



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD**  
**MINUTES OF THE JUNE 5, 2025 REGULAR MEETING**  
*Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana*

**Present:** Mayor Gina Leichty, Mike Landis, Orv Myers, Mary Nichols and Barb Swartley

**Absent:**

**CALL TO ORDER:** Mayor Leichty called the meeting to order at 4:00 p.m.

**REVIEW/APPROVE MINUTES:** Mayor Leichty presented the minutes of the May 22, 2025 Regular Meeting as prepared by Clerk-Treasurer Aguirre. Board member Barb Swartley made a motion to approve the minutes as presented. Board member Mike Landis seconded the motion. The motion passed 5-0.

**REVIEW/APPROVE AGENDA:** Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer. Board member Swartley made a motion to approve the agenda as presented. Board member Landis seconded the motion. The motion passed 5-0.

**1) Black Squirrel Golf Club request: Authorize a fireworks show and approve the provision of related City services on July 4, 2025, with a rain date of July 5, 2025**

Laura Johnson, the event coordinator for the Black Squirrel Golf Club, asked the Board to authorize a fireworks show at the Black Squirrel Golf Course on July 4, 2025 with a rain date of July 5, 2025. She provided the Board with documents outlining event plans, an event map, and a list of donor options.

Johnson said organizers already met with all City Departments to confirm they could work with the plan. Maps showed parking for the public, police officer locations, signage and the location the fireworks will be set off. Johnson said food truck will be set up and running at 5 p.m. with the event open to the public from 6 p.m. until 10:30 p.m. The Goshen Police Department will provide traffic control at the end of the event, from 10 p.m. until the traffic is dispersed about 11 p.m. Security is being provided by volunteer Marines who are all fireman, policeman and EMTs.

Johnson asked that the City Street Department provide signs stating: "One way," "Do Not Enter," "One Sided Parking Only" and "Residential Parking Only." She also requested 30 traffic cones to place in various areas. Fire trucks will be located at the West Goshen Cemetery.

Johnson further described other activities planned for the event as well as the set up.

Mayor Leichty said City staff members have worked closely with organizers on planning for the event.

Swartley/Landis made a motion to approve a fireworks show and the provision of City services at the Black Squirrel Golf Course on July 4, 2025 with a rain date of July 5, 2025. The motion passed 5-0.

**2) Elkhart County 4H Fair request: Approve street closures and provide traditional City of Goshen support services for the annual fair parade on July 20, 2025**

Boyd Smith, director of the Elkhart County 4-H Fair Parade, asked the Board to approve the staging of the 2025 Fair Parade, along with traditional support services from the City. He said the parade is scheduled for July 20, 2025 with no changes to the traditional route.

In a written request, Smith asked the Board to have the City Police Department close streets as they consider appropriate for the staging and running of the parade. He also requested assistance from the City Street Department with street barricades and trash pickup. He noted that that the City has provided these services for over 20 years.





Smith also indicated that the staging areas will be Linway Plaza, Kroger Plaza and Rogers Park. Parade registration begins at 10:30 a.m. and the parade will step off promptly at 1:30 p.m.; some units will arrive as early as 9 a.m.

Boyd confirmed that the parade plans are the same as in past years.

**Swartley/Landis moved to approve the staging, street closures and traditional City support services for the 2025 Elkhart County 4-H Fair Parade on July 20, 2025. Motion passed 5-0.**

**3) Restör Church request: Authorize a Fair Floats and Food Trucks event on Sunday, July 20, 2025, from 9 a.m. to 3 p.m., on Fifth Street, from Madison Street to the first alley to the south**

**Gene Troyer, Lead Pastor of Restör Church,** asked the Board to approve a food truck event on Sunday, July 20, 2025 from 9 a.m. to 3 p.m. from Madison Street to the first alley to the south.

Troyer said that Sunday will be Fair Parade Sunday and the church wants to host a "Fair Floats and Food Trucks" event once again and is inviting the community to participate.

Troyer requested permission for food trucks to be parked along the sidewalk on Fifth Street. The truck's carryout windows would face the sidewalk and allow for patrons to walk up without needing to step into any potential traffic flow. Additional food trucks would be parked elsewhere on the church's property.

In a memo to the Board, Troyer wrote that the start time of 9 a.m. was fairly important in order for the trucks to be prepared for customers at the conclusion of the church's first service, which ends at roughly 10:30 a.m. The current lineup of food trucks includes Sweet Eliza's Baking Co., Hay Huey, Sweazy Q, Kona Ice and Ben's Pretzels.

Troyer indicated that in preparation, the church has communicated with its neighbors to ensure that those who may be impacted are aware "and we have received nothing but affirmation and encouragement."

In his memo, Troyer also wrote that the event is "all about building organic community and connections within the neighborhood. The church does not benefit monetarily from this event; instead, we consider it an opportunity to add to the festive occasion of the parade."

**Swartley/Landis made a motion to approve the food truck event on Sunday, July 20, 2025, from 9 a.m. to 3 p.m. on Fifth Street, and from Madison Street to the first alley to the south. The motion passed 5-0.**

**4) I AM SHE store request: Approve the placement of a SIPS Drink trailer in three parking spaces at 121 South Main Street on June 25, 2025 for the 6-year celebration of the business**

**Barbara Geigley, owner of I AM SHE,** told the Board that her store will be hosting a six-year anniversary celebration on June 24-25, 2025. On Wednesday June 25, to add to the festivities and draw additional business to the store, she wants to have a specialty beverage trailer parked in front of her store at 121 South Main Street.

So, Geigley requested the use of three parking spaces in front of the store to park the SIPS Drink trailer on June 25, from 8 a.m. to 5:30 p.m. She asked that the City Street Department to place "No Parking signs" on the spaces prior to the event.

Geigley said she has checked with the neighboring businesses and their owners have no objection.

**Swartley/Landis made a motion to approve the use of three parking spaces at 121 South Main Street on June 25, from 8 a.m. to 5:30 p.m., to park a specialty beverage trailer. The motion passed 5-0.**

**5) DES Dance Studio request: For the production of a video to appear in the Walt Disney World parade, approve the closure and usage of a portion of Main Street (with the Goshen Theatre marquee in the background), from 4:30-5:30 p.m. on Thursday, June 12**

**Liz Brow, the President of DES Dance Studio,** told the Board that a team of DES Dance Company dancers has the opportunity to represent Goshen in dancing in the parade at Magic Kingdom at Walt Disney World in July, through the "Dance the Magic" program.





**Brow** said as part of the parade audition process, the company must submit to Disney a video of its planned parade routine. Upon approval, she said the video will be publicized on national social media outlets. To represent Goshen, **Brow** said the dance company wants to film the parade audition video with downtown Goshen as the backdrop. So, **Brow** asked for permission to have a portion of Main Street (with the Goshen Theatre marquee in the background), closed from 4:30 to 5:30 p.m. on Thursday, June 12 for our parade filming. She requested this date and time because the deadline for submitting the audition video to Disney is June 16.

**Mayor Leichty** congratulated the dance company for the opportunity and thanked dancers for representing the City in the Disney World parade. She asked if the company could shoot its video a half hour earlier so as not to interfere with customers arriving downtown for dinner about 5 p.m. **Brow** said that would be fine.

**Street Commissioner David Gibbs** said the Main Street closure would need to be between Jefferson and Washington streets. He said the department would leave barricades on either side of the block for the closure.

**Mayor Leichty** asked that the dance company to notify businesses on the block of the closure. **Brow** said they would provide that notification.

In a memorandum to the Board, **Brow** wrote that DES Dance Studio, located in the Exchange Suites downtown, is a regionally and nationally award winning and recognized youth dance company, directed by Desiree Lantz. She further wrote that DES Dance Company dancers, ranging in ages 6-18, "are known for their technique and have won numerous first overall, choreography and technique awards at regional and national dance competitions over the nine years the company has been competing."

**Swartley/Landis** made a motion to approve closure of the 200 block of South Main Street from 4 to 5 p.m. on Thursday, June 12 for the filming of a video by the DES Dance Company. The motion passed 5-0.

**6) Legal Department request: Approve the agreements with Goshen Theater, Inc. for \$50,000 and Lacasa, Inc. for \$25,000 to support the projects outlined in their submitted applications and authorize Mayor Leichty to execute these agreements**

**City Attorney Bodie Stegelmann** told the Board that the City of Goshen has various community service organizations that provide services or programs to its residents more efficiently than what the City can provide. He said the City has supported these organizations with funds in the past and wishes to continue to do so.

**Stegelmann** said these organizations were subject to an application process requiring specific documentation regarding their organization, a detailed description of how these funds will be used, and the organizations will need to account for how the funds were used.

Brought before the Board were two Community Service Partnership Agreements for consideration and approval: Lacasa, Inc., for \$25,000 and Goshen Theater, Inc., for \$50,000.

**NOTE:** A corrected memo was provided to the Board noting that the actual award for Lacasa was \$25,000. It also was announced that the incorrect amount was listed on the Board agenda.

**Swartley/Landis** made a motion to approve the City of Goshen agreements with Goshen Theater, Inc. for \$50,000 and Lacasa, Inc. for \$25,000 to support the projects outlined in their submitted applications and authorize Mayor Leichty to execute the agreements. The motion passed 5-0.

**7) Legal Department request: Approve Resolution 2025-13, Transfer of Real Estate at 301, 305 and 311 West Wilden Avenue to Habitat for Humanity of Elkhart County, Inc.**

**City Attorney Bodie Stegelmann** told the Board that the City of Goshen acquired real estate at 301, 305 and 311 West Wilden Avenue as part of the Wilden Avenue Reconstruction Project and the residences at these three addresses were demolished as part of that project.

**Stegelmann** said Habitat for Humanity of Elkhart County, Inc. would like to acquire, these vacant properties for the purpose of constructing a residential structure at each of the three addresses for three of Habitat's partner families.





The City will transfer the real estate for no monetary consideration. A two-story, single family home of at least 1,300 square feet with a construction value of at least \$150,000 would be building on each property.

Resolution 2025-13 would approve the terms and conditions of the Agreement for the Sale and Purchase of Real Estate with Habitat for Humanity of Elkhart County, Inc., and authorize the Mayor to execute the Agreement and any other documents on behalf of the Board and the City of Goshen for this purpose.

**Greg Conrad, Habitat's President**, said the organization has been working on this project for several years and hopes to begin construction soon. He also said Habitat has families waiting to move into the homes and the organization has already had preliminary meetings with City staff to overcome several design challenges.

**Mayor Leichty** thanked **Conrad**, and added, "We're certainly so pleased to have a partner like Habitat in the community to provide these much needed housing services. So, thank you for your patience and perseverance as we work through all of these challenges together."

**Swartley/Landis** made a motion to adopt Resolution 2025-13, *Transfer of Real Estate at 301, 305, and 311 West Wilden Avenue to Habitat for Humanity of Elkhart County, Inc.* The motion passed 5-0.

**8) Engineering Department request: Accept Venturi's "Temporary Outdoor Seating in Public Right-of-way" application for 123 East Lincoln Avenue and approve the request until Oct. 30, 2025**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that Venturi has submitted an application for "Temporary Outdoor Seating in Public Right-of-way" for 2025. He said the City Engineering Department has reviewed the application and found it complete.

As presented, **Sailor** indicated that Venturi would maintain a 2-foot offset from the curblin with a boundary fence, will have outer seating near the parking spaces with umbrellas, and seating against the building. Venturi has committed to maintaining a minimum 5-foot walkway between the seating areas for pedestrians.

The Engineering Department asked the Board to acknowledge receipt of the outdoor seating application for 123 E. Lincoln Avenue and approve the request until Oct. 30, 2025.

In response to a question from **Board member Landis**, **Stacy Dechnik**, manager of Venturi's, said the seating request was the same as in the past.

**Swartley/Landis** made a motion to accept Venturi's "Temporary Outdoor Seating in Public Right-of way" application for 123 E. Lincoln Avenue and approve the request until Oct. 30, 2025. The motion passed 5-0.

**9) Engineering Department request: Approve the attached agreement with Abonmarche**

**Consultants for the completion of three topographical surveys for \$14,500 and authorize the Mayor to sign the agreement**

**City Engineering Project Manager Andrew Lund** told the Board that the City Engineering Department would like to engage Abonmarche Consultants to perform topographical surveys at three locations: Wilden Avenue, near 5th Street and 6th Street; Denver Street, between Lincoln Avenue and Pike Street; and Lincoln Avenue, near 208 East Lincoln Avenue.

**Lund** said the surveys will be utilized by the Engineering Department to complete design work, the majority of which will support the 2025 Sidewalk Replacement project.

**The Request for Quote was sent to four firms. Two provided proposals, and they are listed as follows:**

Abonmarche Consultants	\$14,500
Bertsch-Frank & Associates	\$27,000
A&Z Engineering	No proposal submitted
Jones Petrie Rafinski (JPR)	No proposal submitted

In response to a question from **Mayor Leichty**, **Lund** said the City of Goshen has 187 miles of sidewalk. The Mayor said that was "a lot to maintain."





Swartley/Landis made a motion to approve the agreement with Abonmarche Consultants for the completion of three (3) topographical surveys in the amount of \$14,500 and authorize the Mayor to sign the agreement. The motion passed 5-0.

10) Engineering Department request: Release the right-of-way bond (No. 30163170) posted by Ancon Construction in the amount of \$144,000 for the restoration and replacement of portions of Indiana Avenue, south of Plymouth Avenue

City Director of Public Works & Utilities Dustin Sailor told the Board that as part of Ancon Construction's work at Copperleaf Cove Apartments, a right-of-way bond in the amount of \$144,000 was posted for work performed within Indiana Avenue's right-of-way.

Sailor said the work was inspected and found to have been satisfactorily completed. Upon acceptance, a three-year maintenance bond was posted with an expiration date in May 2026. The right-of-way bond did not have an expiration date and Goshen Engineering was requesting the Board's permission to release the bond.

Swartley/Landis made a motion to release the right-of-way bond (No. 30163170) posted by Ancon Construction in the amount of \$144,000 for the restoration and replacement of portions of Indiana Avenue, south of Plymouth Avenue. The motion passed 5-0.

11) Engineering Department request: Approve the closure of High Park Avenue, between S.R. 15 and Gra-Roy Drive, for the work of full depth pavement removal and to rebuild the asphalt roadway from Tuesday, June 10 thru Thursday, June 19, 2025

City Director of Public Works & Utilities Dustin Sailor told the Board that Niblock Excavating requested a road closure on High Park Avenue, between State Road 15 (South Main Street) and Gra-Roy Drive. Niblock plans to remove and replace full-depth asphalt pavement.

Sailor said this work will start Tuesday, June 10, and go through Thursday, June 19. He said Niblock will maintain access to the hospital employee parking lot and have all the traffic control devices in place. The hospital has been informed and has made accommodations for patients, visitors, deliveries and staff.

Swartley/Landis made a motion to approve the road closure on High Park between State Road 15 and Gra-Roy Drive for the work of full depth pavement removal and to rebuild the asphalt roadway from Tuesday, June 10 thru Thursday, June 19, 2025. The motion passed 5-0.

Privilege of the Floor (opportunity for public comment for matters not on the agenda):

Mayor Leichty opened Privilege of the Floor at 4:27 p.m. There were no comments

**UNSAFE BUILDING HEARING ON CITY BUILDING COMMISSIONER'S ORDER:**

**JUNE 5, 2025**

**Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana**

**Members present: Mayor Leichty, Mike Landis, Orv Myers, Mary Nichols and Barb Swartley**

12) Unsafe building hearing on a Building Commissioner's demolition order for the property at 105 Prospect Avenue (Ronald E. Davidhizar, property owner)

At 4:27 p.m., Mayor Leichty convened an unsafe building hearing for 105 Prospect Avenue.





