

**PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL McCLOSKEY CONFERENCE ROOM
May 16, 2018, 4:00 P.M.**

ALL ITEMS ARE ON THE CONSENT AGENDA

- I. **ROLL CALL**
- II. **REVIEW OF SUMMARY** – April 18, 2018 p. 2
- III. **PETITIONS**
 - 1) 18-TV-45, **1201 N. Madison Street**, Ted Capshew. Request for an extension of time to complete repairs. p. 4
 - 2) 18-RV-46, **521 E. 7th Street**, H.A.N.D. (GMS Properties). Request for rescission of a variance. p. 9
 - 3) 18-RV-47, **607 W. Dixie Street**, H.A.N.D. (PLK Rentals, LLC). Request for rescission of a variance. p. 10
 - 4) 18-TV-48, **416 N. Harold Street**, Marcella Bowlen (Peggy McClary). Request for an extension of time to complete repairs. p. 11
 - 5) 18-TV-49, **1319 W. Gourley Pike**, Erica Payne. Request for an extension of time to complete repairs. p. 18
 - 6) 18-AA-50, **1426 N. Kinser Pike**, Mark Figg. Request for relief from an administrative decision. p. 27
- 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.

B.H.Q.A. MEETING OF APRIL 18, 2018

SUMMARY

MEMBERS PRESENT: Nicholas Carder, Eric Dockendorf, Elizabeth Gallman, Diana Powell-Opata

STAFF PRESENT: Michael Arnold, Daniel Bixler, John Hewett, Kenneth Liford, Norman Mosier, Eric Sader, Jo Stong, Matt Swinney, Dee Wills (HAND), Christopher Wheeler (Legal)

GUESTS PRESENT: Ilana Linder (2366 E. Winding Brook Circle, tenant)

Meeting start time 4:09 PM.

I. REVIEW OF SUMMARY

Gallman made a motion to approve the minutes for March 18, 2018. Powell-Opata seconded. Motion passed, 4-0.

II. CONSENT AGENDA

18-TV-34, **836-844 S. Henderson Street**, Paul Bender. Request for an extension of time to complete repairs. Staff recommendation to grant request with a June 18, 2018 deadline to call and schedule re-inspection.

18-TV-35, **3100 S. Walnut Street Pike**, Heather Dunagen (Sam Bick). Request for an extension of time to complete repairs. Staff recommendation to deny the request.

18-AA-37, **1207 W. 7th Street**, Laryn Clark (Abraham Verdoes). Request for relief from an administrative decision to consider property as a rental. Staff recommendation to grant the extension of time to allow for the sale of the property.

18-TV-38, **901 W. 11th Street**, Fiona Taggart. Request for an extension of time to complete repairs. Staff recommendation to grant the request with an April 30, 2018 deadline for all life-safety violations and an August 01, 2018 deadline to provide copy of recorded contract of sale, or bring property into compliance.

18-RV-39, **117 N. Jackson Street**, H.A.N.D. (Dana Morrison). Request for rescission of a variance. Staff recommendation to grant the rescission.

18-RV-40, **907 S. Sheridan Drive**, H.A.N.D. (Joseph Christine, LLC). Request for rescission of a variance. Staff recommendation to grant the rescission.

18-TV-41, **1106 N. Jackson Street**, Chris Kemery (Betty Sturgeon). Request for an extension of time to complete repairs. Staff recommendation to grant request with a May 01, 2018 deadline. Reinspection has been scheduled for April 13, 2018.

18-RV-42, **406 S. Lincoln Street**, H.A.N.D. (Lorraine Green). Request for rescission of a variance. Staff recommendation to grant the rescission.

18-RV-43, **818-820 S. Washington Street**, H.A.N.D. (Deckard Homes & Apartments). Request for rescission of a variance. Staff recommendation to grant the rescission.

18-RV-44, **426 E. Allen Street**, H.A.N.D. (Kristina Seastrom). Request for rescission of a variance. Staff recommendation to grant the rescission.

Approved.

