

# City of Saint Paul

*15 West Kellogg Blvd.  
Saint Paul, MN 55102*



## **Minutes - Final - Final-revised**

**Tuesday, November 16, 2010**

**9:00 AM**

**Room 330 City Hall & Court House**

### **Legislative Hearings**

*Marcia Moermond, Legislative Hearing Officer*

*Mai Vang, Hearing Coordinator*

*Jean Birkholz, Hearing Secretary*

*legislativehearings@ci.stpaul.mn.us*

*651-266-8560*



Inspector Essling reported that the nuisance was a failure to maintain exterior property. The inspector found a discarded chair, brush and yard waste. The Order was sent September 2, 2010 with a compliance date of September 13, 2010 and was re-checked on September 14, 2010. The work was done on September 14, 2010 at a cost of \$316 and a service charge of \$140 for a total of \$456.

Ms. Moermond asked Ms. Sawyer why she is appealing. Ms. Sawyer said that she misread the information and thought she had until September 15, 2010. She explained that she had a flood in her garage; there was a lot of stuff on her property - she was removing the items from her garage. She had bagged up the bush trim and there was a chair left. She also thinks that the bill to remove one (1) chair and about three (3) bags of brush is extremely high. Ms. Moermond responded that the majority of her bill is an hourly trip charge. Ms. Sawyer noted that it took the guys literally five (5) minutes. Ms. Moermond asked staff to breakdown those costs. Inspector Essling replied that it's a \$260 minimum charge and there's a \$140 administrative fee broken down between the City and the County.

Ms. Moermond viewed the video. Ms. Sawyer stated that she thinks that \$456 is an excessive amount to charge her for that one (1) broken chair and that little bit of yard waste. Ms. Moermond asked Inspector Essling to reiterate exactly what the Summary Abatement Order says about the deadline. Inspector Essling cited the Order: "If you do not correct the nuisance or file an appeal before September 13, 2010..."

Ms. Sawyer said that she is not sure how a broken chair in her yard and a pile of leaves is considered a nuisance. It's in her yard and it's not disturbing anyone else. Ms. Moermond responded that it's an exterior maintenance problem and she had been Noticed on it and was given a chance to rectify it or to appeal. At that time, she could have appealed the Order. Now, the City has done the work and the City gave proper Notice for her to do the work.

Inspector Essling stated that inspectors only respond to complaints. In this case, the complaint says that there had been two (2) chairs sitting there for sixty (60) days. Inspectors don't know whether or not that's accurate; they go by what they see when they go out to inspect.

Ms. Moermond recommended approving the assessment. She welcomed Ms. Sawyer to go the City Council Public Hearing on this, if she chose. A letter of time and date would be forthcoming.

#### **Referred Under Master Resolution**

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#### **[ALH 10-375](#)**

Appeal of Special Tax Assessment for 501 Beaumont St for Project #: J1102E, Assessment #: 118994 in Ward 7

**Attachments:** [501 Beaumont St SA 4.15.10.DOC](#)  
[501 Beaumont St Correction Notice 6.29.10.DOC](#)  
[501 Beaumont St. Photo 7.19.10.DOC](#)  
[501 Beaumont St Excessive consumption letter 7.17.10.DOC](#)

Ms. Moermond recommended approving the assessment.

No one appeared.

#### **Referred Under Master Resolution**

6 [ALH 10-379](#) Appeal of Special Tax Assessment for 1045 Bush Ave for Project #:J1104A, Assessment #: 118995 in Ward 6

**Sponsors:** Bostrom

**Attachments:** [1045 Bush Ave, 2 tgw orders.pdf](#)

*Ms. Moermond recommended approving the assessment.*

*STAFF PRESENT: Inspectors Paula Seeley, Joel Essling and Joe Yannarely, Department of Safety and Inspections (DSI)*

*Jonathan Aldana appeared.*

*Inspector Essling reported that a letter for tall grass and weeds was mailed August 31, 2010 with a compliance date of September 2, 2010. It was re-checked on September 7 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on September 7, 2010 at a cost of \$160 plus \$140 fee for a total of \$300.*

*Mr. Aldana stated that he is letting the property go because he can't afford it. He got a letter from the lien holder on September 1, saying that they were going to winterize the house, protect their investment and change locks. He told the lien holder that he was going to leave the property on August 28. When he came back from being out of town, the locks had been changed, so he couldn't get into the house or garage to access his lawn mower. Mr. Aldana called the City; the person he spoke with told him not to worry - that it would go toward the taxes, then he got this notice for \$300. He is appealing because he has the letter from the lien holder stating that they would take care of the property. If he must pay it, he would like an extension. He is working with a collection agency and they have approved a "short sale." Last week, he had to hire an inspector to do the inspection requirement before the house can be sold. There has been no sheriff's sale.*

*Ms. Moermond responded that the person from the City who told him this assessment would go on the property taxes is correct. If the property would be going directly back to the bank, Mr. Aldana would not be involved; however, since he's doing a short sale, this issue is between the appellant and the lien holder. Ms. Moermond finds that the City gave proper notice and the work wasn't done. This assessment of \$300 attaches to the property taxes, so, whoever is responsibly for paying the property taxes will end up paying this assessment. If the appellant walks away, it would be the lien holder's responsibility; if there is a short sale, the appellant and the lien holder will need to decide who's responsible. Ms. Moermond stated that it will not benefit Mr. Aldana to split the assessment over time, in this case. If he would be holding the property into the future, he would have the option to pay it over time. She added that this assessment would not attach to his 2011 taxes, but to the 2012 taxes; and he does not intend to be there, then. The appellant will be getting a bill within a couple of weeks of the January 2011 City Council Public Hearing. He could pay it at that time; he could pay it month to month. Interest would accrue at 5 percent. Anything that's not paid at that time will be attached to the property taxes. She suggested that he present the bill to the lien holder because he was prevented from entering the garage to access his lawn mower.*

*Ms. Moermond will recommend approving the assessment.*

**Referred Under Master Resolution**

7 [ALH 10-395](#) Appeal of Special Tax Assessment for 1655 Old Hudson Road for Project

VB1101Assessment 118966 in Ward 7

**Sponsors:** Lantry

*Ms. Moermond recommends deleting the assessment.*

*STAFF PRESENT: Inspectors Paula Seeley, Joel Essling and Joe Yannarely, Department of Safety and Inspections (DSI)*

*Ms. Tasha Trusholaski appeared.*

*Inspector Yannarely reported that this appeal is for an unpaid Vacant Building Fee. The building is a Category 1 Vacant Building from July 14, 2008. The file was closed on October 19, 2010 as being occupied. The cost is \$1,100 with a service charge of \$135 for a total of \$1,235. There have been no recent Orders on the property.*

