PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL McCLOSKEY CONFERENCE ROOM
October 18, 2017, 4:00 P.M.

ALL ITEMS ARE ON THE CONSENT AGENDA

I. **ROLL CALL**

II. **REVIEW OF SUMMARY** – September 20, 2017 Addendum

III. **PETITIONS**

1) 17-RV-140, **104-112 W. Clubhouse Road**, H.A.N.D. (DGTL Monastery). Request for rescission of a variance. p. 3

2) 17-RV-141, **1321 N. Kinser Pike**, H.A.N.D. (John & Julie Thomas). Request for rescission of a variance. p. 4

3) 17-TV-142, **938 N. Jackson Street,** Kevin Weldon (Jeremy Miloszewicz). Request for an extension of time to complete repairs. p. 5

4) 17-RV-143, **310 E. 2nd Street**, H.A.N.D. (Jeff Stewart). Request for rescission of a variance. p. 11

5) 17-TV-144, **721 E. Hunter Avenue**, Michael Kee (Richard Wells). Request for an extension of time to complete repairs. p. 12

6) 17-TV-146, **1406-1408 W. 17th Street**, Gerald Rhoade. Request for an extension of time to complete repairs. p.19

7) 17-TV-147, **407-407 ½ S. Lincoln Street**, Tariq Khan. Request for an extension of time to complete repairs. p. 26

8) 17-TV-148, **321 E. University Street**, Jeanne Walters Real Estate (College Rentals, LLC). Request for an extension of time to complete repairs. p. 40

9) 17-TV-149, **3840 E. 10th Street**, Parker Real Estate & Management (Kevin Yick). Request for an extension of time to complete repairs. p. 48

10) 17-RV-150, **123 E. 15th Street**, H.A.N.D. (Harold Ogren). Request for rescission of a variance. p. 56

11) 17-TV-151, **927 W. Graham Drive**, Wendell Winks. Request for an extension of time to complete repairs. p. 57

12) 17-RV-152, **800-802 N. Lincoln Street**, H.A.N.D. (Joshua Alley). Request for rescission of a variance. p. 63

13) 17-RV-153, **625 S. Fess Avenue**, H.A.N.D. (Cream & Crimson Management). Request for rescission of a variance. p. 64

14) 17-TV-127 (Old Business), **721 N. Indiana Avenue**, H.A.N.D. (Stasny & Horn, IGP). Request for rescission of a variance. Addendum

IV. **GENERAL DISCUSSION**

V. **PUBLIC COMMENT**

VI. **ADJOURNMENT**

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or e-mail human.rights@bloomington.in.gov.

City of Bloomington
H.A.N.D.

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

Meeting Date:	October 18, 2017
Petition Type:	Rescind a variance
Petition Number:	17-RV-140
Address:	104-112 W. Clubhouse Rd.
Petitioner:	HAND
Inspector:	Matt Swinney
Staff Report:	December 8, 2017 Cycle Inspection April 6, 2017 Completed Reinspection April 10, 2017 RV report mailed April 22, Start Legal May 25, 2017 Completed Reinspection June 8, RV mailed August 17, 2017 Appeal Filed

This property was previously granted a variance to minimum ceiling height requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a minimum ceiling height requirement 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. The structure was built in 1964.

Staff Recommendation:	Rescind the variance.
Conditions:	None
Attachments:	None

AK

City of Bloomington
H.A.N.D.

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

Meeting Date:	October 18, 2017
Petition Type:	Rescind a variance
Petition Number:	17-RV-141
Address:	1321 N Kinser Pike.
Petitioner:	HAND
Inspector:	Matt Swinney
Staff Report:	April 21, 2017 Completed Cycle Inspection Report July 5, 2017 Remaining Violations Report sent July 26, 2017 Reinspection Completed August 22, 2017 BHQA App received

This property was previously granted a variance to minimum ceiling height requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a minimum ceiling height requirement 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. The structure was built in 1934.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None

City of Bloomington
H.A.N.D.

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

Meeting Date:	October 18, 2017
Petition Type:	An extension of time to complete repairs.
Petition Number:	17-TV-142
Address:	938 N Jackson St.
Petitioner:	Kevin Weldon
Inspector:	Matt Swinney
Staff Report:	April 19, 2017 Completed Cycle Inspection Report August 23, 2017 BHQA App received

Owner has requested an extension of time to complete the repairs. They have requested until 12/31/17 to complete the repairs. Both tenants are being uncooperative with scheduling the work to be done. Unit B also has a large amount of possessions in it, and that hinders access to some of the needed repairs.

Staff recommendation: Grant the request.

Conditions:

> Complete all other repairs and schedule for re-inspection no later than the deadline for all other issues stated below, or this case will be turned over to the City of Bloomington Legal Department for further action, including, but not limited to, the possibility of fines.

Compliance Deadline: December 31, 2017 to call and schedule the reinspection.

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

RECEIVED
AUG 18 2017
BY: EW

CITY OF BLOOMINGTON INDIANA

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: 938 N. JACKSON St., BLOOMINGTON

Petitioner's Name: KEVIN WELDON, Attorney at Law (Agent)

Address: 400 S. EASTSIDE DR.

City: BLOOMINGTON **State:** IN **Zip Code:** 47401

Phone Number: 812-219-2257 **E-mail Address:** weldonlawoffice@gmail.com

Owner's Name: Jeremy Miloszewicz

Address: 254 W. 75th St., Apt 1, NY, NY 10023

City: **State:** **Zip Code:**

Phone Number: 917-680-2322 **E-mail Address:**

Occupants: Steve Weldon / Kimberley Weldon

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

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

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

Variance Type: EXTENSION of TIME To Complete REPAIRS (TV)

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

(Will be assigned by BHQA)

Petition Number: 17-TV-142

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

A. An extension of time to complete repairs. (Petition type: TV)
   1. Specify the items that need the extension of time to complete.
   2. Explain why the extension is needed.
   3. Specify the time requested.

B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
   1. Specify the code reference number you are appealing.
   2. Detail why you are requesting the variance.
   3. Specify the modifications and or alterations you are suggesting.

C. Relief from an administration decision. (Petition type: AA)
   1. Specify the decision being appealed and the relief you are seeking.

D. Rescind a variance. (Petition type: RV)
   1. Detail the existing variance.
   2. Specify the reason the variance is no longer needed.

Request extension of time to complete repairs at subject property. Owner/Agents unable to complete due to difficult tenants who are uncooperative and effectively block access required to complete work, and put agents at risk due to tenants living conditions & behavior. Tenants expected to vacate By 10/15/17. No work CAN effectively be done until vacated by tenants.

Request extension to 12/31/17 or longer to complete Repairs.

Signature (Required):

Name (Print): KEVIN WELDON, Attorney at Law **Date:** 8/17/17

Important information regarding this application format:

1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).

2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form

City Of Bloomington
Housing and Neighborhood Development

CYCLE INSPECTION REPORT

958

Owner
Miloszewicz, Jeremy
254 W. 75th Street, Apt. 1
New York, NY 10023

Agent
Weldon, Kevin
400 S. Eastside Dr
Bloomington, IN 47401

Prop. Location: 938 N Jackson ST
Number of Units/Structures: 2/1
Units/Bedrooms/Max # of Occupants: Bld 1: 2/1/3

Date Inspected: 04/19/2017
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 2

Inspector: Matt Swinney
Foundation Type: Crawl Space
Attic Access: No
Accessory Structure: None

THE ATTIC SPACE IS NOT APPROVED FOR HABITABLE SPACE.

Monroe County Assessor's records indicate this structure was built in 1930. There were no requirements for emergency egress at the time of construction.

