

**PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL McCLOSKEY CONFERENCE ROOM
OCTOBER 16, 2019 4:00 P.M.**

ALL ITEMS ARE ON THE CONSENT AGENDA

- I. **ROLL CALL**
- II. **REVIEW OF SUMMARY** – September 18, 2019
- III. **PETITIONS**
 - 1) 19-TV-62, **312 S. Arbutus Drive**, Peter Kinne. Previously heard August 21, 2019. Request for an extension of time to complete repairs.
 - 2) 19-AA-75, **916 W. Graham Drive**, Horizon Resources, LLC (Alexis McCloud). Request for relief from an administrative decision.
 - 3) 19-TV-77, **521 W. Wylie Street**, Fred Walsh (Andy Mahler). Request for an extension of time to complete repairs.
- 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](tel: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 for Extension of Time**

Meeting Date: October 16th, 2019

Petition Type: An extension of time to complete exterior paint.

Petition Number: 19-TV-62 (Old Business)

Address: 312 S. Arbutus

Petitioner: Peter Kinne

Inspector: Kenny Liford

Staff Report: August 13th, 2018 Completed Cycle Inspection Report
July 18th, 2019 BHQA application received
September 6th, 2019 2nd BHQA application received. (Old Business)

Owner has requested an extension of time to complete exterior painting.

Staff recommendation: Deny the request.

Conditions: Call immediately for a drive by for exterior paint.

Compliance Deadline: Compliance deadline has passed..

Attachments: Cycle report, BHQA Appeal



RECEIVED
SEP 06 2019

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

BY:

hand@bloomington.in.gov

Property Address:

312 S. Arbutus

Petitioner's Name:

Peter W. Kinne

Address:

8899 E. Faby Creek Rd

City:

Bloomington

State:

IN

Zip Code:

47408

Phone Number:

812 369-8302

~~812 369-8302~~

Email Address:

PKINNE8899@gmail.com

Property Owner's Name:

same

Address:

City:

State:

Zip Code:

Phone Number:

Email Address:

Occupants:

DESIREE & CHRIS KING

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 19-TV-62

(OLD BUSINESS)

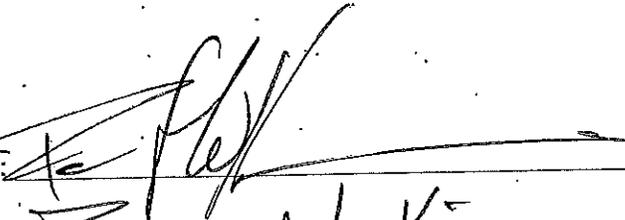
SEE REVERSE

KC

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

Due to the wet spring + early summer painters were overbooked and not looking for new business. I asked for an extension to the end of the painting season, but received only 30 days. In that time I have engaged a painting company willing to put this house on their schedule for this year, but they won't even be able to start by Sept 15, let alone finish. Their name is "Precision Painters" and they're good, but not fast. I'd like the extension to go til Dec 15 to give them plenty of time.

Signature (required):



Name (please print):

PETER W KINNE

Date:

9-6-19

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

RENTAL INSPECTION INFORMATION

AUG 31 2018

Kinne, Peter W.
8899 Baby Creek Rd.
Bloomington, IN 47408

RE: 312 S Arbutus DR

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 **OCT 30 2018** 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

4007

Owner(s)

Kinne, Peter W.
8899 Baby Creek Rd.
Bloomington, IN 47408

Prop. Location: 312 S Arbutus DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: Bld 1: 1/2/3

Date Inspected: 08/10/2018
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Inspector: Kenny Liford
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

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

INTERIOR

Entry

Replace the missing casing around the entry door. BMC 16.04.060(a)

Living Room (13-3 x 13-4)

No violations noted.

