



INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS

DIVISION OF ENGINEERING

TO: Theresa Heffner, Clerk
Board of Public Works

FROM: Zach Hurst, PE, Sr. Project Engineer

SUBJECT: Approve Emergency Declaration - Project No. 124-062
Emergency Demolition of 747-749 Harrison Avenue

DATE: 10/01/2024

At the August 20th, 2024, Neighborhood Services & Enforcement Hearing, a demolition order by way of Indiana's Unsafe Building Law was affirmed on the subject property, currently functioning as the New Birth Christian Ministries building. The demolition order is attached.

At the request of the Department of Community Investment, American Structurepoint was engaged to inspect the property to determine whether the subject building is in danger of imminent collapse and whether such a collapse would present a public safety concern.

The conclusions from American Structurepoint's report are as follows:

CONCLUSIONS

Based on our observations, experience, and professional judgment, we are of the opinion:

- The two side walls (north and south) of the sanctuary portion of the building are in unstable condition due to long-term water infiltration and freeze-thaw related separation of the masonry wythes. This instability leaves the center of the sanctuary portion of the building in danger of imminent collapse, particularly in inclement weather. In the event that the sanctuary collapses, the buttresses may collapse outward from the sanctuary. This collapse event will be very dangerous and potentially life threatening to anyone in the immediate vicinity.
- Loose bricks and stone accents are also in continued danger of falling off the upper reaches of the building where there are open mortar joints, particularly in times of inclement weather. This poses a safety risk to passersby on the adjacent public sidewalks and roadways, or anyone on the property in the immediate vicinity.

Here are photos of the building from the report:

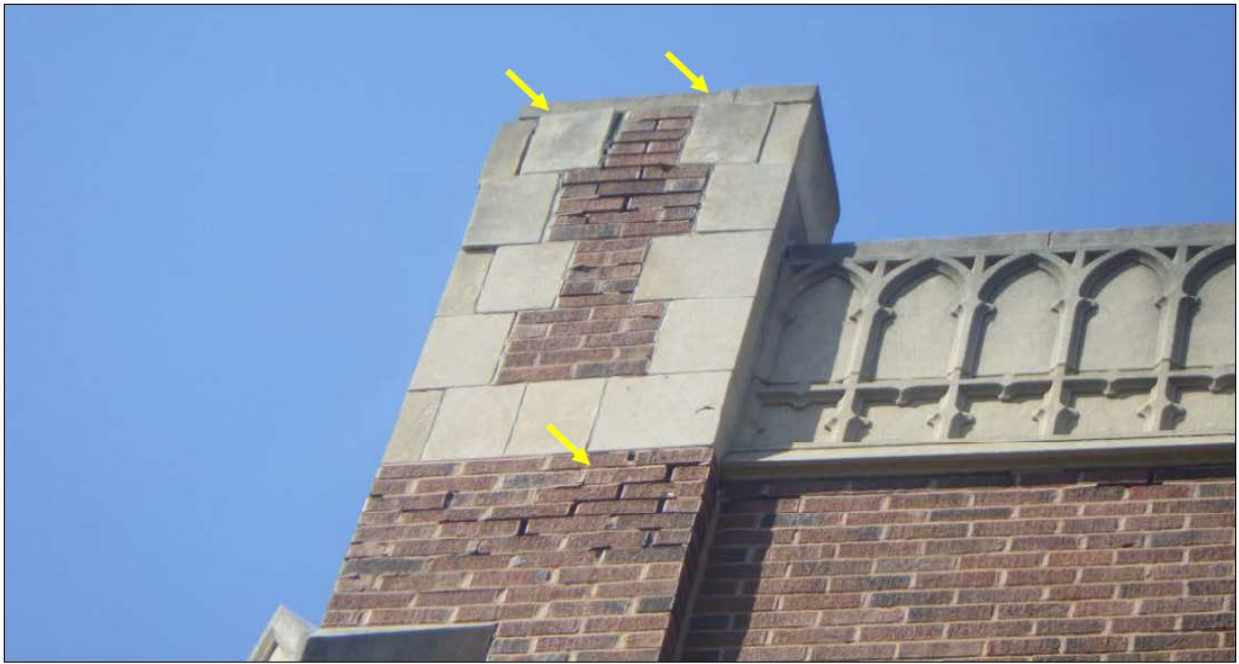


Photo 7: Open mortar joints in one of the belfry towers with displaced brick and stone accents (arrows).