Existing Egress Window Measurements:
Height: 30.5 inches
Width: 27 inches
Sill Height: 18 inches
Openable Area: 5.7 sq. ft.

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

INTERIOR

A Unit (North)

Living Room 11-5 x 10-11
Repair the ceiling and support structure for the drop ceiling to be secure and in good repair. BMC 16.04.060(a)

Bedroom 11-5 x 8-7
No violations noted.

Loft
This area is not approved as habitable space.

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

Bathroom
No violations noted.

Kitchen 11-5 x 8-6
Secure loose GFCI electrical receptacle. BMC 16.04.060(b)

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

B Unit (South)
Living Room 10-11 x 13-4
Repair the ceiling and support structure for the drop ceiling to be secure and in good repair. BMC 16.04.060(a)

Loft
This area is not approved as habitable space.

No violations noted.

Bedroom 13-5 x 10-7
Repair/replace the right side window to be in good repair. The bottom sash no longer fits securely and was coming out of the track. This window had a a/c unit in it. Every window shall be capable of being easily opened and held in position by its own hardware. BMC 16.04.060(b)

Bathroom
Repair/replace the loose tub surround. Properly seal the entire perimeter of the tub/shower including the floor. BMC 16.04.060(a)

Replace the missing faucet handle for the tub faucet. BMC 16.04.060(a)

Kitchen 9-8 x 7-6
Repair the surface of the ceiling to be free of holes, cracks, peeling paint and/or sagging materials. BMC 16.04.060(a)

EXTERIOR

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

Replace the deteriorated glazing compound on the windows. BMC 16.04.050(a)

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

Properly repair gap in the siding above the double window of the bedroom for Unit B siding in a manner that leaves the structure weather tight. This is to be done in a workmanlike manner and includes but is not limited to all damaged or deteriorating siding and structural members. BMC 16.04.050(a)

OTHER REQUIREMENTS

Furnace Inspection Documentation

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

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

BMC 16.01.060(f), BMC 16.04.060(c), BMC 16.04.060(b)

Tenants and Owners Rights and Responsibilities Summary

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)**

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. **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 16.03.030(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 and the agent, the occupant load of the unit, the number of bedrooms, the expiration date of the permit, and any variances that have been granted for the property. BMC 16.03.030(c)

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:	October 18th, 2017	
Petition Type:	Rescind a variance	
Petition Number:	17-RV-143	
Address:	310 East 2nd Street.	
Petitioner:	HAND	
Inspector:	Kenny Liford	
Staff Report:	June 8th, 2017	Cycle Inspection
	August 24th, 2017	Appeal Filed

This property was previously granted a variance to the minimum ceiling height, light, and ventilation requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a minimum ceiling height, light and ventilation requirement and the Building Code in place at the time of construction did not address minimum ceiling height, light and ventilation requirements; therefore we are asking the Board to rescind this variance. The structure was built in 1899.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None

City of Bloomington
H.A.N.D.

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

Meeting Date:	18 October 2017
Petition Type:	An extension of time to complete repairs
Petition Number:	17-TV-144
Address:	721 E. Hunter Ave.
Petitioner:	Michael Kee
Inspector:	Michael Arnold

Staff Report:	12 June 2017	Cycle Inspection
	15 June 2017	Sent Report
	17 August 2017	Scheduled Reinspection
	28 August 2017	Received BHQA Application
	28 August 2017	Reinspection

During the Cycle Inspection it was noted that the unit had a gas-fired furnace. A request was made asking for documentation that the furnace had been cleaned and serviced and to have the carbon monoxide levels checked. Petitioner stated that the new tenants have not yet turned on the gas to the unit.

Staff recommendation: Grant the extension of time

Conditions: Complete all repairs and schedule for re-inspection 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: 18 November 2017

Attachments: Cycle inspection report, Application

RECEIVED
AUG 2 8 2017
BY: AH

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: 721 E Hunter Ave.

Petitioner's Name: Michael Kee

Address: 715 N. Maple St. Apt. N

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812-679-9131 Email Address: Wells Maintanence @ yahoo.Co

Property Owner's Name: Richard Wells

Address: 703 S. Park Ave

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-320-2987 Email Address: Best Rents RDW @ yahoo.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 17-TV-144

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.

Extension for just Furnace inspection due to Tenets did not get gas turned on and was unable to complete inspection.

Signature (required): Michael Kee

Name (please print): Michael Kee Date: 8/28/2017

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.

JUN 1 9 2017

City Of Bloomington
Housing and Neighborhood Development

CYCLE INSPECTION REPORT

1273

Owner(s)
Richard D. Wells
703 S Park Ave
Bloomington, IN 47401

Agent
Mike W. Kee
715 N Maple St Apt. N
Bloomington, IN 47404

Prop. Location: 721 E Hunter AVE
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/5/5

Date Inspected: 06/12/2017
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 2

Inspector: Mike Arnold
Foundation Type: Basement
Attic Access: No
Accessory Structure: detached garage

Monroe County records show this structure was built in 1920. There were no minimum emergency egress requirements at the time of construction.

Interior:
Basement:
Replace the missing smoke detector. If the missing smoke detector was hard wired , the replacement smoke detector shall be a hard wired model. IC 22-11-18-3.5

Eliminate the slack in the dryer exhaust line. BMC 16.04.060(c)

Main Level:
Living Room (14-0 x 13-3):
No violations noted

Dining Room (13-3 x 12-0):
Repair window to latch securely. BMC 16.04.060(b)

Kitchen:

Provide operating power to smoke detector. IC 22-11-18-3.5

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

Hallway:

Provide operating power to smoke detector. IC 22-11-18-3.5

NE Bedroom (15-0 x 12-3):

Existing Egress:

Height: 25 inches
Width: 34 inches
Sill Height: 30 inches
Openable Area: 5.89 sq. ft.

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

Provide operating power to smoke detector. IC 22-11-18-3.5

East Bedroom (13-3 x 13-3):

Existing Egress:

Height: 31 inches
Width: 34 inches
Sill Height: 23.5 inches
Openable Area: 7.30 sq. ft.

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

No violations noted

SE Bedroom (13-3 x 11-0):

Existing Egress:

Height: 31 inches
Width: 34 inches
Sill Height: 23.5 inches
Openable Area: 7.30 sq. ft.

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

Provide operating power to smoke detector. IC 22-11-18-3.5

Upper Level:

North Bedroom ([(8-6 x 8-3)+(7-7 x 3-0)]:

Existing Egress:

Height: 17 inches
Width: 31 inches
Sill Height: 38 inches
Openable Area: 3.66 sq. ft.
Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

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

South Bedroom (17-3 x 16-3):

Existing Egress:

Height: 24 inches
Width: 33.5 inches
Sill Height: 12 inches
Openable Area: 5.58 sq. ft.

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

C Provide operating power to smoke detector. IC 22-11-18-3.5

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

Detached Garage:
No violations noted

Exterior:
Main Structure:

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

NC Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e) **(This item has a deadline of 12 June 2018).**

Detached Garage:

NC Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e) **(This item has a deadline of 12 June 2018).**

Other Requirements:
Furnace Inspection Documentation:

NC 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), BMC 16.04.060(c), BMC 16.04.060(b)

Tenants and Owners Rights and Responsibilities Summary

C 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)**

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. **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 16.03.030(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(c)

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:	October 18, 2017
Petition Type:	An extension of time to complete repairs.
Petition Number:	17-TV-146
Address:	1406 - 1408 W. 17th St.
Petitioner:	Gerald Rhoade
Inspector:	Norman Mosier
Staff Report:	March 16, 2017 – Conducted Cycle Inspection June 22, 2017 – Conducted Re-inspection August 30, 2017 – Received BHQA Appeal

Petitioner states that HVAC company cannot find furnace documentation for both properties. Properties are in compliance with the exception of furnace documentation. 1408 W. 17th St. is vacant at this time. Owner resides at 1406 W. 17th St. at this time, but still wants the permit for this property. 1408 W. 17th St. cannot be occupied until furnace documentation is presented to the Housing and Neighborhood Development Office.