III. PETITIONS

18-TV-36, **2366 E. Winding Brook Circle**, Catherine Brown. Request for an extension of time to complete repairs. Tenant, Ilana Linder, present. Staff recommendation to grant the request with a June 18, 2018 deadline. Gallman made motion to grant the request per staff recommendation with addition that repairs specifically include the garage roof. Dockendorf seconded. Motion passed, 4-0. Request granted.

IV. GENERAL DISCUSSION

Members were asked their preference for BHQA Retreat. All present stated a preference for meeting after one of the set BHQA meetings.

V. PUBLIC COMMENT

None.

VI. ADJOURNMENT

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



City of Bloomington
H.A.N.D.

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

Meeting Date: 16 May 2018

Petition Type: An extension of time to complete repairs

Petition Number: 18-TV-045

Address: 1201 N. Madison St.

Petitioner: Theodore Capshew

Inspector: Michael Arnold

Staff Report: 27 December 2017 Scheduled New Cycle
04 January 2018 Cycle Inspection
23 January 2018 Mailed Report
26 March 2018 Received BHQA Application

The owner is requesting additional time to complete the repairs. Most of the repairs are on the exterior of the structure. Owner has not completed the repairs due to the cold weather and is requesting additional to complete the repairs.

Staff recommendation: Grant the extension of time to complete the repairs

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: 16 July 2018

Attachments: Cycle Inspection Report



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

RECEIVED
MAR 26 2018

BY:

Property Address: 1201 N Madison St, Bloomington, IN 47404

Petitioner's Name: Ted Capshaw

Address: 4415 W Middle Ct

City: Bloomington

State: Indiana



Zip Code: 47403

Phone Number: 8123453557

E-mail Address: tcapshaw@yahoo.com

Owner's Name: Ted Capshaw

Address: 4415 W Middle Ct

City: Bloomington

State: Indiana



Zip Code: 47403

Phone Number: 8123453557

E-mail Address: tcapshaw@yahoo.com

Occupants: Varant

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 month's agenda!

(Will be assigned by CHCM)

Petition Number: 18-TV-45

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:

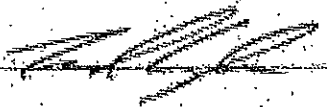
- A. An extension of time to complete repairs. (Petition type: TV)
 1. Specify the items that need the extension of time to complete.
 2. Explain why the extension is needed.
 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 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: AD)
 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.

RECEIVED
MAR 26 2018

This property has a variety of outside repairs required, including window glazing. No interior repairs required as the report.

I have not been able to get the repairs effected because of the cold weather.

Assuming the weather cooperates, I should be able to effect the repairs in the next 30 days.

Signature (Required): 

Name (Print): Ted Capshaw Date: 3/24/18

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

10896

Owner(s)

Capshew, Ted A.
4415 W Middle Ct
Bloomington, IN 47403

Prop. Location: 1201 N Madison ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/3/3

Date Inspected: 01/04/2018
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1
Inspector: Mike Arnold
Foundation Type: Basement
Attic Access: No
Accessory Structure: none

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

Interior:

Basement:

No violations noted

Main Level:

Living Room (17-0 x 14-0):

Repair the broken window. BMC 16.04.060(a) (East wall – South window).

Kitchen (17-0 x 13-0), Bathroom, Laundry Room:

No violations noted

NE Bedroom (13-0 x 11-0):

Existing Egress:

Height: 23 inches
Width: 32.5 inches
Sill Height: 27 inches
Openable Area: 5.19 sq. ft.

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

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

NW Bedroom (12-0 x 7-0):

Existing Egress:

Height: 24 inches
Width: 27 inches
Sill Height: 27 inches
Openable Area: 4.5 sq. ft.

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

No violations noted

South Bedroom (16-0 x 10-0):

Existing Egress:

Height: 20.5 inches
Width: 20.5 inches
Sill Height: 42 inches
Openable Area: 2.91 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.

Exterior:

Replace the deteriorated window sill. BMC 16.04.050(a) (North wall -- west window).