## BACKGROUND

In a memorandum to the Board, **Assistant City Attorney Don Shuler** wrote that an unsafe building hearing was scheduled June 5 for the property at 105 Prospect Avenue in Goshen. Attached to the memo was the Order of the City of Goshen Building Commissioner for the Property, finding it unsafe and ordering demolition.

**Shuler** wrote that the Board "should conduct a hearing by receiving evidence and arguments from the Building Department, the property owner, and any other individual who wishes to speak to the property. After receiving evidence and at the conclusion of the hearing, the Board should make factual findings as to the condition of the Property and determine if it will affirm, modify, or rescind the Building Commissioner's Order for demolition."

**On April 29, 2025, City Building Commissioner Myron Grise issued an Unsafe Building Enforcement Authority Order for 105 Prospect Avenue, a property owned by Ronald E. Davidhizar.**

**Grise's order modified a prior Building Commissioner order dated June 18, 2024 and recorded June 21, 2024. In the new order, Grise notified Davidhizar that his property at 105 Prospect Avenue was in violation of the City of Goshen Neighborhood Preservation Ordinance, codified at Goshen City Code § 6.3.1.**

**Grise listed the following violations of Goshen City Code Title 6, Article 3, Chapter 1:**

1. The residential structure's **exterior walls have not been kept in good repair**, is deteriorating, is loose and falling, and has holes permitting the weather elements to enter the interior. In addition, the wood siding is not properly coated and weather tight. These are violations of Sections 6.3.1.l(b), (g), (k) and (s).
2. The residential structure's **roof and flashing is not sound**, containing defects admitting rain, a violation of Section 6.3.1.l(b) and (c).
3. The residential structure's **ceilings have not been kept in good repair**, as there are missing ceiling panels and water damage as the result of the faulty roof, a violation of Section 6.3.1.l(b).
4. Dwelling units at the residential structure are **using extension or flexible cords for permanent wiring**, with said cords running through doors, under carpets, or concealed within walls, floors, or ceilings, in violation of Section 6.3.1.5(h).
5. A **receptacle outlet in the living room near the front door at the residential structure is cracked and in need of replacement**, a violation of Section 6.3.1.5(g).
6. A **receptacle outlet in the bathroom is inoperable**, a violation of Section 6.3.1.l(a).
7. There are **not heating facilities that are properly installed and maintained in safe and good working condition**, a violation of Sections 6.3.1. l(a) and 6.3.1.3(e).
8. The residential structure has an **infestation of cockroaches, bedbugs, or other insects** as a result of the owner's failure to maintain the structure, a violation of Section 6.3.1.6(b)(4).
9. There is **no stairway to the basement in one of the units, with only plywood covering, rendering such access unsafe**, a violation of Section 6.3.1.l(e).

**Grise wrote that the structure "has not been maintained in a manner that is compliant with the minimum standards for all structures for purposes of health and safety and is therefore unsafe within the meaning of I.C. § 36-7-9-4(a)(5). In addition, the use of extension cords as permanent wiring, unvented fuel burning space heaters as the source of primary heating due to the inoperability of the furnace, and there being no discharge pipe on the water heater constitutes fire hazards, thereby rendering the residential structure on the real estate an unsafe building within the meaning of I.C. § 36-7-9-4(a)(2). There are holes in the exterior wood siding providing direct access to the interior of the structure, indicative of structural weakness, thereby rendering the residential structure on the real estate an unsafe building within the meaning of I.C. § 36-7-9-4(a)(l)."**

**Grise continued, "The residential structure has repeatedly had posted on it 'no occupancy,' meaning the structure should be vacant under City of Goshen Code; the residential structure has not been maintained in a manner that would permit human habitation, occupancy, or use under Goshen City Code, and is therefore an unsafe building under the meaning of LC. § 36-7-9-4(a)(6).**





"Further, the residential structure at the real property identified in Section 2 continues to require reinspection and additional abatement action after prior abatement actions. As noted previously, this Order modifies the June 18, 2024 Order of the City of Goshen Building Commissioner regarding the residential structure at the real estate identified in Section 2.

"The June 18, 2024 (order) found the property to be unsafe and ordered repairs to be made within sixty (60) days. No repairs were completed, resulting in an Order Civil Penalty issued on Dec. 18, 2024, assessing a civil penalty in the sum of \$2,500 against the Owner pursuant to J.C. § 36-7-9-7.5.

"During this time, despite postings advising that the premises are not to be occupied, the Owner has permitted individuals to reside at the property without a registration receipt as required by Goshen City Code Section 6.3.1.10. Recent inspections reveal that despite these prior administrative actions – ordering repairs and issuing civil penalties to obtain compliance – repairs have not been completed and the residential structure at the real property remains unsafe."

Grise further wrote:

"Based on these findings concerning the condition of the residential structure on the real property, as well as the fact that the real property continues to require reinspection and additional abatement action by Goshen despite prior efforts, demolition of the unsafe building on the real property is warranted.

"You are hereby ORDERED to vacate or otherwise remove all persons and property from the unsafe building identified in Section 3 of this Order at the real property identified in Section 2 of this Order, demolish said unsafe building, and remove all demolition remains, trash, and debris on the unsafe premises and return the site to natural grade.

You are FURTHER ORDERED to complete all said work within sixty (60) days.

Grise notified Davidhizar that "failure to comply with this Order may result in the City of Goshen taking action to complete the required work and bill you for the costs of such work, including, the actual costs of the work performed and an amount equal to the average processing expense the City will incur in pursuing this matter. Such amounts can become a lien upon the real estate and can ultimately be enforced in the same manner as any other judgment."

Grise further notified Davidhizar that a hearing would be held before the Board of Public Works and Safety to review the Order of the City of Goshen Building Commissioner. He was advised he had the right to appear at the hearing with or without a lawyer to present evidence, cross-examine opposing witnesses, and present arguments. If he failed to appear, the hearing would be conducted in his absence and the Board affirm, rescind, or modify the Order.

Grise also notified Davidhizar that as a result of his Order he could not transfer the property unless he complied with all requirements of Indiana Code § 36-7-9-27 and that a failure to comply could result in a judgment of liability against him in accordance with Indiana Code § 36-7-9-27.

Assistant City Attorney Shuler provided a Certificate of Service attesting that copies of the City's notification were mailed to Davidhizar at 105 Prospect Ave. as well to his personal residence on April 30, 2025.

#### **DISCUSSION AND OUTCOME OF BOARD'S UNSAFE PROPERTY HEARING ON JUNE 5, 2025:**

At 4:27 p.m., Mayor Leichty convened an unsafe building hearing for 105 Prospect Avenue (Ronald E. Davidhizar, property owner).

**Present:** Board members Leichty, Landis, Myers, Nichols and Swartley; Assistant City Attorney Don Shuler; City Attorney Bodie Stegelmann; City Building Commissioner Myron Grise; City Rental Inspector Ryan Conrad, **Ronald E. Davidhizar**, the property owner; William Davis, an attorney for Davidhizar; and Kevin M. Finn, a consulting engineer for Davidhizar.





Assistant City Attorney Don Shuler provided the background of the matter as was presented in his memorandum to the Board. He also did so through a 52-page PowerPoint presentation, dated June 5, 2025, that was titled "Unsafe Building Hearing – Staff Report, 105 Prospect Avenue, Goshen" (EXHIBIT #1). The PowerPoint included a background summary of the matter, photographs taken by City Rental Inspector Ryan Conrad over two years showing the condition of the property, a narrative summary of the property's condition and a two-page staff recommendation.

Shuler related the following:

- A City Repair Order by the City Building Commissioner was first issued for this property in June 2024 and it required that various repairs to that property be made within 60 days. That order was included with the staff report and marked as Exhibit A (EXHIBIT #2 for the purposes of this hearing).
- The property owner, **Ronald Davidhizar** did not ask that the Board of Public Works and Safety review the City Repair Order as he was entitled to do.
- The Repair Order noted these violations: there was exterior wood siding not kept in good repairs; the roof and flashing were not sound; there were dwelling units using extension cords for permanent wiring; there were some issues with some receptacle outlets did not appear to be operable; the heating facilities were not properly installed and maintained in good working condition; and there was an infestation of bugs as a result of a failure to maintain the structure.
- The Repair Order required various repairs to bring the property into compliance. The repairs basically corresponded with the violations that were found by the Building Commissioner's order, and required all that to be completed within 60 days of the June 2024 order.
- The Repair Order was not complied with, based on subsequent inspections by the Building Department, and so Building Commissioner issued an order of civil penalty which was attached to the final staff report that was submitted as Exhibit B (EXHIBIT #3 for the purposes of this hearing).
- Due to a failure to complete the repairs required by the Repair Order, **Davidhizar** was issued a civil penalty of \$2,500.
- **Davidhizar** did not ask the Board of Public Works and Safety to review or consider an appeal of the civil penalty order.
- **Davidhizar** did not pay the civil penalty when required, so as a result, the amount was certified to the County Auditor and collected when property taxes were paid in May.
- The Building Commissioner issued a new order, dated April 29, 2025, modifying the prior Repair Order and now issued an Order that the unsafe structure at the property be demolished.
- This "Demolition Order," which is the Order now under review, noted the same conditions rendering the property unsafe in June 2024 remained present at the property.
- It also noted that the stairways to the basement in one unit had been removed, leaving only a plywood covering and rendering such access unsafe.
- The new order also noted that the repairs still had been unmade, modified it to a demolition order found it to be unsafe due to various provisions of unsafe building law; that it was not maintained in a manner that met the minimum standards for health and safety and that those conditions rendered the property dangerous.
- That order also noted that the prior actions had been unsuccessful in obtaining repair and compliance of the property, which continued to require re-inspection and continued enforcement action by the City.
- **The order requires demolition of the property within 60 days or by June 29, 2025.** And that order is due to be reviewed during today's hearing.
- After **Ryan Conrad's** report on his five inspections of the property, **Shuler** said he would summarize the staff's recommendation on how to proceed.





Mayor Leichty then swore in City Rental Inspector Ryan Conrad to provide truthful and complete testimony. According to a summary slide:

- Conrad first inspected the property in late 2021. None of the three units passed inspection at that time.
- For units that were vacant, Conrad provided notice to the property owner that the unit was not to be occupied until they passed inspection. However, a unit was later occupied without inspection.
- To date, none of the three units have passed inspection under City Code in the last 3+ years.

Conrad used the PowerPoint slides introduced by **Assistant City Attorney Shuler (EXHIBIT #1)** to discuss the condition of 105 Prospect Avenue over two years of his inspections. His report:

**2023 Property Inspection Photographs** – Among Conrad's findings during this inspection were the following: Broken windows, gaps in the clapboard siding, plywood covering windows, holes and gaps in the wood siding all around the property; loose siding and trim that is not securely attached, holes in the walls, and missing smoke detectors.

**2024 Property Inspection Photographs (taken prior to issuance of Repair Order in June 2024)** – Among Conrad's findings during this inspection were the following: Missing smoke detectors in the basement, gaps in flooring, flooring soft underneath the toilet, more loose siding, windows in disrepair, a missing window, loose and missing shingles, roof in disrepair, exposed insulation because of gaps in siding, evidence of an insect infestation and gaps in siding that have allowed the entry of rodents in the walls and ceilings.

**2024 Property Inspection Photographs (taken Fall 2024, more than 60 days following issuance of Repair Order)** – Among Conrad's findings during this inspection were the following: an apartment in poor condition, holes in an interior wall, plumbing not functioning, exposed wiring in a kitchen, a unit occupied by a minor child and parent in poor condition, loose ceiling tiles, evidence of a roof leak, leaking interior plumbing, a disconnected sink, more loose siding, and holes allowing the entry of rodents.

**2025 Property Inspection Photographs (April 2025, prior to the issuance of the Demolition Order)** – Among Conrad's findings during this inspection were the following: a kitchen electric outlet that sparks and is not working properly; damaged ceiling tiles from a plumbing leak, a broken window in a living room, cardboard being used to cover missing ceiling tiles, evidence of a roof leak, a basement stairwell has been removed and covered with thin sheets of paneling which would collapse if stepped upon, and more leaks in the ceiling.

**2025 Property Inspection Photographs (June 2, 2025, showing the current condition of the Property following a couple years of City efforts to obtain compliance.)** – Among Conrad's findings during this inspection were the following: More loose shingles have fallen off the roof, exposed insulation about a window, a roof area by a skylight that is in disrepair, loose siding, gaps in siding, plumbing leaks throughout the basement, an inoperable furnace, ducts that are not connected, loose ceiling tiles and evidence of ceiling leaks, cardboard being used to cover missing ceiling tiles, another broken window, a missing stairwell to the basement now covered by a sheet of plywood, a floor damaged by a leak, exposed wiring, an extension cord being used to bring electricity from one apartment to another, more plumbing leaks, a shower in disrepair, an uncovered electrical panel, no upstairs heating, light switches without cover plates, and a ladder to an upstairs loft in disrepair.

In summary, Conrad said: "As the photos demonstrate, despite various attempts over the past two years, the property has not been repaired into compliance with code, and has further deteriorated. No repairs have been completed on the exterior which contributes to the deterioration of the interior. An outlet in the kitchen still sparks. There are extension cords being used for wiring. There is continued use of space heaters for primary heating. Rodents have been heard running in the ceilings and walls. There are numerous plumbing leaks throughout the structure. The roof has not been repaired, and continues to leak. The property remains in an unsafe condition and the violations noted in the demolition order continue to exist on the property."

Assistant City Attorney Shuler invited questions to Conrad from Board members or Davidhizar.





Board member Landis asked Conrad about a photo showing gaps in a floor. He asked if that was a kitchen. Conrad said that was an exterior deck.

Assistant City Attorney Shuler then summarized the staff recommendation for demolition of the property. He said the following about 105 Prospect Avenue:

"We think that it's shown to be in an unsafe condition for several years. There have been several attempts made at getting compliance at the property via just the normal rental inspection program, and then obviously issuing the repair order and the civil penalty order, but none of those have worked. And we're still at the point where the Building Department and, obviously, the Building Commissioner, based on the order, consider the property to be a fire hazard, and doesn't comply with minimum standards of housing that are designed for safety – working plumbing and heating facilities, no leaks, so you don't have the danger of falling ceiling, tiles and whatnot.

"So, that makes it an unsafe property underneath unsafe building law. That's the Building Department's position. And because we continue to be at a point where we're not getting compliance, this has been going on for two years, and a repair order was not effective in obtaining really any progress of the property.

"Part of the reason why we showed the photos that we did over the period of time is that you can see that generally the condition of the property has stayed the same or gotten worse over two years despite the City's efforts. So, because we're at the point where the use of additional abatement enforcement action, the City has just continued to require reinspection, we're asking the Board to affirm the Building Commissioner's order to adopt the staff report that's submitted today as well as findings in the Building Commission order as your findings to affirm the order in its entirety, and continue to require demolition of this property, because nothing else has seemingly worked to attain compliance."

Shuler said Davidhizar and his attorney would be presenting additional evidence and information.

William Davis, an attorney for Ronald Davidhizar, invited testimony from Kevin Michael Finn, an engineer from Elkhart who was retained to inspect the property and evaluate it for structural soundness. Finn made two visits to the property in May and prepared a seven-page report that Davis said he would submit to the Board and ask Finn to review. He said the report would establish that the building is structurally sound (EXHIBIT# 4)

Mayor Leichty swore in Kevin M. Finn to provide truthful and complete testimony.

