



APPLICATION FOR APPEAL

RECEIVED

APR 14 2011

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

YOUR HEARING Date and Time:

Tuesday, 4-19-11

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

WALK-IN

Address Being Appealed:

Number & Street: 398 SIMS AVE, City ST. PAUL State MN Zip 55130

Appellant/Applicant: KATHLEEN DUPRE Email Dupre66@hotmail.com

Phone Numbers: Business 952-937-4346 Residence 651-645-0021 Cell 651-231-2418

Signature: *Kathleen M Dupre* Date: 4-14-2011

Name of Owner (if other than Appellant): SAME

Address (if not Appellant's): 1978 SELBY AVE, ST PAUL MN 55104

Phone Numbers: Business 952-937-4346 Residence 651-645-0021 Cell 651-231-2418

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

**WAVIVE OR MODIFY EGRESS REQUIREMENT
DUE TO AFFORDABILITY
AND POSSIBLE
SAFETY ISSUE**

Date: 4/14/2011

To: City of St. Paul, St. Paul City Clerk

From: Kathleen Dupre

Subject: APPLICATION FOR APPEAL OF EGRESS WINDOWS

I understand that safety is of the utmost importance but I believe that I have a considerable affordability issue with regards to the upgrade of 3 windows. I would like to work with you to see if I can at least reduce some of these requirements and still maintain safe rental units.

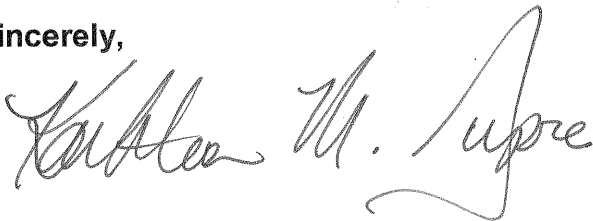
I own a total of 1 rental property that has 2 units, upper and lower. I have owned this property since 2004.

I also realize that my inspection date is May 10th 2011 and that I am beyond the normal request date for appeal but I would like you to please consider the following appeal and would greatly appreciate the chance to discuss this with you.

I have outlined my specific appeals below.

1. INTERIOR WINDOW: UNIT 2, BEDROOM 1 (Upstairs Unit)
2. INTERIOR WINDOW: UNIT 1, BEDROOM 2 (Downstairs Unit)
3. INTERIOR WINDOW: UNIT 1, BEDROOM 1 (Downstairs Unit)
4. Contractor Estimates.

Sincerely,



Kathleen Dupre

Property owner

651-231-2418 cell

RESCHEDULED APPT.

Dupre, Kathy

From: Kelly Booker [Kelly.Booker@ci.stpaul.mn.us]
Sent: Wednesday, February 23, 2011 9:12 AM
To: Dupre, Kathy
Subject: Re: Ref# 103927 398 Sims Ave St. Paul 55130

Hi Kathy,

I will schedule a reinspection for the entire deficiency list for May 10, 2011, at 10:15 am. That will put us just a little over 90 days, so all deficiencies must be corrected at that time. This way we can avoid further charges for inspections. I will send an updated appointment letter to you.

Thank you,
Kelly Booker
Fire Inspector

>>> "Dupre, Kathy" <Kathy.Dupre@mts.com> 2/23/2011 8:12 AM >>>

Hi Kelly,

I decided to not appeal the egress window requirement and I will be putting in new egress windows in each bedroom. However, what I didn't realize is that it will take 6-8 weeks to order the windows as the openings are not standard sizes and will require additional carpentry. I also still have a bid that is coming in this week as I'm trying to keep the costs down as much as possible. I'm trying not to pass this cost on to my tenants.

1

I would like to propose that I finish all the requirements on the correction list by March 7th with the exception of the egress windows and I would like an extension for the windows to May 10th if that is possible? I do realize that there may be an additional inspection cost for the windows once they are completed. Or if it would be easier to do the entire inspection later, that would be fine with me as well.

I do realize that the decision to put in new windows requires more time and money but in the long run I think it is the better and safer thing to do and I hope we can work together to figure out the best solution.

Thank you for your consideration.