Replace the missing aluminum siding corner pieces. BMC 16.04.050(a)

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

Replace the missing downspouts. BMC 16.04.050(a)

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

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: May 16th, 2018
Petition Type: Rescind a variance
Petition Number: 18-RV-46
Address: 521 East 7th St.
Petitioner: HAND
Inspector: Kenny Liford
Staff Report: February 6th, 2018 Cycle Inspection
March 27th, 2018 Appeal Filed

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

Staff Recommendation: Rescind the variance.

Conditions: None

Attachments: None

1/1



City of Bloomington
H.A.N.D.

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

Meeting Date: May 16, 2018
Petition Type: Rescind a variance
Petition Number: 18-RV-47
Address: 607 W. Dixie St.
Petitioner: HAND
Inspector: Matt Swinney
Staff Report: April 6, 2018 Cycle Inspection
April 11, 2018 Appeal Filed

This property was previously granted a variance to pass through requirements of the Property Maintenance Code. The Residential Rental and Lodging Establishment Inspection Program does not include a pass through requirement and the Building Code in place at the time of construction did not address pass through requirements; therefore we are asking the Board to rescind this variance. The structure was built in 1927.

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: May 16, 2018
Petition Type: An extension of time to complete repairs
Petition Number: 18-TV-48
Address: 416 N. Harold Street
Petitioner: Marci Bowlen
Inspector: Dee Wills
Staff Report: January 17, 2018 Completed Cycle Inspection
April 13, 2018 Received Application for Appeal

The petitioner is requesting an extension of time to complete the repairs to the leaking roof, fascia, soffit and the interior ceiling damage caused by the leak, along with the other cracks in the walls and ceilings. All other repairs have been completed and scheduled for reinspection on 05/03/2018.

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: July 16, 2018

Attachments: Application for Appeal, Remaining Violations Report

2/11

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APR 13 2018



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

Property Address: 416 N. Harold St.

Petitioner's Name: Marci Bowlen of Bruce Storm Real Estate & Management LLC

Address: 322 E. 4th St.

City: Bloomington

State: Indiana



Zip Code: 47408

Phone Number: 327-4490

E-mail Address: manager@sellngbloomingtonbystorm.com

Owner's Name: Peggy McClary

Address: 342 Clancy St.

City: Helena

State: Montana



Zip Code: 59601

Phone Number: 4064657776

E-mail Address: NA

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 month's agenda!

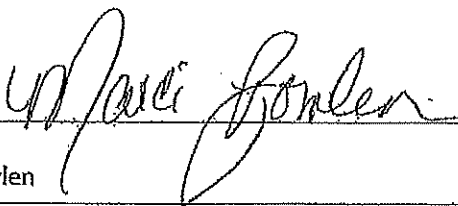
(Will be assigned by BHQA)

Petition Number: 18-TV-48

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.

Do to all contractors being too busy to get to us we need more time to address the following issues:
 Repair/Replace damaged/deteriorated soffit/cascia in a manner that seals all openings. (back of structure) BMC 16.04.050 (a) Determine the source and eliminate the water leak at the soffit area (back of structure) BMC 16.04.060 (a) Determine the source and eliminate the water leak at the roof (back of structure) BMC 16.04.060(a) Interior walls shall be free of holes, cracks, peeling paint and or deteriorated drywall/plaster. BMC 16.04.060(a) Note, we need to know if the cracks in the plaster can be caulked and painted or if we need to get a drywall finisher in to refinish the walls. What is acceptable for this problem? It is an old house and plaster walls often have cracks. This is a major job that cannot be done while Tenants are in the house if it requires more than caulk in the cracks. Please allow a fair amount of time after students are out of school to get repairs done and please let us know what is acceptable repairs.
 Thank you,
 Marci Bowlen
 Bruce Storm
 Real Estate &
 Management LLC
 812-327-4490

Signature (Required): 

Name (Print): Marci Bowlen Date: 4-13-18

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

APR 23 2018

3670

Owner(s)

Mcclary, Peggy L.
342 Clancy Street
Helena, MT 59601

Agent

Bruce Storm Real Estate
322 E. 4th St.
Bloomington, IN 47408

Prop. Location: 416 N Harold ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/5/5

Date Inspected: 01/17/2018
Primary Heat Source: Gas
Property Zoning: RM
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.