Photo 8: Masonry debris which has separated from the belfry walls (arrows).



Photo 9: Collapsed outer wythe of brick on the south elevation of the sanctuary wing. Note the vegetation growth and deterioration in the buttresses (arrow).



Photo 10: Collapsed outer wythe of brick on the south elevation of the sanctuary wing. Note the loose bricks with open mortar joints (arrows).



Photo 11: Pile of bricks and stone accents along the base of the north elevation.

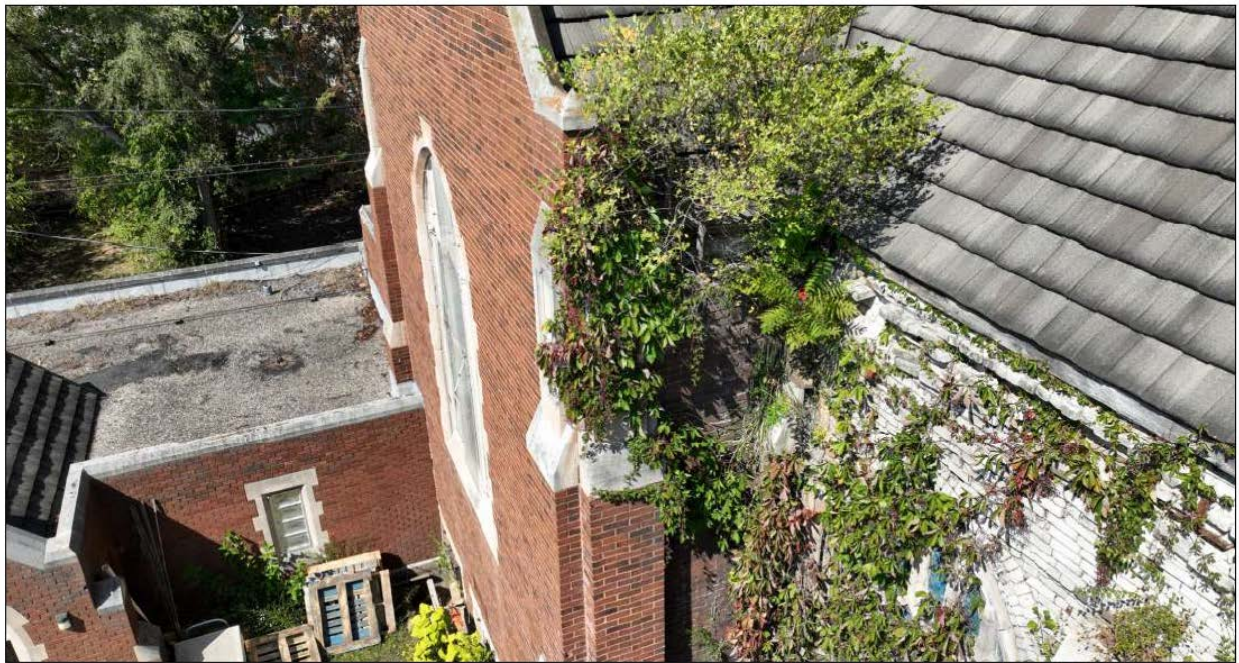


Photo 12: Tree growing out of the south elevation wall.