Staff recommendation: Deny the request.

Conditions: Complete all repairs and schedule for re-inspection 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, but not limited to, the possibility of fines.

Compliance Deadline: October 18, 2017 for furnace documentation.

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

RECEIVED
AUG 30 2017
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: 1408 & 1406 W 17th ST. Bloomington IN 47404

Petitioner's Name: Gerald Rhoade

Address: 1408 & 1406 W 17th ST Bloomington

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812 349 8022 Email Address:

Property Owner's Name: Gerald Rhoade

Address: 1408 & 1406 W 17th ST Blo

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812 349 8022 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 17-TV-146

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 only remaining restriction is to submit proof of furnace inspection and Mashurst HVAC did inspection but I'm still getting report which they can't find it has not rented at this time

Signature (required): Gerald Rhoade

Name (please print): _____ Date: Aug 30 2017

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

City Of Bloomington
Housing and Neighborhood Development
REMAINING VIOLATION INSPECTION REPORT

JUN 2 1 2017

7363

Owner(s)
Gerald Rhoade
1406 W 17th St
Bloomington, IN 47404

Prop. Location: 1406 W 17th ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/2/3

Date Inspected: 12/19/2016
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

Inspector: Norman Mosier
Foundation Type: Crawl Space
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.

OTHER REQUIREMENTS:

Crawlspace:
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), BMC 16.04.060(c), BMC 16.04.060(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 INSPECTION REPORT

7363

Owner(s)
Gerald Rhoade
917 W. Kirkwood Street
Bloomington, IN 47404

Prop. Location: 1406 W 17th ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/2/3

Date Inspected: 12/19/2016
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

Inspector: Norman Mosier
Foundation Type: Crawl Space
Attic Access: No
Accessory Structure: None

Monroe County records show this structure was built in 1923 or 1948 (two houses listed on same property). There were no minimum emergency egress requirements at the time of construction.

INTERIOR:

Living Room 23 x 8-8:
No violations noted.

SE Bedroom 12-2 x 9-6:
C Repair/replace the damaged door. BMC 16.04.060 (a)

Existing Egress Window Measurements: Dbl hung: See heading.
Height: 24.5 inches
Width: 28 inches
Sill Height: 18 inches
Openable Area: 4.76 sq. ft.

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

Hallway:
No violations noted.

Hall Bath:
C Repair/replace the loud exhaust fan. BMC 16.04.060 (c)

C Properly repair floor. This includes but is not limited to replacing or repairing damaged or deteriorated floor covering, decking and structural members. BMC 16.04.060(a)

Kitchen 11-4 x 8-8:
No violations noted.

C Back Porch:
Repair the storm door to latch properly. BMC 16.04.060 (a)

NW Bedroom 11-4 x 9-4: Same window as above.
No violations noted.

EXTERIOR:

C Remove the vines that are growing on the east side of structure. BMC 16.04.050(a)

C Trim all tree branches away from the siding and roofline to maintain a 3' clearance, north side of structure. BMC 16.04.040(e)

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

Crawlspace: Furnace located here.
See other requirements.

OTHER REQUIREMENTS:

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

Desired level: 0 parts per million (ppm)
Acceptable level in a living space: 9 ppm
Maximum concentration for flue products: 50 ppm
BMC 16.01.060(f), BMC 16.04.060(c), BMC 16.04.060(b)

Registration Form

C Complete the enclosed registration form. A street address is required for both owner and agent. This form must be signed by the owner. If this form is not provided to the HAND department by the compliance deadline and the matter is referred to the Legal Department a fine of $25 will be assessed. BMC 16.03.020, BMC 16.10.030(b)

Required documentation:

C 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:

C 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: October 18, 2017

Petition Type: An extension of time to complete repairs

Petition Number: 17-TV-147

Address: 407 & 407 ½ S. Lincoln Street

Petitioner: Tariq Khan

Inspector: Jo Stong

Staff Report: April 11, 2017: Conducted cycle inspection. Structure 407 being rented as one big 6BR house. Permit is for 3 units in 407 and 1 unit in 407 ½.

April 13, 2017: Property file given to Planning Dept. to review file and advise.

May 24, 2017: Planning sent letter of non-conforming use.

May 26, 2017: Mailed Cycle inspection report

July 25, 2017: Owner scheduled reinspection for August 28, 2017

August 1, 2017: Met with owner and maintenance at property with Monroe County Buiding Dept., Planning, HAND to discuss changes to property to comply.

August 23, 2017: Owner rescheduled reinspection for September 8, 2017

August 30, 2017: Received appeal. Reinspection cancelled.

During a cycle inspection of the above property it was noted that the structure had a different number of units and bedrooms than indicated on the last permit issued. It was also noted that the garage in the east unit (407 ½) had been partially converted into habitable space. The petitioner is requesting an extension of time to comply with all requirements of the county, Planning, and HAND.

Staff recommendation: Grant the extension of time.

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

Compliance Deadline: October 31, 2017 for all life-safety violations
November 30, 2017 for all other violations including Title 20

Attachments: Cycle inspection report, letter of non-conforming use, floor plans

RECEIVED
AUG 30 2017
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: 407 + 407 1/2 S. LINCOLN ST.

Petitioner's Name: TARIQ KHAN

Address: 1201 W. Allen St. #19

City: BLOOMINGTON State: IN Zip Code: 47408

Phone Number: 812 369-1661 Email Address: NORTHSTAR156@HOTMAIL.com

Property Owner's Name: SAME

Address:

City: State: Zip Code:

Phone Number: Email Address:

Occupants: 8

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 17-TV-147

SEE REVERSE

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

THIS PROPERTY IS BEING CONVERTED INTO THREE APTS.

WE JUST RECEIVED THE PERMIT FROM THE BUILDING DEPT. 8/29/17. PERMIT# 2017-1116

HAND HAS AN INSPECTION DATE OF 9/8/17 IN ORDER TO COMPLY WITH THE MONROE COUNTY BUILDING DEPT. REQ WE NEED MORE TIME. THEY WILL BE INSPECTING THE PROPERTY FIRST.

THEN WHEN THAT REQ. IS MET WE WILL MAKE ANOTHER APPOINTMENT FOR HAND INSPECTION.

THANKS

Signature (required): Tariq Khan

Name (please print): TARIQ KHAN Date: 8/30/17

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
Planning and Transportation Department

May 24, 2017

Tariq Khan
1201 W. Allen Street # 19
Bloomington, IN 47403

Re: **Notice of Violation**
Illegal Land Use – 407 S. Lincoln St.

Dear Mr. Khan:

Please note this Notice of Violation serves as formal warning of non-compliance with the Unified Development Ordinance (UDO). Based on the HAND inspection completed in 2013, the property located at 407 South Lincoln Street was converted from its original 2-one bedroom units and 1-two bedroom unit in the main house with a two bedroom unit over the garage configuration to a single 6-bedroom unit with a single two bedroom unit over the garage. This conversion constituted an expansion of a legal non-conforming use.