401 N Morton St
Bloomington, IN 47404
Fax (812) 349-3582

City Hall
bloomington.in.gov

Rental Inspection (812) 349-3420
Neighborhood Division (812) 349-3421
Housing Division (812) 349-3401

INTERIOR

Main Level

Living Room (20-0 x 11-0)

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

Kitchen (12-0 x 8-0)

Properly re-caulk around the countertop to eliminate water infiltration. BMC 16.04.060(a)

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

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

NE Bedroom (11-0 x 10-0)

Determine the source and eliminate the water leak at the ceiling. BMC 16.04.060(a)

Properly repair, then clean and surface coat damaged or stained ceiling area. BMC 16.04.060(a)

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

East Hall Bathroom

Replace the ungrounded electrical receptacle with a GFCI-protected receptacle(s), per Indiana Electric Code requirements. Label receptacle as no equipment ground. BMC 16.04.020(a)(5); IEC 406.3(D)

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

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

Upper Level

Stairway Area

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

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

Bathroom

Repair the hole in the wall around the light switch plate. BMC 16.04.060(b)

Properly secure the loose switch plate. BMC 16.04.060(b)

Secure toilet to its mountings. BMC 16.04.060(c)

Eliminate the mold/mildew growth at the floor adjacent to the bathtub. BMC 16.04.060(a)

Determine the source and eliminate the water leak at the floor adjacent to the bathtub. BMC 16.04.060(a)

Hallway

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

Properly ground the electrical receptacles. If the receptacles are on an ungrounded system, it is acceptable to install 2-pole, ungrounded receptacles, or GFCI receptacles. If GFCI receptacles are installed, label receptacles with the wording "no equipment ground." BMC 16.04.020(a)(5); 2009 IEC Article 406.3(B)

Properly secure all of the outlet plates. BMC 16.04.060(b)

NE Bedroom (11-6 x 10-0)

Replace the broken window pane. BMC 16.04.060(a)

Basement

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

EXTERIOR

Repair/ replace the storage box handles at the south side of structure so that it eliminates the entrance of rodents. BMC 16.04.050(a)

Repair/ replace the broken/ deteriorated hinges for the storage box area at the south side of structure. BMC 16.04.050(a)

Properly repair or replace damaged/deteriorated soffit/fascia in a manner that seals all openings. (back of structure) BMC 16.04.050(a)

Determine the source and eliminate the water leak at the soffit area. (back of structure) BMC 16.04.060(a)

Determine the source and eliminate the water leak at the roof. (back of structure) BMC 16.04.060(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)

Registration Form

Complete the enclosed registration form. If the owner lives out of state, it is a requirement for the owner to have an in state agent. A street address and phone number 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(e) 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 for Extension of Time**

Meeting Date: May 16, 2018

Petition Type: An extension of time to complete repairs

Petition Number: 18-TV-49

Address: 1319 W. Gourley Pike

Petitioner: Erica Payne

Inspector: Norman Mosier

Staff Report: October 23, 2017 – Conducted Cycle Inspection
December 29, 2017 – Owner Scheduled Re-inspection
January 31, 2018 – Owner Rescheduled Re-inspection
February 19, 2018 – Conducted Re-inspection with Owner
March 7, 2018 – Owner Scheduled Re-inspection
April 16, 2018 – Received May BHQA Appeal

It was noted during the cycle inspection that some repairs need to be addressed, in the interim the tenants have caused additional damage to the structure. Petitioner is requesting an extension of time to complete the 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: July 16, 2018

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

TA



RECEIVED
APR 16 2018

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: 1319 W. Bourley Pike, Blgtn, IN 47404

Petitioner's Name: Erica Payne

Address: 935 W. Kirkwood Ave.

City: Blgtn State: IN Zip Code: 47404

Phone Number: 812-391-7158 Email Address: ericapayne@skglobal.net

Property Owner's Name: Erica Payne

Address: 935 W. Kirkwood Ave.