Under questioning from William Davis, Finn described his occupation as a registered professional engineer for 38 years. He said a big part of his practice is as a structural engineer evaluating residential homes. He confirmed that a professional resume distributed to the Board (EXHIBIT #5) accurately reflected his experience and licensing in many states. It also listed clients and an overview of his work.

Finn confirmed that the seven-page report, with photos, which was distributed to the Board represented his considered opinion of the condition of 105 Prospect Avenue. Finn said he "evaluated the structure based on the loading conditions that are on the cover page of the report to determine whether the structure was capable of handling these required loads."

The required loads according to the 2020 Indiana Residential Code (2018 International Residential Code) are as follows:

Roof – 30 psf (pounds per square foot) Ground Snow Load / 23.1 psf Flat Roof Load

Floor Live Load – 40 psf

Wind – 115 mph Vult, Exp. B

Seismic Design Category – B

Finn said he inspected the property on two dates because he needed to return with tools to access the basement.





Finn said access to the basement was blocked by a panel screwed over the doorway. He reported that the stairwell to the second floor had a compromised step that would not hold the 300 pounds required if stepped on. He said replacement or reinforcement of the step, which easily be done, would be necessary or there could be a risk of injury.

**Guided by questions from William Davis, Finn provided the following report on the condition of the property:**

**Floor** – “The floors of the first and second floor appear to be satisfactory, for the required 40 pounds per square foot live load, and in addition to that, 40 pounds per foot separately. It would be able to handle the 300 pound concentrate load that is required ... I walked the entire floor of the second floor and the first floor, and felt that the floors were capable of handling the 40 pounds per square foot and or the 300 pound concentrate load.”

**Walls** – “The walls, in my opinion from the interior, show solid vertical support. Again, this is based on the loaded conditions that are on the first floor that it can handle the wind seismic loading conditions.”

**Ceilings** – “The ceiling really is only there to act as a barrier from the apartment to the attic area ... in this case it is not acting as a structural member to resist wind and seismic. The floor diaphragm will take care of that.”

**Roof** – “The eave in the following picture shows an attempt at repair. It does not appear to be complete. The roof framing is satisfactory from interior inspection and observation from the outside ... The current condition is that it does need to be re-decked and re-shingled in order to bring it back into compliance.”

**Exterior siding** – “The exterior siding does show separation from the paneling to the stud. This need to be removed and replaced with new siding to bring it to a satisfactory condition ... So, the bottom line is all the siding needs to be caulked, primed, and painted.”

**Heating and Air Conditioning System** – “As I was in the basement ... as I was inspecting, the heat, kicked on, and heat came out of the duct that is broken. But near as I could tell, the heating system is working.”

**Foundation** – “The foundation is satisfactory to support the two-story home, and this would be for the floor loads, the wind, seismic, all the applicable loads that's required for the compliance with the State of Indiana and the City of In a summary of the building's condition, Finn said, “My recommendation is that when all the repairs are completed, that reinspection of the structure be made to confirm that the property is completed.”

Finn concluded that the building is structurally sound. “I would say it's good for the loading conditions on the first floor, and that's what's required. So yes, it is sound.”

Asked by William Davis if the building is repairable, Finn said, “Yes, it could be fixed in all areas of any deficits or defects that are existing. They can all be fixed.”

Asked by Davis if it would be a waste to demolish the building, Finn said, “Yes, in my opinion it can be fixed and to demolish it would not be good for the City of Goshen, because it is habitable structure after the repairs are made.”

**Board member Swartley** asked Finn about repairing the siding. She said it looked water-logged and might not be able to be caulked, primed and painted. Finn said he believed the siding could be repaired.

**Board member Myers** asked Finn if it would take two years to make the necessary repairs, adding that the City has been trying to secure repairs for two years already and no work has been done. He noted that tenants have been living in the building and asked Finn if he would let his family members live there. Finn responded, “I think my brother, it's very possible, could be living in something like this and he'd be happy. In fact, he does out in Corvallis, Oregon. But I'd say he lives in a house similar to this now.”

**Board member Landis** said he has siding that looks better to that on this building and all of the paint came of it because the wood was so dry internally that it didn't stick. Landis said that with enough prep work, the siding could be paintable but it would take much more time and effort than would be worthwhile.

Finn said some of the siding has holes and it must be removed and replaced.

**Board member Swartley** said Finn was just confirming what City staff has said for two years and that is there is a need for repairs. She listed some of the deficiencies.

**William Davis** responded, “I'm sorry, you know Mr. Finn doesn't know anything more than what just happened. Did you want to testify about this or not?” **Board member Swartley** said, “No, I don't want to testify.”





**Mayor Leichty** said, "Mr. Davis, the Board is free to make comments or ask questions that are germane to the hearing." **Board member Swartley** said, "I'd be happy to make those comments to you instead of Mr. Finn or to Mr. Davidhizar directly." **William Davis** said, "Okay. I don't think he's got the capacity to respond what the history has been."

**Under questioning from Assistant City Attorney Shuler, Kevin M. Finn testified:**

- He visited the property on May 12 and May 28, 2025 – and those were his only visits.
- The primary focus of his inspection was to determine whether or not the house was structurally sound although he was also asked to assess the heating system.
- His only assessment of the HVAC system was of the furnace.
- He did not assess the electrical or plumbing systems at the property, but would agree those systems need repairs.

**Mayor Leichty** said she didn't have any questions for Finn, but offered this concluding advice: "The last time you testified before this body you had fallen through the floor of a house of Mr. Davidhizar and this time you nearly fell through the stairs. So, I just urge you to be cautious as you are inspecting houses on behalf of Mr. Davidhizar."

**William Davis** said he now wanted to call on Ronald E. Davidhizar to testify. Before doing so he distributed to the Board a two-page typed document that was Davidhizar's "partial response to the Building Commissioner's Order of April 29, 2025" (EXHIBIT #6). He said he would then ask Davidhizar to discuss the condition of the building and any alleged deficiencies.

**Mayor Leichty** swore in Ronald E. Davidhizar to provide truthful and complete testimony.

**Guided by questions from William Davis, Davidhizar provided detailed responses about the property:**

**1. Alleged exterior walls deficiencies:** "The plan is to, as I point out here (in document), is to blow insulation between the studs, in other words, the stud cavities, and then to cover the entire house with Styrofoam sheets and then put vinyl siding on. We had thought about repainting. That's what the City had requested. I had a discussion with the Building Commissioner Myron (Grise) and we agreed that it would be a better idea to not paint it, but to put new siding on, and while we were doing that it made sense to insulate and make the house more energy efficient."

**Are holes in the siding providing access to the interior of the structure?** "Not to the interior of the structure, but to the stud spaces ... They (rodents) cannot gain access to the interior of the building."

**2. Regarding claims that the roof and flashing are not sound and contain defects that admit rain:** "Yes, they are now. We had put a new roof on within the last five years, I think. So, the back part of the of the house that is not so steep is still in good condition. There are no leaks there, but the upper part, the part of the house that's two-stories tall, does have some defects in the roof. Shingles and flashing would be taken care of at that time if I decide to use shingles. If I decide to put a metal roof on, we'll put a roof on the entire house, both the part that has a newer roof in the back newer shingles and the upper part that has older shingles that are deteriorating."

**3. Regarding claims the residential ceilings have not ben kept in good repair and are missing ceiling tiles due to water damage caused by a faulty roof:** "I think it's a result of plumbing. But in any event, that would be taken care of, either by the roof, or by replacing some of the plumbing. Some of the plumbing has been replaced already."

**About water damage to a downstairs building due to a leaky P-trap under the upstairs kitchen sink:** "Yes there was. The metal traps that are available now are brass and quite expensive. The plastic P-traps are much cheaper and they're very good, but they're also a softer material and easy to cross thread and that's what happened here. The tenant found that there was something wrong and took it apart, but when he put it back together, he cross threaded. And then it developed a drip." He added it has now been repaired and is no longer leaking.





**About replacing the missing ceiling tiles:** Davidhizar said there are "suspended ceilings" and not the original ceilings in the building, which are "solid." He added, the ceiling panels will be replaced. "It's an easy fix."

**4. About the wiring in the house:** "The wiring is fine. The wiring is relative relatively new. It has no knob and tube wiring. It's all of a fairly recent vintage. It's Romex, and has the third wire as a ground wire. The outlets in the whole house are grounded."

**On the use of extension or flexible cords for permanent wiring that were running under carpets or concealed within walls, doors or ceilings:** "When the people in the back apartment did not pay their utility bill and utilities got shut off, the people in the downstairs front apartment felt sorry for them, and allowed them to run heavy extension cords from the front apartment to the back apartment. They were warned several times that this is not a safe idea. They were warned by me and my staff and also by the Building Commissioner that this would not be allowed. It is unsafe." Davidhizar said the situation has been corrected and there no longer is a tenant in the back unit.

**5. Receptacle outline in the living room near the front door cracked and in need of replacement:** Davidhizar said it has been replaced.

**6. Receptacle outlet in the bathroom is inoperable:** Davidhizar said it has been replaced.

**7. Heating facilities not properly installed and maintained in back bedroom:** "The back apartment has what is called a wall furnace, and it vents directly through the wall. Simply walking around the house one can easily see that the vent is there and it's working."

**Disconnected furnace pipe in the basement:** "I don't know what happened, but the heat duct had come apart and has been repaired. That's been repaired."

**Condition of two furnaces in the basement:** Davidhizar said there is one for the downstairs and one for the upstairs and both are working

**8. Infestation of cockroaches, bedbugs, or other insects:** "I've been told that there were some squatters living back there, and once they were gone, then we called a professional company to eliminate the insects in the back apartment." He said arrangements were being made to spray the other apartment.

**9. No stairway to the basement, posing a safety hazard:** "The basement has two entrances. One goes down a set of perfectly good concrete steps to the basement and we'll keep that. But the one that went down from the interior of the house, we thought could better be used as storage space. I don't want tenants going into the basement and doing anything with the furnace or other facilities that are down there that had been blocked off. The one that went down from the inside had been blocked off and someone removed that panel so that they could gain access to the basement. That has been more substantially blocked off now, so that there's no more need to worry about tenants getting in down there."

**Other issues:** Davidhizar said other cited issues have been resolved, including all plumbing issues. He said a missing discharge pipe and faulty valve on the water heater have been replaced as well as a defective porch light. He added that he hired **Rick Wagner** to make repairs at the building and he could verify work that's been done.

**Asked by William Davis why all the repairs have not been taken care of the past two years, Davidhizar said:** "We have been working on the house. It did have more plumbing difficulties, some of which have been replaced ... And in in one case we tried and failed at cleaning out a drain line. I don't know what the problem was, but we hired a professional drain cleaner to come and clean out the drain line that was taken care of ... and a new roof was put on the back part of the house." He added that the back part of the house is unoccupied

**Asked if he wanted to make additional comments, Davidhizar said:** "This is a sturdy building. It has some rather unique antique woodwork which we have laboriously refinished, and it turned out rather nicely. The kitchen is large and roomy. There's good cupboard space and when it's cleaned up and redecorated, I think it will be very attractive, especially with a new roof and siding, because, quite frankly, it looks very weathered with the original siding on it.

"So, when we have that insulated better, which is always a good idea, and new siding on, which is much less expensive and time consuming than painting, it will be rather attractive."





Davidhizar added, "We've taken care of the inside of the house pretty well where there are things that are not acceptable on the outside of the house, we still have that to do. Permits have been obtained to do that work and I have Troyer Construction engaged to take care of the roof and the siding."

**Mayor Leichty** asked if Davidhizar brought along a contract for that work. Davidhizar responded, "I didn't sign a contract. I never have with Troyer. They do very good work, and I don't need to worry about it."

**Board member Mary Nichols** said Davidhizar commented that if time were not an issue he would tear off and replace shingles. She noted that Davidhizar has had two years to make repairs. Davidhizar responded, "I have other houses, and I've been working on those which our Building Commissioner will verify if you ask him."

**Mayor Leichty** said, "I'll just revisit Mary's question. She asked about time constraints, and you said you had competing properties, and you would not be able to address the needs of this house because you had to address other houses. So, my question is, you have asserted that you have the means to do multiple projects simultaneously, but you chose to not do this one."

Davidhizar responded, "That's not what I intended to say. I'm sorry that you understood it that way, because you seem to be very eager to get this house taken care of. It will save time if we go over the old shingles rather than tear the old ones off and put new ones on. It is allowed to put new shingles over old in order to get it done faster. That's why we would put new shingles over old. I prefer to tear the old ones off, but that takes longer."

There were no further Board questions.

In response to a question from the Clerk-Treasurer, David clarified that the abbreviation "TKO," as listed three times in Davidhizar's response memorandum, meant "Taken Care Of."

Assistant City Attorney Shuler then asked Davidhizar a series of questions and he responded as follows:

**When were the recent repairs on the house made?** "Well, the new shingles on the one-story part of the house were installed about five years ago. And other than that, we have done plumbing repairs. As I pointed out, the sewer line, we couldn't seem to get open. We had that professionally done. We've repaired a number of windows. There is a picture window in the front of the house that was broken that has been replaced. There were some smaller windows that had been broken and replaced, and where I've replaced windows mostly, I have replaced them with thermal pane windows, double pane."

**Were the repairs made in the last two years?** "Within the last year or two. Last summer we did some windows there and also some plumbing repairs."

**Has there been any work on the roof in the last 2 years?** "We did some repair. We did not do any roof replacements."

**Were any permits pulled for the roof repairs?** "If it's a repair, I don't believe that it's necessary."

**Were there any repairs to suspended ceilings?** "Yes. We've replaced some that were damaged." He said that was an ongoing repair effort due to plumbing leaks.

**For the roofing work, did he pull a roofing permit?** "I believe so."

**Have you pulled any other permits for the property recently?** "I think it's a general remodeling permit that would cover, I guess, a number of things. I don't need a permit to repair plumbing as long as it's just a repair. If we're tearing things out and doing a full-blown replacement of the plumbing in the house, then that would require (one), but it does not require a permit if it's less than \$1,000 dollars."

**Are the required plumbing repairs less than \$1,000?** "Yes."

**Were remodeling and window and siding replacement permits pulled on April 30?** Davidhizar confirmed that was the case. He said he didn't know if he was served with a demolition order by the City Building Commissioner on April 30. Asked why he pulled the permits on April 30, Davidhizar said, "Well, this is a project that we've been talking about, the Building Commissioner and the weather is good enough now that we can easily do exterior work."





Davidhizar said he would not dispute that he pulled the permits the same day he was served the demolition order. Davidhizar said he doesn't recall being served with a repair order in June 2024, but would not dispute that was done. Mayor Leichty thanked Davidhizar for his attendance and update and sharing his perspective on this property.

In his concluding remarks, Assistant City Attorney Shuler said the property has been inspected for two years and a repair order was issued 11 months ago and there have been no substantive repairs. Despite a demolition order, he said it has still not been fixed, so the Building Department is recommending that the demolition proceed. Shuler said the options before the Board included: affirming the Building Commissioner's order entirely; modifying the order back to a repair order; modifying the order to a repair order with stipulations that if it's not repaired in a certain amount of time there would be a civil penalty; and modifying the order completely if the Board determined that the repairs had been completed.

Shuler said that Davidhizar and his consulting engineer both said repairs were still needed. He added, "Nothing was done in 11 months since the repair order and the permits were only pulled and work only began because the Building Commission issued a demolition order. So, that's the Building Department's stance, but we'll obviously respect any decision that the Board makes."