According to the Unified Development Ordinance (UDO) Section **20.08.050 Changes in Use Restricted:**

(a) A lawful nonconforming use, including a lawful nonconforming use involving occupancy by four (4) or five (5) adults, shall not be intensified, expanded, enlarged, extended or relocated to another portion of the lot or another part of the structure, nor may any structure containing or associated with such use be expanded, enlarged, extended, relocated, or altered so as to create additional bedrooms or other habitable space.

There are two options available for this property to reach compliance:

1. The main house structure at 407 South Lincoln Street must be returned to its last legal configuration from the Residential Rental Occupancy Permit dated 11/29/2004 permitting 2-one bedroom units and 1-two bedroom unit. This compliance must be accomplished through the physical separation of three units, construction of two complete kitchens and a separate entrance for each unit. A building permit will be required to perform this work.

2. The main house structure must receive approval for a use variance from the Board of Zoning Appeals for its current illegal configuration of one unit with six bedrooms.

No fines have been issued at this time. You must respond to this notice by **June 5, 2017**. A use variance petition must be filed by **June 6, 2017** for the Plan Commission meeting on July 10th and the Board of Zoning Appeals meeting on July 20th, or the property must be returned to its previous legal state and verified through an inspection by HAND no later than **August 15, 2017**. HAND recommends that you call 45 days in advance to schedule the required inspection of the site. If these requirements are not met, the City will be forced to assess fines in accordance with the preceding paragraph and continue until the violation is remedied. The city may also forward this issue to City legal to seek any and all remedies available in law or equity.

According to the City of Bloomington Unified Development Ordinance (UDO), a violation of this nature may result in a two thousand five hundred dollar ($2,500) fine. This two thousand five hundred dollar ($2,500) fine is for the first violation only. Each day a violation occurs, is considered a distinct and separate violation Subsequent violations are twice the previous fine, subject to a maximum daily fine of seven thousand five hundred dollars ($7,500). For example, the second day this violation remains uncorrected, the fine is five thousand dollars ($5,000), the third day the fine is seven thousand five hundred dollars ($7,500), etc.

If you have any questions concerning this Notice of Violation, please feel free to contact me at 812-349-3529 or by email at jacksobr@bloomington.in.gov.

Sincerely,

Brad Jackson, AICP
Senior Zoning Compliance Planner

Cc: File

City Of Bloomington
Housing and Neighborhood Development

RENTAL PERMIT INFORMATION

Tariq Khan
1201 W. Allen Street # 19
Bloomington, IN 47403

Property Location: 407 S Lincoln ST

Please find enclosed the Cycle Inspection Report which details 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 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 & Neighborhood Development
Encl:Inspection Report,

City Of Bloomington
Housing and Neighborhood Development

RENTAL PERMIT INFORMATION

MAY 2 6 2017

Tariq Khan
1201 W. Allen Street # 19
Bloomington, IN 47403

Property Location: 407 S Lincoln ST

Please find enclosed the Cycle Inspection Report which details 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 JUL 2 5 2017 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 & Neighborhood Development
Encl:Inspection Report,

City Of Bloomington
Housing and Neighborhood Development

CYCLE INSPECTION REPORT

1247

Owner
Tariq Khan
1201 W. Allen Street # 19
Bloomington, IN 47403

Prop. Location: 407 S Lincoln ST
Number of Units/Structures: 4/2
Units/Bedrooms/Max # of Occupants: Bld 1: Bld 407: 2/1/3, 1/2/3; Bld 407 1/2: 1/2/3

Date Inspected: 04/11/2017
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 2

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

The occupancy permit for this property expired on January 20, 2013. The owner of the residential rental unit continues to allow such unit to be occupied by a tenant without a valid occupancy permit or temporary occupancy permit from the HAND department in violation of BMC§16.03.030(a).

Structure 407 S. Lincoln has 6 sleeping rooms in one unit. Under these conditions, this property may be in violation of Bloomington Municipal Code Title 20 with regard to the number of units in the structure. 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.*

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:

407

Living Room (19-10 x 12-3):
Repair the hole in the wall to the south (left) of the entry door. BMC 16.04.060(a)

Laundry:
Replace the broken outlet cover plate on the north wall. BMC 16.04.060(b)

Kitchen:
Properly secure the header board on the east wall. BMC 16.04.060(a)

Install a cable clamp where the power supply enters the garbage disposal. BMC 16.04.060(c)

Kitchen Mudroom:
No violations noted.

Northwest Bedroom (12-0 x 9-0):
Existing Egress Window Measurements (single-hung):
Height: 17 inches
Width: 32 inches
Sill Height: 36 inches
Openable Area: 3.77 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.

Northeast Bedroom (12-3 x 12-0)
Existing Egress Window Measurements (single-hung):
Height: 17 inches
Width: 32 inches
Sill Height: 44 inches
Openable Area: 3.77 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.

Bath:
Secure toilet to its mountings. BMC 16.04.060(c)

Southeast Bedroom (12-0 x 9-0):
A door leading directly to the exterior serves as the emergency egress for this sleeping room.
It is strongly recommended that the door not be blocked by furniture.

Hall, Stairway:
No violations noted.

Second Floor

Bath:
No violations noted.

Southwest Bedroom (12-2 x 8-6):
No violations noted.

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

Height: 49 inches
Width: 26 ¼ inches
Sill Height: 26 inches
Openable Area: 8.93 sq. ft.

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

Northeast Bedroom (12-0 x 12-0):
No violations noted.

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

Height: 48 inches
Width: 23 inches
Sill Height: 26 inches
Openable Area: 7.67 sq. ft.

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

Northwest Bedroom (12-0 x 8-0):
No violations noted.
Note: Egress window measurements are the same as in the southwest bedroom.

407 ½
Upper Level
Living Room (21-9 x 11-6):
Provide operating power to smoke detector. IC 22-11-18-3.5

Kitchen (10-1 x 9-2):
Repair the left front burner to function as intended. BMC 16.04.060(c)

Hall:
No violations noted.

Bath:
Properly seal the entire perimeter of the tub/shower including the floor. BMC 16.04.060(a)

East Bedroom (11-6 x 9-8), West Bedroom:
No violations noted.

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

Height: 33 inches
Width: 31 inches
Sill Height: 43 inches
Openable Area: 7.10 sq. ft.

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

Main Level
Note: At some point between 2009 and 2013 part of this level was converted to a family room. This work may have required a building permit from the Monroe County Building Department. If so, no rental permit shall be issued until all Monroe County Building Inspections have been completed and Certificate of Occupancy has been issued. Please provide this office with copies of Certificate of Occupancy.

Main Room (22-0 x 15-0):
Properly finish the ceiling around the lights and bulkheads and eliminate gaps in the drywall between fixtures and ductwork. BMC 16.04.060(a)

Laundry/Mechanical Room (gas furnace here):
See Other Requirements at the end of the report for required furnace documentation.

Replace the missing cover plate at the bottom of the water heater. BMC 16.04.060(c)

Properly secure the loose doorknob. BMC 16.04.060(a)

East Storage Room:
No violations noted.

