



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

MAY 07 2015

wabasha + 3RD

3RD floor
310

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

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 _____)
 - 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

<p>HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>May 19, 2015</u></p> <p>Time <u>11:30 a.m.</u></p> <p>Location of Hearing: Room 330 City Hall/Courthouse</p>

Address Being Appealed:

Number & Street: 1544 E. Montana City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Andrew Kirchoff Email andrewjkirchoff@ms4.com

Phone Numbers: Business (651) 232-2385 Residence (651) 426-0415 Cell (612) 799-4132

Signature: Andrew Kirchoff Date: 5/7/15

Name of Owner (if other than Appellant): Andrew + Debra Kirchoff

Mailing Address if Not Appellant's: 4342 Fisher Lane WBL, MN 55110

Phone Numbers: Business as above Residence as above Cell as above

What Is Being Appealed and Why? Attachments Are Acceptable

- Vacate Order/Condemnation/Revocation of Fire C of O (See attachment)
- Summary/Vehicle Abatement _____
- Fire C of O Deficiency List/Correction _____
- Code Enforcement Correction Notice _____
- Vacant Building Registration _____
- Other (Fence Variance, Code Compliance, etc.) _____

Re: 1544 E. Montana Ave.

Background.

The house in question, 1544 E. Montana, was purchased by my wife and I so that our disabled daughter could have a place of her own to call home and be as independent as possible. She lived in the house for a number of years. The house has NEVER been a rental property nor was it purchased as what is referred to on TV as a "Flip". She did not pay rent, taxes, electricity, water etc. Unfortunately, our daughter's condition has declined and she needed to be placed into a house that is more handicapped accessible as she is now wheel chair bound most of her day and 1544 Montana no longer met her needs with regards to accessibility. She moved to the other facility earlier this year.

Because my wife and I have our own home homesteaded with the county, the Montana house fell under the city's radar as apparently being a rental property, and as such required that it be inspected by the Fire Department office etc. That does not make sense to me, but nevertheless, I did pay the fees and have been as cooperative as I can in granting access and complying with their demands. The Fire Inspector did not find any safety threats during his inspection. In fact, all electrical outlets,, GFCI's, smoke detectors etc. were in perfect working order! The certificate of occupancy was granted without any deficiencies noted. However, the Fire Inspector stated that some permits needed to be issued for some of the elective work that was being done/planned in the basement. But, be assured this is NOT a rental property and is one of the nicer houses on the block. We have taken great pride in maintaining it impeccably.

Unfortunately, Efrayn Franquiz is not happy with the time it has taken us to complete the work and or feels that I should be more assertive with the persons that I have doing the work for me. Specifically, he has told me the electrical, plumbing and general work should have been completed more timely. The work being done in the basement did not have to be done, but rather is elective work that my wife and I chose to have completed prior to the sale of the house sometime this summer. It consists of updating the existing bathroom in the basement, replacing some doors, patching walls and painting everything. We of course are paying for these improvements, the Fire Inspector is not, and apparently he is oblivious to the costs and timeline required for this work. The main living level of the house has not been impacted at all by the basement work.

I am not in the business of performing home rehabilitation, nor is directing this work my exclusive job and therefore I may not be as responsive as contractors that Efrayn Franquiz probably normally deals with. I have been having the work done as financially prudent for our personal finances. The inspectors that I have dealt with from the city have denied having problems with me getting things done timely, I have asked them. Again the house does not have any safety issues, Efrayn did not uncover any deficiencies, but had issues with the elective remodeling of the bathroom in the basement.

Current Status.

The electrician I have hired has pulled two different permits. One for current work he did (I had them do some lighting in the basement including the bathroom) and another for some updates to electrical issues that needed to be completed to meet current code and to update work done that proceeded my ownership of the house. The permits were pulled by the electrician. The electrician has completed all the work for both permits and the electrical inspection was "finaled" prior to the Fire Inspectors most recent action. Efrayn admitted he knew this work was completed when I spoke with him on the phone

on Tuesday, May 5, 2015! The city electrical inspector has been professional and has not given me any indication that the electrical process has been protracted nor have any other issues been shared with me regarding the electrical timeline to date by her.

The plumbing rough-in has been approved for some time and the final cannot take place until the fixtures are installed (sink and toilet) and that cannot happen until the flooring has been installed. I have personally talked with the plumbing inspector and he does not have any issues with my timeline to date regarding the final inspection and simply stated to give him some lead time, as he is busy.

