

OCTOBER 19, 2023 Board of Building Appeals Agenda

Time: 2pm

Place: Peru City Hall: Common Council Room

35 S. Broadway, Peru, Indiana 46970

BOARD:

PRESENT: Derek Sharp, DeeDee Richards, Joe Molyneux, Garry Church

ABSENT: Jeff Gunning

STAFF PRESENT: Dustin Kern, Brenda Douglass, Ron Dausch

AGENDA:

1. **CALL TO ORDER: 2PM.**
2. **MINUTES FROM PREVIOUS MEETING Motion to Waive the Reading of the Minutes & Approve Them: Motion: DS, Second: JM. All approved.**
3. **OLD BUSINESS**
 - 1 **543 W 10TH**

TRENT, ROLLA
No one present. All work has been done.
Motion to Close: DS
Second: DR
Approved: 4 to 0
 - 2 **318 E 5TH**

MG IRA LLC
No one present. All work has been done.
Motion to Close: DS
Second: JM
Approved: 4 to 0
 - 3 **158 MADISON**

MG IRA LLC
No one present. All work has been done.
Motion to Close: DS
Second: DR
Approved: 4 to 0
 - 4 **2 ELIZABETH**

STEPHEN & SHAWNA FOHT
No one present. Structure demolished.
Motion to Close: DS
Second: DR
Approved: 4 to 0

- 5 300 TYLER MILES, JOSEPH ALLEN
Joe Miles, owner, present. Mr. Miles indicated all work was done except the loose bricks. Should have everything done by the December meeting. Mr. Miles did ask about having the penalty rescinded. DR indicated that since no calls had been made to the office for inspections, she would be unwilling to rescind the civil penalty. DS agreed.
MOTION TO TABLE TO 12/14/23 TO CLOSE: DS
SECOND: GC
APPROVED: 4 TO 0, TO RETURN TO DEC MEETING.
- 6 906 W MAIN SHERWOOD MOBILE HOME PARK (MULTIPLE LOTS) SHERWOOD MHP, MWEST, ROBERT MILLER & KIMBERLY OVERPECK, AMBER BEAN, MW3, KIRK PARRISH, MARRAKESH, RAY & THELMA BEAN, MW2, KARA HOSLER, DIANNA MURRAY, JAMIE ENYEART, EMERY MHP PARTNERS
No one present for the park. Robert Miller was present for Lot 57 and indicated all of his work was done. There has been no other change in the other lots. An inspection will be done to ensure Lot 57 is done. Clarification was made that any civil penalty made against the park would not go against the individual mobile home owners but be levied against the park itself.
MOTION for a \$5000 Civil Penalty: DS
SECOND: DR
APPROVED: 4 TO 0, TO RETURN TO DEC MEETING.
- 7 23 S PARK AVE MOBILE HOME PARK JAMES J PARK
No one present for the park. There has been no change in the other lots. Clarification was made that any civil penalty made against the park would not go against the individual mobile home owners but be levied against the park itself. Lot 11 was demolished. Lot 2 will be demolished soon.
MOTION for a \$5000 Civil Penalty: DS
SECOND: JM
APPROVED: 4 TO 0, TO RETURN TO DEC MEETING.
- 8 61 E 6TH STREET MCCLISH, ROBERT H & CHRISTINA M
No one present for the property. The Bank has reached out to us regarding their eviction of current tenants & taking possession of the property.
MOTION: \$1000 Civil Penalty contingent on communication with the Bank by 12/4/2023: DS
SECOND: DR
APPROVED: 4 TO 0, TO COME BACK TO DEC MEETING.

9 62 S MIAMI

HARVEY, JEFFREY

Jeff Harvey was present. The previous decisions of the Board were reviewed. Full completion of the property was to be done by 10/6/23. No SOR was submitted. If work was not complete a demolition order was approved by the Board.

Mr. Harvey has acquired Josh Petruniw as his attorney. Ron Dausch mentioned that Dustin Kern had been in communication with Mr. Petruniw. They would like to set up a time to come in to get a game plan together.