Sincerely,

Kathy Dupre
651-231-2418

2



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

February 7, 2011

KATHLEEN MARIE DUPRE
1978 SELBY AVE
ST PAUL MN 55104-5821

FIRE INSPECTION CORRECTION NOTICE

RE: 398 SIMS AVE
Ref. #103927
Residential Class: C

Dear Property Representative:

Your building was inspected on February 4, 2011 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 March 7, 2011 at 10:45 am.

* Rescheduled for
MAY 10, 2011

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. EXTERIOR - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.
2. EXTERIOR - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door latch.-Replace door latch and closer on rear storm door.
3. EXTERIOR - SPLC 71.01 - Provide address numbers on building per attached HN-1 handout.-Provide illuminated or reflectorized address numbers that are clearly visible from the street and alley.

4. EXTERIOR - SPLC 34.14 (2) f - Provide and maintain an minimum of 1 foot candle at the grade level of exterior exits and entryways for security. This work may require a permit(s). Call DSI at (651) 266-9090.
5. EXTERIOR - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.-Remove mattress from behind house and dispose of properly.
6. INTERIOR - BOTH UNITS - 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 Occupanices handout for more information.-Upon inspection, double-hung window in Unit 1, bedroom 1, measured 22.5 inches openable height x 21.5 inches openable width; bedroom 2 measured 18.5 inches openable height x 29 inches openable width. Double-hung window in bedroom of Unit 2 measured 18 inches openable height x 24 inches openable width.
7. INTERIOR - UNIT 1 - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-Repair water damaged kitchen ceiling in a professional manner.
8. INTERIOR - UNIT 2 - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
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 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.

If you have any questions, email me at: kelly.booker@ci.stpaul.mn.us or call me at 651-266-8985 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,

Kelly Booker
Fire Inspector

INTERIOR WINDOW: UNIT 1, BEDROOM 2 (Lower Unit – back bedroom)

Deficiency #6 – See page 2 of “FIRE INSPECTION CORRECTION NOTICE”

Upon inspection: 18.5 inches openable Height X 29 inches openable Width.

Reasons for Appeal:

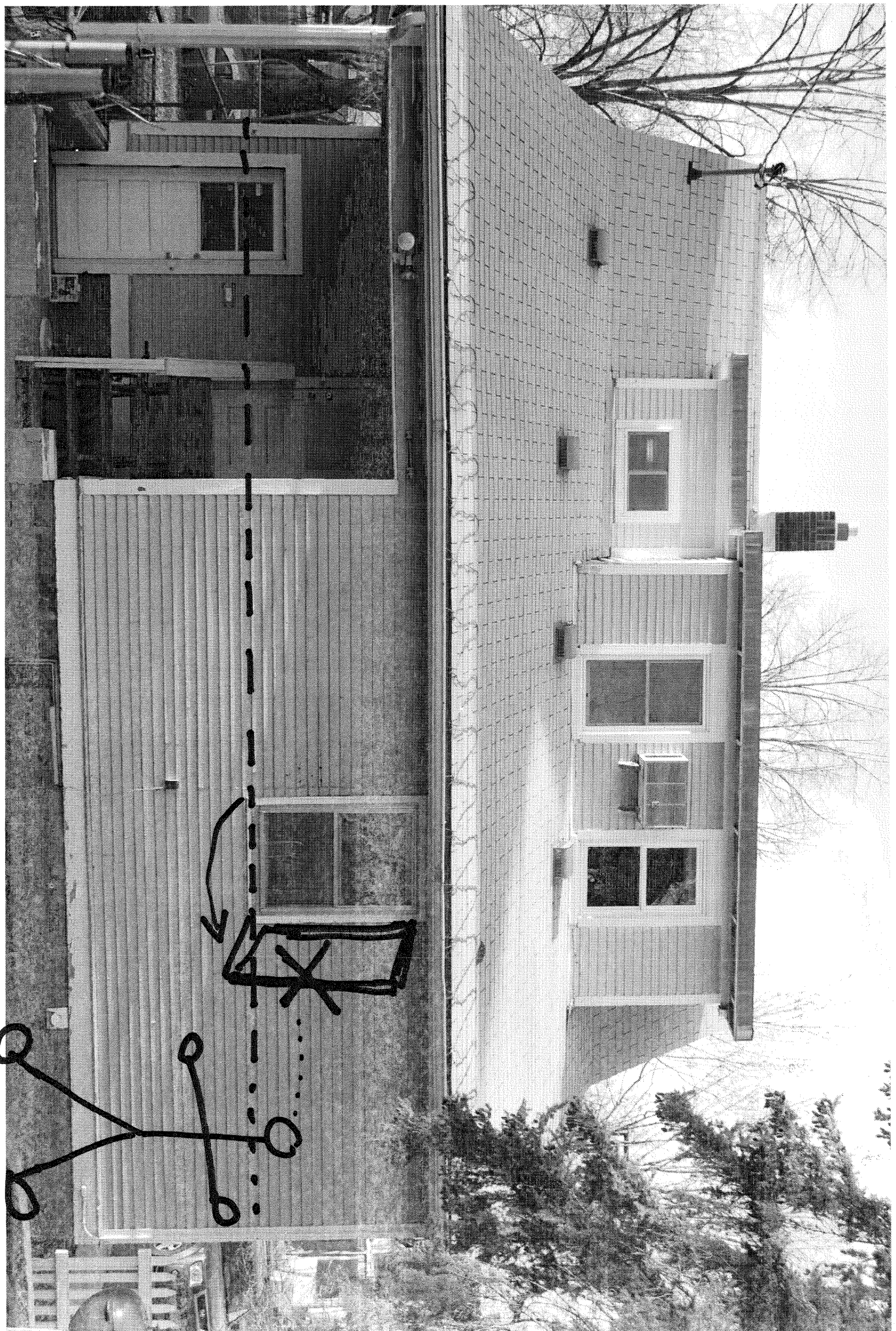
1. To meet the openable code requirements a Casement window could be installed and meet the 24Hx20W inches requirement however there is a safety issue here that I would like to address. When the casement window would be open it would extend across a sidewalk that is used to access unit number 2 as well as the back door to unit 1. The concern is that when open, this window could seriously injure someone if they did not see it, for instance they were looking down. It could be a hazard even more so if someone were to run into the corner of the window. I believe this is a significant safety issue and that a Casement window should not be a viable choice for an egress window even though it would meet the 24”Hx20”W minimum requirement.

**** SEE ATTACHED PHOTOS ****

SOLUTION: Install a new double hung window but allow for variance in openable height of 21 inches instead of the standard 24 inches. Note that the window that is there now does not open to its full height due to wear and tear but I have found a new replacement double hung window that would reach 21 inches openable height. Note that the openable width of the window is currently 29 inches so the **new opeanable area would be 21 inches openable Height X 29 inches openable Width. This provides for more escape area than the minimum requirements of 24”H x 20”W.**

2. Installing a casement window will not be historically correct as this house was built circa 1915 and I think it is important to keep the look of that period and installing a casement window would detract from the rest of the house and the neighborhood.

IF WINDOW IS CASEMENT
REMOVE SILL INTO IT.





INTERIOR WINDOW: UNIT 2, BEDROOM 1 (Upper Unit)

Deficiency #6 – See page 2 of “FIRE INSPECTION CORRECTION NOTICE”

Upon inspection: 18 inches openable Height X 24 inches openable Width.

Reasons for Appeal:

1. It would greatly improve the affordability of the other two windows by at least \$700 if I were able to retain the current window rather than replace it. I currently have tenants that are on fixed incomes and I am currently operating this duplex at a deficit and I don't want to pass this cost on to my tenants. I am currently responsible for providing heat, electricity and water utilities for both units. In addition, taxes continue to rise as do operating expenses.

Last year my unit 1 tenant ran a rent deficit of \$1,139 dollars. I have worked with her, the Wilder Foundation and Ramsey County services to get her caught up so that she can remain in the unit (see rental statement from 2010).

My unit 2 tenant is my father and he was unable to pay rent last year (total rent paid \$0.00) and just this year as of January 1, 2011 he has started to get back on track with his payments but he is still behind and owes me in excess of \$5,000.