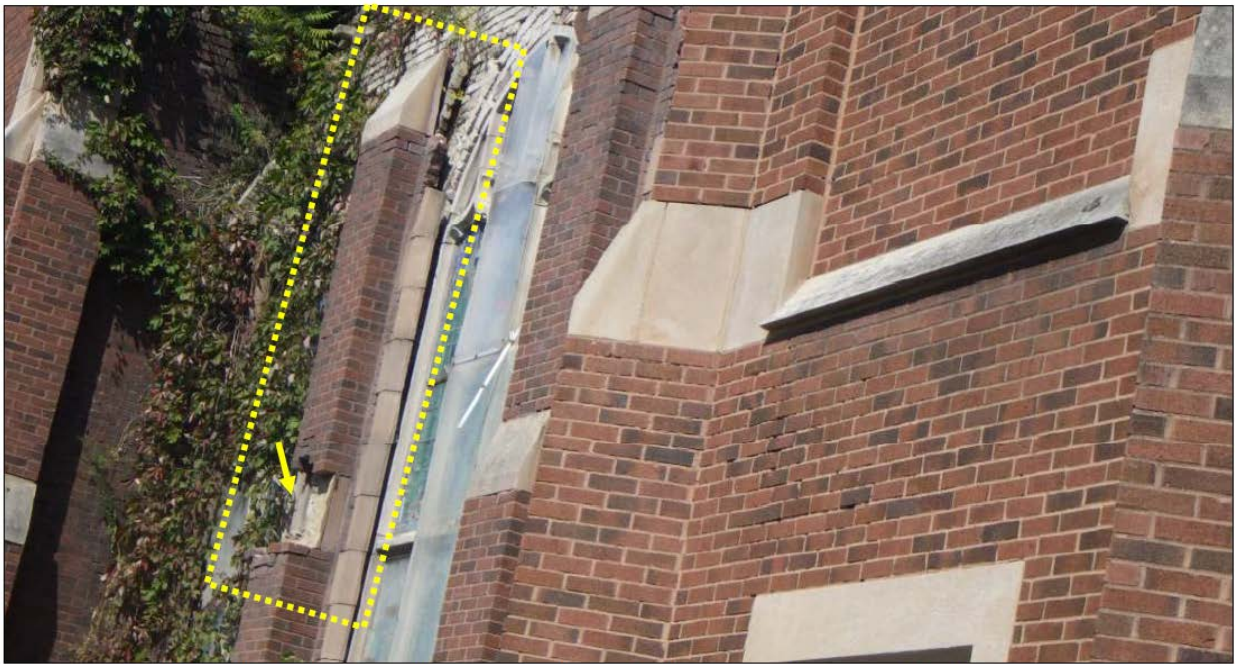


Photo 13: Delaminated buttress on the south elevation with missing bricks (arrow).