Before offering his concluding remarks on behalf of Davidhizar, William Davis distributed to Board members a one-page document, titled "Required Proof for a Demolition Order." Davis said the document summarized and provided excerpts of state statutes concerning unsafe buildings and established "what needs to be proved in order to sustain a demolition order under the statute." (EXHIBIT #7).

Davis said, "So this is just basically quoting from the statute that what's required ... What I call your attention to (is) whatever else may be true in point three (of the cited statute) is that the demolition 'is reasonably related to the condition of the subject building' is a criterion that has to be met whether or not there's been unreasonable delay in getting the repairs made. You need to look at what is the condition of this building, and is a demolition order the appropriate response to that.

"There is authority, as I have quoted here, or the point that Mr. Shuler is making, that under one section or subsection of this general statute, it mentions the general condition of the building warrants removal or that the building continues to require reinspection and additional abatement action after an additional abatement action was taken pursuant to the notice and order. So, that's authority for doing that if indeed the demolition is reasonably related to the nature or to the condition of the subject building.

"And we're suggesting that the condition of the subject building is that it's structurally sound, and that repairs are reasonable for this building, and that if you need to enforce this repair or repair order from the last year in some other way besides demolition, you know you can do it. So can the Building Department.

"Why, they decided that demolition is the is the right solution for this, I'm not sure. And so, that's a question that I think you all need to ask yourselves. Also, it's curious, but indeed, the statute says that the demolition is reasonably related to the nature and use of nearby properties, and I don't think we've had any testimony about that today."

In response, Mayor Leichty said, "Mr. Davis's reiteration of why we are here is helpful and clarifying for me. I have no doubt that we've received sufficient testimony today that the repairs have not proceeded as required, that there are still occupants of this house. I have received some statements from the police about repeated visits to this location as well, and we heard that there have been people trespassed there because they are squatters, which means they have access to a property that is unsecured.

"All of those are indicative of being a blighted property and a detriment to the value of the surrounding houses in that neighborhood. It is also adjacent to a park where children play, and is occupied by children, and is clearly unsafe for children. Mr. Davidhizar has indicated that there are no limits to his financial capacity to make the necessary repairs, but he's chosen not to do this."





The **Mayor** concluded, "“This house has fallen into deplorable condition, and is clearly not an asset to the people occupying that home, the neighborhood, or the City as a whole. I would be in favor of supporting the Building Commissioner's order as it has been presented.”"

**Mayor Leichty** invited counsel from other Board members.

**Board member Landis** said, "I don't know what to say, honestly. 2021 is the first time there was awareness (of the property) officially by what we heard and I just can't imagine living in that place and why it should take anyone in the City level to try to remedy that situation when finances are not an issue for the person owning the property, and I feel like I've been gas lit today and it's a dog and pony show."

"This is not about anything real. This is just simply about when we get to a point where push comes to shove, when the City finally says, 'Okay, we've tried. We've asked. We've requested. We've held your hand. We've done all these things. So, I guess we're going to get tough.' And then suddenly (the response is), 'Oh, well, we'll get permits now.' What else are we supposed to do?"

**Board member Landis** concluded, "If nothing else works, I think we leave demolition order in place ... requested by the Building Department. I'm not inclined to change it. I'm just not."

**Board member Nichols** said, "I'm in full support of the demolition order. There's been a fine. There's been an order for repairs. Nothing's worked."

**Board member Myers** said, "I support what you're saying also. This is not our first rodeo with the circumstance that we're going through. And, like you said, we get to the brink where it's push gets to shove and we have to do the shoving to move forward. He's had expert testimony from the engineer that said the building needs repair, but yet nothing been done. Yes, I support the demolition order."

**Board member Swartley** said, "Yes, I support it as well. It pains me to think of kids living in that house, honestly, and the absolute horror of the house. It's not the worst we've seen, but it seems to take a demolition order to get Mr. Davidhizar to pull permits when he's had several years to leave that roof in that condition, to allow that siding to deteriorate to the condition it's in now. I just can't imagine any pride of ownership."

"It's sad to me that it has nice woodwork that has been refinished, which did nothing to improve the blight. So, I support also the demolition order at this point."

In her final remarks, **Mayor Leichty** said "I see nothing missing from the requirements to issue a demolition order. So, okay, we'll proceed with a formal vote. " She then invited a motion from the Board.

**Swartley/Landis** made a motion to affirm Building Commissioner's decision, to adopt the staff report and proceed with the demolition of the building at 105 Prospect Avenue in Goshen. The motion passed 5-0.

At 5:56 p.m., Mayor Leichty adjourned the unsafe building hearing.

#### APPROVAL OF CIVIL & UTILITY CLAIMS

**Mayor Leichty** made a motion to approve Civil City and Utility claims and adjourn the meeting. Board member Landis seconded the motion. The motion passed 5-0.

#### ADJOURNMENT

**Mayor Leichty** adjourned the meeting at 5:56 p.m.





**EXHIBIT #1:** A 52-page PowerPoint presentation, dated June 5, 2025, that was titled "Unsafe Building Hearing – Staff Report, 105 Prospect Avenue, Goshen" and shown during the unsafe building hearing for the property. The PowerPoint was presented by Assistant City Attorney Don Shuler and City Rental Inspector Ryan Conrad and included a background summary of the matter, photographs taken by Conrad over two years showing the condition of the property, a narrative summary of the property's condition and a two-page staff recommendation.

**EXHIBIT #2:** A five-page order of the City of Goshen Building Commissioner for the property at 105 Prospect Avenue which included a certificate of service of the order to Ronald Davidhizar. Marked by the City Legal Department for the June 5 unsafe building hearing as "Exhibit A," the order was issued June 18, 2024 by the Building Commissioner and served on Davidhizar on June 20, 2024.

**EXHIBIT #3:** A four-page order of the City of Goshen Building Commissioner for the property at 105 Prospect Avenue which included a certificate of service of the order to Ronald Davidhizar. Marked by the City Legal Department for the June 5 unsafe building hearing as "Exhibit B," the order was issued Dec. 18, 2024 by the Building Commissioner and served on Davidhizar on Dec. 18, 2024.

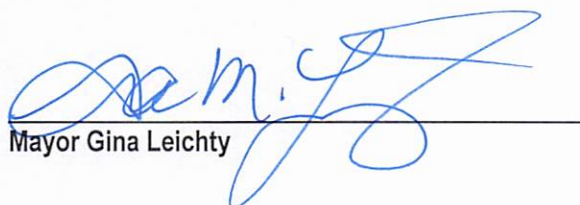
**EXHIBIT #4:** A seven-page report of a structural inspection conducted in May 2025 at 105 Prospect Avenue in Goshen by Kevin M. Finn, a consulting engineer retained by Ronald Davidhizar. The report, which Finn reviewed with the Board of Public Works and Safety at an unsafe building hearing for the property at 105 Prospect Avenue, included Finn's findings as well as numerous color photographs.

**EXHIBIT #5:** A two-page professional resume of Kevin M. Finn, P.E., Inc., of 815 Waterbury Park Drive, Elkhart, a consulting engineer retained by Ronald E. Davidhizar to perform a structural inspection of 105 Prospect Avenue in Goshen. The resume was presented to the City Board of Public Works and Safety.

**EXHIBIT #6:** A two-document prepared by Ronald Davidhizar and his attorney, William Davis, which was titled "Partial Response to the Building Commissioner's Order of April 29, 2025." The document served as a response and rebuttal to the Building Commissioner's findings. Through questions from his attorney, Davidhizar presented his response to the Board of Public Works and Safety during the unsafe building hearing for 105 Prospect Avenue.

**EXHIBIT #7:** A one-page document, titled "Required Proof for a Demolition Order," that was presented to the Board of Public Works and Safety by William Davis, the attorney for Ronald Davidhizar, during the unsafe building hearing for 105 Prospect Avenue. The document summarized and provided excerpts of state statutes concerning unsafe buildings.


**APPROVED:**

  
Mayor Gina Leichty

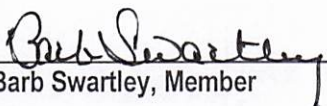




  
Mike Landis, Member

  
Orv Myers, Member

  
Mary Nichols, Member

  
Barb Swartley, Member

ATTEST:

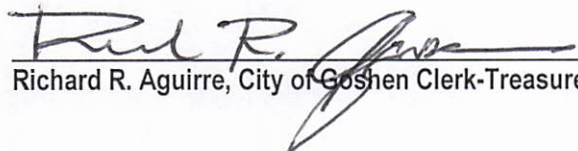
  
Richard R. Aguirre, City of Goshen Clerk-Treasurer



Exhibit #1

# **Unsafe Building Hearing – Staff Report**

105 Prospect Avenue, Goshen

June 5, 2025



# Background Summary

- An Order of the City of Goshen Building Commissioner finding the residential structure at 105 Prospect Avenue, Goshen (the “Property”) to be an unsafe building was issued on June 18, 2024.
- This June 18, 2024 Order noted various violations at the Property and required that repairs be completed within 60 days. This “Repair Order” is included as [Exhibit A](#) to this Report.
- The Property Owner, Ronald Davidhizar, did not request a review of the Repair Order before the BOW, and no appeal was taken from the Repair Order.



# Background Summary, cont.

- Repair Order noted the following violations:
  - Exterior wood siding not kept in good repair, is loose and failing, and is not properly coated and weather tight
  - Roof and flashing not sound, contains defects admitting rain
  - Dwelling units using extension cords for permanent wiring, with cords running through doors, under carpets, or concealed within walls, floors, or ceilings
  - Receptacle outlet in the living room near front door is cracked
  - Receptacle outlet in bathroom is inoperable
  - Heating facilities are not properly installed and maintained in safe and good working condition
  - Infestation of cockroaches, bedbugs, or other insects as result of failure to maintain the structure



# Background Summary, cont.

- Repair Order required completion of repairs to bring property into compliance with minimum housing standards that permit occupancy under Goshen City Code, with said repairs to include:
  - Securely reattached loose wood siding
  - Repair and/or replace deteriorated wood siding
  - Properly coat and make weather tight all siding
  - Repair and/or replace areas of roof and flashing that are admitting rain
  - Replace cracked outlet cover in living room
  - Remove and cease use of electrical cords and permanent wiring and establish proper electric service to the structure
  - Repair receptacle in the bathroom and repair/replace electrical wiring as necessary to ensure proper function
  - Properly install and maintain heating facilities, cease use of unvented heaters to provide primary heating, repair/replace HVAC to ensure proper function
  - Extermination of all insects in and about the Property



## Background Summary, cont.

- Building Commissioner issued a subsequent Order December 18, 2024, which was a Notice of Civil Penalty; this “Civil Penalty Order” is attached to this report as [Exhibit B](#)
- The Civil Penalty Order found that Mr. Davidhizar had failed to complete the repairs required by the Repair Order and thus issued a civil penalty in the sum of \$2,500.
- Mr. Davidhizar did not request a review of the Civil Penalty Order before the BOW, and no appeal was taken from the Civil Penalty Order.
- Mr. Davidhizar did not pay the civil penalty when required; as a result, the amount was certified to the County Auditor and collected when property taxes were paid in May.



## **Background Summary, cont.**

- Building Commissioner issued new Order, dated April 29, 2025, modifying the prior Repair Order and now Order the unsafe structure at the Property be demolished
- This “Demolition Order,” which is the Order under review, noted the same conditions rendering the Property unsafe in June 2024 remained present at the Property.
  - It also noted that the stairways to the basement in one unit had been removed, leaving only plywood covering, rendering such access unsafe

# Background Summary, cont.

- The Demolition Order found the Property unsafe as follows:
  - Has not been maintained in a manner that is compliant with the minimum standards for all structures for purposes of health and safety [I.C. 36-7-9-4(a)(5)]
  - Use of extension cords as permanent wiring, unvented space heaters, no discharge pipe on water heater, are fire hazards [I.C. 36-7-9-4(a)(2)]
  - Holes in exterior wood siding, roof leak – indicative of structural issues [I.C. 36-7-9-4(a)(1)]
  - It not supposed to be occupied under Goshen City Code, and thus should be vacant, and is not maintained in a manner that would permit occupancy under Goshen City Code [I.C. 36-7-9-4(a)(6)]



# Background Summary, cont.

- Demolition Order also noted that prior actions have been unsuccessful in obtaining repair and compliance at the Property:
  - Repair Order was not successful in obtaining compliance
  - Civil Penalty Order was not successful in obtaining compliance
  - Property was occupied in violation of Goshen City Code despite postings advising it was not to be occupied
- Demolition Order due to the condition of the Property and that the Property continues to require reinspection and continued enforcement action by the City
- Requires demolition within 60 days, or by June 29, 2025.

# Property Inspections (Ryan Conrad)

- First inspected the property in late 2021. None of the three units passed inspection at that time.
- Units that were vacant, gave notice to property owner that the unit was not to be occupied until passed inspection. Unit was later occupied without inspection.
- To date, none of the three units have passed inspection under City Code in the last 3+ years.
- The following slides show photographs of the Property showing its condition over time, leading up to the Demolition Order for the Property.



# **2023 Property Inspection Photographs**

- Photos of the property taken during inspections in 2023.

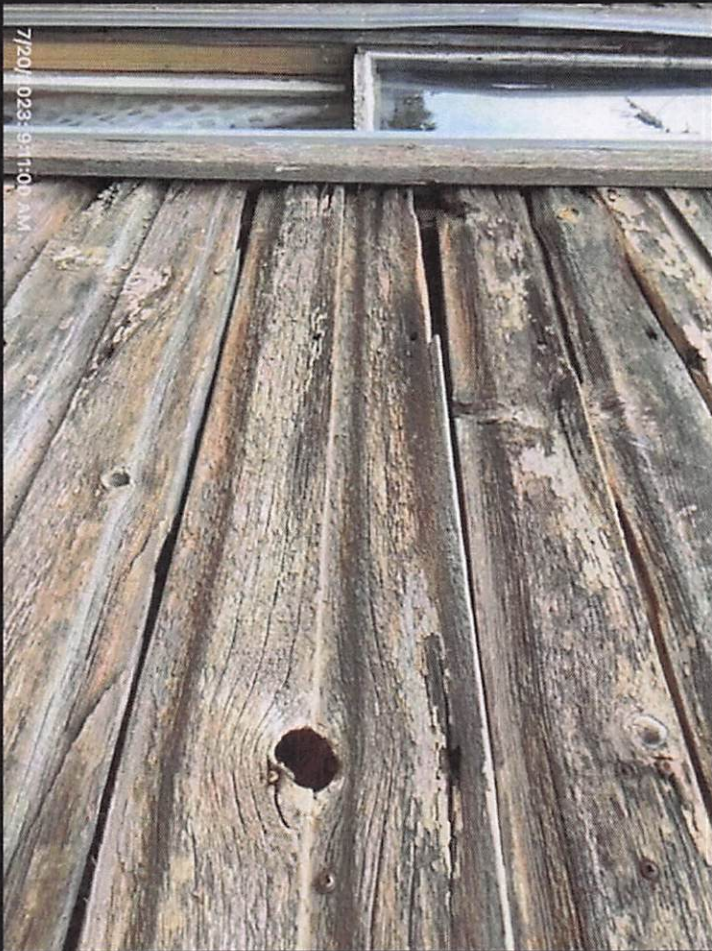


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2





3



4





5

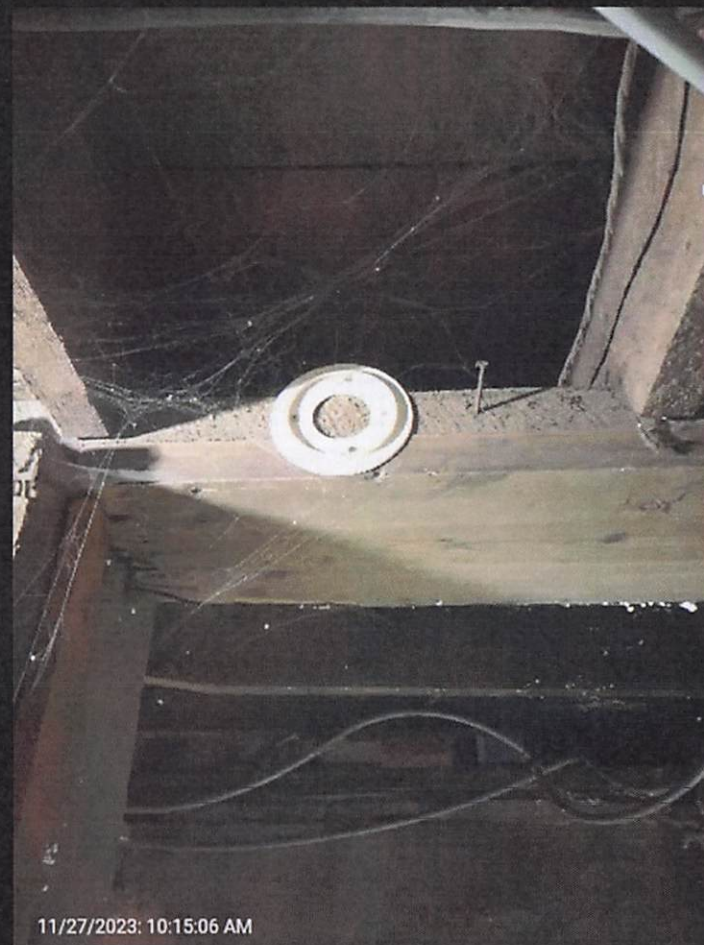


6





7



8

# **2024 Property Inspection Photographs**

- Photos of Property taken in 2024 prior to issuance of Repair Order in June 2024