**** See attachment (1) 2010 Income/Expenses and photos ****

SOLUTION: I would like the requirements for installation of an egress window in this unit waived in order to help keep both units viable for rental to my existing tenants. Increasing rent is not an option. I do believe safety is very important and I believe that the vinyl window that currently exists provides sufficient openable area for escape and in addition, the sashes of the windows are *very easily removed* and can be pulled out quickly. **When the sashes are removed the escape area is 36 inches openable height by 24 inches openable width, which exceeds the minimum openable requirements.** Even without the sash removal, I believe that a person could escape through this window easily and since the roof is immediately outside this window, this gives someone an easy place to escape to without falling.

CURRENT 2010 RENTAL STATEMENT

Statement as of Date: 12/31//2010

Tenant(s): Mary Ann Nix

Address: Apt #1, 398 Sims Ave, St. Paul MN 55130

Phone: 612-636-0440 (mobile)

Property Owner:

Kathy Dupre

Phone: 651-651-0775

Transaction Description	As of Date	*Late fees may apply according to lease Notes/Check#/Other details	Wilder	Rent Due the 5th of every Month Tenant
2009 Past Due - Nix	1/1/2010	PAST DUE FROM 2009 \$496.00	\$0.00	-\$496.00
Jan Rent Due	1/5/2010	Debit	-\$611.00	-\$273.00
Payment - Wilder Rent	1/1/2010	CR - Chk #667901 Voucher #197364	\$611.00	\$0.00
Payment - Nix	1/5/2010	CR - Cash	\$0.00	\$150.00
Payment - Nix	1/15/2010	CR - Cash	\$0.00	\$100.00
Feb Rent Due	2/5/2010	Debit	-\$611.00	-\$273.00
Payment - Wilder Rent	2/1/2010	CR - Chk #668463 Voucher #198568	\$611.00	\$0.00
Payment - Nix	2/5/2010	CR - Chk#58182685561	\$0.00	\$273.00
Payment - Nix	2/10/2010	CR - \$20.00	\$0.00	\$20.00
Payment - Nix	2/15/2010	CR - Shoveling by Mary \$15.00	\$0.00	\$15.00
Mar Rent Due	3/5/2010	Debit	-\$611.00	-\$273.00
Payment - Wilder Rent	3/1/2010	CR - Chk #668973	\$611.00	\$0.00
Payment - Nix	3/5/2010	CR - Chk# * NO PAYMENT RCVD *	\$0.00	\$0.00
April Rent Due	4/5/2010	Debit	-\$611.00	-\$273.00
Payment - Wilder Rent	4/1/2010	CR - Chk #669481	\$611.00	\$0.00
Payment - Nix	4/5/2010	CR - Chk# * NO PAYMENT RCVD *	\$0.00	\$0.00
May Rent Due	5/5/2010	Debit	-\$611.00	-\$273.00
Payment - Wilder Rent	5/1/2010	CR - Chk Rcvd	\$611.00	\$0.00
Payment - Nix	5/3/2010	CR - Chk# 5836165526.	\$0.00	\$358.00
June Rent Due	6/5/2010	Debit	-\$662.00	-\$222.00
Payment - Wilder Foundation	6/1/2010	CR - Chk Rcvd	\$662.00	\$0.00
Payment- Nix	7/3/2010	CR - Chk# 5836166484 * LATE PAYMENT *	\$0.00	\$222.00
July Rent Due	7/5/2010	Debit	-\$662.00	-\$222.00
Payment - Wilder Foundation	7/1/2010	CR - Chk #670932	\$662.00	\$0.00
Payment- Nix	7/3/2010	CR - Chk# 5836166485.	\$0.00	\$222.00
Aug Rent Due	8/5/2010	Debit	-\$662.00	-\$222.00
Payment - Wilder Foundation	8/1/2010	CR - Chk #671534	\$662.00	\$0.00
Payment - Nix	8/3/2010	CR - Chk# * NO PAYMENT RCVD *	\$0.00	\$0.00
Sept Rent Due	9/5/2010	Debit	-\$662.00	-\$222.00
Payment - Wilder Foundation	9/1/2010	CR - Chk #671944	\$662.00	\$0.00
Payment - Nix	9/5/2010	CR - Chk #5837530518. No back rent collected.	\$0.00	\$222.00
Oct Rent Due	10/5/2010	Debit	-\$662.00	-\$222.00
Payment - Wilder Foundation	10/1/2010	CR - Chk #671944	\$662.00	\$0.00
Payment - Nix	10/5/2010	CR - Chk #5837530991	\$0.00	\$222.00
Payment - Nix	10/5/2010	CR - Cash	\$0.00	\$172.00
Payment - Nix	10/8/2010	CR - Chk #5837529343	\$0.00	\$50.00
Nov Rent Due	11/5/2010	Debit	-\$662.00	-\$222.00
Payment - Wilder Foundation	11/1/2010	CR - Chk Received	\$662.00	\$0.00
Payment - Nix	11/5/2010	CR - Chk# * NO PAYMENT RCVD *	\$0.00	\$0.00
Dec Rent Due	12/5/2010	Debit	-\$662.00	-\$222.00
Payment - Wilder Foundation	12/1/2010	CR - Chk Received	\$662.00	\$0.00
Payment - Nix	12/5/2010	CR - Chk #1032388294 * PARTIAL PAYMENT RCVD *	\$0.00	\$250.00
TOTAL BALANCE ON ACCOUNT			\$0.00	-\$1,139.00