*Ms. Trusholaski explained that before she put any bids on this house, she had it cleared with HUD that all assessments would be taken care of. The initial closing date on the house was June 30, 2010; however, they ended up closing on August 6, 2010. They moved into the house on the same day. She has been in contact with HUD, Saint Paul. From what she understands, the bill originally went to HUD (two (2) notices), and then there was a City of Saint Paul and HUD lawsuit which found that HUD does not need to pay these. Ms. Moermond responded that assessments attach to the property but HUD chooses not to pay them. Also, HUD chooses not to disclose that, apparently. It sticks as a property tax.*

*Ms. Moermond recommend deleting the assessment.*

#### **Referred Under Master Resolution**

8 [ALH 10-396](#)

Appeal of Special Tax Assessment for 1165 6th St. E for Project VB1101 Assessment 118966 in Ward 7

**Sponsors:** Lantry

*Ms. Moermond recommended reducing the assessment to \$300.*

*STAFF PRESENT: Inspectors Paula Seeley, Joel Essling and Joe Yannarely, Department of Safety and Inspections (DSI)*

*Mr. Meng Vang appeared.*

*Inspector Yannarely reported that this property was a Category 1 Vacant Building from May 21, 2010. The file was just closed yesterday. Inspector Yannarely spoke with Mr. Vang yesterday who said that he has been occupying it since August 13, 2010 (so that would be three (3) months of Vacant Building fees). DSI has no problem with pro-rating it. The charge is \$1,100 with a service charge of \$135 for a total of \$1,235. While it was a Vacant Building, there was only one (1) tall grass order which was done by the owner. Prior to that, there were two (2) other tall grass and weeds.*

*Mr. Vang stated that he is appealing the Vacant Building fee because he is not even sure why he is being charged for it. He just purchased the property. He is sure that they had made it clear to HUD that HUD would be paying any assessments, so he doesn't know why he is getting the bill. He closed on August 13, 2010 and he started moving in the same day.*

*Ms. Moermond clarified that HUD held this property as a Vacant Building from May*

through August 2010. She asked the appellant if HUD had disclosed that this was a Registered Vacant Building. Mr. Vang responded that HUD had disclosed that; however, the contract said that HUD was supposed to pay any fees or assessments. Ms. Moermond noted that a few other bills would have been sent out during that time, as well. Inspector Yannarely agreed; there were two (2): 1) the first bill was sent out May 24, 2010; and 2) the other, June 23, 2010. The fee stated owner was National City Bank and they must have sent it back to HUD.

Ms. Moermond will recommend reducing the bill to \$300 because the property was in the Vacant Building program for three (3) months. She printed out copies of the bills that had been sent to National City Bank, which hadn't been disclosed to Mr. Vang. Mr. Vang is to send copies of them in a letter to National City Bank and to HUD saying that this was something that existed at the time the property was sold to him and they hadn't informed him about it. HUD should be paying Mr. Vang back for it because it is incumbent upon the seller to disclose this kind of thing at the point of sale.

**Referred Under Master Resolution**

- 9      [ALH 10-397](#)      Appeal of Special Tax Assessment for 763 Minnehaha Ave E for Project VB1101, Assessment 118966 in Ward 6

**Sponsors:**      Bostrom

*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**Referred Under Master Resolution**

- 10      [ALH 10-398](#)      Appeal of Special Tax Assessment for 1133 Payne Ave, VB1101 for Project Assessment 118966 in Ward 6

**Sponsors:**      Bostrom

*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**Referred Under Master Resolution**

- 11      [ALH 10-399](#)      Appeal of Special Tax Assessment for 864 Marion St. for Project VB1101, Assessment 118966 in Ward 5

**Sponsors:**      Helgen

*Ms. Moermond recommended approving the assessment.*

*STAFF PRESENT: Inspectors Paula Seeley, Joel Essling and Joe Yannarely, Department of Safety and Inspections (DSI)*

*Robert Schilling appeared.*

*Inspector Yannarely reported that this is for a Vacant Building fee for a Category 2 Vacant Building. There are notes in STAMP about it being changed to a Category 1, then back to a Category 2; the latest notation made November 8, 2010 was that the house is being illegally occupied. The fee is \$1,100 with a service charge of \$135 for a total of \$1,235. This property entered the program on May 14, 2010.*

Mr. Schilling declared that the building is not vacant; he is occupying it. His attorney advised him that if he does not have a tenant, he doesn't need a Certificate of Occupancy and if he occupies it, it won't be vacant. He moved in at the same time that the tenant moved out. He moved into the house as a matter of necessity; he can't afford the fee plus the Code Compliance Inspection, etc. Mr. Schilling commented that the building would probably not have been safe being vacant. He doesn't think that it should be in the Vacant Building Program. He appealed it, originally, and Ms. Moermond had granted him an extension if he got the work done by such and such a time; however, his finances were such that he couldn't accomplish that. The fact still remains that he is occupying it; it's not vacant.

Ms. Moermond explained that she had been ready to allow him to get out of the Registered Vacant Building Program if he met certain conditions, which he has not met. That means that the property becomes a Category 2 Registered Vacant Building. Mr. Schilling had sixty (60) days to prevent that from happening. There had been code violations that needed to be addressed. If they weren't going to be addressed, then the building would become a Category 2 and a complete Code Compliance Inspection needed to be done, and the corrections needed to have been made before the property could be re-occupied (City policy specified in Chapters 33 and 43 of the City's Code). She understands that he is living there; however, he is prohibited from living there until all of the corrections are made. Ms. Moermond stated that he could take this to the City Council Public Hearing, if he chose; but her recommendation to the City Council is to approve this tax assessment. She thinks that he was given an adequate opportunity to address this, and she doesn't see how this situation should be treated differently from other buildings that find themselves in the Vacant Building Program where they do need to get the items addressed before it can be re-occupied.

**Referred Under Master Resolution**

- 12      [ALH 10-400](#)      Appeal of Special Tax Assessment for 393 Fry St. for Project VB1101, Assessment 118966 in Ward 4

**Sponsors:**      Stark

*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**Referred Under Master Resolution**

- 13      [ALH 10-403](#)      Appeal of Special Tax Assessment for 417 Arlington Ave E for Project J1104A, Assessment 118995 in Ward 5

**Sponsors:**      Helgen

**Attachments:**      [Summary Abatement Order](#)

*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**Referred Under Master Resolution**

- 14      [ALH 10-404](#)      Appeal of Special Tax Assessment for 481 St. Anthony Ave for Project J1104A, Assessment 118995 in Ward 1

**Sponsors:** Carter III

**Attachments:** [Summary Abatement Order](#)

*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**Referred Under Master Resolution**

- 15      [ALH 10-405](#)      Appeal of Special Tax Assessment for **83 Jessamine Ave W** for Project J1104A, Assessment #: [##] in Ward 5

**Sponsors:** Helgen

**Attachments:** [Summary Abatement](#)

*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**Referred Under Master Resolution**

- 16      [ALH 10-434](#)      Appeal of Special Tax Assessment for 307 TOPPING STREET for Project #: VB1101, Assessment #: 118966 in Ward 5.