1



2





3



4





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9



5/15/2024 9:18:43 AM

9





10

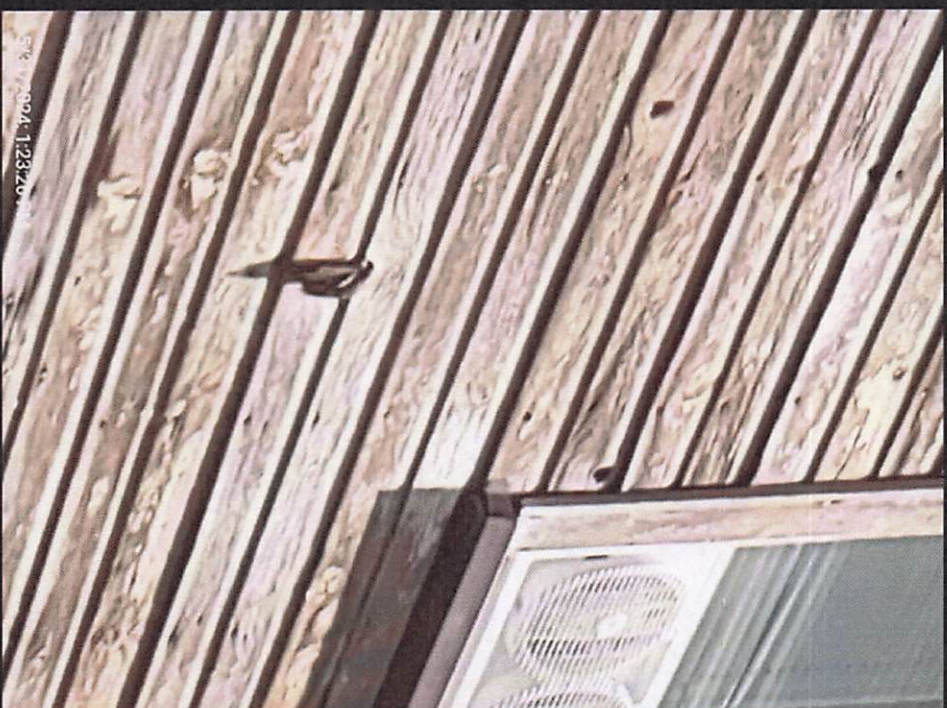


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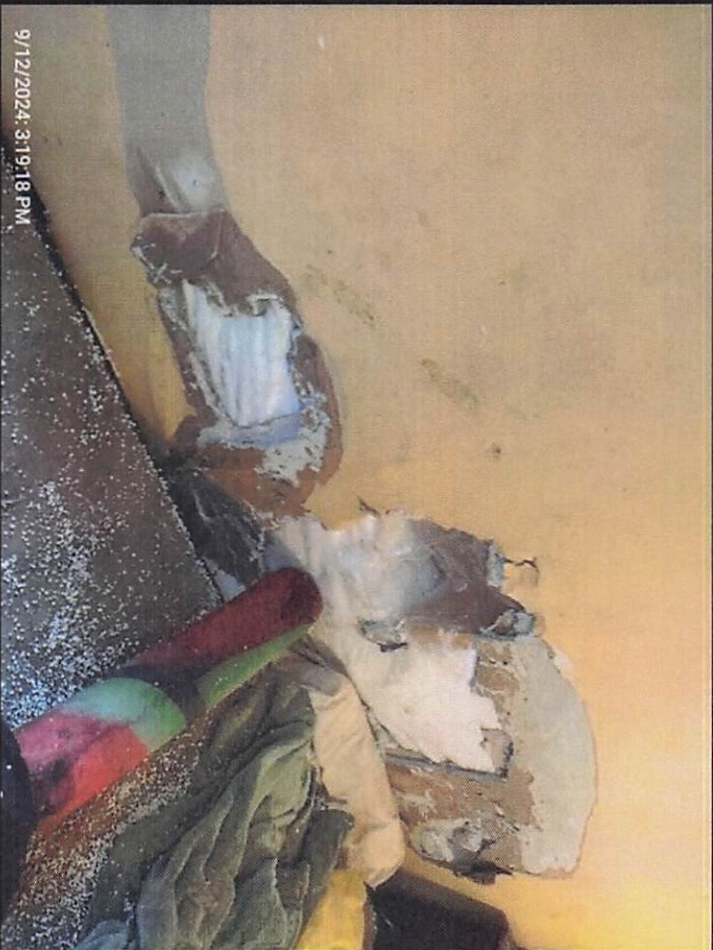


11

# **2024 Property Inspection Photographs**

- Photos of Property taken Fall 2024, more than 60 days following issuance of Repair Order.





A



B





C



D





E



F





G



H



# **2025 Property Inspection Photographs**

- Two sets of photographs
  - April 2025, prior to the issuance of the Demolition Order

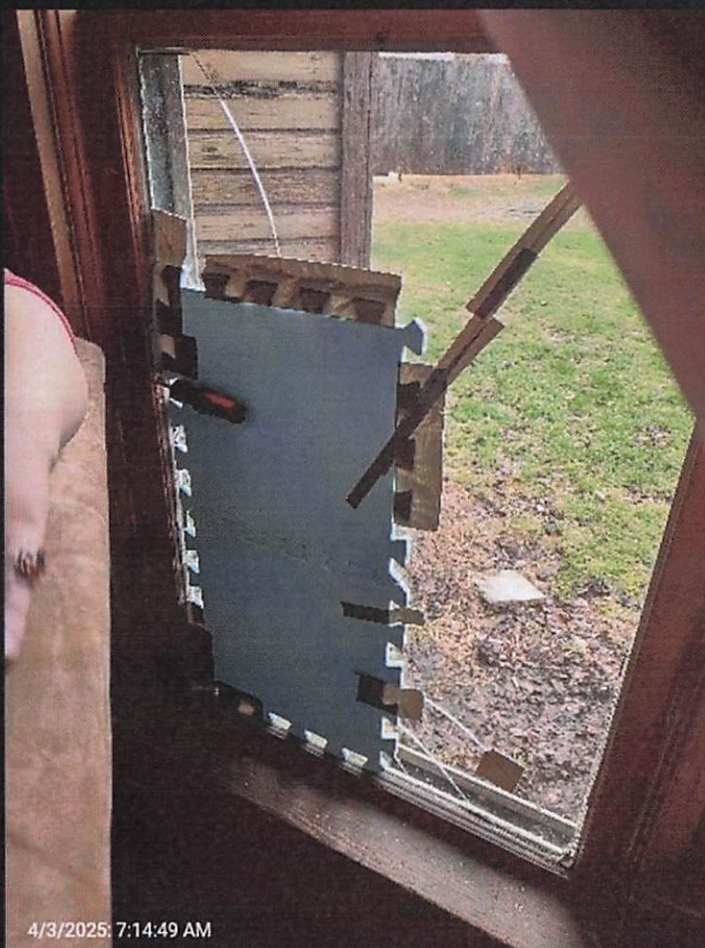


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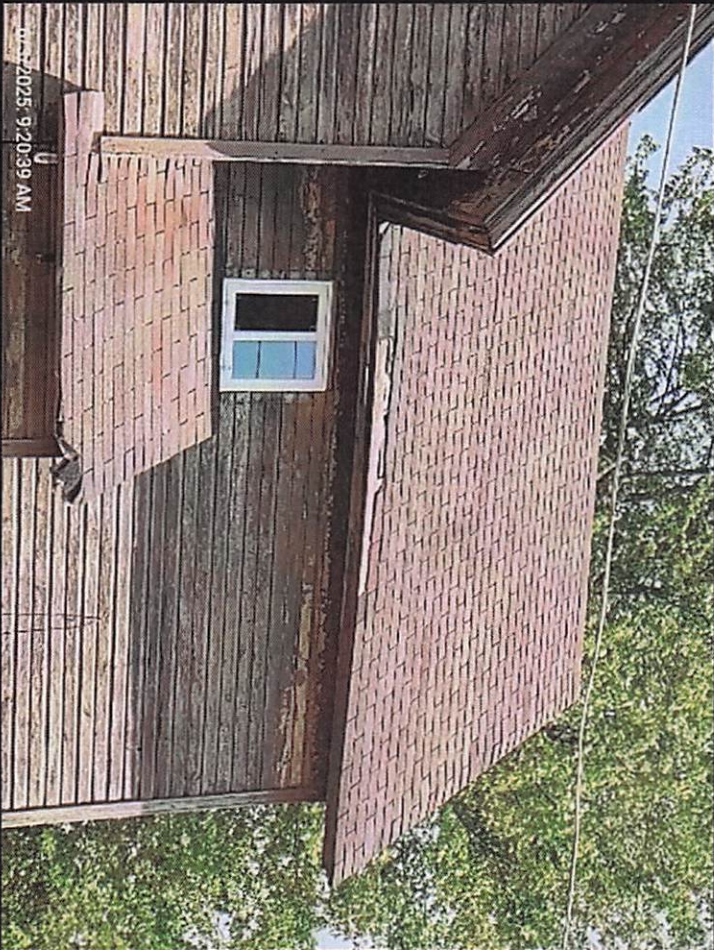




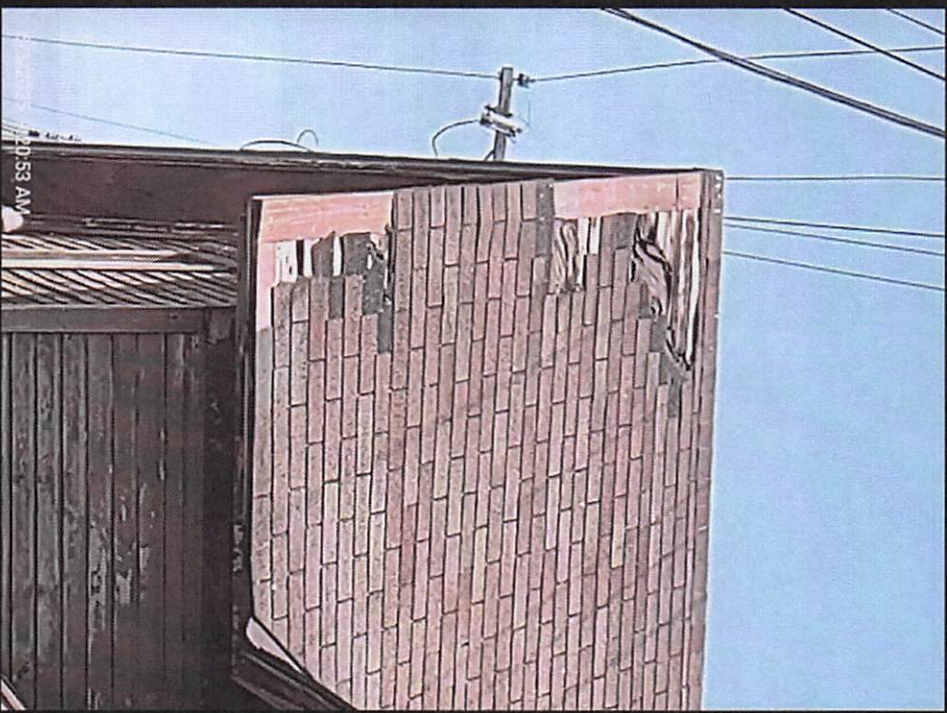


# 2025 Property Inspection Photographs

- Photographs from recent inspection on June 2, 2025 (time stamp of June 3, 2025 is upload time), showing the current condition of the Property following a couple years of City efforts to obtain compliance.