* Note: The amount received by the Property Owner from the tenant will appear on the annual Certificate of Rent Paid.

PAST DUE

(1.)

2010 INCOME / EXPENSES

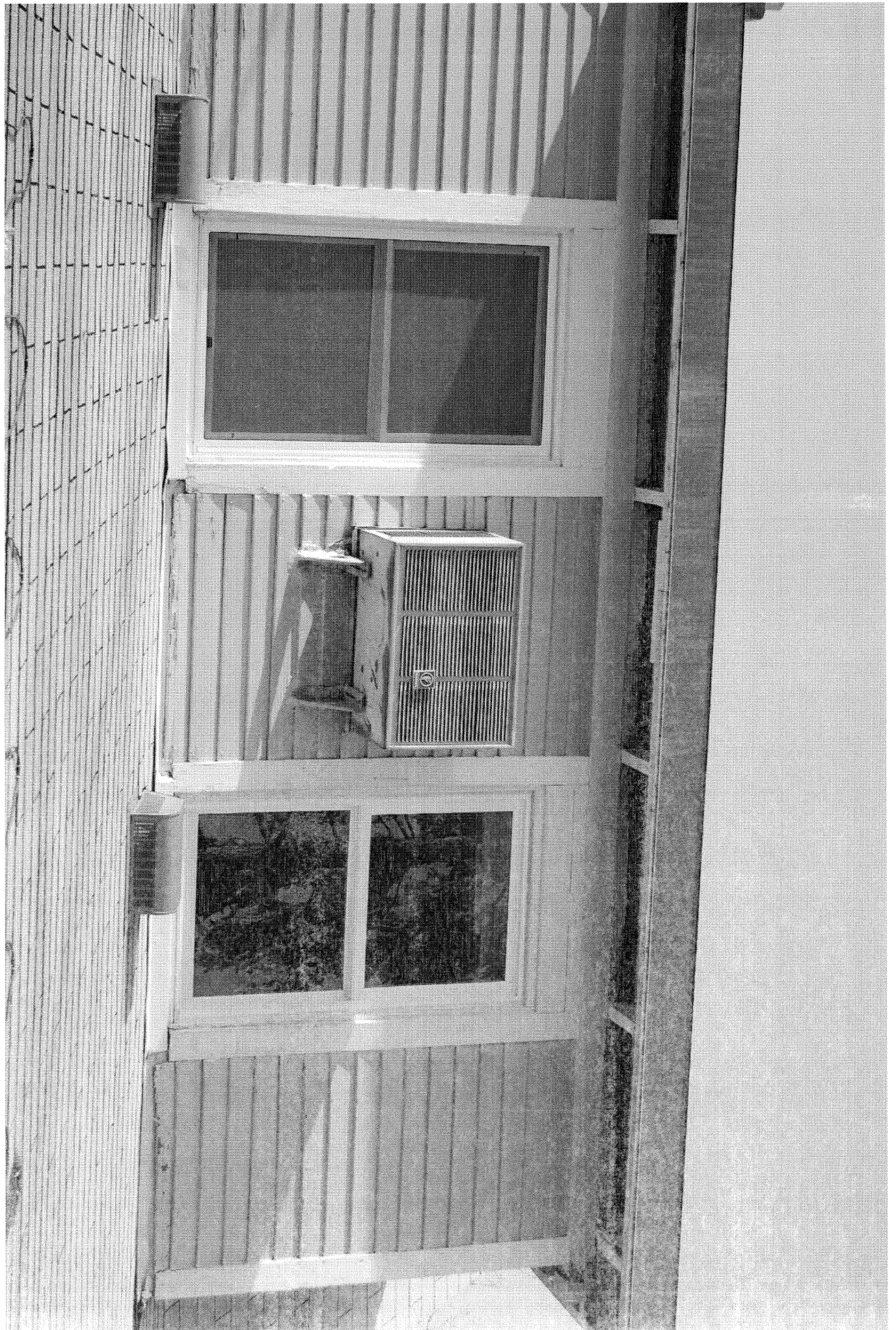
2010

Income	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
M. Nix - Unit#1: Wilder Foundation	611.00	611.00	611.00	611.00	611.00	626.00	662.00	662.00	662.00	662.00	662.00	662.00	7,653.00
Section 8 Payment	250.00	308.00	-	-	388.00	222.00	222.00	-	222.00	444.00	-	250.00	2,276.00
M. Nix - Unit#1: Tenant Portion	-	-	-	-	-	-	-	-	-	-	-	-	-
Section 8 Payment	-	-	-	-	-	-	-	-	-	-	-	-	-
T. Mooney - Unit#2 (2nd floor)	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Income	861.00	919.00	611.00	611.00	969.00	848.00	884.00	662.00	884.00	1,106.00	662.00	912.00	9,929.00

EXPENSES	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
US Bank 788432122 Principle & Interest	555.08	554.25	553.43	552.60	551.76	550.92	550.08	549.23	548.38	547.53	546.67	547.00	6,606.93
Home Equity Line Interest (Yearly)	164.39	165.22	166.04	166.87	167.71	168.55	169.39	170.24	171.09	171.94	172.80	173.66	2,027.90
Mortgage Tax Escrow	-	-	-	-	-	-	-	-	-	-	-	-	206.00
Excel Energy	154.49	154.49	154.49	154.49	154.49	154.49	154.49	174.33	174.33	174.33	174.33	174.33	1,953.08
1086-472-667	208.90	208.90	208.90	186.09	187.15	208.90	208.90	208.90	433.88	226.90	226.90	226.90	2,741.22