**Sponsors:** Helgen

**Attachments:** [307 Topping St.Tax Roll.pdf](#)

*Ms. Moermond recommended deleting the assessment.*

*STAFF PRESENT: Inspectors Paula Seeley, Joel Essling and Joe Yannarely, Department of Safety and Inspections (DSI)*

*Boris Tselovt and Nadia Paulson appeared.*

*Inspector Yannarely reported that this was a Vacant Building from July 1, 2009 until August 20, 2010. He stated that July 1, 2010 was the anniversary date and the Code Compliance was issued on August 20, 2010.*

*Mr. Tselovt explained that he is building contractor for Anton Yelchin Inc; Ms. Paulson is a realtor. They are both investors for their area. In this particular situation, they have a Certificate of Occupancy and Code Compliance (issued August 20, 2010).*

*Ms. Moermond recommended deleting the assessment.*

**Referred Under Master Resolution**

- 17      [ALH 10-435](#)      Appeal of Special Tax Assessment for 392 ARBOR STREET for Project #: VB1101, Assessment #: 118966 in Ward 2.

**Sponsors:** Thune

**Attachments:** [392 Arbor St.Tax Roll.pdf](#)



Ms. Moermond recommended approving the assessment payable over two (2) years.

STAFF PRESENT: Inspectors Paula Seeley, Joel Essling and Joe Yannarely,  
Department of Safety and Inspections (DSI)

Janyth Loney appeared.

Inspector Yannarely reported that this has been a Category 2 Vacant Building since July 20, 2009. The fee is \$1,100 with a service charge of \$135 for a total of \$1,235.

Ms. Loney stated that she sold the house Contract for Deed on March 10, 2010; the new owner also received an Order. The new owner had hoped to be in by the due date. Ms. Loney asked her if she had paid the fee. The new owner responded that she would have it put onto the property taxes; she is working on rehabbing the property.

Ms. Moermond recommended approving the assessment payable over two (2) years.

**Referred Under Master Resolution**

- 18      [ALH 11-107](#)      Appeal of Special Tax Assessment for 2075 SCUDDER STREET for Project #: VB1101, Assessment #: 118966 in Ward 4.

**Sponsors:**      Stark

**Attachments:**      [VAC BLDG FEES - VB1101, LH 11-16-10, PH 01-19-11.pdf](#)

Delete the assessment. Payment received.

**Referred Under Master Resolution**

- 19      [ALH 11-109](#)      Appeal of Special Tax Assessment for 655 CALIFORNIA AVENUE WEST for Project #: VB1101, Assessment #: 118966 in Ward 5

**Sponsors:**      Helgen

**Attachments:**      [VAC BLDG FEES - VB1101, LH 11-16-10, PH 01-19-11.pdf](#)

Delete the assessment per DSI. There was a fire, VB1. No CC required. Rehab is nearly finished and permits are about to be signed off. The home has already been re-occupied.

**Referred Under Master Resolution**

## 11:00 a.m. Hearings

### Orders to Vacate, Condemnations and Revocations

- 20      [ALH 10-366](#)      Appeal of Daniel J. Chlebeck to a Fire Certificate of Occupancy Order to Vacate and Vacant Building Registration Notice at **873 KENNARD STREET**.

**Sponsors:**      Bostrom

**Attachments:** [873 Kennard.appeal.11-5-10.pdf](#)  
[873 Kennard St.Fire C of O Order to Vacate.10-12-10.dot](#)  
[873 Kennard St.Photos.10-18-10.pdf](#)

*Per owner's request, rescheduled to November 30, 2010 at 11:00 a.m.*

**Laid Over to the Legislative Hearings, due back on 11/30/2010**

21 [ALH 10-390](#)

Appeal of Mark Cemensky to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at **274 SIDNEY STREET EAST.**

**Sponsors:** Thune

**Attachments:** [274 Sidney.Appeal.11-16-10.pdf](#)  
[274 Sidney St E.Fire C of O Order to Vacate.11-9-10.dot](#)  
[274 Sidney St E.Photos 1.11-8-10](#)  
[274 Sidney St E.CCI.11-23-10.dot](#)

*Ms. Moermond recommended waiving the Registered Vacant Building fee for 120 days.*

*STAFF PRESENT: Inspector Leanna Shaff - Fire, and Inspector Matt Dornfeld, Department of Safety and Inspections (DSI)*

*Mark Cemensky appeared.*

*Inspector Shaff reported that this inspection started as a referral to the DSI office on November 5, 2010. The referral stated that space heaters were being used at 274 Sidney Street East. In addition, the gas is off, the furnace is red-tagged, cats are entering the house, etc. Inspector Westenhofer responded on November 8, 2010. When he arrived at the address, he phoned Inspector Shaff and asked her for her assistance. Inspector Shaff went out to the property at 274 Sidney and found a huge hole in the yard that had been excavated taking out the foundation wall, etc. Entering the property, they found that there was no furnace in the house, new plumbing and other things going on like structural work in the crawl space. She said that the photos would tell the story (in the referral file). Ms. Moermond, Inspector Shaff and Mr. Cemensky reviewed the three (3) sets of photos. The photos show: the crawl space where new supports are being put in; the big hole (size of a car); the lifting of the end of part of the structure; no erosion control; deferred maintenance on the sidewalk steps; a boarded window; tree too close to the house; a bobcat; guardrail in disrepair; the placard; rubble (stones, foundation); plumbing and electrical (Inspector Shaff believes that new electrical and plumbing work is being done without a permit); steep basement stairway; new supports; trailer for the bobcat; etc.*

*Inspector Shaff continued to report. While at the site (single-family home), Inspector Shaff spoke with the tenant who was in the process of moving out to another one of Mr. Cemensky's properties in Mendota Heights. Mr. Cemensky returned to the site from getting a permit downtown. Since then, the house has been vacated. An enhanced permit hasn't been issued - it depends on what happens here today. Either a permit or a full Code Compliance Inspection needs to be done. Frank Berg, City Structural Engineer, Ryan Rhen and Jim Bloom will need to be involved to determine whether a better plan of action is needed to address these issues. It will require an excavation permit, foundation, electrical, mechanical, plumbing permits, etc. The building permit on file is the old one (November 8, 2010) - doesn't include the total scope of the project. Ms. Moermond noticed that there was no site plan review. Inspector Shaff responded*

that it was all done at the counter yesterday. Ryan and Frank Berg are satisfied with what the scope of the work looks like. Ms. Moermond asked whether there had been a site plan review. Inspector Shaff replied that she does not know.

