APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

We need the following to process your appeal:

- [X] **$25 filing fee** (non-refundable) **(payable to the City of Saint Paul)**
  (if cash: receipt number_____)
- [X] **Copy of the City-issued orders/letter being appealed**
- [X] **Attachments you may wish to include**
- [X] **This appeal form completed**
- (•) **Walk-In** *OR* ( ) **Mail-In**

for abatement orders only: ( ) **Email** *OR* ( ) **Fax**

HEARING DATE & TIME
(provided by Legislative Hearing Office)
Tuesday, NOV. 13, 2018

Time 3 p.m.

Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1378 Ashland Ave City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Daniel Nesler Email danesler@hotmail.com

Phone Numbers: Business _____ Residence 6127708648 Cell _____

Signature: Dan Nesler Date: 10/10/18

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- ( ) **Vacate Order/Condemnation/ Revocation of Fire C of O**
- ( ) **Summary/Vehicle Abatement**
- ( ) **Fire C of O Deficiency List/Correction**
- ( ) **Code Enforcement Correction Notice**
- ( ) **Vacant Building Registration**
- [X] **Other** (Fence Variance, Code Compliance, etc.)
  Water meter location

Comments:
See attachments:
Attachment 1 - Initial Request to St. Paul Regional Water Services
Attachment 2 - Denial from St. Paul Regional Water Services
Attachment 3 - Response to denial for consideration by Legislative Hearing Officer

Attachment 1
Original Request to Saint Paul Regional Water Services

Daniel A

From: Daniel A. Nesler
Sent: Wednesday, October 3, 2018 9:17 AM
To: 'Wagner, Dave (CI-StPaul)'
Cc: Zangs, Tom (CI-StPaul)
Subject: 1378 Ashland Ave Meter
Attachments: 20181003090725451.pdf

Hello Dave,

Thank you to you and Tom Zangs for taking the time to meet with me at the Saint Paul Regional Water offices on September 27th,2018 and meeting at my home on October 2nd, 2018. To date our communication have been verbal, and I would just like to formalize what I am proposing to do. I am hoping that you can respond to tell me if what I am proposing will be approved and a permit issued by Saint Paul Regional Water. If not, I am hoping you can tell me why, and what you would approve, so I can decide on my next steps for the project.

Proposed Water Meter and Service Modifications at 1378 Ashland Avenue, Saint Paul, MN

As a part of a basement remodeling project to add finished space to my home, I am proposing to relocate my water meter. The existing water service enters the home through the basement floor. The existing water meter is installed approximately 18" above the floor, approximately 2-feet from the basement walls. In its current location the meter will significantly impact the usable floor space in the room.

I am proposing to:

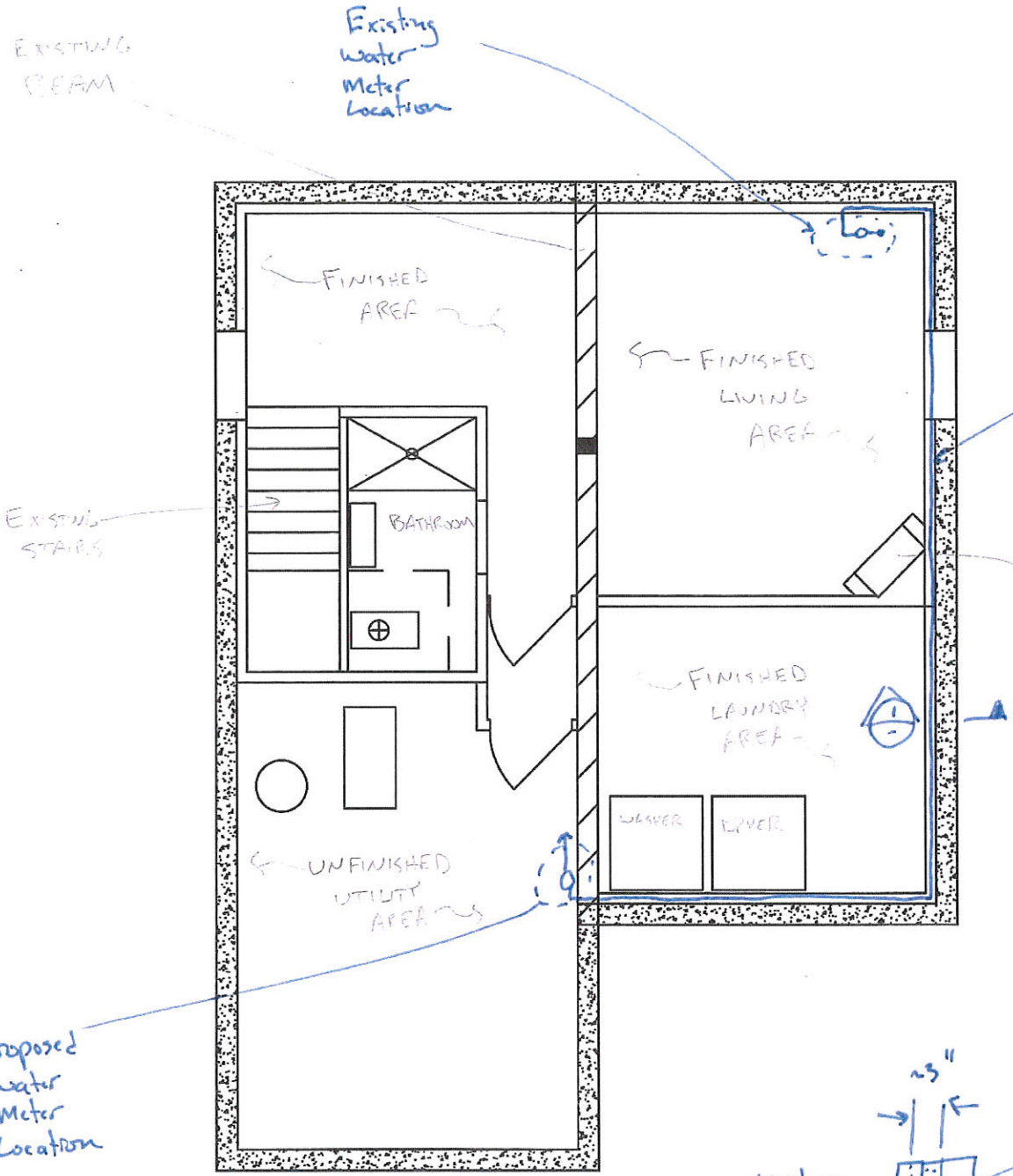
- Relocate the existing copper water service along the existing block wall, so that it will not impact the useable finished area of the basement
- Transition from copper pipe to PEX A pipe
- Run PEX A pipe along the basement walls, above grade, to the unfinished area of the basement
- The PEX A pipe will encased in spray foam insulation when the walls are insulated, after all rough in inspections have been completed and approved
- The water meter will be reinstalled in the unfinished area of the basement, in the same room as the water heater, boiler, etc.
- Valves will be installed both upstream and downstream of the water meter
- Water meter will be supported by framing attached to the wall and accessible for any potential future maintenance

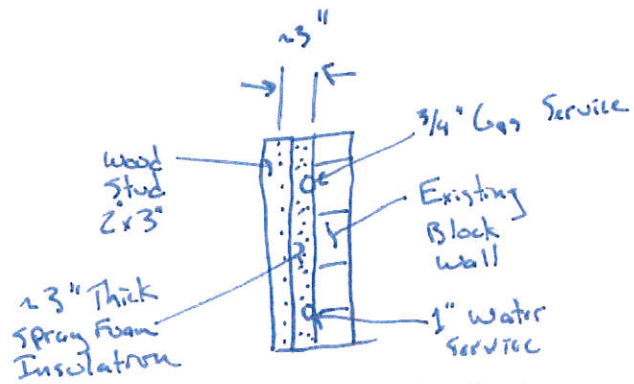
Attached is a plan view and typical section of the above proposal.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you,

Dan Nesler





1 / - TYPICAL WALL SECTION
N.T.S.