US Bankd Finance Charges	-	-	-	-	-	-	-	-	-	-	-	-	-
1-047-7437-4474 & 1-047-7697-6599	-	-	-	-	-	-	-	-	-	-	-	-	-
US Bankd Finance Charges	-	-	-	-	-	-	-	-	-	-	-	-	-
1-866-411-2079	-	-	-	-	-	-	-	-	-	-	-	-	-
Allied Waste Services	74.06	-	74.30	-	74.52	-	75.84	75.16	-	-	75.30	-	449.18
2-0709-6585640	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Paul Regional Water Serv.	-	-	109.20	-	-	122.45	-	38.92	133.70	-	-	119.85	524.12
398 Sims, 55101	-	-	-	-	-	-	-	-	-	-	-	-	-
City of St. Paul Invoice #828175	-	-	50.00	-	-	-	-	-	-	-	-	-	50.00
Provisional Cart of Occupancy	-	-	-	-	-	-	40.00	-	-	-	-	-	40.00
US Bank Safe Deposit Box	-	-	-	-	-	-	164.06	164.06	164.06	164.06	164.06	164.06	1,775.27
Insurance Expense	125.37	125.37	125.37	125.37	125.37	164.06	164.06	164.06	164.06	164.06	164.06	164.06	1,775.27
43-974786-01	-	-	-	-	-	-	-	-	-	-	-	-	-
Insurance Expense - Umbrella	11.25	11.25	11.25	11.25	11.25	12.50	12.50	12.50	12.50	12.50	12.50	12.50	143.75
43-974786-03	-	-	-	-	-	-	-	-	-	-	-	-	-
Lawn Care/Snow Removal	-	-	300.00	-	-	300.00	-	-	300.00	-	-	300.00	1,200.00
Improvements	-	-	-	-	-	-	-	-	-	-	-	905.56	905.56
Repairs 2010 and Supplies	-	-	-	-	-	-	-	-	-	-	-	1,464.04	1,464.04
Supplies 2010	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenses	1,293.54	1,219.48	1,752.98	1,196.67	1,272.25	1,681.87	1,375.26	1,393.34	1,937.94	1,297.26	1,372.56	4,087.90	20,087.05