Mr. Cemensky explained that this whole thing started because the tenant smelled gas and called Xcel Energy. Xcel detected some carbon monoxide and red-tagged the furnace (end of October 2010). He added that there had been no furnace in the basement. The house has existing wall furnaces on the first and second floor that is the primary heat source. There are also some baseboard heaters in the bedrooms. Mr. Cemensky then contacted a heating contractor, who came out and looked over the situation. He advised Mr. Cemensky to put in a furnace - put duct work underneath the crawl space. In order to do that, he needed to remove the dirt; and in order to remove the dirt, he needed to open up the foundation on the west side of the house to excavate the dirt. He said he got ahead of himself regarding the permits because they first needed to see what they'd be working with. In doing so, they realized that extra supports would be needed. It's a tedious process. After this happened, he has been in contact with Mr. Bloom and Steve. He had a meeting on Friday morning with Mr. Bloom, Ryan Rehn, Steve Ubl and Sean. They looked at the Fire list and addressed the issues plus got the correct permits in place. He also had a meeting with the inspector at 1 p.m.; they all met out at the site. Dave Kenyon and he came up with a plan; they also contacted Frank Berg and had a meeting with him yesterday morning at 8 a.m. and came up with a design that he was happy with. Mr. Cemensky has a letter from Ryan Rehn and Frank Berg saying that they are prepared to accept this structure. He's asking that Ms. Moermond give him until the end of December 2010 to get everything finished except, perhaps, getting rid of the dirt and pouring concrete for the sidewalk. He needs to get heat in the house and get the hole closed. He is ready to go. The contractors are in place. The permits are ready to be pulled.

Ms. Moermond asked Inspector Dornfeld to explain the difference in this case, in having this be a Category 2 Registered Vacant Building and a Category 1 Registered Vacant Building when it comes to pulling permits to resolve the corrections. Inspector Dornfeld explained that the main difference between a Category 1 and a Category 2 Registered Vacant Building is the Code Compliance Inspection. With a Category 1 Registered Vacant Building, you would need to pull all of the permits but you would not need to go through the Code Compliance Inspection (Jim Seeger's crew). Ms. Moermond clarified that Mr. Cemensky wants this to be a Category 1 Registered Vacant Building so that he can get the identified repairs done and get out of the Vacant Building program. Mr. Cemensky added it needs to get done soon that it doesn't turn into a more serious problem.

Ms. Moermond reviewed the Legislative Code Chapter 43.02. Chapter 43 talks about Vacant Buildings. The .02 is the Section that defines Vacant Buildings. If you meet two (2) of the criteria, you will end up being a Category 2. Is it unoccupied and is it unsecured? Yes. Mr. Cemensky explained that since that day, he has fenced the area (it was open because work was being done at the site). Right now, it's all secured. The opening is boarded up. He said he would make it more secure if Ms. Moermond wanted it. Another one is "unoccupied and secured by other than normal means," and "a building or a portion of a building meeting this definition is deemed a Category 1 Vacant Building." So, right now, it's a Category 1. Ms. Moermond went on with the code. The next part is "unoccupied and a dangerous structure." Mr. Cemensky noted that Dave Kenyon came with them and he commended them for what they accomplished. Ms. Moermond went on, "unoccupied and condemned" would make it a Category 2. "Unoccupied and has multiple building code violations," "condemned or illegally occupied." Ms. Moermond stated that even if she granted Mr. Cemensky's appeal on whether or not this should be a condemned structure, he still

has an empty building with multiple housing and building code violations. Mr. Cemensky admitted that he make a mistake by not pulling a permit before he started to dig but asked whether Ms. Moermond can condemn / vacate a property just because he didn't pull a permit. Ms. Moermond said that it seems to her that this is a circumstance where the building needs to be winterized. She noted that in this case, work had been done without a permit and she sees parts of the building that have other concerns. She wonders whether this building would be safer if it were to have a full Code Compliance Inspection. She thinks that it would and on face value, it's a Category 2. She sees electrical and plumbing being worked on without a permit. Mr. Cemensky asked what electrical is being done without a permit. Ms. Moermond responded that it looks as though the circuitry was new. Mr. Cemensky replied that it was there when he bought the house two (2) years ago; also, there is no new plumbing. He stated that he is an electrician and that panel box is probably fifteen (15) years old; it looks new but it isn't. Ms. Moermond said that she thinks he needs to do a Code Compliance Inspection; there is enough wrong here, that she would recommend that it happen. She is flexible about the fee because attendant with being a Category 2 Registered Vacant Building or even a Category 1 Registered Vacant Building, there is a pretty hefty annual fee. Ms. Moermond recommend that the Department of Safety and Inspections (DSI) waive the Vacant Building fee for a period of 120 days, so Mr. Cemensky will have that time before the fee kicks-in. Mr. Cemensky asked if he could first be able to get a permit to finish the structure and the heating and then have the inspectors come in. Ms. Moermond responded that it's not consistent with the way the Code is written. The Code says that you need to get Code Compliance Inspection before the permits can be issued (Chapter 33).

**Referred to the City Council, due back on 12/1/2010**

22 [ALH 10-277](#)

Appeal of Jeffrey DeLisle to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at **520 Rice Street**.

**Sponsors:** Carter III

**Attachments:** [520 Rice St.Appeal.10-26-10.pdf](#)  
[520 Rice.Appeal.11-9-10.pdf](#)  
[520 Rice St.Vacate Order.10-22-10.pdf](#)  
[520 Rice St.Vacate Order.11-2-10.dot](#)  
[520 Rice St.Photos #1.11-2-10.pdf](#)  
[520 Rice St.Photos #2.10-20-10.pdf](#)  
[520 Rice St.Photos #3.10-21-10.pdf](#)  
[520 Rice St.Photos #4.10-29-10.pdf](#)  
[520 Rice St.Photos #5.10-29-10.pdf](#)  
[520 Rice St.Photos #6.11-2-10.pdf](#)  
[520 Rice St.Photos #7.11-2-10.pdf](#)  
[520 Rice St.Engineering Rept.11-1-10.pdf](#)  
[520 Rice St.Frank Berg Email.10-21-10.pdf](#)  
[520 Rice St.Frank Berg Email.10-29-10.pdf](#)  
[520 Rice St. structural engineer email 11-4-10.pdf](#)  
[520 Rice St.Attorney letter11-17-10.pdf](#)

Ms. Moermond recommends that a Fire Certificate of Occupancy Inspection must be completed and signed-off on with the exception of a permanently re-built first floor and supporting structural elements by close of business Friday, November 19, 2010 or the entire building must be Vacated by 8:00 a.m. Monday, November 22, 2010.