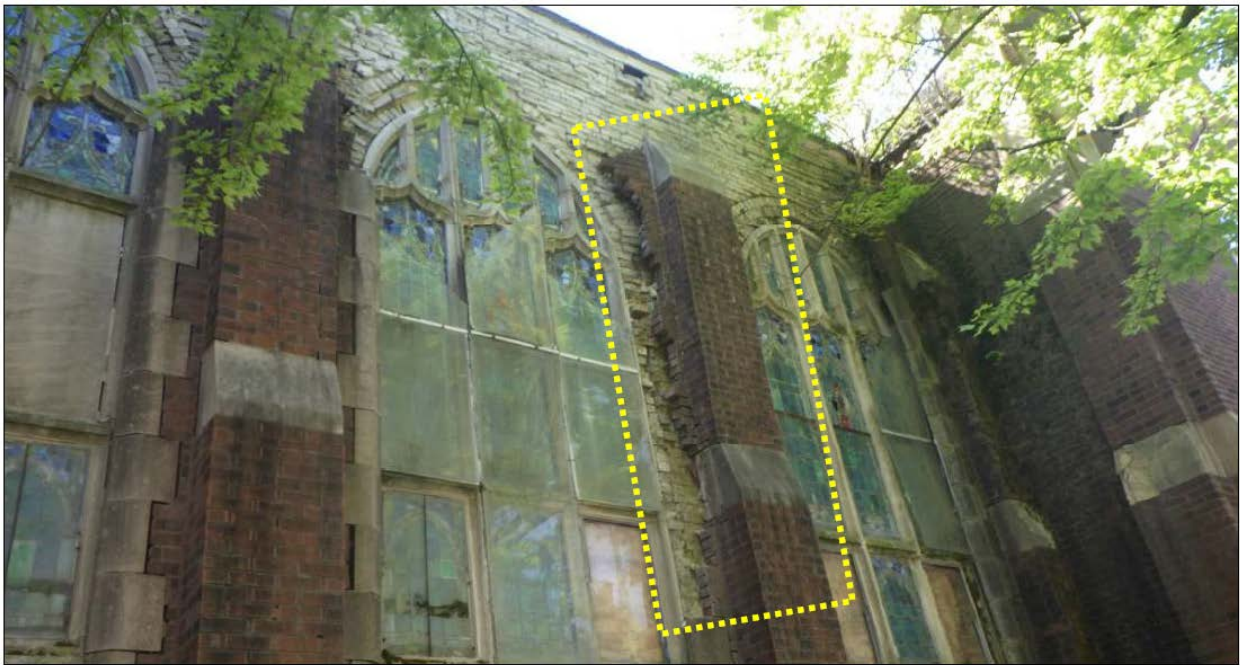


Photo 14: Delaminated buttress on the north elevation.

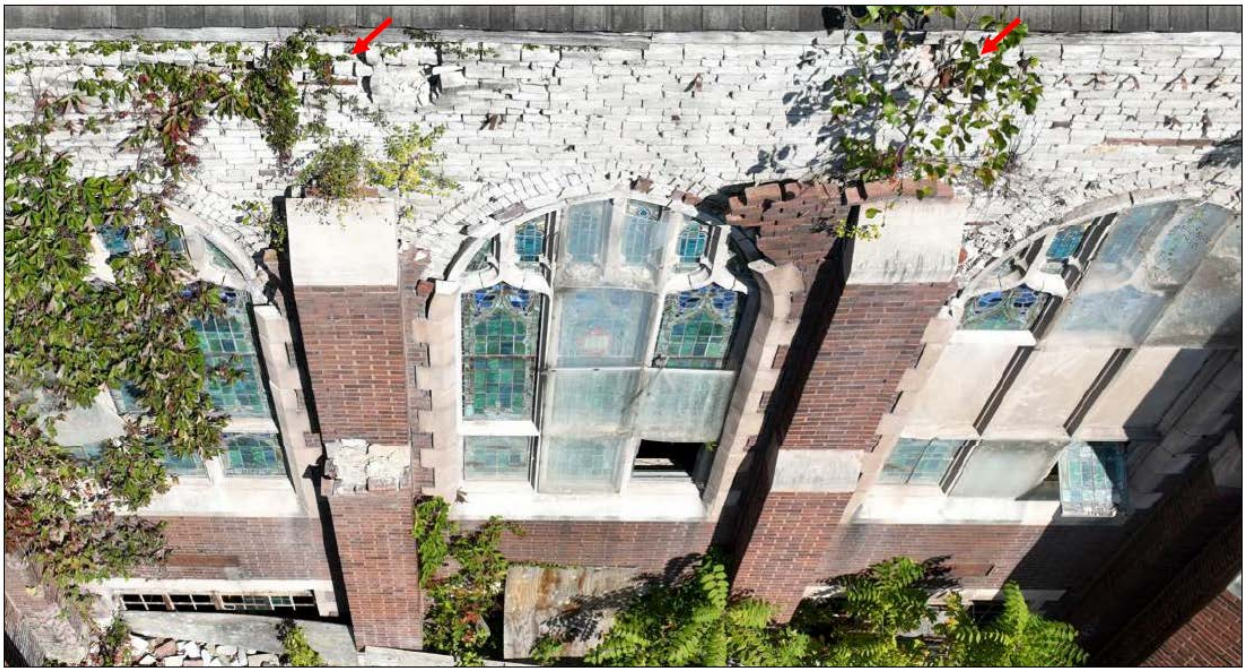


Photo 16: Steel roof truss ends (arrows) exposed by the fallen outer wythe. Note the trusses are centered on the delaminated buttresses below.

Because the property is an unsafe premises posing an immediate danger to the life or safety to anyone on the property or its immediate vicinity, it is requested that the Board approve this emergency demolition of 747-749 Harrison Avenue through Indiana's Unsafe Building Law. Procurement will adhere to Indiana Code 36-1-12-9, soliciting multiple quotes for the demolition. Funding will be provided from the River West Development Area TIF fund, through the City's Redevelopment Commission.

