 15-3 x 12-2:

No violations noted.

Bathroom:

No violations noted.

Bedroom 11-9 x 11-8:

Repair the door to latch properly. BMC 16.04.060(a)

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

Height: 21 inches

Width: 32.5 inches

Sill Height: 31 inches

Openable Area: 4.74 sq. ft.

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

UNIT 2 NOTE: Replace the missing hardwired/interconnected smoke detectors in this Unit. IC22-11-18-3.5

Living Room 14-6 x 9-8:

Repair the front door to latch without the use of the deadbolt. BMC 16.04.060 (a)

Interior walls shall be free of holes, cracks, peeling paint and deteriorated drywall/plaster, repair the gouges in the North, West, and East walls, and adjacent to the kitchen at doorway. BMC 16.04.060(a)

Kitchen 14-4 x 5-6:

Connect the dryer exhaust so that it vents to the exterior of the building envelope.
BMC 16.04.060(c)

It is strongly recommended that a minimum 1A 10BC classification fire extinguisher be mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress.

Bedroom 11 x 8-10: See note above for this unit.

Existing Egress Window Measurements: Dbl hung pop out: Const. Yr. - 1900
Height: 21 inches
Width: 31.5 inches
Sill Height: 34.5 inches
Openable Area: 4.59 sq. ft.

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

Bathroom:

Seal the shower at the base to prevent water infiltration into the floor. BMC16.04.060(a)

UNIT 3-4:

Bedroom 14-2 x 10-6:

No violations noted.

Bathroom:

Repair the cold water handle to function as intended, leaks. BMC 16.04.060(c)

Repair the hot water handle to function as intended, stuck. BMC 16.04.060(c)

Repair the north door to fit the jamb and to latch properly. BMC 16.04.060(a)

Repair the east door to latch properly. BMC 16.04.060(a)

Living Room 14-2 x 10-6:

No violations noted.

Kitchen 8-6 x 8-6:

Properly install or replace the aerator on the sink faucet so that it functions as intended.
BMC 16.04.060(c)

Repair/replace the failing cabinet front. BMC 16.04.060(a)

Repair the faucet to eliminate the constant dripping. BMC 16.04.060(c)

It is recommended to service the expired fire extinguisher.

UNIT 5

Living Room 14-9 x 11-4:

Repair the threshold to be weather tight. BMC 16.04.060 16.04.060(a)

Dining Room 8-5 x 7-10:

No violations noted.

Kitchen 6-2 x 5-4:

Secure the loose sprayer at the sink. BMC 16.04.060(c)

2nd LEVEL

Stairway/Hallway:

No violations noted.

Bathroom:

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials, crack. BMC 16.04.060(a)

Bedroom 16-5 x 11-6:

No violations noted.

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

Height: 25 inches

Width: 25.5 inches

Sill Height: 4.5 inches

Openable Area: 4.43 sq. ft.

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

Bathroom:

No violations noted.

UNIT 6

Kitchen 10-10 x 7, Bathroom:

No violations noted.

Living Room 14-6 x 12-1:

Replace the missing smoke detector. The missing smoke detector was hardwired/interconnected and must be replaced with a hard wired/interconnected model. IC 22-11-18-3.5

Replace the missing light switch cover plate. BMC 16.04.060(b)

Bedroom 12-1 x 10:

Repair the smoke detector to be interconnected. IC22-11-18-3.5

Every window shall be capable of being easily opened and held in position by its own hardware, east wall windows and the north wall window. BMC 16.04.060(b)
Repair the broken window on the north wall. BMC 16.04.060(b)

UNIT 7/8: See Title 20

Stairway:

Replace the missing trim on the furnace closet door. BMC 16.04.060(a)

Hall Bath:

No violations noted.

W Bedroom 15-4 x 14-5:

Repair the door to fit the door jamb and to latch properly. BMC 16.04.060(a)

Replace the missing trim for the door. BMC 16.04.060(a)

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

Height: 31.5 inches

Width: 30.5 inches

Sill Height: 17 inches

Openable Area: 6.67 sq. ft.

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

Laundry Closet:

No violations.

Living Room 13-9 x 12-1:

No violations noted.