Dining Room (12-0 x 14-5)

Every window shall have a functioning locking device, window latch and shall be maintained in good condition. Window locks in rental units shall be capable of tightly securing the window and shall be openable without special knowledge or effort. BMC 16.04.060(b)

SE Bedroom (10-5 x 11-3)

Secure the loose electrical receptacle under the window. BMC 16.04.060(b)

Scrape and paint interior surfaces on the ceiling where paint is peeling or bare surfaces are exposed. BMC 16.04.060(f)

Existing Egress Window Measurements:

Height: 19 inches
Width: 27 inches
Sill Height: 35 inches
Openable Area: 3.56 sq. ft.

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

Bathroom

C Properly secure the faucet on the sink. BMC 16.04.060(c)

AC Secure toilet to its mountings. BMC 16.04.060(c)

SW Bedroom (11-4 x 8-11): The window measurements are the same as noted above.

C Repair the window to be weather tight. **The sashes shall fit snugly and properly within the frame.**
Replace any missing or deteriorated glazing compound. Windows shall be easily and fully openable and shall remain fully open using hardware that is part of the window. BMC 16.04.060(b)

Upper level study

No violations noted.

Kitchen (10-0 x 12-5)

C Replace broken/missing outlet cover plate. BMC 16.04.060(b)

C Every window shall **have a functioning locking device**, window latch and shall be maintained in good condition. Window locks in rental units shall be capable of tightly securing the window and shall be openable without special knowledge or effort. BMC 16.04.060(b)

Basement

No violations noted.

EXTERIOR

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

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

C Secure the handrail to the back deck so it is capable of withstanding normally imposed loads. BMC 16.04.050(b) and BMC 16.04.060(b)

W/R 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)

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 Relief from an Administrative Decision

Meeting Date: October 16, 2019
Petition Type: Relief from an administrative decision
Variance Request: Relief from the requirement to register and inspect.
Petition Number: 19-AA-75
Address: 916 W Graham Drive.
Petitioner: Marty Wachel
Inspector: John Hewett

Staff Report: August 14, 2019 Normal pull date to check the status of this property prompted a check of ownership. A new owner was found on the Monroe County Tax records. A notice to register was sent to Horizon Resources LLC.

September 3, 2019 Martin Wachel called HAND. He is acting as Power of Attorney for his niece, who owns the property. The property ownership has been placed under Horizon Resources LLC. Alexis McCloud has lived in this house for 20 years, but was in a nursing home recently which prompted this change. Alexis McCloud is now living in the house again and is receiving therapy there.

September 16, 2019 HAND received an appeal, and fee.

Staff recommendation: Grant the relief from administrative decision.

Conditions: This unit will be granted relief from the requirements of Title 16 for as long as the current owner and tenant are still not changed from the current status. The property status will be checked yearly to verify no changes have been made. If this status changes, the requirements of Title 16 may be re-instated. HAND will require yearly affidavits of occupancy.

Compliance Deadline: Occupancy Affidavit will be due yearly in the month of September.

Attachments: Appeal form

AP



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
SEP 16 2019
BY:

Property Address: 916 W GRAHAM DRIVE BLOOMINGTON IN 47403

Petitioner's Name: MARTY WACHEL (HORIZON RESOURCES LLC)

Address: 7447 KNICKERBOCKER PARKWAY

City: HAMMOND State: IN Zip Code: 46323

Phone Number: 219-730-6726 E-mail Address: m.wachel@yahoo.com

Owner's Name: ALEXIS MCCLOUD

Address: 916 W GRAHAM DRIVE

City: BLOOMINGTON State: IN Zip Code: 47403

Phone Number: 730-6726 E-mail Address: _____

Occupants: ALEXIS MCCLOUD

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: SINGLE FAMILY HOME - PRIMARY RESIDENCE

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: 19-BA-75

JH

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.