*STAFF PRESENT: Inspector Leanna Shaff - Fire and Inspector Steve Ubl - Building, Department of Safety and Inspections (DSI)*

*Jeffrey DeLisle, appellant and property owner; Jeff Sullivan, contractor; and Wes Holzschuh, contractor; Robert Foster, Law Firm of Foster & Brever; Anton Wazwaz, manager, MW1; Mr. Lindau, structural engineer; Dennis Crow, architect; appeared.*

*Ms. Moermond stated that Mr. DeLisle had filed an additional appeal November 8, 2010; she will handle it as an addendum to the original appeal. There has been a lot of activity going on so she will be starting with staff reports. In the interest of full disclosure, Ms. Moermond stated that last night she went to the building to get a closer view. She noticed some cautioned tape on the side of the building that had been torn away; and she had already heard in a staff update earlier that day that there had been an electrical issue. So, she called Inspector Ubl to see whether staff had put up the caution tape and to let him know that now, it seems to have been removed. Mr. Ubl responded that it wasn't City caution tape; he didn't know what it was about. Ms. Moermond went into the first floor and around the outside, then she left.*

*In addition, Ms. Moermond received another communication (email) from Mr. Lindau, Mr. DeLisle's engineer; Frank Berg was copied on it. It was a re-phrasing of some of what was in the engineer's report that was discussed in a previous hearing.*

*Inspector Shaff reported that they had not done a re-inspection for the Fire Certification of Occupancy nor have they been called to do one. Normally, they would just schedule a time and date. In this case, Mr. DeLisle was to contact Inspector Shaff to set up an inspection and he did not do that. Ms. Moermond asked Inspector Shaff to comment on Mr. DeLisle's second appeal. Inspector Shaff commented on the listed appeal items:*

*Item #6 & #7 - We believe the 3rd floor ceiling is one hour rated. Inspector Shaff said that she believe it does in some places; however, Code requires that it is continuous. Here, there are many penetrations. There are places with multiple layers on the ceiling (and on the walls). It's difficult to tell what's behind it. There are many ways to repair that or one could replace it.*

*Item #18 - Even though the interior handrail in the hallways was acceptable for decades; why all of a sudden do you want this changed? This item will be corrected. The inspectors approved it. Inspector Shaff stated that the handrails are 23 inches on the south side and 27 inches on the north side. The front entry stairway handrail was measured at 31 inches. Code requires their height to be between 34 and 38 inches.*

*Item #67 - again, these items have been accepted for years. Inspector Shaff stated that Unit 2 - the sleeping room measures 66 1/2 square feet; Code requires a minimum of 70 square feet.*

*Item #92 - There are not that many people living in the unit. Inspector Shaff said this is Unit 9 - the living room is being used as a sleeping room and measures 154 square feet; Code requires that each occupant in that room be 50 square feet per. The bedroom is 88 square feet; there's enough room for one (1). Ms. Moermond asked how many people live here. Inspector Shaff responded that it's variable; she was not sure how many of their children are living there.*

*Item #96 - Same as item 67. This was grandfathered in for decades. They have been approved by inspectors. Inspector Shaff stated that the sleeping room measures at 63 1/2 square feet; Code requires 70 square feet.*

*Item #102 & #103 - this is done. Inspector Shaff agreed.*

*Items #40, #53, #63, #80 & #84 - They have all been painted. We want the right to paint as needed or the option to wash walls if needed instead of painted. They have all been painted in the last couple years. Inspector Shaff stated that all requiring*

*Units need to be re-painted. The walls are pretty dirty / haven't been painted in a long time / have a lot of wear.*

*Inspector Ubl reported that the temporary shoring needs to be taken care of along with the two (2) decks in the rear of the building and the leaks that were encountered yesterday along with the electrical issues.*

*Ms. Moermond asked Mr. DeLisle to comment on why he appealed the previous items. Mr. DeLisle responded that regarding: Item #6 & #7 - He believes that it is 1 hour rated and it goes to the roof; there's not another floor above it. There's lathe and plaster, some sheet rock that covers certain areas and a pipe that runs but it's below the lathe and plaster. It is his understanding that it is fire rated. Inspector Shaff replied that the key word is "continuous." There are some penetrations like a pipe with space around those that makes it not "continuous." Those spaces are causing an issue. Inspector Ubl added that there can't be any penetrations in an assembly. Inspector Shaff added that smoke and fire will follow the path of least resistance. Mr. DeLisle said that the holes and the separations that staff are describing are below the lathe and plaster. Inspector Ubl stated that needs to be confirmed. Inspector Shaff added that there's still the dead space and they don't want the smoke and fire to go through those penetrations. Inspector Ubl added that Code requires the option that an alarm detection system could be put in that space but Mr. DeLisle still needs to show them the protective assembly. Inspector Shaff stated that the penetrations could also be repaired at the ceiling. Mr. DeLisle noted that it passed in every other inspection in every other year. Ms. Moermond reminded him that a violation is a violation no matter when it is called; this item should be on the Correction Order.*

*Regarding Item #18 - Mr. DeLisle stated that again, he wondered why it hadn't been called in previous inspections. He plans to put up another rail anyway in addition to the one on the other side.*

*Regarding the painting items - Mr. DeLisle said that one of the twelve units was probably painted within the past 60 days. Ms. Moermond asked what he was looking for here. Mr. DeLisle responded that he plans to paint all the rooms that need to be painted. (Units 8, 12, 10, 6, 7)*

*Ms. Moermond asked how many people were living in Unit 9. Mr. DeLisle responded that there are two (2) adults and two (2) children living there. She will recommend a 12 square foot variance on the 88 square foot bedroom; and the living room sleeps no more than two (2). Similarly, Unit 8 has a sleeping room that measures 63.5 square feet and it needs to be at least 70 square feet. She will recommend a variance on that room, also.*

*Referring to the October 29, 2010 Deficiency List, Ms. Moermond asked Mr. DeLisle which items are already complete. Mr. DeLisle and Mr. Sullivan responded that the following items are complete: #2, #8, #10, #11, #12, #14, #15, #16, #19, #21, #28, #36, #37, #38, #39, #44, #45, #46, #52, #54, #58, #59, #64, #66, #72, #75, #76, #77, #83, #87, #88, #89, #91, #95, #97 (has been resolved today), #102, #103. Mr. DeLisle said that a heating contractor came to check all the furnaces and he looked at the flue issues and concluded that everything is working properly. An electrician has just pulled a permit and has done everything in the apartments that had been asked for. Item #1 is under discussion. He has hired an architect and an engineer to draw up plans that satisfy the City's requirements. Item #4 is not done completely. Item #5 is not done completely. Mr. Sullivan added that all window issues are complete except for one (1) double pane unit that he is waiting for. Mr. Sullivan said that he asked their electrician to call for an inspection today on his basement work*

and get signed-off on. They cleaned up the basement. Items that they have discussed with the tenants include: #55, #60, #65, #71, #78, and #85.