1

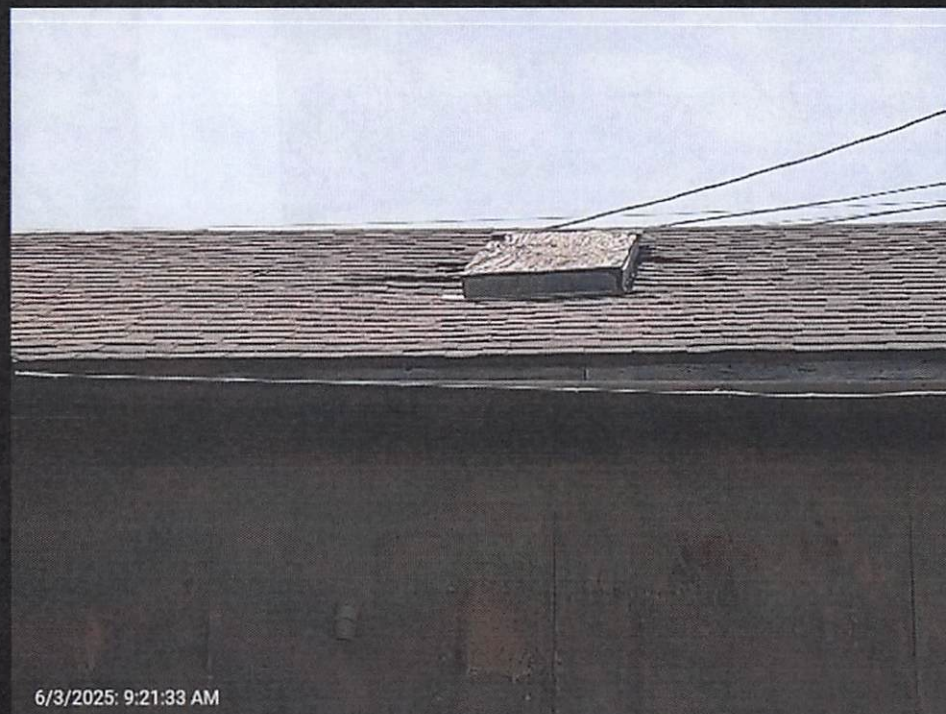


2





3

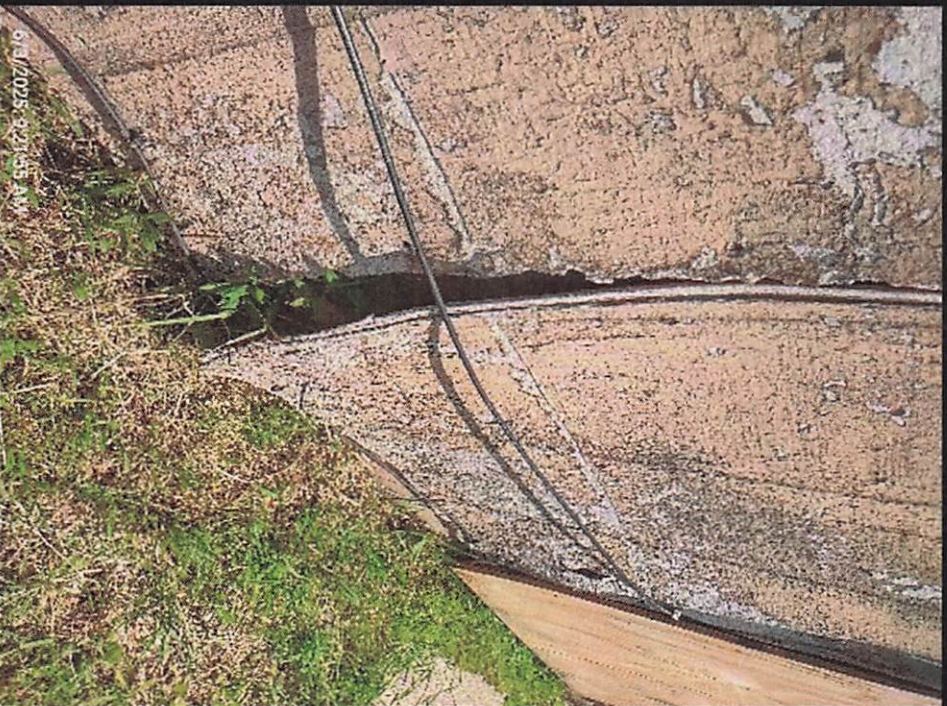


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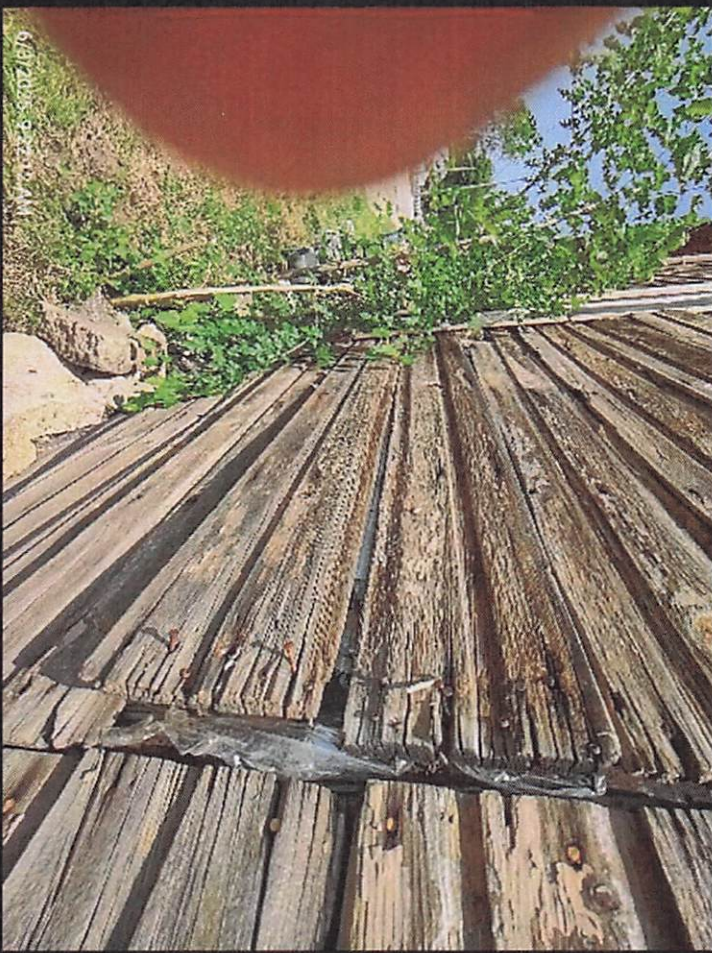


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12





6/3/2025, 9:29:12 AM

13



6/3/2025, 9:29:23 AM

14





15

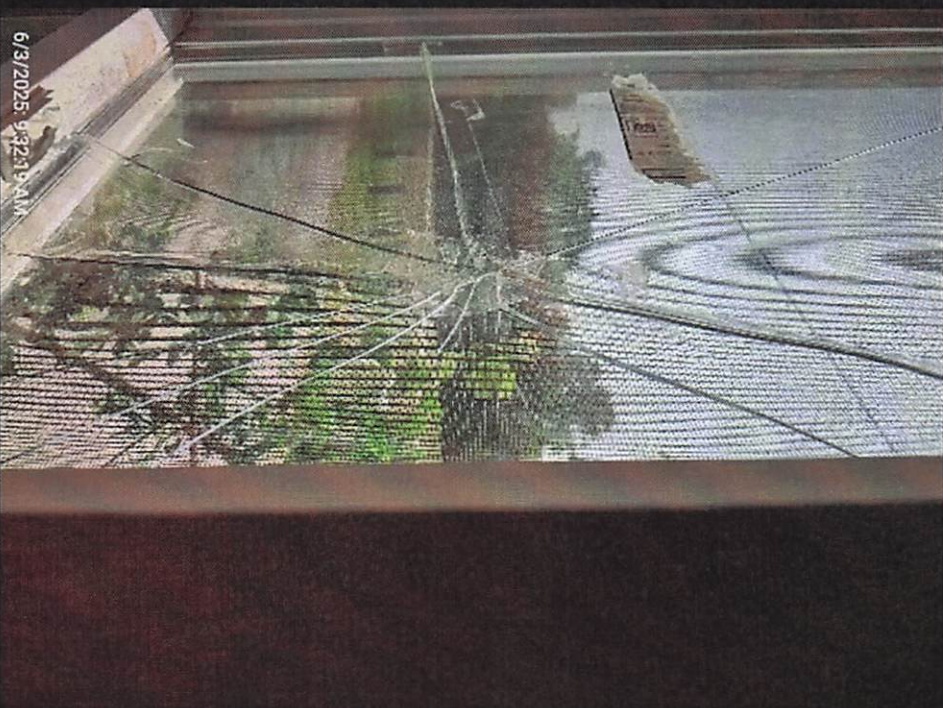


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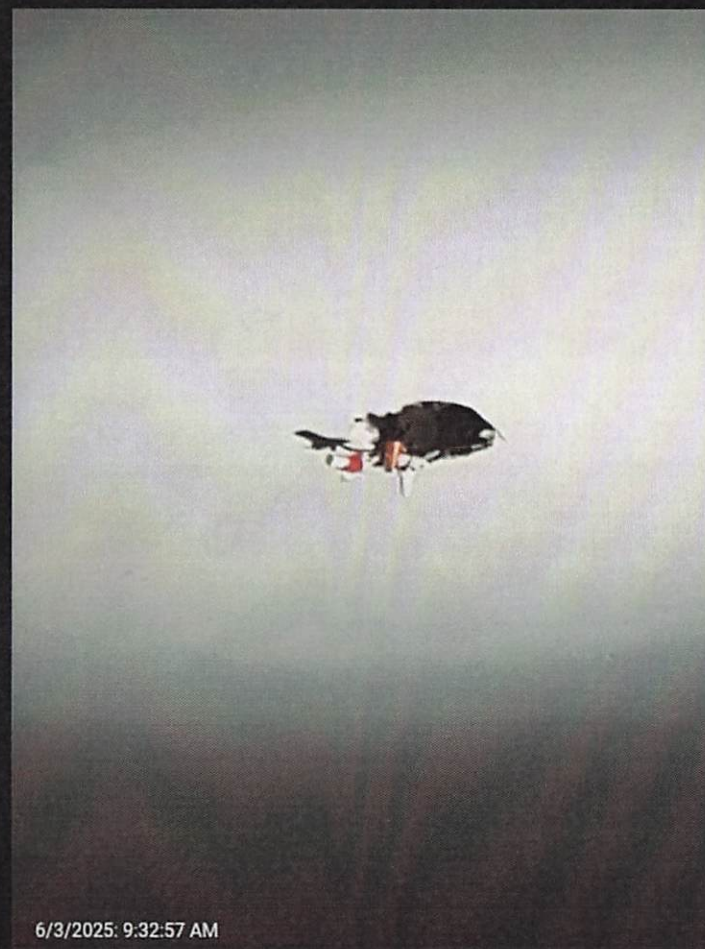


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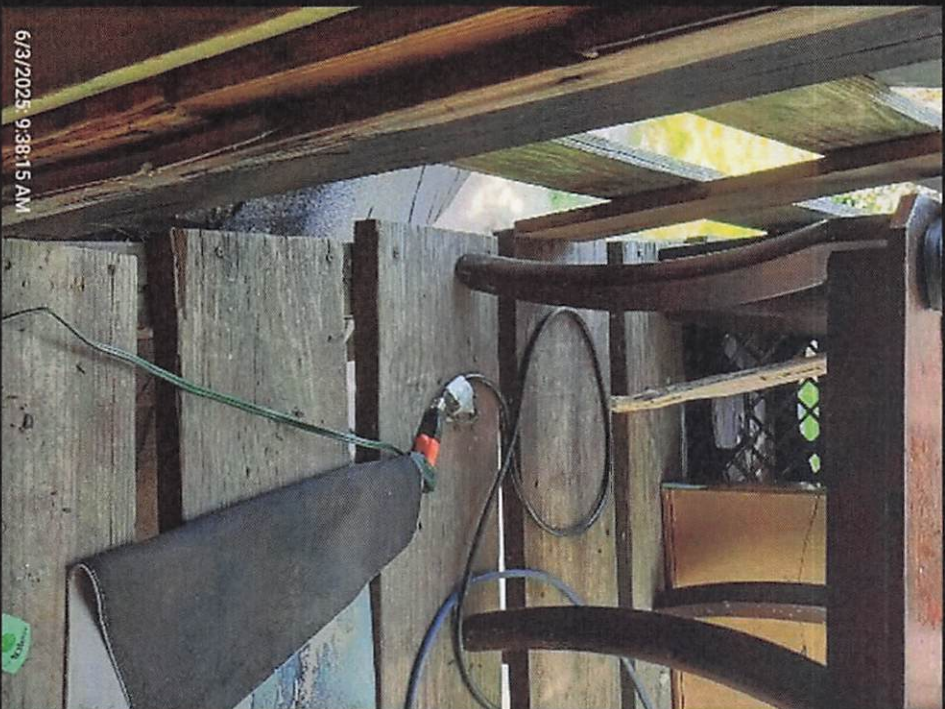


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23

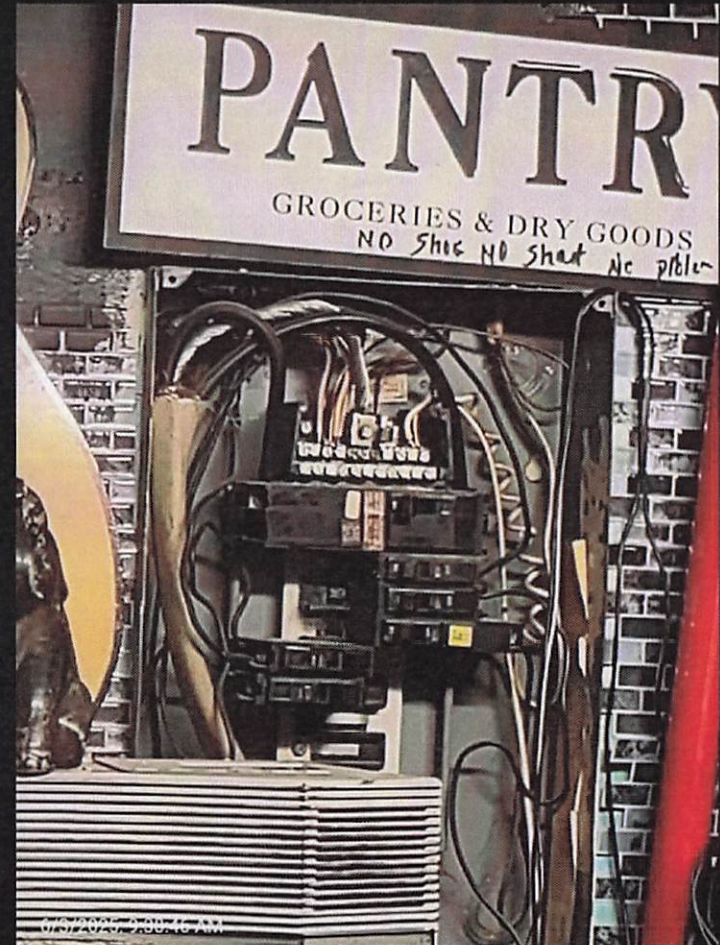


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26





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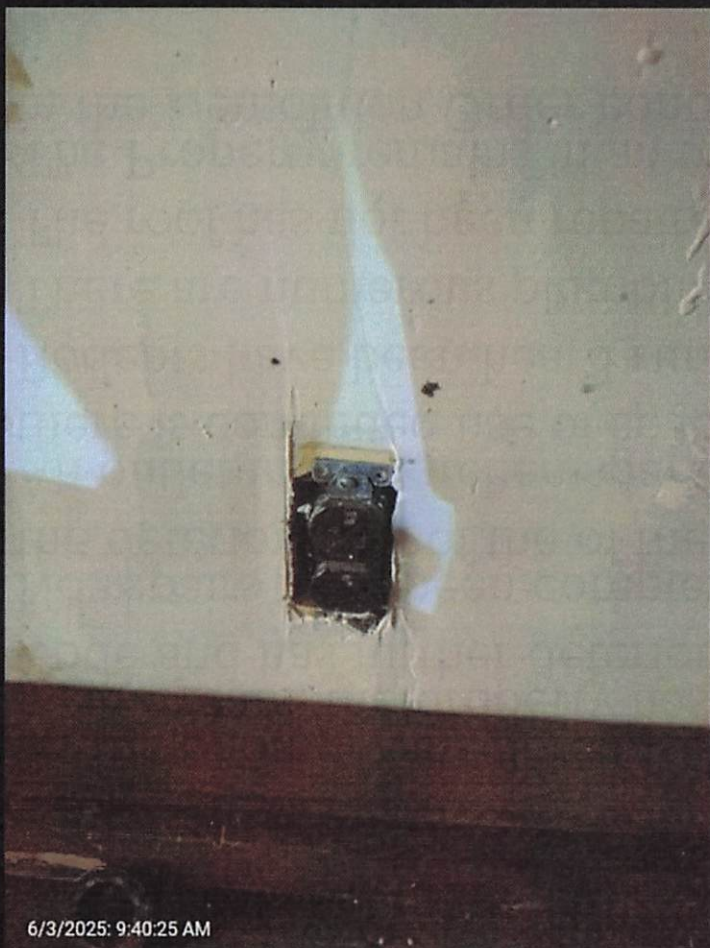
27



6/3/2025, 9:40:17 AM

28





29



30



# Staff Summary

- As the photographs demonstrate, despite various attempts over the past 2 years, the property has not been repaired into compliance with Code and has further deteriorated
- No repairs have been completed on the exterior, which contributes to the deterioration of the of the interior
- An outlet in the kitchen sparks, extension cords being used for wiring, there is continued use of space heaters for primary heating
- Rodents have been heard running in the ceilings and walls
- There are numerous plumbing leaks throughout the structure
- The roof has not been repaired and continues to leak
- The Property remains in an unsafe condition, and the violations noted in the Demolition Order continue to exist at the Property.