DS asked where we were with the demolition order previously voted on in the last meeting.

Discussion was made with Mr. Petruniw that the unsafe case will continue due to the fact the house is uninhabitable due to no electric, plumbing or heat source. Due to that fact, the State Unsafe Building Law still pertains. The Board discussed holding the demo order until the meeting takes place with Harvey's attorney.

MOTION to enforce the demolition order: JM

SECOND: DS

Abstained from vote: DR

OPPOSED: GC due to a legal issue. Believes that we should stay the demolition order until after the meeting. Suggested tabling to the next meeting.

Mr. Harvey mentioned the property looks a lot different than when the case started and indicated the Board has not been lenient. More conversation was had about the stalled work for the last year (items selected to be done Dec 2022 and still not done to date).

MOTION FOR \$1000 IMMEDIATE CIVIL PENALTY: DS

SECOND: JM

APPROVED: 3 to 0, 1 abstaining.

MOTION TO TABLE TO DECEMBER 2023 WITH SOR IN PLACE & PROGRESS BY DECEMBER 14, 2023: DS

SECOND: GC

APPROVED: 3 to 0, 1 abstaining. TO RETURN TO DEC MEETING.

10 309 LOVELAND

309 LOVELAND AVENUE LAND TRUST

Nathan McClain present for the Land Trust/Village Real Estate. Indicated the property is being bought on contract and the purchaser is current on their payments to the Land Trust. According to the SOR, nearly everything was to be done by now.

MOTION \$2000 IMMEDIATE CIVIL PENALTY: DS

SECOND: DR

APPROVED: 4 TO 0, TO COME BACK TO DEC MEETING

- 11 32 EWING
CAROLYN DALY **being contract purchased by Dalton Gibson/Dalton Barron
No one present. The property is still in Carolyn Daly's name. No closing has taken place.
MOTION FOR \$1000 IMMEDIATE CIVIL PENALTY: DS
SECOND: JG
APPROVED: 4 TO 0, TO RETURN TO DEC MEETING.
- 12 230 COLUMBIA
RASMUS, ALLEN & TERI
Allen Rasmus present as owner. Indicated he has made some progress. Windows are painted.
The SOR had been turned in 10/2/23 but no word had taken place about any progress. The City had arranged to get him some siding from a structure that was being demolished but Mr. Rasmus did not take advantage of it.
MOTION FOR \$500 CONTINGENT CIVIL PENALTY FOR SOR TO BE SUBMITTED & SOME PROGRESS & INSPECTIONS BY DECEMBER 4, 2023: DS
SECOND: DR
APPROVED: 4 TO 0, TO RETURN TO DEC MEETING.
- 13 258 W 2ND
RHINE, BRADY & BREANNA PEAR
No one present. No contact. No SOR. No change.
MOTION for \$1500 Immediate Civil Penalty: DS
SECOND: JM
APPROVED 4 to 0, TO RETURN TO DEC MEETING.
- 14 132 W 7TH
FREEMAN, QUENTON & MARIAN
No one present. SOR indicated all work should have already been done. No contact. No change.
MOTION for \$2000 Immediate Civil Penalty: DS
SECOND: JM
APPROVED 4 to 0: TO RETURN TO DEC MEETING.
- 15 71 S BROADWAY
ZELINKSY, ANDREW & CHASTITY
Andrew Zelinski & Attorney Bill Berkshire present. Claims the painting was done. Claims that part of the bricks jutting out have been cut back, but not all of it. Loose bricks on the north side need to be addressed.
Suggestion was made to cover the side with metal but due to the building being in the Downtown Historic District, metal is not an option. Attorney claims there is nothing inherently unsafe about it. DR asked why no inspections were called for. No answer was given. Ron Dausch indicated that the inspections have to be called for. Metal would be ok as a temporary fix. JM reaffirmed the importance of taking care of the brick that is falling or

loose. Suggestion for a couple bags of mortar to secure them. JM suggested if the building was historic, there may be grants available to help with the repairs. In August there was to be an SOR submitted choosing three items to be completed. According to Bill Berkshire, no SOR was submitted because they didn't feel like the work was necessary.