THIS HOME IS THE PRIMARY RESIDENCE OF ALEXIS McCloud. SHE HAD BEEN IN A NURSING HOME IN PAOLI INDFOR 6 MONTHS. THE DEED WAS QUIT CLAIMED TO MARTY WACHEL FOR THE PURPOSE OF TAKING CONTROL OF THE EXPENSES INCLUDING THE MORTGAGE. ALEXIS McCloud IS THE PRIMARY RESIDENT AND PAYS THE MORTGAGE NOW THAT SHE IS MOVING BACK TO HER HOME ON GRANHAM, THIS HOME IS NOT A RENTAL AND SHE HAS LIVED THERE FOR NEARLY 20 YEARS. THE HOME WILL BE A PRIMARY RESIDENCE AND HAS BEEN APPROVED FOR SPECIAL SERVICES SUCH AS Physical Therapy AND OCCUPATIONAL THERAPY AS WELL.

Signature (Required): 

Name (Print): MARTY WACHEL Date: 09/12/19

Important information regarding this application format:

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

Print Form



City of Bloomington
H.A.N.D.

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

Meeting Date: 16 October 2019

Petition Type: An extension of time to complete repairs

Petition Number: 19-TV-077

Address: 521 W Wylie St

Petitioner: Fred Walsh

Inspector: Michael Arnold

Staff Report:

09 November 2018	Cycle Inspection
21 November 2018	Sent Report
18 January 2019	Reinspection Scheduled
22 January 2019	Received Summary and IDL
08 February 2019	Reinspection
22 April 2019	Furnace Documentation finalized
26 April 2019	Sent Temporary Permit
09 September 2019	Exterior Extension Reminder
19 September 2019	Received Extension of Time Request

The Petitioner is requesting an extension of time to complete the exterior painting of the house and the detached garage. Petitioner is requesting early to mid-summer 2020

Staff recommendation: Deny the request..

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

Compliance Deadline: 09 November 2019

Attachments: Exterior Extension Report, BHQA Appeal



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

RECEIVED
SEP 19 2019

BY:

Property Address: 521 W. Wylie St

Petitioner's Name: Fred Walsh

Address: 1395 W. 8th St

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

Phone Number: (812) 325-3597 **E-mail Address:** astralletter@hotmail.com

Owner's Name: Andy Mahler

Address: 3875 S County Rd 50 W

City: paoli **State:** Indiana **Zip Code:** 47454

Phone Number: 508-548-8798 **E-mail Address:** andy.heartwood@gmail.com

Occupants: Jack V

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: 19-TV-77

MA

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.
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 - 1. Specify the code reference number you are appealing.
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- 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.

Please allow us more time to repaint the exterior of 521 W. Wylie St. I, Fred Walsh, agreed to due to the work. Due to unforeseen circumstances, I will not be able to complete it before the resinspection deadline of November 9th. And then winter will make it so I wont be able to start until spring. I hope you understand and offer us the leniency of a couple of seasons to paint at an appropriate time. My apologies that i was not able to keep to the original deadline. Please, let me know if you have further questions. Fred Walsh 812-325-3597

I would appreciate until early/mid summer 2020.
July?

Signature (Required): F. Walsh

Name (Print): Fred Walsh

Date: 9/19/19

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
EXTERIOR EXTENSION REMINDER INSPECTION REPORT

SEP 13 2019

4594

Owner(s)

Andy Mahler
 3875 S. Co Rd 50 W
 Paoli, IN 47454

Agent

Fred Walsh
 1395 W 8th St
 Bloomington, IN 47404

Prop. Location: 521 W Wylie ST
 Number of Units/Structures: 1/1
 Units/Bedrooms/Max # of Occupants: Bld 1: 1/2/3

Date Inspected: 11/09/2018
 Primary Heat Source: Gas
 Property Zoning: RC
 Number of Stories: 2

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

This report is your reminder from the Housing and Neighborhood Development Office that this rental property is operating under a Temporary Permit that expires on 09 November 2019.

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

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

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

Exterior:

Main Structure:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e) (This item has a deadline of 09 November 2019).

Detached Garage:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e) (This item has a deadline of 09 November 2019).

City Hall
 Email: hand@bloomington.in.gov
 Neighborhood Division (812) 349-3421

401 N Morton St
<https://bloomington.in.gov/hand>
 Housing Division (812) 349-3401

Bloomington, IN 47404
 Rental Inspection (812) 349-3420
 Fax (812) 349-3582

24

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.