EXTERIOR:

407
Replace the missing light fixture at the southwest entry. BMC 16.04.050(a)

Properly seal the east entry over the door. BMC 16.04.050(a)

Replace the missing mortar on the north 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. Repair with like materials in a workmanlike manner. 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)

BASEMENT (gas furnace here)
The basement was not accessible at the time of this inspection. The basement must be brought into compliance with-in the same 60 day deadline as the remainder of this property. **This applies even if the tenants do not have access to this area of the property**. BMC 16.03.040

407 ½
Remove the trash along the alley, in the shrubs, and in the ground cover of the lot on the south side of 407 ½. BMC 16.04.040(d)

Replace the missing protective cover for the light fixture on the east porch light. BMC 16.04.050(a)

Replace the missing attic vent on the east peak. BMC 16.04.050(a)

Replace the missing siding on the east side (southeast corner). BMC 16.04.050(a)

Properly secure the soffit that is coming down on the southeast corner. BMC 16.04.050(a)

OTHER REQUIREMENTS:

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

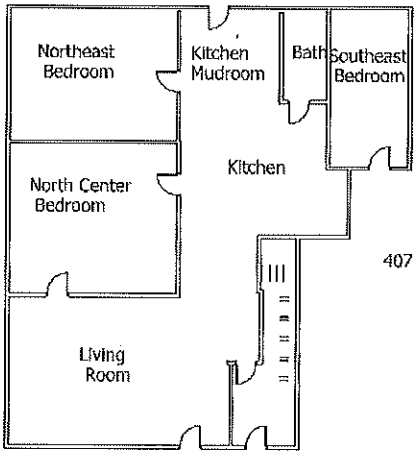
Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50ppm BMC 16.01.060(f), BMC 16.04.060(b), (c)

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 and the agent, the occupant load of the unit, the number of bedrooms, the expiration date of the permit, and any variances that have been granted for the property. BMC 16.03.030(c)

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

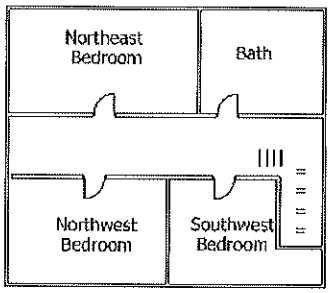
This is the end of this report.

407, 407 and a half South Lincoln Street
April 12, 2017
JS

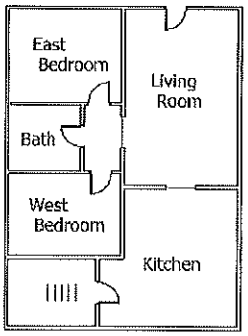


407 S. Lincoln

Main Floor

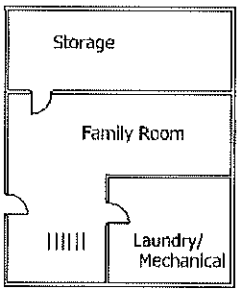


Second Floor



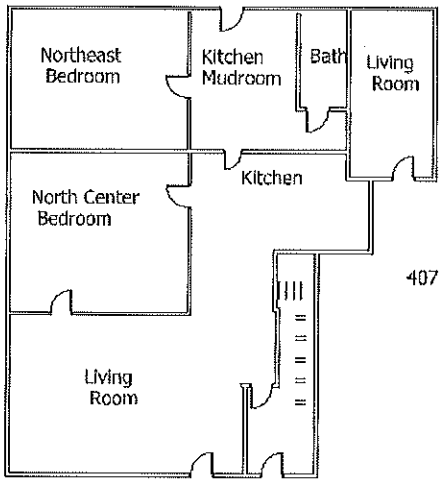
Main Floor

407 1/2 S. Lincoln



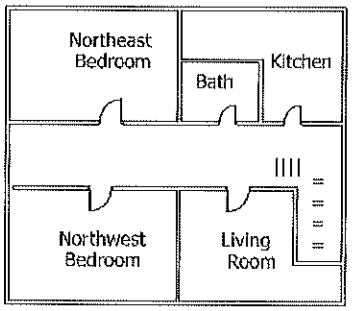
Lower Level

407, 407 1/2 S. Lincoln
Updated August 1, 2017
JS

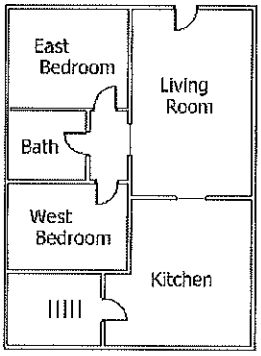


407 S. Lincoln

Main Floor

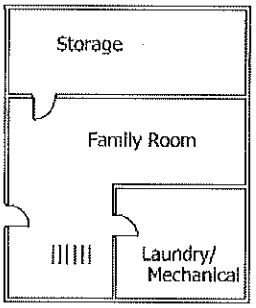


Second Floor



Main Floor

407 1/2 S. Lincoln



Lower Level

City of Bloomington
H.A.N.D.

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

Meeting Date:	October 18, 2017
Petition Type:	An extension of time to complete repairs.
Petition Number:	17-TV-148
Address:	321 E. University St.
Petitioner:	Jeanne Walters Real Estate/ Sarah Tilley
Inspector:	Norman Mosier
Staff Report:	June 7, 2017 – Conducted Cycle Inspection September 1, 2017 – Conducted Re-inspection, Received BHQA Appeal

During a review of this property due to a remodel in 2016, it was noted that the basement bedroom windows did not meet egress requirements and the bedrooms were added sometime between 1989 and 1993. During this time period, the Indiana Code required egress windows in bedrooms. The basement windows were noted as having been granted an egress variance from the BHQA on September 9, 1993. In 2008 the Monroe County Court case #53C01-0805-PL-01019 removed all egress variances granted by the BHQA from rental files.

The property is now coming for its rental occupancy permit and during the cycle inspection it was noted that the basement bedroom windows do not meet the code requirements for the time when these bedrooms were added to the structure. The petitioner now needs to seek an egress variance from the State for the basement bedroom windows. Petitioner is requesting an egress variance from the State for the basement bedroom windows. Petitioner is requesting an extension of time to secure a State variance.

Staff recommendation: Grant the request.

Conditions: Complete all repairs and schedule for re-inspection 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, but not limited to, the possibility of fines.

Compliance Deadline: January 18, 2018

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

RECEIVED

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: 321 E University Street

Petitioner's Name: Jeanne Walters Real Estate

Address: 107 E 6th Street

City: Bloomington **State:** Indiana **Zip Code:** 47408

Phone Number: 8123318951 **E-mail Address:** sara@jeannewalters.com

Owner's Name: College Rentals, LLC

Address: 3300 Dundee Road, Suite C4

City: Northbrook **State:** Illinois **Zip Code:** 60062

Phone Number: 8472721234 **E-mail Address:** mrubinlawyer@sbcglobal.net

Occupants: 5

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

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

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

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

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

(Will be assigned by BHQA)

Petition Number: 17-TV-148

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

A. An extension of time to complete repairs. (Petition type: TV)
   1. Specify the items that need the extension of time to complete.
   2. Explain why the extension is needed.
   3. Specify the time requested.

B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
   1. Specify the code reference number you are appealing.
   2. Detail why you are requesting the variance.
   3. Specify the modifications and or alterations you are suggesting.

C. Relief from an administration decision. (Petition type: AA)
   1. Specify the decision being appealed and the relief you are seeking.

D. Rescind a variance. (Petition type: RV)
   1. Detail the existing variance.
   2. Specify the reason the variance is no longer needed.

We are requesting a 60-day extension in order to complete the variance application process.

Please call me at 812-331-8951 with any questions regarding this request. Thank you for your consideration!

Signature (Required): Sara Tilley

Name (Print): Sara Tilley **Date:** 9-1-17

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

Print Form

City Of Bloomington
Housing and Neighborhood Development
RENTAL INSPECTION INFORMATION

JUN 2 2 2017

College Rentals Inc.
3330 Dundee Road Suite C4
Northbrook, IL 60062

RE: 321 E University ST

Please find the enclosed Rental Inspection Report which contains pertinent information about the Cycle Inspection that was recently conducted at the above referenced property. The inspector has listed all noted violations and recommendations on the enclosed Rental Inspection Report. **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 within this 60 day window but no later than AUG 2 1 2017 to schedule a re-inspection. You have the right to appeal any violation of Bloomington Municipal Code Title 16 noted on the rental inspection report to the Board of Housing Quality Appeals.