MOTION for \$1000 Contingent Civil Penalty for Completion by 12/4/23: DS

SECOND: DR

APPROVED 4 TO 0, TO RETURN TO DEC MEETING.

16 182 W 7TH

OLESZKEWYCZ, GEORGE

George Oleszkewycz present. Ron Dausch responded to a request for inspection. October 7, 2023. No SOR was submitted. Progress was to be done by October 6. Some progress has been made. House wrap is in place. There is OSB on west side. OSB on east side but insulation is exposed on the east side. George O indicated he didn't submit an SOR. He took a blank one at the time of this meeting. No mail is being signed for including the Finding of Fact from the previous meeting. In September 2022, the court ordered that all work was to be done by December 2022. Dustin Kern mentioned that if a demolition order had been in place at the time court took place, the demo order would have been upheld. The Board indicated that they wanted an interior inspection would happen. Mr. O indicated that would not happen. DR indicated that the value of the neighboring homes is being effected by the condition of his home. Mr. O suggested he would cover the house in painted OSB. Ron Dausch indicated that is not ok because OSB for the exterior is not up to code. Dustin Kern indicated that an order to enforce would need to be filed.

MOTION FOR DEMO ORDER; DS

Dustin Kern suggested filing for an inspection warrant. JM indicated that the work that has been done so far is not sufficient and merely a band-aid.

NO SECOND WAS GIVEN

NEW MOTION to table the case for an inspection warrant to be issued: DS

SECOND: JM

APPROVED 4 to 0, TO RETURN TO DEC MEETING:

17 372 W 5TH

TOLLIVER, KEIGH W & DORIS E

No one present. No change. No contact.

MOTION for \$2000 Immediate Civil Penalty: DS

SECOND: JM

APPROVED 4 TO 0: TO RETURN TO DEC MEETING.

18 15 N BENTON

TRUEBLOOD, MATILDA

No one present. Property certificate was purchased at tax sale, but the same owners in place currently. Code Enforcement has towed, mowed & cleaned.

MOTION for \$1500 Immediate Civil Penalty: DS

SECOND: DR

APPROVED: 4 TO 0, RETURN TO DEC MEETING.

19 291 N BROADWAY

291 N BROADWAY LAND TRUST

NATHAN MCCAIN PRESENT FROM THE LAND TRUST.

INDICATED THAT THE PROPERTY CONTRACT IS NEARLY PAID FOR AND THE LAND TRUST PLANS TO SIGN IT OVER TO MIKE RORVIK. MR. RORVIK CALLED ON THE 6TH FOR AN EXTENSION BUT NO INSPECTIONS HAD BEEN CALLED FOR. MR. DAUSCH INDICATED THAT MR. RORVIK WAS GOING TO ORDER THE TRUSSES BUT THE TRUSSES HAD NOT BEEN ORDERED AS OF THE DATE OF THIS MEETING.

The Fire Department may be consulted about an interior inspection due to fire hazard inside, pest/rodents, etc..

MOTION OF \$5000 IMMEDIATE CIVIL PENALTY: DS

SECOND: DR

APPROVED: 4 TO 0

MOTION FOR DEMOLITION OF NW CORNER THAT IS

UNSAFE: DS

SECOND: JM

APPROVED: 4 TO 0

20 213 WASHINGTON

BOOTH (MONGOSA), CHRISTINA

NO ONE PRESENT. PLYWOOD HAS BEEN PLACED ON THE WESTERN SIDE TO COVER THE INSULATION AND THE ELECTRICAL. SOR WAS UPDATED ON 10/18/2023.

MOTION: \$1500 CONTINGENT CIVIL PENALTY IF NOT COMPLETE BY DECEMBER 4, 2023 WITH THE EXCEPTION OF THE ONE ITEM DATED ON THE SOR FOR 12/15/23: DS

SECOND: DR

APPROVED 4 TO 0, TO RETURN TO DEC MEETING.