NEIGHBORHOOD SERVICES & ENFORCEMENT
CITY OF SOUTH BEND, INDIANA

CITY OF SOUTH BEND)	
Petitioner)	CASE NO. HSG-19-00451
)	
vs.)	DEPT. ACTION ORDERED:
)	DEMOLISH COMMERCIAL
NEW BIRTH CHRISTIAN MINISTRIES INC,)	BLDG, VACATE & SEAL,
U.S. SMALL BUSINESS ADMINISTRATION,)	CONTINUOUS ENFORCEMENT,
)	CIVIL PENALTY.
Respondent(s).)	

FINDINGS OF FACT AND ACTION TAKEN

PROPERTY ADDRESS: 747-749 HARRISON AVE
DATE OF HEARING: AUGUST 20, 2024
PARTIES APPEARING: Chief Inspector James Wood and Inspector Ben Moreno for Neighborhood Services and Enforcement. Cory and Bonnie Gathright appear.

MANNER OF SERVICE: NEW BIRTH CHRISTIAN MINISTRIES INC

first class certified mail; hand delivery personally; hand delivery to the dwelling or usual place of abode of the person to be notified; reminder letter via first class mail or published (for continuances only) TLO.

MANNER OF SERVICE: U.S. SMALL BUSINESS ADMINISTRATION

The Department published notice of the order in accordance with IC 5-3-1 and 36-7-9-25. Reasonable effort was made to obtain service on Respondent(s), but was not possible via U.S. mail, or hand delivery: UTF in past service attempts; RTS (unclaimed or refused, no mailbox); Cert. Postcard Not Returned; NSN. Hand delivery attempted, but vacant refused; the recorded address may be vacant. Vacant recorded address. Unsure TLO findings. Deceased. Owner lives out of the country. The Respondent lists the property address, but does not reside there; Address unknown; No service; At a prior hearing in this matter the Hearing Authority continued the hearing having found the Department did not meet notice requirements of IC 36-7-9-25(a). Having determined the Enforcement Authority gave proper notice, a hearing is hereby held in accordance with IC 36-7-9 and sec. 6-37 of the South Bend Municipal Code before the undersigned Hearing Officer in the 13th Floor Hearing Room of the County-City Building in South Bend, Indiana.

EXHIBITS ADMITTED: Dept. of Code Enforcement color photographs marked: Exhibit 1-3

For Repair, Vacate & Seal, and Environmental Orders, the owner/Respondent has complied with % of the Neighborhood Services & Enforcement Inspection Report/Environmental Cleanup

Notice dated: _____. The property is vacant ___ and is secured ___ by the Petitioner _____. The property continues to deteriorate due to lack of routine maintenance _____. The property is immediately and substantially dangerous to those who may enter ___. The property is ___ clean not clean. This is the ___ hearing in the matter with this owner _____.

For Demolition Orders, the Enforcement Authority X notes no improvement to the property or compliance with the Neighborhood Services & Enforcement Inspection Report dated 5/2/24 (filed opened 12/13/19). The property is vacant X and secure X, by the Petitioner ____ and considered abandoned _____. The property warrants removal X; and/or, the building continues to require reinspection and additional abatement action after an initial abatement action was taken pursuant to notice and an order X. Inspector Moreno testifies he inspected the property yesterday and found no repairs. This is the 4th hearing in the matter. Mr. Gathright testifies he cannot afford repairs. He describes frustration with the city and its requirement to erect a safety fence. Mr. Wood explains loose limestone inserts are falling from the church and a danger to pedestrians along Van Buran Street.

_____ The owner intends to repair/clean the property but needs additional time to clean/complete repairs.

X The cumulative effect of the code violations present on the premises renders the premises unsafe, substandard or a danger to the health and safety to the public as defined by I.C. 36-7-9-4.

IT IS THEREFORE THE ACTION OF THE UNDERSIGNED TO

X AFFIRM the Enforcement Authority's ORDER TO DEMOLISH COMMERCIAL BUILDING (CHURCH) AT 747-749 HARRISON AVE.

X RESCIND the Enforcement Authority's ORDER FOR CONTINUOUS ENFORCEMENT.

X Respondent is hereby ORDERED to work with the Department of Engineering to erect a proper safety fence along Van Buran Street to protect the public.

DATED: AUGUST 20, 2024



Michelle L. Engel, Hearing Authority
For Neighborhood Services & Enforcement
City of South Bend, Indiana