This report is issued in accordance with BMC 16.10.020 and 16.10.040 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. Bloomington Municipal Code requires that all violations of all Titles of the BMC must be in compliance before a permit will be issued. Please be advised that non-compliance by the deadlines listed in this letter may limit the permit period to a maximum of three (3) years.

If the owner's or agent's contact information has changed since your last inspection, please submit a new registration form to the HAND Department. The registration must be signed by the owner of the property, not the agent. All rental forms and documents 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 forms will be provided.**

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 & Neighborhood Development
Encl:Inspection Report,
Xc:Jeanne Walters Real Estate: 107 E. 6th St., Bloomington, IN 47408

City Of Bloomington
Housing and Neighborhood Development

CYCLE INSPECTION REPORT

1845

Owner(s)
College Rentals Inc.
3330 Dundee Road Suite C4
Northbrook, IL 60062

Agent
Jeanne Walters Real Estate
107 E. 6th St.
Bloomington, IN 47408

Prop. Location: 321 E University ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/4/5

Date Inspected: 06/07/2017
Primary Heat Source: Gas
Property Zoning: RM
Number of Stories: 1

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

Monroe County Assessor's records indicate this structure was built in 1910, remodeled 1993.
There were no requirements for emergency egress at the time of construction.

INTERIOR:

SW Bedroom 13-5 x 12:

N/C

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

Existing Egress Window Measurements: Slider: Const. Yr. – 1910, remodeled 1993
Height: 49 inches
Width: 30 inches
Sill Height: 28 inches
Openable Area: 10.21 sq. ft.

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

½ Bath:

No violations noted.

SE Bedroom 13-4 x 13-3: Same window as above.

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

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

Living Room 13-8 x 11-11:

C Interior walls shall be free of holes, cracks, peeling paint and/or deteriorated drywall/plaster, south and east walls. BMC 16.04.060(a)

Hallway, Hall Bath:

No violations noted.

NW Bedroom 11-9 x 10-4: Same window as SW bedroom.

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

Kitchen 9-6 x 8-2, Laundry Room:

No violations noted.

BASEMENT

Stairway, Main Room:

No violations noted.

Furnace Closet: See other requirements.

No violations noted.

Bathroom:

No violations noted.

SE Bedroom 13-3 x 12-1: **See note at bottom of page.**

Existing Egress Window Measurements: Awning type, tilt in: Const. Yr. – 1910, remodeled 1993

Height: 18 inches
Width: 28.75 inches
Sill Height: 57 inches
Openable Area: 3.59 sq. ft.

SW Bedroom 12 x 11-6: **See note at bottom of page.**

Existing Egress Window Measurements: Awning type, tilt in: Const. Yr. – 1910, remodeled 1993

Height: 18 inches
Width: 28.75 inches
Sill Height: 57 inches
Openable Area: 3.59 sq. ft.

NOTE:

These measurements for the basement windows do not meet egress requirements. The existing egress window measurements for all of the basement bedrooms are as stated above. To receive a new Rental Occupancy Permit the owner will have to install new windows that meet current code requirements for the Indiana Residential Code, or apply for and receiving approval of a variance from the State of Indiana Fire Prevention and Building Safety Commission.

EXTERIOR:

Replace all of the missing window screens on the structure. BMC 16.04.050(a)

Remove the couch or other upholstered furniture from the front porch of the house. BMC 16.04.040(f)

16.04.040 Exterior Property Areas

(f) "Furniture not generally intended to be used for outdoor purposes (typically upholstered furniture), shall not be permitted to be stored on the exterior premises of residential rental units, this includes both screened-in porches and non-screened porches."

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), BMC 16.04.060(c), BMC 16.04.060(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:	October 18, 2017
Petition Type:	An extension of time to complete repairs
Petition Number:	17-TV-149
Address:	3840 E 10th Street
Petitioner:	Candi Mullis
Inspector:	Dee Wills

Staff Report:

June 13, 2017 Completed Cycle Inspection
August 16, 2017 Received e-mail from Indiana Team LLC stating that they no longer manage this property.
August 29, 2017 Remaining Violation Report mailed to Owner
August 29, 2017 Received Tenants & Owners Rights and Responsibilities summary and the Move-In Inspection paperwork from Parker Real Estate Management
August 30, 2017 Received new registration form from Parker Real Estate Management
September 05, 2017 Received Application for Appeal

The petitioner is requesting an extension of time to complete repairs. The Indiana Team LLC managed this property at the time of the Cycle Inspection. Parker Real Estate Management took over the management of this property on August 29, 2017. They were not aware of the outstanding violations for this property until this time and request an extension until September 29, 2017

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and scheduled for re-inspection not later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline:	October 29, 2017
Attachments:	Application for Appeal, Remaining Violations Report

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

Property Address: 3840 E 10th St Bloomington, In 47408

Petitioner's Name: Candi Mullis

Address: 621 N Walnut St/ PO Box 1112

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

Phone Number: 8123392115 **E-mail Address:** cmullis@parkermgt.com

Owner's Name: Kevin Yick

Address: 3028 E. Avenida De Los Arboles

City: West Lake Village **State:** California **Zip Code:** 91362

Phone Number: 905-993-1831 **E-mail Address:** kyick@yahoo.com

Occupants: Lane Fulton, Delaney Franke, Tyler Ellison

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

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

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

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

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

(Will be assigned by BHQA)

Petition Number: 17-TV-149

RECEIVED
SEP 05 2017
BY: .....

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

A. An extension of time to complete repairs. (Petition type: TV)
   1. Specify the items that need the extension of time to complete.
   2. Explain why the extension is needed.
   3. Specify the time requested.

B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
   1. Specify the code reference number you are appealing.
   2. Detail why you are requesting the variance.
   3. Specify the modifications and or alterations you are suggesting.

C. Relief from an administration decision. (Petition type: AA)
   1. Specify the decision being appealed and the relief you are seeking.

D. Rescind a variance. (Petition type: RV)
   1. Detail the existing variance.
   2. Specify the reason the variance is no longer needed.

I an requesting an extension of time to complete repairs at 3840 E 10th St. Parker Management lost management of this residence in January 2017. The new management company did an initial HAND Inspection on June 13, 2017. On August 29, 2017 parker Management regained management of this residence. We are asking for an extension of time to complete repairs because the deadline for the repairs is up. I am asking to have the extension of time to complete repairs till September 29, 2017.

Thank you in advance,
Candi Mullis
Maintenance Coordinator
Parker Real Estate Mgt.
812.339.2115
cmullis@parkermgt.com

Signature (Required): _____

Name (Print): Candi Mullis **Date:** 8/30/17

Important information regarding this application format:

1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).