The Fire Inspector feels the time line that it has taken to complete this work has been too long and he also is insisting that another general permit must be pulled for 2 walls in the basement bathroom. He did not initially relay to me that this additional permit was required and I asked him to check with the inspections office as contractors continually told me he was un-informed and/or mistaken. He apparently did not check with anyone and did not acknowledge my question, but simply stated 2 weeks later that I did not have things completed and must do so. One interior wall was replaced about a year ago (that was where the new plumbing was placed) in the basement bathroom. At the time, the contractor who did the work told me I did not need a permit as it was a non-load bearing, interior wall. This wall is less than 8 feet long. Another existing wall in the bathroom had its sheetrock replaced because it was damaged years ago when the plumbing wall was removed.

As part of the general work, we decided other items would be nice to have done while they were there. The general permit was submitted coinciding with the timing of when that work could be completed by the contractor. I am slotted into a schedule, but because the work is such a small job, the schedule is pended upon fitting me in between larger jobs. With this small job, I am not in a position to pressure anyone to get the work done as the tradesman are busy and are squeezing me in when they can. The city will not allow me to pull the permit myself as when I tried, I was told because I do not live in the house, that I cannot pull the permits myself and must have a contractor pull it. I find this interesting as when my contractor called the city to understand what kind of permit was needed, he was told I could pull the permit myself. Again, at the city desk I was denied the ability to do that. My current contractor stated he did not believe a permit needed to be pulled for the interior non-load bearing wall, or any other work done, but upon my insistence, said that he would to comply with the Fire Inspector's demand.

I believe the current action planned by the city's Fire Inspector is unwarranted, an abuse of power, and find it difficult to understand how we got to where we are over an elective basement re-model. Especially since I have spoken with representatives from the city's inspection office and they too feel that his actions are outside the boundaries of what that department's intent should be. I look forward to defending my position vigorously during the hearing.

Andrew Kirchoff
4342 Fisher lane
White Bear Lake, MN 55110
(612) 799-4132



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

May 5, 2015

ANDREW J KIRCHOFF
DEBRA A KIRCHOFF
4342 FISHER LN
WHITE BEAR TWNSHP MN 55110-3689

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1544 MONTANA AVE E
Ref. # 120751

Dear Property Representative:

Your building was determined to be a registered vacant building on May 5, 2015. Since certificates are for the occupancy of buildings, it has become necessary to revoke the Certificate of Occupancy.

Saint Paul Legislative Code provides that no building shall be occupied without a Certificate of Occupancy. In order to re-occupy the building, the following deficiencies (if applicable) must be corrected and a complete Certificate of Occupancy inspection will be required.

DEFICIENCY LIST

1. SPLC 34.23 Fire Certificate of Occupancy revocation resulting from failure to comply with requirements. Work requiring a permit from last C of O cycle. Structure is currently unoccupied. Work has already started without permits.-
2. MSBC -Section 105.1 - Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done.
3. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.

4. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

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: Efrayn.Franquiz@ci.stpaul.mn.us or call me at 651-266-8955 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Efrayn Franquiz
Fire Inspector

Ref. # 120751



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
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April 8, 2015

ANDREW J KIRCHOFF
DEBRA A KIRCHOFF
4342 FISHER LN
WHITE BEAR TOWNSHIP MN 55110-3689

**FIRE CERTIFICATE OF OCCUPANCY
APPROVAL WITH CORRECTIONS**

RE: 1544 MONTANA AVE E
Ref. # 120751

Dear Property Representative:

Your building was inspected on for the renewal of the Fire Certificate of Occupancy and was approved. When the required fee has been paid you will receive your certificate. There are however seasonal or non-life safety deficiencies noted below which must be corrected prior to re-inspection.

The following deficiencies must be corrected immediately.

A re-inspection will be made on April 24, 2015 at 3:00 PM.

DEFICIENCY LIST

1. MSBC -Section 105.1 - Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done.

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.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

If you have any questions, email me at: Efrayn.Franquiz@ci.stpaul.mn.us or call me at 651-266-8955 between 7:30 a.m - 9:00 a.m.

Sincerely,

Efrayn Franquiz
Fire Inspector

An Equal Opportunity Employer