City: Blgtn State: IN Zip Code: 47404

Phone Number: 812-391-7158 Email Address: ericapayne@skglobal.net

Occupants: Blayke Hoff & Patricia Patterson

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 18-TV-49

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.

They brought in a dog without my permission and it destroyed the new carpets a chair. 7/11/18 3:56 PM

I'm disabled and these tenants are destroying my house and not taking care of it properly.

If I repair it they immediately destroy and delapidate it. They pay their rent in cash but don't keep the place up. I have emailed them numerous times to clean it up and they only complain that the house is "poorly made". I have videos, photos and recorded conversations as evidence to my points. My neighbor Feltz called me complaining of noise @ 2 AM and arguments, slamming doors and marijuana smoking at the residence but she said she didn't want to make a police report for fear of what they might do to her. I have that conversation recorded. I have a move-in video

showing walk thru w/ tenants and place was immaculate with all new carpet, etc. continued below!

Signature (required): Erica Payne

Name (please print): Erica Payne Date: 4-18-18

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.

I'm disabled and this is causing me stress as I don't know what to do for fear of retaliation. If I spend money on a new door, etc. to pass inspection it will be trashed by these tenants I'm certain. The house is destroyed inside and I have pictures and video proof. There are used and empty Jack Daniels whiskey bottles strewn about. The place is basically a flop-house or party-house in my opinion. I don't know what to do. Please help.



**City Of Bloomington
Housing and Neighborhood Development**

REMAINING VIOLATION INSPECTION REPORT

9397

Owner(s)

Payne, Erica
935 W. Kirkwood Avenue
Bloomington, IN 47404

Prop. Location: 1319 W Gourley PIKE
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/3/3

Date Inspected: 10/23/2017
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1

Inspector: Norman Mosier
Foundation Type: Crawl Space
Attic Access: No
Accessory Structure: nvn

REINSPECTION REQUIRED

This report is a reminder that there are outstanding violations of the Residential Rental Unit and Lodging Establishment Inspection Program of Bloomington. Although you are still within your sixty-day deadline, the following items must be brought into compliance before a rental occupancy permit will be issued.

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

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

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

INTERIOR:

Living Room 17-9 x 11:

Repair/replace the failing entry door, exterior panel coming off. BMC 16.04.060 (a)

E Bathroom:

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

401 N Morton St
Bloomington, IN 47404
Fax (812) 349-3582

City Hall
bloomington.in.gov

Rental Inspection (812) 349-3420
Neighborhood Division (812) 349-3421
Housing Division (812) 349-3401

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(e) 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
Housing and Neighborhood Development**

RENTAL INSPECTION INFORMATION

Payne, Erica
935 W. Kirkwood Avenue
Bloomington, IN 47404

RE: 1319 W Gourley PIKE

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 _____ 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,



City Of Bloomington
Housing and Neighborhood Development

CYCLE INSPECTION REPORT

9397

Owner(s)

Payne, Erica
935 W. Kirkwood Avenue
Bloomington, IN 47404

Prop. Location: 1319 W Gourley PIKE
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/3/3

Date Inspected: 10/23/2017
Primary Heat Source: Gas
Property Zoning: RS
Number of Stories: 1
Inspector: Norman Mosier
Foundation Type: Crawl Space
Attic Access: No
Accessory Structure: shed

Windows for Modular home are to Manufacturers' specifications.

Existing Egress Window Measurements; Dbl hung; Const. Yr. - 1989
Height: 26 inches
Width: 35 inches
Sill Height: 16 inches
Openable Area: 6.32 sq. ft.

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

INTERIOR:

Laundry Area:

No violations noted.

Furnace Closet:

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

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

Kitchen 11 x 8-7:

No violations noted.

Living Room 17-9 x 11:

Repair/replace the failing entry door, exterior panel coming off. BMC 16.04.060 (a)

E Bedroom 11-8 x 11: See window measurements above.

No violations noted.

E Bathroom:

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

SW Bedroom 9-5 x 8-3: See window measurements above.

No violations noted.

Hallway:

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

Hall Bath:

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

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

Secure the loose toilet. BMC 16.04.060 (a)

NW Bedroom 10-4 x 9-2: See window measurements above.