Kitchen: Will measure at re-inspection.

No violations noted.

E Bedroom 9-4 x 8-1:

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

Height: 23 inches

Width: 28 inches

Sill Height: 26 inches

Openable Area: 4.47 sq. ft.

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

EXTERIOR:

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. For sidewalks in the public right of way, contact the City of Bloomington Engineering Department at 349-3417 to apply for the **required permit**. The fee will be waived but the permit must be obtained prior to work in the public right of way. **BMC 16.04.040(c)**

Properly label electrical service meters/disconnects with corresponding unit numbers.
BMC 16.04.020 NEC 225.37

Repair/replace the broken concrete slab for the back porch of unit 5. **BMC 16.04.050(a)**

Replace the broken concrete slab used as a patio. **BMC 16.04.050(a)**

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 16.03.060(c) and BMC 16.10.030(b)**

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. BMC 16.03.050(e) and BMC 16.10.030(b)**

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 this report.



City of Bloomington
H.A.N.D.

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

Meeting Date: May 20, 2015
Petition Type: An extension of time to complete repairs.
Petition Number: 15-TV-120
Address: 821 W. 1st Street
Petitioner: McKee Properties
Inspector: Jo Stong
Staff Report: January 13, 2015: Conducted cycle inspection
January 21, 2015: Mailed inspection report
March 27, 2015: Mailed remaining violations report
April 13, 2015: Received appeal.

During a cycle inspection on the above property violations of the Residential Rental Unit and Lodging Establishment Inspection Program were noted, both interior and exterior. The petitioner is seeking an extension of time to complete exterior repairs. There has been no reinspection of the property.

Staff recommendation: Grant the extension of time.

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

Compliance Deadline: **May 29, 2015** for all life-safety issues (smoke detector, grille covering egress window, window that will not open fully, clean and service furnace and test for carbon monoxide, secure outlet in the south porch/bedroom)
July 20, 2015 for all exterior repairs except painting (this violation has a one-year deadline from the date of the cycle inspection)

Attachments: Cycle report, appeal

JS

RECEIVED
APR 13 2015



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: 821 W 1ST ST.

Petitioner's Name: MCKEE PROPERTIES

Address: 1709 W 8th St. OFFICE 1

City: Bloomington State: IN Zip Code: 47404

Phone Number: 333-8411 Email Address: RENIMCKEE@yahoo.com

Property Owner's Name: William D. MCKEE

Address: 1709 W 8th St OFFICE 1

City: Bloomington State: IN Zip Code: 47404

Phone Number: 333-8411 Email Address: SAME AS ABOVE

Occupants: 1 adult / 2 children

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 Residential Rental Unit and Lodging Establishment Inspection Program (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 15-TV-120

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 inspection was conducted in January and was to be complete in March but the things still to be repaired are exterior problems that could not be completed until the weather was conducive to do this. We can not ask one to get on a roof or pour concrete during extreme or wet weather. So we will need some extra time to repair these things.

Signature (required): 

Name (please print): Cindy PARISH Date: 4/7/15

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 Inspection Report

3728

OWNERS

Mckee Properties
1709 W. 8th Street #1 (Office)
Bloomington, IN 47404

AGENT

Parish, Cynthia
1709 W 8th Street Lot #29
Bloomington, IN 47404

Prop. Location: 821 W 1st ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 01/13/2015
Primary Heat Source: Gas
Property Zoning: MD
Number of Stories: 1

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

VARIANCE

04/10/1997 Special exception to the minimum width requirement for the south enclosed porch with the following conditions: 1) that the smoke detector be maintained in this area; 2) that all paths of egress be maintained; 3) that the minimum heating requirement be maintained in this area; 4) that the occupant load for this area be limited to one (1).

This property was previously granted a variance to the minimum room width requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a minimum room width requirement and the Building Code in place at the time of construction (1927) did not address minimum room width therefore the variance must

be rescinded by the Board of Housing Quality Appeals. This process may slightly delay the issuance of your Rental Occupancy Permit, but will not negatively affect the length of your permit.

Monroe County Assessor's records indicate this structure was built in 1927. There were no requirements for emergency egress at the time of construction.