1378 ASHLAND AVENUE
SAINT PAUL, MN
BASEMENT REMODEL
PROPOSED WATER METER + SERVICE MODIFICATIONS

Attachment 2
Proposal Denial from Saint Paul Regional Water Services

Daniel A. Nesler

From: Wagner, Dave (CI-StPaul) <dave.wagner@ci.stpaul.mn.us>
Sent: Friday, October 5, 2018 3:31 PM
To: Daniel A. Nesler
Cc: Zangs, Tom (CI-StPaul)
Subject: RE: 1378 Ashland Ave Meter

Dan,

This is in response to your request to relocate the water meter to a rear area of your basement. Our water code is very clear on this issue. Per section 93.08 of the Legislative Code, *"The meter setting shall be as close as possible to the inside of the foundation wall at the point of entrance of the water service connection, and all piping beyond the meter shall be carried above the basement floor, except that the water utility may permit a special location of the meter, provided in all cases the pipe shall be at a sufficient depth to prevent freezing. Where such permission is granted, the pipe between the point of entrance and the water meter shall be as short as possible and may be run overhead or carried under the concrete floor."*

As we have discussed, the utility has not made exceptions to this requirement for any residential property owner. We believe this code issue to not only be our legal responsibility to enforce, but also to be just and reasonable. There is good rational for this code requirement: 1. Additional piping through the building may allow someone to tie into the service line ahead of the meter, thereby using unmetered water, and 2. Having the meter, with shut-off valves, as close as possible to the front entrance of the building limits risk of water damage or flooding should a leak or unintended damage be caused to the service line ahead of the meter.

During our meeting with you in your home we offered two alternatives to the meter relocation: 1. Relocate the meter along the front wall and behind an access panel, or 2. Extend the water line with hard copper piping under the concrete floor, which would prevent unintended damage to the water line in the future.

Your request to run PEX material through the walls of the basement and locate the meter to a rear area of your basement is denied.

David Wagner

From: Daniel A. Nesler [mailto:daniel.nesler@tkda.com]
Sent: Wednesday, October 03, 2018 9:17 AM
To: Wagner, Dave (CI-StPaul)
Cc: Zangs, Tom (CI-StPaul)
Subject: 1378 Ashland Ave Meter

Hello Dave,

Thank you to you and Tom Zangs for taking the time to meet with me at the Saint Paul Regional Water offices on September 27th,2018 and meeting at my home on October 2nd, 2018. To date our communication have been verbal, and I would just like to formalize what I am proposing to do. I am hoping that you can respond to tell me if what I am proposing will be approved and a permit issued by Saint Paul Regional Water. If not, I am hoping you can tell me why, and what you would approve, so I can decide on my next steps for the project.

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As a part of a basement remodeling project to add finished space to my home, I am proposing to relocate my water meter. The existing water service enters the home through the basement floor. The existing water meter is installed approximately 18" above the floor, approximately 2-feet from the basement walls. In its current location the meter will significantly impact the usable floor space in the room.

I am proposing to:

- Relocate the existing copper water service along the existing block wall, so that it will not impact the useable finished area of the basement
- Transition from copper pipe to PEX A pipe
- Run PEX A pipe along the basement walls, above grade, to the unfinished area of the basement
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- The water meter will be reinstalled in the unfinished area of the basement, in the same room as the water heater, boiler, etc.
- Valves will be installed both upstream and downstream of the water meter
- Water meter will be supported by framing attached to the wall and accessible for any potential future maintenance

Attached is a plan view and typical section of the above proposal.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you,

Dan Nesler

Attachment 3
Response to Denial for Consideration
by Legislative Hearing Officer

Background

I am making improvements to the basement of my home, 1378 Ashland Avenue, including finishing of the basement to include a recreational area and bathroom. The existing water meter and service impacts the ability to finish the basement, and needs to be relocated. Attachment 1 describes the proposed changes to the water meter and water service, including a figure showing a plan view of the proposed work. Attachment 2 is the denial that I received from St. Paul Regional Water Services (SPRWS).