2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form

City Of Bloomington
Housing and Neighborhood Development

REMAINING VIOLATION INSPECTION REPORT

AUG 2 9 2017

5293

Owner(s)
Yick, Kevin
3028 E. Avenida De Los Arboles
West Lake Village, CA 91362

Agent
Ivy Hsia
899 S. College Mall Rd. #121
Bloomington, IN 47401

Prop. Location: 3840 E 10th ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/4/3

Date Inspected: 06/13/2017
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 2

Inspector: Dee Wills
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

Main Level

Living Room (21-4 x 12-9)

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

Properly secure the striker plate for the entry door so that it functions as intended. BMC 16.04.060(a)

Repair or replace lock on exterior door so that it functions as intended. BMC 16.04.060(b)

Kitchen/ Dining Room (21-4 x 12-9)

Properly replace the missing flange for the garbage disposal. BMC 16.04.060(c)

Replace the missing register vent adjacent to the exterior sliding glass door. BMC 16.04.060(a)

Properly clean out the duct work adjacent to the exterior sliding glass door. BMC 16.04.060(a)

Back Hallway

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

Bathroom/ Laundry Room

Replace the missing sink stopper. BMC 16.04.060(c)

Replace the broken toilet seat. BMC 16.04.060(a)

Properly replace the missing striker plate for the entry door so that it functions as intended. BMC 16.04.060(a)

Garage

Properly adjust and secure the striker plate for the entry door so that it functions as intended. BMC 16.04.060(a)

Replace the missing attic scuttle access panel door. BMC 16.04.060(a)

The electrical panel was not accessible at the time of this inspection. The electrical panel must be brought into compliance with-in the same 60 day deadline as the remainder of this property. BMC 16.03.040 and BMC 16.04.060(b)

Lower Level

Utility Room

Properly repair/replace & secure ceiling tile. BMC 16.04.060(a)

Repair the light fixture to function as intended. BMC 16.04.060(c)

Family Room (20-5 x 15-1)

Repair or replace closet doors so they function as intended. BMC 16.04.060(a)

Lowest Level

Properly replace the missing striker plate for the entry door so that it functions as intended. BMC 16.04.060(a)

Main Room
The smoke detector in this room appears to be more than ten years old and the manufacturer will not guarantee it to provide adequate protection. Install a new smoke detector in an approved location. If wall mounted, it shall be located between 6 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

Properly secure the electrical outlet junction box to the north wall. BMC 16.04.060(b)

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

Bathroom
Replace the missing sink stopper. BMC 16.04.060(a)

Clean and service the exhaust fan so that it functions as intended. BMC 16.04.060(c)

Properly secure the exhaust fan so that it functions as intended. BMC 16.04.060(c)

NW Bedroom (10-4 x 9-5)
Replace damaged or torn window screen(s). BMC 16.04.060(a)

SE (Master) Bedroom (14-0 x 11-1)
Properly repair the east window frame so that the window functions as intended. BMC 16.04.060(b)

EXTERIOR

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

Secure guttering to the structure. (back of structure) BMC 16.04.050(a)

Remove the vines that are growing on the structure. BMC 16.04.050(a)

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

Remove and properly dispose of all accumulated or scattered trash on property. This includes the mattress on the east side of structure. BMC 16.04.040(d)

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), BMC 16.04.060(c), BMC 16.04.060(b)

C
9/14/17
DW

Show documentation that the fireplace has been inspected within the last twelve months, and that it is safe for use, or permanently and visibly seal the fireplace to prevent its use. Service and inspection shall include the firebox, damper, chimney and/or flue. Cleaning by a professional service is highly recommended. BMC 16.01.060(f)

OTHER REQUIREMENTS

Registration Form
Complete the enclosed registration form. A street address is required for both owner and agent. This form must be signed by the owner. If this form is not provided to the HAND department by the compliance deadline and the matter is referred to the Legal Department a fine of $25 will be assessed. BMC 16.03.020, BMC 16.10.030(b)

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:

- **Tenants and Owners Rights and Responsibilities Summary**
  A completed copy of the Tenants and Owners Rights and Responsibilities Summary
  BMC 16.03.060(c) and BMC 16.10.030(b)

- **Inventory & Damages 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.
  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 16.03.030(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 and the agent, the occupant load of the unit, the number of bedrooms, the expiration date of the permit, and any variances that have been granted for the property. BMC 16.03.030(c)

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:	October 18, 2017
Petition Type:	Rescind a variance
Petition Number:	17-RV-150
Address:	123 E 15th St.
Petitioner:	HAND
Inspector:	Matt Swinney
Staff Report:	August 24, 2017 Cycle Inspection September 13, 2017 Appeal Filed

This property was previously granted a variance to minimum ceiling height requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a minimum ceiling height requirement 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. The structure was built in 1918.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None

City of Bloomington
H.A.N.D.

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

Meeting Date:	18 October 2017
Petition Type:	An extension of time to complete repairs
Petition Number:	17-TV-151
Address:	927 W. Graham Dr.
Petitioner:	Wendell Winks
Inspector:	Michael Arnold

Staff Report:	18 July 2017	Cycle Inspection
	02 August 2017	Mailed Report
	14 September 2017	Received BHQA Application
	20 September 2017	BHQA Report Written

During the cycle inspection it was noted that the unit was being remodeled. The Cycle Inspection Report requests the remodel work be completed. Petitioner is requesting additional time to complete repairs.

Staff recommendation:	Grant the Request
Conditions:	Complete all repairs and schedule for re-inspection 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:	18 November 2017
Attachments:	Cycle Inspection Report, Application

RECEIVED
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: 927 W Graham Dr

Petitioner's Name: Newbell Winks

Address: 5470 W SR 48

City: Blngt State: Ind Zip Code: 47404

Phone Number: 812 3619507 Email Address: winksw@Bloomington.in.gov

Property Owner's Name: Newbell Winks

Address:

City: SAME State: Zip Code:

Phone Number: Email Address:

Occupants: 2?

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

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

Please circle the petition type that you are requesting:

(A) An extension of time to complete repairs (Petition type TV)

B) A modification or exception to the 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 17-TV-151

SEE REVERSE

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

I HAD A MAN DOING THE REPAIRS ON THIS UNIT. HIS HEALTH GOT BAD & SO GOT BEHIND. I HIRED ANOTHER INDIVIDUAL & HE BELIEVES HE CAN GET WORK DONE WITH AN ADDITIONAL 2 WK EXTENTION.

Signature (required): Wendell Winks

Name (please print): WENDELL WINKS Date: 9-14-17

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

6031

Owner(s)
Winks, Wendell E. & Kathy J.
5470 W. State Road 48
Bloomington, IN 47404

Prop. Location: 927 W Graham DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/1/3

Date Inspected: 07/18/2017
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

Inspector: Mike Arnold
Foundation Type: Crawl Space
Attic Access: No
Accessory Structure: shed

Monroe County records show this structure was built in 1940. There were no minimum emergency egress requirements at the time of construction.

Interior:
General Condition:
Complete all work associated with the interior remodeling, including but not limited to properly finishing the drywall work and associated painting.

Living Room (12-0 x 10-0):
Properly repair and surface coat the large hole in the wall. BMC 16.04.060(a)

Repair the broken window. BMC 16.04.060(a)

Kitchen (10-0 x 8-0):
Replace broken/missing outlet cover plate. BMC 16.04.060(b) (East wall).

