



# APPLICATION FOR APPEAL

RECEIVED  
OCT 12 2011  
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

<b>YOUR HEARING Date and Time:</b>
Tuesday, 10-25-11
Time 1:30
<b>Location of Hearing:</b>
Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 415 Hoyt Ave. E. City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Pat Kirkwold Email pat@kdg.com

Phone Numbers: Business 651-748-8480 x208 Residence 651-747-8380 Cell \_\_\_\_\_

Signature: \_\_\_\_\_ 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 refer to attachment in response to items 6,7
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other



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 20, 2011

PATRICK A KIRKWOLD  
8010 DEMONTREVILLE TR CIRCLE N  
LAKE ELMO MN 55042-9676

### FIRE INSPECTION CORRECTION NOTICE

RE: 415 HOYT AVE E  
Ref. #105657  
Residential Class: C

Dear Property Representative:

Your building was inspected on September 20, 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 October 27, 2011 at 1:30 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. 2nd Floor - Bedrooms - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
2. 2nd Floor - Hall way - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
3. 2nd Floor - 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.

4. Basement - Bath - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
5. Basement - Bath - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.
6. Basement - Northeast and South 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.-Double hung window opening.  
Height 12 in -Width 36 in.  
Glazed area Height 31 in - Width 33 in.
7. Basement - Northeast bedroom - SPLC 34.13 (4) - Provide and maintain a minimum egress window sill height of 48 inches. Refer to provide handout EW-1 for more information.-  
Sill height 56.5 in.
8. Basement - Northeast bedroom - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.
9. Basement - South bedroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
10. Basement - Utility room - MSFC 605.4 - Discontinue use of all multi-plug adapters.
11. Basement - Utility room and bedrooms - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
12. Basement - 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.
13. Basement - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.
14. 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.-PERMIT REQUIRED AND INSPECTION BY WARM AIR / VENT INSPECTOR CALL 266-9006
15. 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.
16. 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 this order.

If you have any questions, email me at: [mike.cassidy@ci.stpaul.mn.us](mailto:mike.cassidy@ci.stpaul.mn.us) or call me at 651-266-8984 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,

Mike Cassidy  
Fire Inspector

Reference Number 105657

Dear Mr. Cassidy,

As landlord, I am responding to a recent inspection you conducted of 415 Hoyt Ave. E., reference # 105657.

We are moving forward with correcting the items as you have listed. In regard to items 6 and 7, I am at a loss here. We have owned this property going on eight years and your department has approved this dwelling in the past years and pertaining to the lower level bedroom windows.

As I understand, with the existing home and its age, the city has in the past accepted as 'grandfathered' with respect to these areas. Has the policy changed since then? Is there any other approach we can take to currently satisfy the windows issue? In the past we were instructed to keep a step ladder in close proximity to a bedroom window with clear instructions for escape posted on the wall near window.

As you would understand, to replace the windows and provide a window well by cutting into a concrete paved exterior outside the window would be extremely costly. Moreover, I believe implementing this type of structure in the front bedroom would create a hazard for the walking path immediately outside the window as this leads to the front door.

Also some background profile about this property. We recently just invested in replacing the roof for the house and garage, new water heater and replacement appliances for the tenants this year. We are also very financially strained. This property is severely 'underwater'. We have invested in many improvements and maintenance to the property over the years. We are at an impasse where having to pay thousands of dollars for window mitigation would put us in arrears on the property.

I can appreciate that safety of the tenants is important and therefore understand we need to provide a safe environment. Please advise if you can offer a less costly suggestion and would satisfy regulations and again assuming there is some discretion given for a grandfathering clause as this seems that has been satisfactory in the past. If you see no other recourse, please advise me if I should then proceed to file an appeal with the County Courthouse.

Sincerely  
Pat Kirkwold