Response to St. Paul Regional Water Services Denial

Attachment 2, paragraph 1: Section 93.08 of the Legislative Code states: *"The meter setting shall be as close as possible to the inside of the foundation wall at the point of entrance of the water service connection..."*

To my knowledge "close" is not defined anywhere in this section of the code. Locating the meter where the existing service enters the building will impact the amount of the basement that can be finished and the amount of useable space. I would argue that locating the meter at the rear of the basement, as shown in Attachment 1, is as close as possible while allowing for the proposed improvements to the basement.

Section 93.08 of the Legislative Code further states: *"...except that the water utility may permit a special location of the meter, provided in all cases the pipe shall be at a sufficient depth to prevent freezing. Where such permission is granted, the pipe between the point of entrance and the water meter shall be as short as possible and may be run overhead or carried under the concrete floor."*

SPRWS has indicated that they would approve running of the service below the concrete floor, but not running the service overhead as I have proposed. Code does not give any preference to overhead versus under the concrete floor. Installation of the meter below the concrete floor will require significant expense and effort on my part to:

- Break up the existing concrete floor (~$150)
- Dispose of the concrete (~$150)
- Purchase and install the copper water pipe (~$210)
- Replace the concrete floor (~$300)

I estimate the additional cost of running the pipe under the floor versus overhead as proposed is at least $810, plus at least 16 hours of my time.

SPRWS concern #1 in paragraph 2 of Attachment 2 is based on the assumption that I would steal water from SPRWS. I feel it is unfair that my proposal may be denied based on this assumption. I would also argue that the entire service run overhead will be encased in spray foam insulation, behind finished drywall. It would be very difficult for myself, or anyone in the future, to access the pipe to steal water. Almost as difficult if it were installed below the concrete floor. I will bring an example of what the finished pipe and insulation would look like.

SPRWS concern #2 in paragraph 2 of Attachment 2 is the risk of water damage if a leak were to occur. The risk of water damage exists regardless of if the pipe is installed overhead or under the concrete floor. In either case, SPRWS would not accept any liability for the damage caused by a leak. Water pipes are run throughout the house, also all potential leaks. Regardless of where the meter is located, there will be a potential for leaks. If the meter were to remain where it is, St. Paul Plumbing Inspections will allow for the water piping to be installed as I have proposed.

The natural gas service for the house is run overhead in the same area as I am proposing to run the water service. The gas pipe I installed is corrugated stainless steel tubing (CSST). This gas piping has already been installed to code requirements and approved by the City of St. Paul plumbing inspector. With the gas service being a much higher risk if damaged or leaking than the water service, I disagree with SPRWS concerns on risks if the water service were installed in this location.

In paragraph 3 of Attachment 2, SPRWS states that they would allow the meter to be located in behind an access panel in the front wall of the basement. Locating the meter along the front wall behind an access panel as SPRWS suggests would result in the front wall of the basement needing to be spaced out from the existing concrete block to allow room for insulation, framing, and room to access the meter. To accommodate that space, the wall would need to be spaced out an additional 12inches from the concrete, resulting in a loss of approximately 12 square feet of space in the finished area. Current average price per square foot for homes in St. Paul is $191/square foot. Thus this loss of finished area would result in a potential loss of $2,292 upon sale of the home in the future.

Summary

To summarize, I am requesting that the Legislative Hearing Officer consider my appeal to allow for the water meter to be installed as proposed in Attachment 1, based on the following:

- The Legislative Code does not give preference to above or below the concrete floor. SPRWS has said they will allow below the concrete installation.
- Installation below the concrete floor will result in additional days of labor and expenses of at least $810
- Installation in an access panel in the front wall will result in a potential unrealized value of $2,292 of the property
- The pipe will be safe from accidental damage/leaks
- The pipe will be installed inside of multiple inches of foam insulation such that the ability for water theft is very unlikely
- The pipe will be as close to the foundation wall as reasonably possible to not impact the finished area of the basement