4. NEW BUSINESS

1 349 JACKSON

COOPER, THOMAS

NO ONE PRESENT.

MOTION TO TABLE TO DECEMBER 14, 2023 PER OWNER'S ATTORNEY'S REQUEST: JM

SECOND: DS

APPROVED 4 TO 0, RETURN TO DECEMBER MEETING:

- 2 119 MONROE WARD, AUSTIN
AUSTIN WARD PRESENT. No SOR in place yet. Blank one provided to owner at the meeting.
MOTION TO TABLE FOR SOR, PROGRESS & INSPECTIONS BY DECEMBER 4, 2023: DS
SECOND: DR
APPROVED 4 to 0, TO COME BACK IN DEC IF NO PROGRESS
- 3 284 N COUNTRY CLUB RD HAYES, SOONER
Sooner Hayes present. Indicated that an inspection took place earlier this week and nearly everything is done. Was to be done by Oct 30, but needs pushed out.
MOTION TO TABLE FOR COMPLETION BY DECEMBER 4, 2023: JM
SECOND: DS
APPROVED 4 TO 0, BACK TO DECEMBER 2023 MEETING.
**Owner commented on being upset about inspectors coming onto her property. Dustin Kern indicated that photos can be taken from a public place. If violations are observable, the code officers can go onto the property.
- 4 18 LOGAN CONWAY, DENNIS LEE JR & ANGELA
ANGELA CONWAY PRESENT. INDICATED THAT THE GARAGE IS IN THE MIDST OF A LEGAL CASE WITH HER INSURANCE COMPANY.
MOTION TO DEMOLISH THE GARAGE PENDING THE COURT CASE: DS
SECOND: DR
APPROVED 4 TO 0
- 5 112 W CANAL 112 W CANAL STREET LAND TRUST
NATHAN MCCAIN PRESENT FOR LAND TRUST. BOBBI FOX PRESENT AS CONTRACT PURCHASER. WORKING ON THE PROPERTY. TAKEN ADVANTAGE OF BY THE ROOFING CONTRACTOR. LAND TRUST MAY HELP WITH THE NEW ROOF.
MOTION FOR \$1000 CONTINGENT CIVIL PENALTY FOR A NEW SOR & PROGRESS & NSPECTIONS BY DECEMBER 4, 2023: DS
SECOND: DR
APPROVED 4 TO 0:

5. **COMMUNICATION:**

1. **UPDATES:**

- a. 537 E 2ND: Tabled from 8/17/2023 for USDA approval.

- b. 341 Euclid: Tabled from 8/17/2023. Update only if SOR was submitted, progress, inspections. Have done by 10/6/23. If not, this is actionable.
- c. 379 W 7th: Tabled from 8/17/23. Was to have 3 items w/ Inspections & Progress by 10/6/23 or \$1000 Civil Penalty.
- d. 2573 S 300 W: Tabled from 8/17/23 for progress. Update only.
- e. 341 Euclid: Tabled from 8/17/23 for progress & inspections.
- f. 207 W 7TH: 3 Items to be completed & inspected by Oct 6, 2023
- g. 130 W BOULEVARD
- h.

2. **DEMOLITIONS:**

- a. 479 JACKSON: COMPLETED
- b. 363 W 7TH: COMPLETED
- c. HI & DRI LOTS 32 & 26: COMPLETED. GARAGE BURNED.
- d. 906 W MAIN LOTS 30, 36, 39, 42, 43

- 6. **PUBLIC COMMENT** AUSTIN WARD REQUESTED REMOVING SOME OF THE CODE ENFORCEMENT VIOLATION FEES. NOT ABLE TO BE ADDRESSED BY THIS BOARD.
- 7. **ADJOURN:** 4:20PM, MOTION: DS, SECOND: JM. APPROVED 4 TO 0
- 8. **NEXT MEETING: DECEMBER 14, 2023, 2PM**