Ms. Moermond asked Inspector Shaff where they are with permits. Inspector Shaff responded that there are building permits issued; electrical permits issued; gas fitting only permit issued. All are active; none have been signed-off on. Ms. Moermond asked what the projects were for these permit. Inspector Shaff replied that the building permit was for taking off the veranda roof - not closed. The gas fitting only permit for plumbing - not closed (Rich Peterson, City's Plumbing and Heating). Mr. DeLisle said he did the dryer vents. The permit for shoring - not closed. She didn't find a mechanical permit for the dryer vents. A structural permit for the rotted structure in the floor - open. Ms. Moermond asked if that was for a permanent floor fix. Inspector Shaff replied, "Yes." There's an electrical permit for residential (apartments) repair and alter - open. Mr. Sullivan added that as they work, they are finding more need for electrical work, so, as they find it, the electrician will take care of it. Inspector Shaff said all permits have been issued and are open; there's been no finals.

Ms. Moermond asked why Mr. DeLisle hasn't yet called for a follow-up Fire Certificate of Occupancy inspection. Mr. DeLisle responded that he was unaware that he needed to call for it. Mr. Sullivan explained that from their point of view, the list needed to be complete before they would call for an inspection. They would be open to a partial inspection if that is acceptable. Ms. Moermond responded that without the inspection, there is no verification that the work has actually been done. Some work may be done but not to the satisfaction of the inspector, per Code, according to them.

Ms. Moermond stated that she heard through the grapevine that Inspector Ubl had an electrical issue himself yesterday. Inspector Ubl explained that his involvement in this project was to inspect the temporary shoring in the basement. It hasn't been signed-off because he believes that the temporary shoring will be on-going as they remove structure above. There are also a couple of sporadic areas that need work on the plans that are also on-going. To date, the shoring that has taken place is acceptable and certainly conforms to what's on the engineer's drawings. It looks good. To clarify, the lighting that is used to light up that room is being plugged into the electrical outlets that are hanging from the ceiling. He is quite comfortable saying that the electrical work is not complete and ready for a final sign-off in the basement. They have had many discussions about the work to be performed so that the building can be structurally sound. The drawings are in fairly good shape and they are ready to go on that. There were additional drawings requirements needed for the decks in the rear of the building. His architect worked quite aggressively for the last four - five days getting drawings to reflect what he's envisioning. They had a couple 3-hour meetings yesterday morning and afternoon. The one in the morning was a conference call with the architect, the City's structural engineer and the contractor, Mr. Sullivan. They agreed to meet on site yesterday afternoon along with Inspector Shaff. They discussed how to address the decks in the rear of the building and try to come to a consensus. Prior to the architect coming to the site, the contractor and he went through and reviewed the leaks throughout the first floor (the building in the back that has only one (1) level). The leaks were prevelant in both buildings and they were reviewing them with a flashlight. They looked above the walk-in freezer to review how you could transfer loads down and what the integrity of the joist systems were like. A ladder was put in place in front of the walk-in freezer and Mr. Ubl walked up the ladder to peek his head through a drop-in ceiling (the panel was removed). Using flashlight, he looked up and the leak splashed in his face and there was a wire hanging directly behind him, which he didn't realize. The wire made contact with his coat which sparked a circuit to be broken and he got "zinged". The evidence was on the top back of his jacket. That situation caused them to change their perspective on

the life-safety condition of that building. At that point, the architect came and they agreed to review the deck. They did that for about 45 minutes discussing how to re-design and re-configure in order to get things to be as compliant as possible. When they were finished with that, they walked through the residential exiting on the upper level, trying to get reconciliation on the handrails (exiting requirements that were on the list). Next, they walked downstairs and went through the rear building portions that have only one (1) level, and they discussed the exiting, the leaks that were on-going, the electrical issues taking place, etc. Inspector Ubl came back to the office and had a meeting with the building official, the assistant fire marshal, and they came to the agreement that something needed to be addressed immediately. At 5 or 6 p.m., the assistant fire marshal, the building official and he went back to the property and requested that a licensed electrician get on board to disconnect whatever they deemed was a life-safety issue and isolate that until today so that they can come to reconciliation as to how to address any other issues that are fire hazards back there. At this point, he has a concern with any leakage of that building (where is it leaking onto and what fire it may spark). This is a serious issue. The circuit that was popped, he believes was also part of the circuitry for the resident above. Apparently, there is not separate circuitry for the commercial and residential spaces.

Mr. Robert Foster, attorney representing Mr. Anton Wazwaz, store owner, addressed the hearing. He stated that Mr. Wazwaz has been dealing with the issues of the store. He worked with Inspector Ubl to get an electrician out last night. He has applied and received a permit to move the area where he cuts the meat into a different room. They have implemented a plan so that he can keep the store open while the floor is being worked on. Mr. DeLisle will take care of repairing/replacing the underlying structure and Mr. Wazwaz will put on the top layer of the floor. Mr. Foster went through the October 21, 2010 Deficiency List and identified what items have been completed, etc. Item #8 is done. Items #10, #11 and #12, Mr. Wazwaz has hired an electrician to verify what needs to be done. Item #13 has been completed. Item #14 is work that the electrician is going to do. Items #16, #17 and #19 have been completed. Working with the landlord, item #22 has been completed. Item #24 is acceptable and item #25 is work that is going to be done with the electrical inspector. Item #28 relating to the store building, has been completed. Mr. Wazwaz has had two (2) electrician come in to check out what needs to be done. The one who he will actually use is coming in today; and if permits are required, they will pull the necessary permits. Mr. Foster would like to have clarified where they need to go from here.

Mr. Sullivan added that they plan to start repairing the structural part of the floor in the butcher shop area of the grocery store tomorrow morning. He sees no problem with meeting the deadline on that. The fix for the rear stairs is more complicated and will take some research to figure out how to repair it. The architect worked all weekend trying to come up with something that will work for the building. He said that he realizes the building is a life-safety issue but would like to ask for a little more time due to the nature of the beast.

Ms. Moermond reviewed the November 1, 2010 engineer's report. She noted that there are two (2) sections in the report: 1) in the cover letter to Mr. DeLisle from Mr. Lindau. The sentence pertaining to the time line is as follows: "The shoring is considered temporary and should only be used for a maximum of sixty (60) days without written permission from an engineer." Further into the document, looking at the design Code statement, page 5 of the fax, it says in Item #2: "Shoring to be in place a maximum of ninety (90) days. Any additional time only with the written permission of an engineer." 2) Mr. Lindau's email states: "Lindau Companies and Structural Engineers has visited the site of 520 Rice to review the first floor structure and prepare a temporary shoring plan for the support of the areas that have



deteriorated. Subsequent to this, we have visited the site and believe the shoring construction conforms to the intent of our shoring documents. Additionally, in our documents we noted that the shoring is temporary and should be reviewed at sixty (60) days. Our intention is not to create a sixty (60) day deadline for the restoration but to assure that progress is being made and that no shoring is altered during construction. We believe that more than sixty (60) days will be required to fully complete these repairs." Ms. Moermond asked whether there has been a re-write of the engineer's report. Ms. Moermond asked the engineer, Mr. Lindau, whether he wanted to address any of this. Mr. Lindau responded that he had nothing to say.