Income less Expenses	(432.54)	(300.48)	(1,141.98)	(585.67)	(303.25)	(833.87)	(491.26)	(731.34)	(1,053.94)	(191.26)	(710.56)	(3,175.90)	(10,158.05)
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INTERIOR WINDOW: UNIT 1, BEDROOM 1 (Lower Unit – front bedroom)

Deficiency #6 – See page 2 of “FIRE INSPECTION CORRECTION NOTICE”

Upon inspection: 22.5 inches openable Height X 21.5 inches openable Width.

I plan replacing one of the windows in this bedroom with a new double hung window that meets the city code requirements. Of the three required egress windows, it is in need of the most repair and currently does not open to it's full height but a new window would solve this issue. The new double hung window will have an openable height and width that meets the minimum 24”H x 20”W.



KUNDINGER REMODELING, INC.

Quality Carpentry/Remodeling Services Since 1985

Licensed ■ Bonded ■ Insured

Kathy Dupre
398 Sims Avenue
St. Paul, MN. 55130

The following work will be performed at the above address:

Apply for and secure a City of St. Paul building permit.
Remove 3 windows, one from each first floor bedroom and one from the upstairs bedroom.
Install 3 new egress-rated windows.

The outside and inside casing/trim is to be chosen by Kathy and applied by Charlie.

All painting/staining/polyurethane is by others.
Disposal of removed windows by others.

Total labor and materials \$2500 - \$3000

Terms of payment: \$1500 before the project begins and the remainder upon completion.

Client Signature

Kundinger Remodeling

Contractor
#1

Dupre, Kathy

From: John Geis [jgeis@mnext.com]
Sent: Friday, February 18, 2011 10:30 AM
To: Dupre, Kathy
Subject: Window Quote

Kathy,

I looked over your measurements with my manger and we both think that we can do inserts on all of your windows. The upstairs bedroom window is pretty tight, but we should be able to get one to work. The lower front bedroom with the larger opening we would have to put in a Casement, with a picture window alongside. We looked at the sliders but none would meet egress. Also, the window I quoted is the Lindsay 400 series. This is about the cheapest I could find, and it still has a good warranty. This window has the double lifetime warranty, with our lifetime installation warranty. I did mention the Weathershield visions vinyl, but the price came in the same as the Lindsay, and the Lindsay is a much better window. This is what I quoted out:

- Lower Bdrm 1: Casment w/ picture window
- Lower Bdrm 2: Casment
- Upper Bdrm 1: Casment (If the closet would work the price would not change)

- Insert Install includes:
- Removal of old window
 - Insulate weight pocket
 - Install of new window
 - New interior and exterior stops

Total= 2,150.00

*** Due to the age of your property, we will need to due a lead test due to new federal regulation. If lead is found in the paint, we will need to do a lead abatement on all windows removed with special hazardous waste containers. This would add an additional \$350 for the permits, containers, and additional labor.

*** Also, each hopper window would be \$350.00 including install

Please let me know if you have any questions.

Thanks

John Geis

MEI Sales Representative
Direct - 612-369-1425
Office - 763-493-5500
Fax - 763-493-8980

**Contractor
#2**

Electronic Privacy Notice. This e-mail, and any attached information that is, or may be, covered by electronic communications privacy laws, and is also confidential and proprietary in nature. If you are not the