INTERIOR:

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

Living Room, Dining Room, Kitchen:

No violations noted.

South Porch/Bedroom:

Properly secure the outlet on the south wall. BMC 16.04.060(b), (c)

Remove the metal grill covering the egress window. BMC 16.04.060(b)

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

Height: 50 inches

Width: 28 inches

Sill Height: 11 ½ inches

Openable Area: 9.72 sq. ft.

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

Northwest Bedroom:

Repair the window to open fully. Every window shall be capable of being easily opened and held in position by its own hardware. BMC 16.04.060(b)

Existing Egress Window Measurements (double-hung):

Height: 20 inches

Width: 27 inches

Sill Height: 28 inches

Openable Area: 3.75 sq. ft.

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

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. IC 22-11-18-3.5

Southwest Bedroom:

No violations noted.

Existing Egress Window Measurements (double-hung):

Height: 24 inches

Width: 27 ½ inches

Sill Height: 28 ¼ inches

Openable Area: 4.58 sq. ft.

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

Bathroom:

No violations noted.

BASEMENT

Thoroughly clean and service the furnace, and 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:	50ppm BMC 16.01.060(f) and 16.04.060 (c)

Repair the garage door to be weather tight. No gaps shall be visible around the edges. BMC 16.04.060(a)

EXTERIOR:

Properly tuck point the chimney where mortar is loose, deteriorated or missing. BMC 16.04.050(a)

Repair the soffit at the peak on the south side to eliminate openings and exclude the entry of pests. BMC 16.04.050(a)

Repair or replace the deteriorating basement window sills on the west side. BMC 16.04.050(a)

Properly repair the deteriorated concrete wall on the east side. BMC 16.04.060(a)

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e) (the painting violation has a one-year deadline from the date of the cycle inspection)

OTHER REQUIREMENTS:

Required documentation:

A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a **\$25.00 fine will be levied.** BMC16.03.060(c), BMC16.10.030(b)

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 shall at that time jointly complete an inventory and damage list, and this shall be signed by the owner and at least one tenant. Duplicate copies of the inventory and damage list shall be retained by all parties. 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.** BMC 16.03.050(e), BMC 16.10.030(b)

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.03.030(d): 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)

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

This is the end of this report.



City of Bloomington
Housing and Neighborhood Development

Remaining Violations Report

MAR 27 2015

3728

OWNERS

Mckee Properties
1709 W. 8th Street #1 (Office)
Bloomington, IN 47404

AGENT

Cynthia Parish
1709 W. 8th Street Lot #29
Bloomington, IN 47404

Prop. Location: 821 W 1st ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/3

Date Inspected: 01/13/2015
Primary Heat Source: Gas
Property Zoning: MD
Number of Stories: 1

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

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Residential Rental Unit and Lodging Establishment Inspection Program 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 16.10.040

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.

INTERIOR:

South Porch/Bedroom:

Properly secure the outlet on the south wall. BMC 16.04.060(b), (c)

Remove the metal grill covering the egress window. BMC 16.04.060(b)

Northwest Bedroom:

Repair the window to open fully. Every window shall be capable of being easily opened and held in position by its own hardware. BMC 16.04.060(b)

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. IC 22-11-18-3.5

BASEMENT

Thoroughly clean and service the furnace, and 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:	50ppm BMC 16.01.060(f) and 16.04.060 (c)

Repair the garage door to be weather tight. No gaps shall be visible around the edges. BMC 16.04.060(a)

EXTERIOR:

Properly tuck point the chimney where mortar is loose, deteriorated or missing. BMC 16.04.050(a)

Repair the soffit at the peak on the south side to eliminate openings and exclude the entry of pests. BMC 16.04.050(a)

Repair or replace the deteriorating basement window sills on the west side. BMC 16.04.050(a)

Properly repair the deteriorated concrete wall on the east side. BMC 16.04.050(a)

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e)
(the painting violation has a one-year deadline from the date of the cycle inspection)

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 BMC16.03.060(c)**
- **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 Relief from an Administrative Decision**

Meeting Date: May 20, 2015
Petition Type: Relief from an administrative decision
Variance Request: Rescind relief from the requirement to register as a rental
Petition Number: 14-AA-55 (Old Business)
Address: 750 S. Walker Street, #95
Petitioner: H.A.N.D.