Mr. Sullivan asked the architect to address the hearing. Mr. Dennis Crow, architect, stated that he is working to provide details of the solution. He is trying to do something that will respect the historical character of the building and also complement it. Ms. Moermond asked what parts of the building was he asked to look at. Mr. Crow responded: 1) the rear stairs; 2) the balconies; 3) the handrail situation inside; 4) the 1-hour separation between units; and 5) the store. He thinks that he is a little behind in time. He should have enough detail to get a permit within a few days. Inspector Ubl clarified that the decks are part of the required exiting of the second level to get people down to the public right-of-way. Mr. Crow is working to bring that design into conformance so that it can be approved at plan review.

Mr. Wes Holzschuh, contractor, Herb Holzschuh Construction, addressed the hearing. Mr. Holzschuh stated that when the second Orders came out, he went to apply for the fire-separation - the general repair. It is on file (not bought and paid for yet) - ready to go. He met with Frank Burg when he applied for the permit, who put him off because Mr. Sullivan was pulling permits for the shoring, the wood floor repair, etc. Frank Burg would not issue Mr. Holzschuh's request for a permit until the other structural issues were resolved: 1) the back railing; 2) deck area; and 3) the deterioration in the floor. It's not a simple construction project. The real issue is the time not only for getting it all done but for getting the important, immediate stuff done like the fire separation. These are all of the things that protect other people and the tenants. He met with the architect and engineer this morning to figure out how to proceed - they'll need to go through the roof of the building. He said that they needed a larger time frame in which they can resolve all of the issues and keep everyone safe at the same time. This morning he heard the story of Inspector Ubl getting "shocked" yesterday. At 7:30 this morning, he, the electrician and Mr. Sullivan walked through the basement, which was immaculate. During their walk through the building, they found multiple light boxes without covers, some with wires pulled out of them and some loose ones. They contacted the electrician to finish the job - to look everywhere and fix everything completely. He is there today finishing-up. Mr. Holzschuh added that he has worked for Mr. DeLisle on many Code Compliance Inspection lists. When they get a report, it doesn't say to get an inspection, it just says that they want it started at this time and completed by this date. When he does an R-2, he has to have the mechanical, electrical and plumbing all signed-off before he as a builder get his signed-off. So, they get a list; when the list is complete, he calls up to ask for a final on each permit. Nowhere does it say or does he assume that he can call in the middle of a project because having done this work for twenty (20) years, if you call in inspectors prior to the time listed on the schedule, they won't come out.

Mr. DeLisle commented that he and Mr. Wazwaz have a lease for the store but they are trying to work around those issues.

Ms. Moermond took a short recess at this time to compose her thoughts. She wanted to let everyone know that there is a Public Hearing scheduled for tomorrow night at 5:30 p.m. at the City Council. At that time, the Council can accept Ms.

*Moermond's recommendation, they can modify it, they can overturn it, etc. but their decision is the last stop before appeals court.*

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*When the hearing reconvened, Ms. Moermond commended everyone for all of the hard work they have put in on this project. There is no question in her mind that this will take time to finish; it took time to get this bad. She doesn't know how many years of neglect and lack of maintenance it took but the condition of the building is atrocious and as each layer of this situation is peeled away, things only seem to get worse. She is looking at three (3) key areas of concern: 1) the structural stability in terms of collapse and, related to that, the structural stability related to providing enough support to make it through a fire (get the building evacuated). Will those structural supports burn at the rate that they should be burning or will they burn faster because of the poor condition. From what she has seen, she would say that they are going to burn faster than one would expect supports to burn. She thinks that the shoring will work on a temporary basis, she remains concerned about the supports to the floor in other areas; 2) the fire hazard that comes about with the problems with the electricity. Several electricians have been called in and there are still electrical permits that need to be dealt with. Checking the file in the computer, she sees that there have been electrical problems in the past. She is profoundly concerned that there are electrical issues that still haven't been identified. There hasn't been a top-to-bottom electrical inspection in this building. The leaking water only exacerbates the electrical issues; 3) the fire exiting. She climbed the back stairs to see what it felt like to try to get out of that building. She hated that trip in some places. In some places, the stairs were not pitched right. In some places, the guardrail was totally loose or loose enough to be alarming. The footing was not great, especially on the balcony levels where it was like walking on roofing, and the roofing was wet and icy in places. All these things don't inspire confidence getting out of the building when you're afraid. Taken all of this together, Ms. Moermond stated that she is done waiting on this. Not all of the items on the Fire Correction Notice have been taken care of; that list has been in existence for a couple of weeks now.*

*Ms Moermond will recommend that by close on Friday, November 19, 2010, the Fire Certificate of Occupancy list must all be completed and the permits signed-off with the exception that the temporary shoring would suffice for the time being but a permanent shoring solution would be worked out. If this is not taken care of by close of business on Friday, the building shall be vacated by 8:00 a.m. on Monday morning, November 22, 2010. That does include the business. That means that a Fire inspection must be done and signed-off.*

**Referred to the City Council, due back on 11/17/2010**

## 1:30 p.m. Hearings

### Fire Corrections Notice

23 [ALH 10-326](#) Appeal of Xai Thao to a Fire Certificate of Occupancy Correction Order at **219 WHITE BEAR AVENUE NORTH.**

**Sponsors:** Lantry

**Attachments:** [219 White Bear Ave N.Appeal.10-29-10.pdf](#)  
[219 White Bear Ave N.Fire C of O Ltr.9-29-10](#)  
[219 White Bear Ave N.PC ltr.11-9-10](#)  
[219 White Bear Ave N.PC ltr.11-16-10.doc](#)

Grant the appeal of the Certificate of Occupancy requirement. The furnace inspection report and smoke detector affidavit are not required. Grant an extension to December 17 for the remaining items. Remaining items will be transferred to Code Enforcement for followup after December 17. Egress window variances were granted 11/9. (Spiering, 9/29)

Appellant Xai Thao (1791 82nd Street, New Richmond, WI 54017) appeared.

Inspector Urmann gave a staff report. He said the issue was egress windows.

Ms. Moermond said variances had been granted for the egress windows, but Ms. Thao had told staff she wanted to appeal other items.

Ms. Thao said she also wanted to appeal the Certificate of Occupancy requirement. She said the renters had moved out and the house was currently occupied by her husband, from whom she recently separated.

Ms. Moermond asked Ms. Thao whether she still lived in Stacy, MN as listed in ownership records. Ms. Thao said they had moved to Wisconsin in October, and her husband would be living in the house on White Bear Avenue while it was being sold.