# Staff Recommendation

- Continued recommendation of Demolition
- The Property is in an unsafe condition, has been in an unsafe condition for several years, and continued attempts at obtaining rehabilitation and compliance have been ineffective.
- The condition of the Property, based on the inspections of the Building Department, show it to be a fire hazard, failing to comply with minimum standards for housing that make it dangerous to persons and neighboring properties
- The Property is required to be vacant, is blighted, and does not meet the requirements of Code for occupancy



## Staff Recommendation, cont.

- Staff asks that you adopt the Building Commissioner's Order and the Staff Report and Analysis as your findings and affirm the Building Commissioner's Order for Demolition dated April 29, 2025.
- A proposed Order incorporating these findings and recommendation is presented for the Board's consideration.
  - Key Points of this Proposed Order:
    - Provides background information about the Building Commissioner's Demolition Order, listing the conditions cited in that Order, and notes the hearing held today
    - The Order has the Board finding that the Demolition Order is supported by substantial evidence. Adopts Section 3 of the Building Commissioner's Demolition Order (listing the code violations at the Property and discussing the failed attempts at compliance), as well as this Staff Report submission, as the Board's findings.
    - Affirms the Demolition Order in its entirety.



**Exhibit A**

**ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER**

June 18, 2024

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: Ronald E. Davidhizar  
203 Middlebury Street  
Goshen, Indiana 46528

**Section 1.**

You are hereby notified that you are in violation of the City of Goshen Neighborhood Preservation Ordinance, codified at Goshen City Code § 6.3.1. The violations exist at property owned by you, as evidenced by the tax records of the Elkhart County Auditor, property tax code number 20-11-09-210-006.000-015; commonly known as 105 Prospect Avenue, Goshen, Indiana, and more particularly described as follows:

Sixty-six (66) feet off of the west end of Lot Number Thirteen (13) in Albrights Addition to the City of Goshen, Elkhart County, Indiana.

**Section 2.**

The following violations of Goshen City Code Title 6, Article 3, Chapter 1 exist at the residential structure located at the real estate identified in Section 1:

1. The residential structure's exterior wood siding has not been kept in good repair, is deteriorating, is loose and falling, and is not properly coated and weather tight, a violation of Sections 6.3.1.1(b), (g), and (k).
2. The residential structure's roof and flashing is not sound, containing defects admitting rain, a violation of Section 6.3.1.1(c).
3. Dwelling units at the residential structure are using extension or flexible cords for permanent wiring, with said cords running through doors, under carpets, or concealed within walls, floors, or ceilings, in violation of Section 6.3.1.5(h).
4. A receptacle outlet in the living room near the front door at the residential structure is cracked and in need of replacement, a violation of Section 6.3.1.5(g).

5. A receptacle outlet in the bathroom is inoperable, a violation of Section 6.3.1.1(a).
6. There are not heating facilities that are properly installed and maintained in safe and good working condition, a violation of Sections 6.3.1.1(a) and 6.3.1.3(e).
7. The residential structure has an infestation of cockroaches, bedbugs, or other insects as a result of the owner's failure to maintain the structure, a violation of Section 6.3.1.6(b)(4).

The residential structure located on the real estate is unsafe within the meaning of I.C. § 36-7-9-4(a)(2) and (5). Goshen City Code Title 6, Article 3, Chapter 1's requirements are the minimum standards for all structures for purposes of health and safety. Therefore, the structure is dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance. In addition, the use of extension cords for permanent wiring, unvented space heaters, and the structure's general condition constitutes a fire hazard.

### **Section 3.**

You are hereby **ORDERED** to complete the necessary actions and repairs to the residential structure to bring the property into compliance with the minimum housing standards that permit human habitation, occupancy, or use under the Neighborhood Preservation Ordinance. Said actions and repairs, among other considerations, must include the following:

- Securely reattach all loose wood siding
- Repair and/or replace deteriorated wood siding
- Properly coat and make weather tight all siding
- Repair and/or replace areas of roof and flashing that are not sound and tight and are admitting rain
- Replace cracked outlet cover in living room near front door
- Remove and cease use of electrical cords as permanent wiring and establish proper electric service to the residential structure
- Repair receptacle in bathroom and repair/replace electrical wiring as necessary to ensure proper function
- Properly install and maintain heating facilities, cease use of unvented space heaters to provide primary heating, repair and/or replace HVAC to ensure proper function
- Extermination of all insects in and about the unsafe premises.

You are hereby **FURTHER ORDERED** to complete all said work within sixty (60) days, with a substantial beginning towards all required actions and repairs to be made within thirty (30) days.

### **Section 4.**

You are hereby notified that failure to comply with this Order may result in the City of Goshen taking action to complete the required work and bill you for the costs of such work, including, the actual costs of the work performed and an amount equal to the average processing expense the City will incur in pursuing this matter. Such amounts can become a lien upon the real estate and can ultimately be enforced in the same manner as any other judgment. In addition, failure to



comply with the Order may result in the City of Goshen Building Commissioner issuing a civil penalty pursuant to I.C. § 36-7-9-7.5.

**Section 5.**

**You are further notified that this Order becomes final ten (10) days after notice is given, unless you request a hearing in writing and deliver such written request for hearing to the City of Goshen Building Commissioner prior to the expiration of said ten (10) days.**

**Section 6.**

You are hereby notified that as a result of this Order being issued you may not transfer or agree to transfer any property interest in the parcel described in Section 1 of this Order, unless you have complied with all requirements of Indiana Code § 36-7-9-27, which are as follows:

1. You must supply full information regarding this Order to the person or persons taking or agreeing to take any interest in the parcel described in Section 1 of this Order.
2. You must supply in writing to the City of Goshen Building Department, within five (5) days of any actions to transfer the interest, the following: (a) the full name, address, and telephone number of the person or persons taking interest in the property described in Section 1 of this Order; and (b) a copy of the legal instrument under which the transfer of the interest is accomplished.

**Section 7.**

You are hereby notified that failure to comply with Section 6 of this Order may result in a judgment of liability against you in accordance with Indiana Code § 36-7-9-27.

**Section 8.**

This Order is issued by the City of Goshen Building Commissioner, Myron Grise, in accordance with the Indiana Unsafe Building Law and the City of Goshen Neighborhood Preservation Ordinance. The address of the Building Commissioner is 204 E. Jefferson Street, Suite 5, Goshen, Indiana 46528, and the telephone number is 574-534-1811.

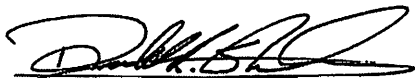
This Order of the City of Goshen Building Commissioner is issued on June 18, 2024.

City of Goshen Building Department

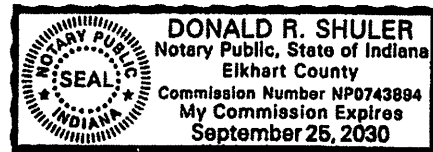
  
Myron Grise, Building Commissioner

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF ELKHART    )

Before me, the undersigned, a Notary Public in and for said county and State, this June 18, 2024, personally appeared Myron Grise, Building Commissioner for the City of Goshen, Indiana, who acknowledged execution of the foregoing Order for and on behalf of the City of Goshen, Indiana Building Department, as his voluntary act for the purposes stated therein, and who, having been duly sworn, stated that the representations contained therein are true.



Notary Public





**Certificate of Service**

The undersigned hereby certifies that the foregoing Order of the City of Goshen Building Commissioner for the premises at 105 Prospect Avenue, Goshen, Indiana was served by sending a copy by certified mail, return receipt requested and by regular first-class mail to the last known address of the following persons to be notified on June 20, 2024:

Ronald Davidhizar  
203 Middlebury Street  
Goshen, Indiana 46528



Donald R. Shuler, #26587-71  
Assistant City Attorney  
City of Goshen Legal Department  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document, unless required by law (Donald R. Shuler).

This document prepared by Donald R. Shuler, Assistant City Attorney, City of Goshen Legal Department, 204 E. Jefferson Street, Suite 2, Goshen, IN 46526; Ph: 574.537.3855.

*Exhibit #3*

**Exhibit B**

**Dated: December 18, 2024**

**ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER  
NOTICE OF CIVIL PENALTY**

To: Ronald Davidhizar  
203 Middlebury Street  
Goshen, Indiana 46528

On June 18, 2024, the City of Goshen Building Commissioner issued an Order to you pursuant to I.C. § 36-7-9-5(a)(5), for the following property:

Address: 105 Prospect Avenue, Goshen, IN

Parcel No.: 20-11-09-210-006.000-015

Legal Description:

Sixty-six (66) feet of the west end of Lot Number Thirteen in Albrights Addition to the City of Goshen, Elkhart County, Indiana.

The June 18, 2024 Order of the City of Goshen Building Commissioner required completion of necessary actions and repairs to bring the vacant residential structure located at the above-described real estate into compliance with the minimum housing standards that permit human habitation, occupancy, or use under the Neighborhood Preservation Ordinance. Said actions and repairs, among other considerations was to include the following:



1. Securely reattach all loose wood siding
2. Repair and/or replace deteriorated wood siding
3. Properly coat and make weather tight all siding
4. Repair and/or replace areas of roof and flashing that are not sound and tight and are admitting rain
5. Replace cracked outlet cover in living room near front door
6. Remove and cease use of electrical cords as permanent wiring and establish proper electric service to the residential structure
7. Repair receptacle in bathroom and repair/replace electrical wiring as necessary to ensure proper function
8. Properly install and maintain heating facilities, cease use of unvented space heaters to provide primary heating, repair and/or replace HVAC to ensure proper function
9. Extermination of all insects in and about the unsafe premises.

You were ordered to complete these repairs within sixty (60) days.

**You have failed to complete the required repairs as ordered. Therefore, pursuant to I.C. § 36-7-9-7.5, the Building Commissioner hereby imposes a civil penalty against you in the sum of Two Thousand Five Hundred Dollars (\$2,500.00).**

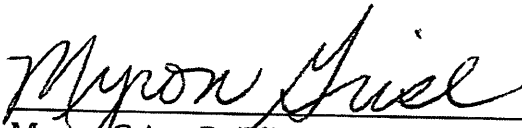
This sum shall be paid in full to the City of Goshen, Indiana within fifteen (15) days. Payment is to be made to CITY OF GOSHEN and delivered to the Goshen Building Department, 204 E. Jefferson Street, Suite 5, Goshen, Indiana 46528. If full payment is not made within fifteen (15) days, the City of Goshen may certify the amount of the delinquent payment to the Elkhart County Auditor who shall place the total amount certified on the tax duplicate for the affected property as a special assessment. The total amount, including any accrued interest, shall be collected as delinquent taxes are collected.

Any person or entity holding a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the above-referenced premises is jointly and severally responsible for this total cost.

You are notified that this Order becomes final ten (10) days after notice is given, unless you request a hearing in writing and deliver such written request for hearing to the City of Goshen Building Commissioner prior to the expiration of said ten (10) days.

This Order and Civil Penalty is issued by the City of Goshen Building Commissioner, Myron Grise, in accordance with the Indiana Unsafe Building Law. The address of the Building Commissioner is 204 E. Jefferson Street, Suite 5, Goshen, Indiana 46528, and the telephone number is 574-534-1811.


This Order and Civil Penalty is issued on December 18, 2024.

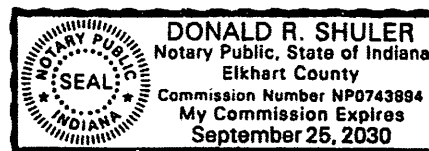
  
Myron Grise, Building Commissioner  
City of Goshen, Indiana

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF ELKHART    )

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Myron Grise, Building Commissioner for the City of Goshen, Indiana, and acknowledged execution of the foregoing instrument.

Subscribed and affirmed before me this December 17, 2024.

  
\_\_\_\_\_  
Notary Public





### Certificate of Service

The undersigned certifies that the foregoing was served upon the following:

Ronald Davidhizar  
203 Middlebury Street  
Goshen, Indiana 46528

on December 18, 2024, by:

- ☒ Sending a copy by registered or certified mail to the residence of place of business or employment of the person to be notified, with return receipt requested.
- ☐ Deliver a copy personally to the person to be notified.
- ☐ Leaving a copy at the dwelling or usual place of abode of the person to be notified.
- ☐ Leaving a copy at the dwelling or usual place or abode of the person to be notified and sending by first class mail to the last known address of the person to be notified.
- ☒ Sending a copy by first class mail to the last known address of the person to be notified.
- ☐ Publishing in the Goshen News two (2) times, at least one (1) week apart.

By: 

Printed: Donald R. Shuler

Title: Assistant City Attorney

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document, unless required by law (Donald R. Shuler).

This document prepared by Donald R. Shuler, Assistant City Attorney, City of Goshen Legal Department, 204 E. Jefferson Street, Suite 2, Goshen, IN 46526; Ph: 574.537.3820.