On May 21, 2014, the BHQA granted an exemption to Unit #95 at 750 S. Walker Street from the BMC § 16 Residential Rental Unit and Lodging Establishment Inspection Program such that the unit would "not be considered a rental as long as it remained owned by the current owner and occupied by Mischele McCoy, minister of the Jehovah's Witnesses."

It appears that this exemption was granted under a misunderstanding or misconception which is contrary to BMC § 16.02.020 which does not permit arrangements to be created to avoid application of this title. Mischele McCoy is not a minister as intended by BMC § 16.

Mr. John Watkins is an Elder in the hierarchy of the local Jehovah's Witness. Christopher J. Wheeler spoke by phone with Mr. Watkins on Thursday, February 26, 2015. According to Mr. Watkins, the elders of Jehovah's Witness hierarchy are more akin to what the Christian community commonly thinks of as a pastor, priest or minister. Ministers, on the other hand, are more of a clerical position as, by example, an accounts servant or a literature coordinator, or, more commonly, the men and women you see going door to door spreading the word. All of the members of the congregation are encouraged to be ministers to the church.

Mischele McCoy's ministry to the Kingdom Hall is that of a special pioneer. She works under the elders. She is the only special pioneer that this congregation has. As a special pioneer, Ms. McCoy has taken a vow of poverty and she receives a monthly stipend from the headquarters in New York City to help cover her gasoline, clothing and utilities. In return she is expected to contribute 120 hours per month to the congregation. Her ministry involves door to door spreading of the word, working the Jehovah's Witness table at the farmers market, providing free home bibles, and she has some leadership and teaching responsibilities that she performs at the direction of the Elders.

However, Mr. Watkins was clear that Ms. McCoy is not a church elder, is not in charge of the parish or church and does not conduct their church services. This is important in considering whether an exception exists.

Under Section 16 of the BMC, a "Residential rental unit" is defined as "any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependent . . ." (BMC § 16.02.020). However, there is an exception made for occupancy in rectories and parsonages. (BMC § 16.02.020(5)). The terms parsonage and rectory are not defined under BMC § 16).

Merriam-Webster defines a parsonage as "the house provided by a church for its pastor". The house located at 750 S. Walker Street is not being provided by the church. Rather, it is being provided by Mr. Shaw. By definition, the house at 750 S. Walker Street is not a parsonage.

The property is not a rectory either. Merriam-Webster defines rectory as "a residence of a rector or a parish priest". Mischele McCoy is not, by definition, a rector or a parish priest. Merriam Webster defines priest as "one authorized to perform the sacred rites of a religion especially as a mediatory agent between humans and God; *specifically*: an Anglican, Eastern Orthodox, or Roman Catholic clergyman ranking below a bishop and above a deacon." A rector is "a minister who is in charge of a church or parish." (see Merriam-Webster). Although Ms. McCoy is referred to as a minister, she is not authorized to perform the sacred rites of Jehovah's Witness and is not a mediatory agent between humans and God. Furthermore, she is not in charge of the church or parish. Ms. McCoy is neither a rector nor a priest.

Since Ms. McCoy is not a minister as intended by BMC § 16, the house located at 750 S. Walker Street is not a rectory or a parsonage and therefore is not exempt from the Residential Rental Unit and Lodging Establishment Inspection Program under BMC § 16.

Under BMC 16.02.020, "occupancy in a rectory or parsonage by a person(s) generally assumed to occupy such a dwelling" are exempted from the registration requirement. Presumably, the rectory or parsonage is owned by the religious institution. The owner is requesting relief from the registration process under this provision stating that the minister, Mischele McCoy, of the Jehovah's Witnesses resides in this property.

The owner of the property wishes to request a reversal of the Board's decision to rescind the exemption made at their April 2015 meeting.

Staff recommendation: Not allow the exemption

Conditions: The property must be cycled for inspection in the Residential Rental Occupancy program on May 14, 2015 as outlined at the April 2015 BHQA meeting, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: None.

Attachments:

None.