Replace the missing receptacle cover plate for the receptacle adjacent to the door.
BMC 16.04.060 (b)

EXTERIOR:

Secure the loose siding on the east end of structure. BMC 16.04.050(a)

Crawlspace:

No access.

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)

Required documentation:

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

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied.** BMC 16.03.050(e) and BMC 16.10.030(b)

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.03.030(d)

This is the end of this report.



**City of Bloomington
Housing & Neighborhood Development**

Meeting Date: May 16, 2018

Petition Type: Relief from an administrative decision

Variance Request: Relief from the loss of 5 year permit.

Petition Number: 18-AA-50

Address: 1496 N Kinser Pike

Petitioner: Mark Figg

Inspector: John Hewett

Staff Report: January 12, 2015 Owner scheduled inspection
March 10, 2015 Cycle Inspection
April 1, 2015 Report sent with a May 31, 2015 deadline
July 13, 2015 Agent scheduled reinspection
August 13, 2015 Reinspection completed, all complied.
September 01, 2015 Sent Billing
September 21, 2015 Received payment, issued 3 year permit.
April 19, 2018 Owner appeals for relief from loss of 5 year permit.

Staff recommendation: Deny the relief from administrative decision.

Conditions: The permit shall remain as issued, with an expiration date of August 13, 2018.

Compliance Deadline: none

Attachments: Appeal form



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

Property Address: 1426 N Kinser Pike F8 Bloomington IN 47404

Petitioner's Name: Mark Figg of Crimson Crossing LLC dba AXIS812 Townhomes

Address: 1426 N Kinser Pike F8 Bloomington IN 47404

City: Bloomington State: Indiana Zip Code: 47404

Phone Number: (812) 822-0079 E-mail Address: info@axis812.com

Owner's Name: Mark Figg of Crimson Crossing LLC dba AXIS812 Townhomes

Address: 1426 N Kinser Pike F8 Bloomington IN 47404

City: Bloomington State: Indiana Zip Code: 47404

Phone Number: 812-822-0079 E-mail Address: info@axis812.com

Occupants: Multiple Tenants

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: A modification or exception to the Housing Property Maintenance Code. (Petition Type: V)

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: 18-AA-50

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.

Petition Type V-Title 16 of Bloomington Municipal Code. We are respectfully requesting a variance because should have been issued a 5-year permit instead of a 3-year permit. For some reason the permit was issued as a 3-year and we did not catch it until late last year. I feel as though I am being penalized with a 3-year permit instead of a 5-year permit due to scheduling problems within HAND beyond my control. Please see attached documentation that I could find from scheduling the date on time. Also, below is the timeline. Called HAND on or about May 27, 2015 to schedule inspection (I had until May 31, 2015). Spoke to Eddie. He commented "you have called in plenty of time." Invited my staff by email regarding the schedule and an invite to make sure it was on the calendar. Constant contact letters sent out to residents by email informing them of the inspection date and times. I have included both the letter that was sent through Constant Contact as well as the screen shot showing how many people opened that email. It includes a date and time of when the report was generated. July 8, 2015 and July 12, 2015 reminders sent to tenants. July 13, 2015 - Mark, Angie, Don, Riley and Tamie all waiting for inspectors at Office at 9:00am. Eventually called HAND office and was told by Eddie he would check the file. Then he returned to state that they had other scheduling conflicts and that my inspection had been bumped off the calendar and that I could reschedule. He stated that I would not be penalized since he saw that I had originally called back in May and that I had scheduled it in the time frame need to avoid a penalty. Eddie then rescheduled us for August 13, 2017 and stated he was sending extra inspectors. July 13, 2015 - Letter sent out through Constant Contact to tenants stating we were sorry that HAND was rescheduling. August 13, 2015 - Inspectors arrived to hear Tamie complain about them bumping us in July. Was told by inspectors they never had the first inspection on the schedule. Passed final inspection.

Signature (Required): Mark W. Figg

Name (Print): Mark Figg Date: 4/19/18

- 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.

