



# APPLICATION FOR APPEAL

RECEIVED  
OCT 04 2010  
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

<b>YOUR HEARING Date and Time:</b>
Tuesday, <u>Oct. 12</u>
Time <u>1:30</u>
<b>Location of Hearing:</b>
<u>Room 330 City Hall/Courthouse</u>

## Address Being Appealed:

Number & Street: 1337 Portland Ave City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Teri Breton Email bretonfam@comcast.net

Phone Numbers: Business \_\_\_\_\_ Residence 651-645-1025 Cell \_\_\_\_\_

Signature: Teri Breton Date: 9/27/2010

Name of Owner (if other than Appellant): Marc + Theresa Breton

Address (if not Appellant's): 1331 Portland Ave, St. Paul, MN 55104

Phone Numbers: Business \_\_\_\_\_ Residence 651-645-1025 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
- Other
- Other

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*See attached*

## Marc and Theresa Breton

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1331 Portland Avenue • St. Paul, MN 55104 • 651-645-1025 • bretonfam@comcast.net

September 29, 2010

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

Re: Fire Inspection Correction Notice, Reference #113390  
Duplex at 1337 Portland Avenue, St. Paul, MN 55104

To whom it may concern:

In the "Fire Inspection Correction Notice" we received dated 9/24/2010, eleven deficiencies were noted. We are appealing deficiencies (6) and (10):

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**Deficiency (6):** Bedrooms MSFC1026.1 – Provide and maintain approved escape window from each sleeping room...with a minimum of 24 inches of openable height and 20 inches of openable width.

Four windows are identified in this deficiency, two that open to 23" and two that open to 20.5". Openable width is 27" for all 4 windows.

Basis of appeal: The 24"x20" opening requirement is 480 square-inches. Two of these windows have a 621 square inch opening (30% more than required) and two have a 553 square inch opening (15% more than required). There is an extra 7" of width in all cases, which more than compensates for the missing 1" to 3.5" in height. I am certain that a firefighter or tenant could enter or exit from these windows more easily than they could from a 24"x20" window.

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**Deficiency (10):** SPLC34.11(6) and 34.34(3)... Submit a copy of the St. Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.

Basis of appeal: The two boilers in this duplex are brand new, installed less than a year ago on 10/29/2010. They were tested and approved by a St. Paul City permit inspector within the last 6 months. We also have a gas leak tester that indicates no leaks.

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Thank you for your attention to this matter,



Teri Breton

cc: Rick Gavin, City of St. Paul Fire Inspector



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)

September 24, 2010

MARC BRETON  
THERESA BRETON  
1331 PORTLAND AVE  
ST PAUL MN 55104-6906

*Inspection fee*

*pts for "deficiencies":*  
*class A - 25 pts, 5 yrs*  
*B - 5-10 pts, 3 yrs*  
*C - 7-11 pts, 1 yr*

### FIRE INSPECTION CORRECTION NOTICE

RE: 1337 PORTLAND AVE  
Ref. #113390  
Residential Class: C

Dear Property Representative:

Your building was inspected on September 24, 2010 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A re-inspection will be made on October 27, 2010 at 1:00 PM.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

#### DEFICIENCY LIST

1. Basement - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Reduce storage by 20 percent. Remove unused gas stove.
2. Basement - UMC 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. This work may require a permit(s). Call DSI at (651) 266-8989.
3. Basement - SPLC 34.10 (3), 34.33(2) - Repair or replace the unsafe stairway in an approved manner.-Remove or replace damaged floor coverings that are a tripping hazard.

An Equal Opportunity Employer

4. Bathroom - Lower level - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition.-Repair or replace and maintain an approved private tub or shower. Provide an approved shower handle.
5. Bathroom - Lower level - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Scrape and remove chipped and peeling paint. Repaint in a professional manner.
6. Bedrooms - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)-266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information.-
  - Lower level Southeast  
23 h x 27 w Glazed 7.7 sq ft
  - Lower level Northwest  
23 h x 27 w Glazed 7.7 sq
  - Upper level South  
20.5 h x 27 w Glazed 7.7 sq ft
  - Upper level North  
20.5 h x 27 w Glazed 7.7 sq ft
7. Lower level - Refrigerator - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.
8. South bedroom - Lower level - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.
9. Throughout - MSFC 605.4 - Discontinue use of all multi-plug adapters.
10. 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.
11. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

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>

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.

*\$25 fee to appeal*

*www.stpaul.gov search - appeal*

If you have any questions, email me at: [rick.gavin@ci.stpaul.mn.us](mailto:rick.gavin@ci.stpaul.mn.us) or call me at 651-266-8994 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Rick Gavin  
Fire Inspector

Reference Number 113390

*Rick.gavin@  
ci.stpaul.mn.us*