Temperature/pressure relief (TPR) valve discharge tubes:
- shall not be reduced in size from the valve outlet
- shall be rigid galvanized, rigid copper, or any CPVC pipe
- shall not have a threaded discharge end
- drain by gravity
- shall have a minimum 1" air gap where discharging into a sanitary drain, or an approved air break
- shall extend to within 6" of floor. BMC 16.04.060(c)

Laundry Room:
Properly vent the dryer to the exterior of the structure. 16.04.060(c)

Bathroom:
Replace the missing outlet and light switch cover plates. BMC 16.04.060(b)

Repair/replace the broken/missing door knob. BMC 16.04.060(a)

Restore the water pressure to the sink. BMC 16.04.060(a)

Bedroom (10-0 x 10-0):
Measure window at reinspection

Properly repair and surface coat the ceiling. BMC 16.04.060(a)

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

Properly repair/replace the light fixture and replace the globe. BMC 16.04.060(b)

Exterior:
Secure the crawl space access. BMC 16.04.050(a)

Remove the appliances from the exterior of the structure. 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)

Other Requirements:

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

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

BMC 16.01.060(f), BMC 16.04.060(c), BMC 16.04.060(b)

Tenants and Owners Rights and Responsibilities Summary

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)**

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. **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 16.03.030(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(c)

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:	October 18, 2017
Petition Type:	Rescind a variance
Petition Number:	17-RV-152
Address:	800-802 N. Lincoln St.
Petitioner:	HAND
Inspector:	Matt Swinney
Staff Report:	June 27, 2016 Cycle Inspection September 20, 2017 Appeal Filed

This property was previously granted a variance to minimum ceiling height requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a minimum ceiling height requirement 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. The structure was built in 1930.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None

City of Bloomington
H.A.N.D.

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

Meeting Date:	October 18, 2017	
Petition Type:	Rescind a variance.	
Petition Number:	17-RV-153	
Address:	625 S. Fess Avenue	
Petitioner:	HAND	
Inspector:	John Hewett	
Staff Report:	July 24, 2017 September 21, 2017	Cycle with maintenance person Received appeal

This property was previously granted a variance to the bathroom outlet requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a bathroom outlet requirement and the Building Code in place at the time of construction did not address bathroom outlets; therefore we are asking the Board to rescind this variance. This structure was built in 1935.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: Appeal form

B.H.Q.A. MEETING OF SEPTEMBER 20, 2017
SUMMARY

MEMBERS PRESENT: Elizabeth Gallman, Nikki Gastineau, Andrew Guenther, Susie Hamilton, Maria McCormick

STAFF PRESENT: Daniel Bixler, John Hewett, Kenny Liford, Doris Sims, Jo Stong, Matthew Swinney, Dee Wills (HAND), Christopher Wheeler (Legal)

GUESTS: Shahpur Achaemenian (1631 S. Olive Street), Danielle Williams, unidentified IU student

Meeting start time 4:00 PM.

I. REVIEW OF SUMMARY

Hamilton made a motion to approve the minutes for August 16, 2017. Gallman seconded. Motion passed, 4-0-1 (Guenther abstained).

II. CONSENT AGENDA

17-TV-126, **1275 N. Maple Street**, Woodington Management, LLC (Matthew Ferguson). Request for extension of time to complete repairs. Staff recommendation to grant the request with a September 30, 2017 deadline for all life-safety and smoke detector issues and a November 20, 2017 deadline to complete all other repairs and schedule for re-inspection.
17-RV-127, **721 N. Indiana Avenue**, H.A.N.D. (Stasny & Horn, IGP). Request for rescission of a variance. Staff recommendation to grant the rescission.
17-TV-128, **1613 S. Ira Street**, Tom Crichton (J.C. Hart Company). Request for an extension of time to complete repairs. Staff recommendation to grant the request with an October 04, 2017 deadline for all life-safety issues and a December 14, 2017 deadline to complete all other repairs and schedule for re-inspection.
17-TV-129, **1225 N. Crescent Road**, Nora Dial. Request for an extension of time to complete repairs. Staff recommendation to grant the request with an October 16, 2017 deadline to complete all repairs and schedule for re-inspection.
17-TV-130, **2607 N. Walnut Street**, Jeff Jones. Request for an extension of time to complete repairs. Staff recommendation to deny the request.
17-TV-131, **432 S. College Avenue**, Hallmark Rentals & Management (Monroe County Convention Center). Request for an extension of time to complete repairs. Item withdrawn from agenda.
17-TV-132, **2204 S. Laurelwood Drive**, Saeed Moaddeli. Request for an extension of time to complete repairs. Staff recommendation to grant the request with a November 20, 2017 deadline to complete all repairs and schedule for re-inspection.
17-RV-133, **612 S. Park Avenue**, H.A.N.D. (Dennis Williams). Request for rescission of a variance. Staff recommendation to grant the rescission.
17-TV-135, **540 S. Basswood Drive**, Chris Rubeck (Herman & Kittle Properties). Request for an extension of time to complete repairs. Staff recommendation to grant the request with an October 04, 2017 deadline to complete all repairs and schedule for re-inspection.
17-RV-136, **518 E. 7th Street**, H.A.N.D. (Lubavitch of Indiana). Request for rescission of a variance. Staff recommendation to grant the rescission.
17-TV-137, **1150 S. Clarizz Boulevard, Unit 105**, Lisa Pierson (1150 S. Clarizz Boulevard, LLC). Request for an extension of time to complete repairs. Item withdrawn from agenda.
17-RV-138, **1317 S. Henderson Street**, H.A.N.D. (William F. Fleetwood). Request for rescission of a variance. Staff recommendation to grant the rescission.
Approved.

III. PETITIONS

17-AA-134, **1631 S. Olive Street**, Liberty Properties (Shahpur Achaemenian). Item was pulled from Consent Agenda. The petitioner, Shahpur Achaemenian, was present to request relief from an administrative decision. Staff recommendation to deny request to grant request to approve 5 year permit, rather than 3 year, for the property this cycle. McCormick made motion todeny request per staff recommendation. Guenther seconded. Motion passed, 5-0. Request denied.

17-TV-81, **1022 W. Meadow Lane**, James Leonard (Thais Tai Hubbard). Item was pulled from Consent Agenda. Previously heard June 21, 2017. Petitioner was not present to request an extension of time to complete repairs. Staff recommendation to deny the request and turn case over to the City of Bloomington Legal Department for further action including the possibility of fines. Hamilton made motion to deny the request per staff recommendation. Guenther seconded. Motion passed, 5-0. Request denied.

17-TV-139, **3111 S. Leonard Springs Road**, Julie Tyree (Scott G. May). Item was pulled from Consent Agenda due to Conflict of Interest notice from Gastineau. Gastineau recused herself. Petitioner was not present to request an extension of time to complete repairs. Staff recommendation to grant the request with an October 04, 2017 deadline to repair all life-safety violations and a November 20, 2017 deadline to complete all other repairs and schedule re-inspection. McCormick made motion to grant the request per staff recommendation. Guenther seconded. Motion passed, 4-0-1 (Gastineau abstained). Request granted.

IV. GENERAL DISCUSSION

None.

V. PUBLIC COMMENT

Reminder concerning the Hoosier Hills Book Fair, Thursday, October 5th through Tuesday, October 10th.

VI. ADJOURNMENT

Gastineau made motion to adjourn. McCormick seconded. Motion unanimously passed. Meeting adjourned at 4:26 PM.

City of Bloomington
H.A.N.D.

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

Meeting Date:	18 October 2017	
Petition Type:	Rescind a variance	
Petition Number:	17-TV-127	
Address:	721 N. Indiana Ave.	
Petitioner:	HAND	
Inspector:	Michael Arnold	
Staff Report:	20 July 2017	Cycle Inspection
	25 July 2017	BHQA Application
	20 September 2017	Rescinded Room Minimum Room Size Requirements
	16 October 2017	Amended BHQA Request

On 20 September 2017 the Board approved rescinding the variance for minimum room size requirements for this structure. HAND is requesting an additional variance be rescinded for this structure. The 20 September 2017 request should have also included a request to rescind the minimum ceiling height variance as well. Both variances were initially granted on 06 February 1986.

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 a ceiling height requirement and the Building Code in place at the time of construction did not address ceiling height; therefore we are asking the Board to rescind this variance. This structure was built in 1899.

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None