Exhibit #4

**KEVIN M. FINN, P.E., INC.**

815 Waterbury Park Drive

Elkhart, IN 46517

(574) 537-1300

e-mail – [kevin@kmfeng.com](mailto:kevin@kmfeng.com)

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June 4, 2025

City of Goshen

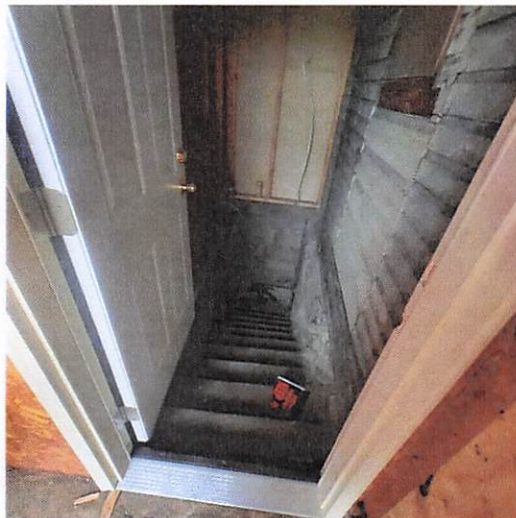
Re: Structural Inspection – 105 Prospect, Goshen, IN  
Conducted May 12, 2025 and May 28, 2025

Dear Mr. :

Per Ron Davidhizar's request the above home was inspected for the current structural stability vs. the codes / loads as follows:

- 2020 Indiana Residential Code (2018 International Residential Code)
- Roof – 30 psf Ground Snow Load / 23.1 psf Flat Roof Load
- Floor Live Load – 40 psf
- Wind – 115 mph Vult, Exp. B
- Seismic Design Category – B

The 2<sup>nd</sup> date of the inspection was to gain access through the plywood panel that had been screwed onto the framing. The basement stairwell is fairly secure from unintended occupants. Once opened; the following picture shows the basement access:



The picture below is of the applied screwed on plywood panel over the door access:



## KEVIN M. FINN, P.E., INC.

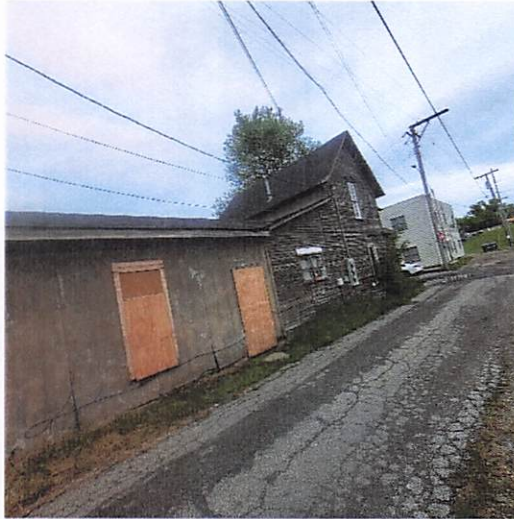
815 Waterbury Park Drive

Elkhart, IN 46517

(574) 537-1300

e-mail – [kevin@kmfeng.com](mailto:kevin@kmfeng.com)

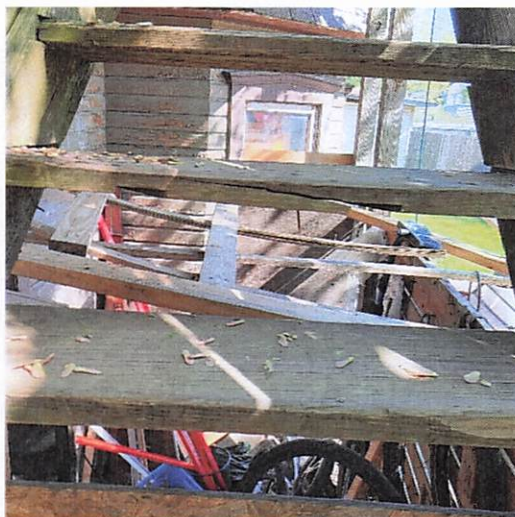
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The structure of the home is broken down into the categories as shown below:

### **EXTERIOR STAIRWAY TO 2<sup>ND</sup> FLOOR –**

The stairway to the 2<sup>nd</sup> floor has the following issue; compromised step. This may hold 50 lbs but considerably less than the required 300 lbs x 1.75 if tested by stepping on it. Replacement or reinforcement of the step should be sufficient. This is critical as potential injury is imminent without correction.



### **FLOOR –**

The floors of the 1<sup>st</sup> and 2<sup>nd</sup> appear to be satisfactory for the required 40 psf floor live load.

**KEVIN M. FINN, P.E., INC.**

815 Waterbury Park Drive

Elkhart, IN 46517

(574) 537-1300

e-mail – [kevin@kmfeng.com](mailto:kevin@kmfeng.com)

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Inspection of the first floor framing from the basement is depicted in the following photograph



**WALLS –**

The interior of walls shows solid vertical support. The picture below is typical and of the interior of the home of the 1<sup>st</sup> floor.



## KEVIN M. FINN, P.E., INC.

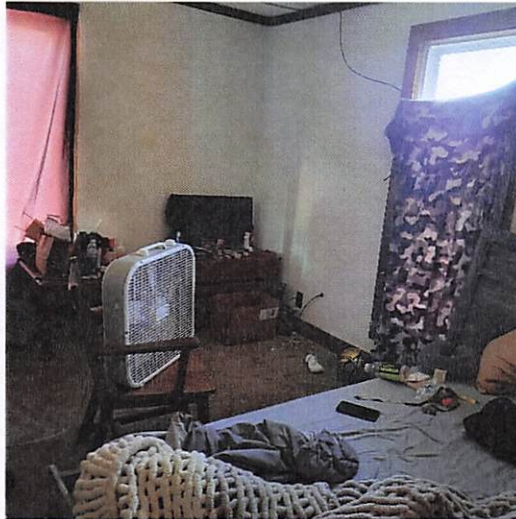
815 Waterbury Park Drive

Elkhart, IN 46517

(574) 537-1300

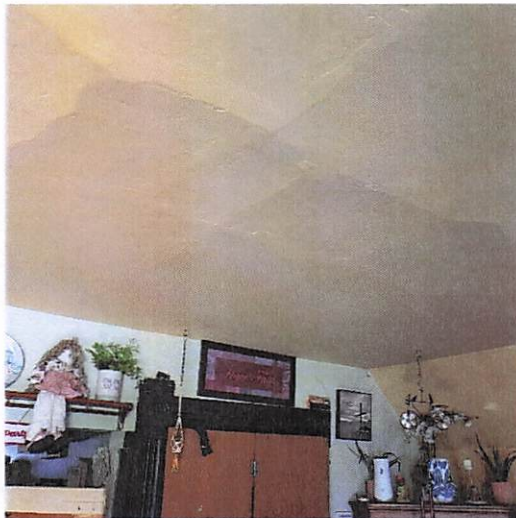
e-mail – [kevin@kmfeng.com](mailto:kevin@kmfeng.com)

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### CEILINGS –

For this home, the ceilings are only acting as a barrier between the interior of the home and the attic. The cracked ceiling – plaster has been repaired and painted. The exposed cracked joints are evidence of this remediation.



### ROOF –

The eave in the following picture shows an attempt at repair. Does not appear to be complete.

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Elkhart, IN 46517

(574) 537-1300

e-mail – [kevin@kmfeng.com](mailto:kevin@kmfeng.com)

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Roof framing – is satisfactory from interior inspection and observation from the outside

### **EXTERIOR SIDING -**

Some exterior sheathing needs to be removed and replaced.



Hole thru the siding – Need to be opened up and assured that there isn't any birds or insects in the cavity. Also, anything similar to this; needs to be dealt with in the same manner.



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All wood siding on the exterior, needs to be caulked, primed and painted.

HVAC – The picture below is of the duct connection that has disconnected. While inspecting, the furnace kicked on and heat came out of the duct. Obviously, the duct needs to be reconnected and it appears that the heating system is functioning.



Basement Entree – The basement is functioning for maintenance only. So only necessary to be accessed by the owner or maintenance personnel.

### **FOUNDATION -**

The foundation from inside the basement and the outside shows that it is satisfactory for support of the above loading condition for this 2 story structure.

**KEVIN M. FINN, P.E., INC.**

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Elkhart, IN 46517

(574) 537-1300

e-mail – [kevin@kmfeng.com](mailto:kevin@kmfeng.com)

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A reinspection of the home would necessary to assert that the above required repairs are completed properly.

Should you have any questions on the above, please do not hesitate to contact the undersigned at the above address.

Sincerely,

Kevin M. Finn, P.E.  
IN P.E. License # 19600032

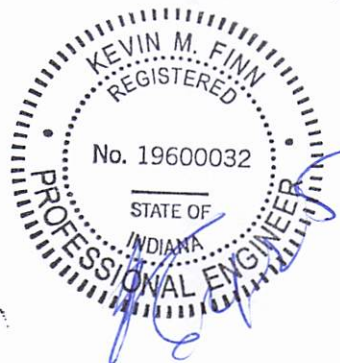




Exhibit #5

## Professional Resume

### KEVIN M. FINN, P.E., Inc.

815 Waterbury Park Drive  
Elkhart, IN 46517  
(574) 537-1300  
Cell (574) 215-9261  
e-mail – kmfinn74@cs.com

Marital Status: Married

Birth Date: 9-24-57

### PROFESSIONAL EXPERIENCE

#### Consulting Engineer –

June 2003 to Present

Develop all aspects of modular construction including structural for approximately 39 manufacturers and builders. Also, wood and steel bridge design for three golf course construction companies. Professional engineering certification for system and builder's permit packages. Work with manufacturers to produce small utility buildings to large modular complexes (wood, steel, or concrete). Also, consult with local contractors for on-site installed buildings or on-site built buildings.

#### List of Clients -

Advanced Engineered Space, Inc.  
Banks Lumber  
Boschung America, LLC  
Champion Home Builders  
Commodore Homes  
DuPont Building, Inc.  
Georgia Bridge & Deck, Inc.  
Hussman Corp.  
Liberty Homes  
MPA Systems, Inc.  
NTA, Inc.  
Porta-Kamp Const. Inc.  
Pyramid 1, Inc.  
S2A Modular  
Southern Structures  
Universal Forest Products  
Wilkins' Mobile Builders

ATCO Structures  
BG Construction  
Castle Housing of PA  
Cleer Creek  
Dant Clayton  
FBI Buildings, Inc.  
GE Capital Modular Space  
Indicom Buildings  
Michiana Mobile Structures  
Mobile Modular  
Open Joist 2000  
Progressive Engineering, Inc.  
Resun Leasing  
Simpad, LLC  
T.R. Arnold & Associates, Inc.  
USA Modular  
William Scotsman, Inc.

ATS Consulting Engineers  
Black Creek Constr  
C & B Custom Modular  
Commercial Structures  
Don Facciobene, Inc.  
Florida Structures  
Hydro  
Innovative Modular  
Miller Build. Systems, Inc.  
New Era Building Systems, Inc.  
Penn Lyon Homes Corp.  
Ritz-Craft Homes  
Simplex Industries, Inc.  
United Modular  
Upside Innovations

#### The Commodore Corp.

May 1999 to June 2003

Goshen, IN

Managing Engineer – Same position as before with Commodore and professional engineering consultant with approximately 15 commercial modular manufacturers separate from Commodore. Involved in Commodore's litigation cases and coaching Commodore's attorneys during depositions. Professional consulting practice more than doubled in this four year time period.

**NTA, Inc.**

September 1995 to May 1999

**Nappanee, IN****Engineering Manager – Modular Building Services**

Managing technical aspects of modular staff which designs and/or approves construction based on one or more of the three model building codes as applied by particular states as selected by client (modular building manufacturer). Areas of design or approval consist of structural, elect., mechanical, thermal, fire safety, and plumbing. Staff includes two engineers, five plan reviewers and two CAD operators. Also, monitor testing div. conducting structural tests for manufactured homes (HUD units). Accomplishments include 100% increase in size of modular program. Also, involvement in litigation cases and acting as an expert witness.

**The Commodore Corp.**

July 1991 to September 1995

**Goshen, IN**

Managing Engineer – Develop engineering designs for modular home & manufactured homes. This included technical supervision of one product designer and a CAD staff of 7 operators. The CAD department developed the floor plan, electrical, mechanical, and mechanical designs. As Commodore's engineering manager, it was my responsibility to develop structural designs for the modular and manufactured homes factory built in Commodore's six plants. Additional responsibility included all technical aspects of assuring that all of Commodore's construction complied with the applicable building code via technical supervision of the quality control staff and production staff. Also, I responded to construction portions of all litigation cases against Commodore Corp.

**RADCO, Inc.**

May 1989 to July 1991

**Northbrook, IL**

Senior Consultant – Review structural, mechanical, electrical, plumbing and thermal engineering designs for modular home & manufactured home manufacturers. A total of 7 manufacturer's design packages were handled out of the Goshen office with myself as the only DAPIA engineer. For separate manufacturers, structural design systems were developed for residential or commercial modular application. One particular structural design system was for an MRI unit in a semi-trailer to be set adjacent to a hospital. All aspects of structural and fire separation designs were handled in this project.

**Underwriters Laboratories, Inc.**

May 1981 to May 1989

**Northbrook, IL**

Engineer to Senior Project Engineer – Initial assignment as an engineer was structural testing of air ducts and mobile home trusses. Responsibilities included coordination of test setup. Additional experience in flammability testing and engineering review of manufactured housing.

**Professional Registration –**

Registered Professional Engineer in 46 States – IL, MI, VA, NC, TX, IN, OR, WA, NJ, FL, OH, PA, ID, AL, GA, MN, LA, KY, SC, MA, TN, RI, DL, WV, IA, ME, CT, MO, VT, MT, NH, CO, NV, WI, NE, KS, WY, SD, OK, NM, & UT

Formerly BOCA Plans Examiner (Building, Mechanical, Electrical, Plumbing, and Fire Protection) – Dropped Certifications after leaving third party agencies.

**Education**

Bradley University – 1976 – 1981  
Peoria, IL

University of Illinois @ Chicago 1988 to 1989  
Chicago, IL



Before the  
City of Goshen  
Board of Public Works and Safety

City of Goshen Building  
Commissioner Myron Grise,  
Enforcement Authority

Re: 105 Prospect Avenue  
Goshen, Indiana

v.

Ronald E. Davidhizar,  
Respondent

Partial Response to the  
Building Commissioner's Order  
of April 29, 2025

Respondent Ronald E. Davidhizar, by counsel, in response to the numbered paragraphs on page 2 of the Building Commissioner's Order of April 29, 2025, states:

1. The walls are fine; the siding is deteriorating. We have a permit for re-siding. The plan is to blow insulation into the stud cavities, then to install Styrofoam sheets, and then to re-side the house. The holes in the siding do not afford access to the interior; there is 5/8" drywall on the walls inside.

2. The plan is to put new shingles on, and in order to do it promptly over the existing shingles. Any flashing problems would be taken care of when the new roof goes on. (If time were not an issue, the existing shingles would be torn off before the new shingles were installed.) The addition at the back has a roof installed five or ten years ago, which is in good repair.

3. In one downstairs bedroom, there are panels missing from the suspended ceiling, but they can easily be replaced, and there are no evidences of water damage in that bedroom. In another downstairs bedroom, there are panels that have water stains due to a leaky P-trap under the sink in the kitchen on the floor above. That leak is fixed, and it will be easy enough to replace the panels. In the downstairs vanity, there is a bad P-trap which has been provisionally fixed by the renter, but the plan is to replace it.

4. TKO: The tenant of the apartment in back who apparently contrived this means of avoiding electric bills is gone, and the extension cords have been removed.

5. TKO: The receptacle to which reference is made has been replaced.

6. TKO: The receptacle to which reference is made has been replaced.

7. The apartment in the back has a wall furnace which is properly installed and vented, and it works. There are 2 furnaces in the basement serving apartments in the main house. One of the furnaces in the basement serves the apartment on the first floor; it is operable, and a heat duct that required some attention has been fixed. The other furnace in the basement, which serves the apartment on the second floor, is operable; it just needs a thermostat.

8. Orkin has sprayed the back apartment. Orkin has been called and will be out in a couple of days to spray the other two apartments.

9. The entrance to the basement has been blocked off on purpose. The purpose is to keep people out. There is access to the basement for service on a good set of concrete steps.

Other issues have recently been addressed and been taken care of: A discharge pipe has been installed on the water heater. A faulty valve on the water heater has been replaced, and a 3-way T has also been replaced in a water line in the basement. An outside light on the porch has been taken care of.



Required Proof for a Demolition Order

1. That the subject building is an unsafe building because it is:
  - A. In an impaired structural condition that makes it unsafe to a person or property;
  - B. a fire hazard;
  - C. a hazard to public health;
  - D. a public nuisance;
  - E. dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
  - F. vacant or blighted and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.

Ind. Code § 36-7-9-4(a); referred to in Goshen City Code § 6.3.1.12(a).

2. That the general condition of the building warrants removal; or that the building continues to require reinspection and additional abatement action after an initial abatement action was taken pursuant to notice and an order. Ind. Code § 36-7-9-5(a)(7); *cf.* Goshen City Code § 6.3.1.12(a)(7).

3. That demolition is reasonably related to the condition of the subject building and the tract of real property on which the subject building is located. Ind. Code § 36-7-9-5(a); *see* Ind. Code § 37-7-9-4(b); *see* Goshen City Code § 6.3.1.12(u).

4. That demolition is reasonably related to the nature and use of nearby properties. Ind. Code § 36-7-9-5(a); *see* Goshen City Code § 6.3.1.12(u).