



# APPLICATION FOR APPEAL

RECEIVED

OCT 12 2012

CITY CLERK

Saint Paul City Clerk

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

The City Clerk needs the following to process your appeal:

- ☒ \$25 filing fee payable to the City of Saint Paul  
(if cash: receipt number \_\_\_\_\_)
- ☒ Copy of the City-issued orders or letter which  
are being appealed
- ☒ Attachments you may wish to include
- ☒ This appeal form completed
- ☒ Walk-In OR ☐ Mail-In

YOUR HEARING Date and Time:

Tuesday, Oct. 23 2012

Time 11:00 am.

Location of Hearing:

Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 46 Milton Street N City: St. Paul State: MN Zip: 55105

Appellant/Applicant: William Mitchell College of Law Email: Kathy.pancier@wmitchell.edu

Phone Numbers: Business 651-290-7522 Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: Kathy Panceria, VP Finance Date: 10

Name of Owner (if other than Appellant): William Mitchell College of Law

Address (if not Appellant's): 875 Summit Avenue, St. Paul, MN 55105

Phone Numbers: Business 651-290-7522 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
- ☐ Fire C of O: Only Egress Windows
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☐ Other

See attached



WILLIAM MITCHELL  
COLLEGE OF LAW

875 SUMMIT AVENUE  
ST. PAUL, MINNESOTA  
55105-3076

TELEPHONE: 651.227.9171  
FACSIMILE: 651.290.6414  
WWW.WMITCHELL.EDU

October 12, 2012

Saint Paul City Clerk  
310 City Hall  
15 W. Kellogg Blvd  
Saint Paul, MN 55102

Re: Application for Appeal – Revocation of Fire Certificate of Occupancy and Order to Vacate for 46 Milton Street North, St. Paul, MN dated October 5, 2012. Ref # 107061

William Mitchell College of Law is appealing the above referenced Revocation of Fire Certificate of Occupancy and Order to Vacate for the building located at 46 Milton Street North (the "Revocation and Order").

The College has corrected the deficiencies identified in Sections 1 through 4 and 6 of the Revocation and Order and will correct the deficiencies identified in Sections 5, 9 and 10 of the Revocation and Order on or before November 30, 2012.

Since last summer, the College has been working with Mr. Paul Dubruel of the City's Department of Planning and Economic Development to determine the most appropriate method of changing the Property's zoning to cure the deficiencies described in Sections 7 and 8 of the Revocation and Order. On October 12, 2012, the College submitted an application to the Department of Planning and Economic Development for an amendment to the College's existing Conditional Use Permit to expand the Permit's boundaries to include 46 Milton Street North. It is the College's understanding that this amendment to the Conditional Use Permit amendment, if granted by the City, will cure the deficiencies described in Sections 7 and 8 of the Revocation and Order.

The College requests that the City stay enforcement of the Revocation and Order until the City takes final action on the College's Conditional Use Permit Amendment application. Based on information Mr. Dubruel has provided, it is the College's understanding that the College's application will be heard by the City's Zoning Committee at its November 8, 2012 meeting and by the Planning Commission at its November 16, 2012 meeting.

Sincerely,

William Mitchell College of Law  
Kathleen M. Panciera  
Vice President, Finance  
Direct phone: 651-290-7522  
[Kathy.panciera@wmitchell.edu](mailto:Kathy.panciera@wmitchell.edu)



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](http://www.stpaul.gov/dsi)

October 5, 2012

WILLIAM MITCHELL COLG OF LAW  
875 SUMMIT AVE  
ST PAUL MN 55105-3030

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

RE: 46 MILTON ST N  
Ref. # 107061

Dear Property Representative:

Your building was inspected on October 5, 2012, 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 on November 5, 2012 at 1:00 pm or the property vacated.**

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. 1st Floor - Front Entry - MSFC 1008.1.8.2 - Door Lock - Hardware Height - Door locks must be installed between 34 and 48 inches high.-Lower deadbolt which is mounted 60 inches high on door.
2. 2nd Floor - Top of Stairway - MSFC 10081.8 - Remove unapproved locks from the exit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.-Remove lock mounted on the outside of office door.
3. Basement - Dryer - UMC 504.6 - 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. This work may require a permit(s). Call DSI at (651) 266-8989.
4. Basement - Laundry - MSFC 605.4 - Discontinue use of all multi-plug adapters.

5. Basement - Stairway - SPLC 34.10 (3), 34.33(2) - Repair or replace the unsafe stairway in an approved manner.-Provide inspection and approval of stairway under building permit. Stairway, handrail and guardrails have been completely re-built without permit.
6. Throughout - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
7. **SBC 3405.1, SBC 110.2 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use, or contact the Building Official at 651-266-9071 for a code analysis and to comply with requirements for approved occupancy.- Property is approved for use as 2-Unit Residential. Any use other than this requires approval for change of occupancy. De-convert building to an approved use until approval has been obtained for use as B-Occupancy office space.**
8. **SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue: Property is approved for use as 2-Unit Residential. Any use other than this requires approval for change of occupancy. De-convert building to an approved use until approval has been obtained for use as B-Occupancy office space.**
9. 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.
10. 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: (651-266-8688) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: [mitchell.imbertson@ci.stpaul.mn.us](mailto:mitchell.imbertson@ci.stpaul.mn.us) or call me at 651-266-8986 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Mitchell Imbertson  
Fire Inspection

Ref. # 107061