



APPLICATION FOR APPEAL

RECEIVED

FEB 27 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, 3-13-12

Time 1:30 P.M.

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1253 Beech St City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Genevieve Woodward Email oblivious@comcast.net

Phone Numbers: Business _____ Residence _____ Cell 651-332-1115

Signature: Genevieve Woodward Date: _____

Name of Owner (if other than Appellant): _____

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
- ☐ Fire C of O: Only Egress Windows
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☐ Other

Please ~~see~~ see attachments

January 27, 2012

Fire Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55102

To Whom It May Concern:

We are writing in regards to the decision by the Fire Marshal's Office to inspect the property located at 1253 Beech Street in Saint Paul. We contend that the property listed is not subject to inspection by the Fire Marshal's Office for purposes of obtaining a Certificate of Occupancy.

Under the Saint Paul ordinance that authorizes the Fire Marshal to inspect properties for a Certificate of Occupancy (Council File # 06-1129) Section 2: Owner-Occupied single-family houses and owner-occupied duplexes shall be exempted from the requirement to have and maintain a fire certificate of occupancy. To the best of our knowledge, the definition of "owner-occupied" has not been defined by any legislative body (Congress, Legislature, County Board, or City Council). On the other hand, other terms of residential occupancy have been defined (vacant, homesteaded, and primary residence). Therefore, we can only assume that the City Council intended the term Owner-Occupied to mean exactly what it states.

We own the property at 1253 Beech Street, and while it is not homesteaded and it is not our primary residence, we do occupy that property and utilize it for our own personal use several weeks out of the year. The use of this property is very similar to the use of a lake cabin or a vacation property. We reserve the right to utilize the property at any point in time for our own personal use and we maintain several rooms within the property for our personal use. Clearly the property does not fall under the vacant classification, thus, the property can only be defined as owner-occupied. Just because we are not present at the property for a majority of the year does not mean it is not occupied and utilized by the owners.

The point of contention that has arisen is that we currently renting one of the rooms in the property. The key to this situation is that we are renting only a single room to this individual, not the entire home. We would agree that a fully rented property cannot be considered owner-occupied (since the owner does not have the legal right to occupy or utilize property that they are renting), but that is not the case here. We reserve two of the bedrooms, the garage, and $\frac{3}{4}$ of the storage space for our personal use. Our tenant has full personal use of their bedroom (which we are legally obliged to respect and may not use for our own purposes) and they may share the common spaces with us (i.e. living room, dining room, kitchen, laundry, and bathroom) but they do not have a legal right to exclusive access. We have maintained a legal contract with this tenant describing these circumstances for several years.

It is not our intent to utilize this as a loophole. This is the only property in Minnesota that we own that we have reserved for our personal use, and we use it when we return to the Twin Cities area several times over the course of the year. We believe that this falls within the intent of the law, in addition to clearly falling within the letter of the law. If the City Council had wished to require second homes and vacation properties to this requirement, they would have used the term homesteaded or primary residence in the ordinance.

Enclosed with this letter is a copy of the rental contract with our tenant clearly showing that we reserve a portion of the property for personal use. Please do not hesitate to contact us if you have any questions.

Sincerely,


Genevieve Woodward
651-332-1115
oblivious@comcast.net



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

January 26, 2012

GENEVIERE WOODWARD
CHRISTOPHER WHITING
1253 BEECH ST
ST PAUL MN 55106

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
1253 BEECH ST

Ref. # 112753

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on January 26, 2012. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately.

A re-inspection will be made on February 29, 2012 at 1:30pm.

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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

DEFICIENCY LIST

1. Allow Access - SPLC 34.19 - Provide access to the inspector to all areas of the building.- Failure to meet the inspector for the scheduled inspection will result in enforcement action.
2. Basement - Dryer Vent - 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 requires a permit(s). Call DSI at (651) 266-8989.- Remove the dryer exhaust duct with the incorrect gauge metal and replace with a code compliant dryer exhaust duct. This work must be done by licensed contractor under permit.

3. Basement - Shower - SPLC 34.11 (4), 34.34 (1), MPC 4715.022.E - Repair and maintain sewer vent.-The basement shower drain is plumbed to discharge into the basement floor drain. This is not installed according to code. Contact licensed plumbing contractor to install approved shower drain. This work must be done under permit.
4. Basement - Wash Machine - 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.-Remove and discontinue use of the extension cord used to supply power to the wash machine. Wash machines must be plugged directly into a permanently grounded outlet. Any newly installed electrical wiring/outlets must be done by licensed contractor under permit.
5. Exterior - Stairways - SPLC 34.09 (2) 34.32 (2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.-Install the required handrails on the rear deck stairways. Secure the loose handrail/guardrails on the south and west entry stairway.
6. Garage - Address - SPLC 71.01 - Provide address numbers on alley side of the detached garage per HN-1 handout.-Address numbers must be at least 3 inches in height, contrast with the background, and be reflective or illuminated at night.
7. Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on garages free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair/replace the rotted/deteriorated siding. Maintain all exterior wood surfaces protected against elements of the weather. Maintain all gutters/downspouts in a good state of repairs and functional condition.
8. Main Floor - Bathroom - 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/replace the missing/inoperable sink stopper.
9. Main Floor - Bedroom - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.
10. Main Floor - Kitchen - SPC 4715.0400 - Provide approved plumbing materials for water, waste, and vent.-Remove the unapproved flexible plumbing material under the kitchen sink and replace with approved material. This work must be done by licensed contractor under permit.
11. Main Floor - Living Room - MSFC 605.4 - Discontinue use of all multi-plug adapters.
12. Upper Floor - Bathroom - SPLC 34.14 (3), MPC 4715.200.T - Provide and maintain a window or approved ventilation system in all bathrooms.-Install the required ventilation in the upper floor bathroom. This work must be done by licensed contractor under permit.

13. SPLC 39.02(c) - Complete and sign the provided 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 the original orders.

If you have any questions, email me at wayne.spiering@ci.stpaul.mn.us or call me at 651-266-8993 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,

Wayne Spiering
Fire Inspector
Ref. # 112753