

RLH VO 18-40



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

AUG 06 2018

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number # 5186)
  - Copy of the City-issued orders/letter being appealed
  - Attachments you may wish to include
  - This appeal form completed
  - Walk-In OR  Mail-In
- for abatement orders only:  Email OR  Fax

<b>HEARING DATE &amp; TIME</b>
(provided by Legislative Hearing Office)
Tuesday, <u>AUG. 14, 2018</u>
Time <u>11:30</u>
Location of Hearing:
<u>Room 330 City Hall/Courthouse</u>

## Address Being Appealed:

Number & Street: 559 Smith Ave S City: St Paul State: MN Zip: 55107

Appellant/Applicant: Jason Martinetto Email jason@archerproeprtiesgroup.com

Phone Numbers: Business 612-419-3336 Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: Jason Martinetto Date: 8/1/2018

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: 19141 1st Ave NW Shoreline, WA 98177

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
- Other (Fence Variance, Code Compliance, etc.)

### Comments:

Order is being Appealed based on deficiency list stated by Fire inspector as not being complied with is being changed See Attached Addendum

8/1/2018

St Paul Revocation of Fire Occupancy Repeal

In reference to the May 29<sup>th</sup> Letter that stated non-compliance of City council order. That order I did not appeal as I received the letter after the 10 day period had expired. Though I did not agree with the reasoning of the stated non-compliance and since the re-inspection was 6/29/2018 I believed all items could be shown resolved at that time.

Of the original list of 10 items deemed deficient At the re-inspection on 6/29/2018 Items # 1 & 3 were to be looked at by additional Inspections staff that I requested. Item #1 as I maintained from the beginning that the material being used met the mechanical code referenced requirements. Upon discussions on site with Gary Reinsberg he agreed with my assessment that the material used did meet the requirement though pointed out additional items that needed to be added and I agreed to have a HVAC contractor pull the necessary permit and complete said items. (permit #2018088701 ).

For item #3 that stated repair Structural issues of Garage. I also have maintained from the beginning that the garage was structurally sound. As part of the original appeal I worked with Stephen Ubl to provide information to this point that the garage structure was built to exceed code requirements (provided 5/8/2018). Because the information I provided was not deemed sufficient I requested that an individual from the department do an assessment of the structure at the 6/29/2018 re-inspection. The department scheduled Brian Karpen structural engineer to assess the structure. Upon review Brian agreed with the items that I maintained are structurally sufficient. At that time Brian gave no written orders, recommendations, alterations or further items to address. I have also received no communication written or other wise from him. At this time I believed the item was resolved. When I received the Revocation Letter dated July 24. The item was still considered outstanding but the stated requirement had to changed from "Repair structural issues" to "Assess Bulge". Now if the Structural Engineer gave no written orders to the item why was it altered. It is also hard to comply with items that are altered after an inspection but used as a basis of non-compliance. In addition to the change the said "bulge" was not referenced or mentioned at the time of the re-inspection by either Brian Karpen or Daniel Klein. In addition of this item being altered it does not give enough detail to address the item any way. Wouldn't at least stating the location of which wall be helpful.

Item number #3 I also maintain has been addressed. Though I have made multiple repairs to multiple places on the property. The only item that was specifically discussed at the time of the inspection was the repair that I made to deal with holes in the siding on the bottom course of the siding of the house. Since the house was originally sided to ground level where the holes were located. Since building code requires most siding products to maintain a 4" clearance to grade I removed the siding to adhere to that which then alleviated the holes that were caused by a weed trimmer. At the time of the inspection the only reference made to this item by Mr. Klein was that what I removed would need be to be replaced. As I stated at the time to him the original siding was installed to close to grade and the area in question is the foundation which does not require a covering to meet code requirements for weather resistant covering.

Item number # 2 is on the list but the required class has not taken place yet but is signed up for.

With this continuation of this process I do have to call out that the Tenants of the property are the ones being threatened due to this order as their occupancy is in question even when none of the items listed are considered safety violations.

Jason Martinetto





CITY OF SAINT PAUL

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Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

July 24, 2018

Jason Martinetto  
19141 1st Ave Nw  
Shoreline WA 98177-3006

### **Revocation of Fire Certificate of Occupancy and Order to Vacate**

RE: 559 SMITH AVE S  
Ref. # 124847

Dear Property Representative:

Your building was inspected on June 29th 2018, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

**A reinspection will be made by August 31<sup>st</sup>, 2018. Failure to comply will result in enforcement of the vacate order.**

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

#### DEFICIENCY LIST

1. Both Units - MMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work will require a permit(s). Call DSI at (651) 266-8989-**Have a licensed contractor pull a permit and provide a code compliant dryer vent. Have permit inspected and finalized.**
2. Class - SPLC 40.04 (5) - The owner of a building used for residential occupancy who is applying for their FIRST Fire Certificate of Occupancy, must complete the Department of Safety and Inspection Landlord 101 course, or other landlord training program approved by the Department of Safety and Inspections. The training must have occurred within the last two years and the owner must submit a certificate of attendance or provide verification of enrollment in the next scheduled class to the Fire Inspection Division-DSI. This requirement shall not apply to an owner who has held a Fire Certificate of Occupancy on another residential property in Saint Paul prior to April 30, 2009. For more information on Landlord 101, or to receive registration materials, please visit our

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webpage at: [www.stpaul.gov/cofo](http://www.stpaul.gov/cofo) Or, contact Fire Safety Inspector David Smith by email: [david.smith@ci.stpaul.mn.us](mailto:david.smith@ci.stpaul.mn.us) or phone: (651)266-8995-DSI created a course titled Landlord 101 for information on this see our website at <https://www.stpaul.gov/departments/safety-inspections/fire-inspections/landlord-101>. Owners have a full calendar year to complete either class.

3. Exterior - Garage - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-**Bulge in wall need to be assessed by removing covering. When covering is removed contact Mike Palm at 651-266-9025 to set up appointment for assessment.**
4. Exterior - SPLC 34.09 (1)(2), 34.33 (1) - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Repair missing, damaged and melted siding.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: [daniel.klein@ci.stpaul.mn.us](mailto:daniel.klein@ci.stpaul.mn.us) or call me at 651-266-8988 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Daniel Klein  
Fire Inspector

Ref. # 124847