Ms. Moermond reviewed the orders and said they were primarily maintenance items which would probably be addressed in preparation for selling the house. She said she would recommend that the property be removed from the Certificate of Occupancy program. She said the corrections would still need to be made and she asked how much time was needed. Ms. Thao asked for a few weeks.

Ms. Moermond said she would recommend an extension to December 17 for making the corrections.

Ms. Thao asked whether the furnace inspection was still required. Ms. Moermond said it wasn't required but was something she always recommended. She said the same was true of smoke detector and carbon monoxide detector testing. She said the file would move to Code Enforcement for an inspection after December 17.

(Egress window variances were granted 11/9.)

#### **Referred Under Master Resolution**

- 24      [ALH 10-364](#)      Appeal of Kyle Erdmann to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at **431 LYNNHURST AVENUE WEST**.

**Sponsors:**      Stark

**Attachments:**      [431 Lynnhurst.appeal.11-5-10.pdf](#)

*Withdrawn by property owner*

#### **Withdrawn**

- 25      [ALH 10-365](#)      Appeal of Robert Metzler to a Fire Inspection Correction Notice at **737 VAN BUREN AVENUE**.

**Sponsors:**      Carter III

**Attachments:** [737 Van Buren.appeal.11-5-10.pdf](#)  
[737 Van Buren Ave.Fire C of O.10-8-10.dot](#)  
[737 Van Buren Ave.Photos.10-8-10.pdf](#)  
[737 Van Buren Ave.PC ltr.11-16-10.doc](#)  
[737 Van Buren Ave.Photos.12-14-10.pdf](#)  
[737 Van Buren.PC Ltr 1-4-11.doc](#)

*Laid over to December 21. Appellant to prepare a work plan with deadlines, and identify funds that will be used for the corrections. A walkthrough with Inspector Martin will be scheduled to clarify orders. The appellant will talk to Jim Bloom about the whether the work must be done by a licensed contractor. (Martin, 10/8)*

*Appellant Robert Metzler appeared.*

*Inspector Urmann said he wasn't sure what was being appealed. He said the field inspector had reported that there were several issues and the building was owned by the brother of the occupant.*

*Mr. Metzler said the house had always been occupied by a "qualifying" family member. Ms. Moermond explained the distinction between homesteaded and owner-occupied.*

*Mr. Metzler clarified that the property was not a rental. He said the primary request was for additional time and clarification of some of the items on the deficiency list. He said he would paint the house (Item 1). He said he thought Item 2 probably referred to the front porch foundation elements; he said it would be addressed. For Item 3 he asked whether the roof could be repaired rather than replaced; he said it did not leak. He said he assumed Item 4 required a door closer for the front door. He said the window frames and glass (Item 5) had been addressed, and the window locks would be. He said he didn't know what a window sash was. Ms. Moermond and Mr. Urmann clarified. Mr. Urmann said it looked like scraping and painting were required both inside and outside.*

*Mr. Metzler said he'd gotten an estimate for \$31,000 for all of the windows. Ms. Moermond said repair was perfectly acceptable.*

*Mr. Metzler asked whether a licensed contractor was needed. Ms. Moermond said the building official would make that decision. Mr. Urmann said the building department used the same rules as the Fire Certificate of Occupancy program, and permits could be issued only to the owner of record. He said the current situation presented a gray area. Ms. Moermond said it was a valid question for the building official. She noted that not all of the items on the list required a permit.*

*Mr. Metzler asked for a 12 month extension. Ms. Moermond said she would like to see a work plan with a time line, documentation of finances, and for Mr. Metzler to consult with Jim Bloom (building official). Mr. Urmann suggested that Mr. Metzler walk through the property with the field inspector to have the orders clarified before contacting Mr. Bloom.*

*Ms. Moermond reiterated that repairs were acceptable. She asked Mr. Urmann what the critical items were. Mr. Urmann said Items 16 (unlicensed dog), 17 (broken plumbing fixtures) and 18 (tub/shower blocking electrical panel) were of the most immediate concern. Mr. Metzler said the dog was licensed in the city from which he'd moved, but he would file the necessary papers to have it licensed in St. Paul.*

*Ms. Moermond said she would lay the matter over to December 21. She asked Mr.*

Metzler to prepare a work plan with deadlines, and identify funds that will be used for the corrections. A walkthrough with Inspector Martin will be scheduled to clarify orders and Mr. Metzler will consult Jim Bloom about the whether the work must be done by a licensed contractor.

**Laid Over to the Legislative Hearings, due back on 12/21/2010**

- 26      [ALH 10-367](#)      Appeal of Selby Dale Co-Op to a Correction Notice Re-Inspection Complaint at **651 SELBY AVENUE**.

**Sponsors:**      Carter III

**Attachments:**      [651Selby.appeal.11-5-10.pdf](#)  
[651 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)  
[637 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)

*No one appeared. Rescheduled to November 30.*

**Referred Under Master Resolution**

- 27      [ALH 10-368](#)      Appeal of Patrick Lamb on behalf of Selby Dale Co-Op to a Correction-Notice Re-Inspection Complaint at **671 SELBY AVENUE**.

**Sponsors:**      Carter III

**Attachments:**      [671Selby.appeal.11-5-10.pdf](#)  
[671 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)  
[671 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)

*No one appeared. Rescheduled to November 30.*

**Referred Under Master Resolution**

- 28      [ALH 10-369](#)      Appeal of Patrick Lamb on behalf of Selby Dale Co-Ops to a Correction Notice Re-Inspection Complaint at **675 SELBY AVENUE**.

**Sponsors:**      Carter III

**Attachments:**      [675 Selby.appeal.11-5-10.pdf](#)  
[675 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)  
[675 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)

*No one appeared. Rescheduled to November 30.*

**Referred Under Master Resolution**

- 29      [ALH 10-370](#)      Appeal of Patrick Lamb on behalf of Selby Dale Cooperative to a Correction Notice Re-Inspection Complaint at **637 SELBY AVENUE**.

**Sponsors:** Carter III

**Attachments:** [637 Selby.appeal.11-5-10.pdf](#)  
[637 Selby Ave.10-6-10.dot](#)  
[637 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)  
[637 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)

*No one appeared. Rescheduled to November 30.*

#### Referred Under Master Resolution

30 [ALH 10-371](#)

Appeal of Patrick Siedow to a Fire Inspection Correction Notice at **1785 CASE AVENUE.**

**Sponsors:** Bostrom

**Attachments:** [1785 Case.appeal.11-5-10.pdf](#)  
[1785 Case Ave.Fire C of O Ltr.10-14-10.dot](#)  
[1785 Case Ave.PC ltr.11-16-10.doc](#)

*Grant a 3-inch variance on the openable height of the egress windows in the northeast side and southeast side bedrooms. Grant an extension to December 31, 2010 for bringing the attic egress windows into compliance. Grant an extension to May 31, 2011 to complete the exterior surfaces on the porch, house, shed and garage. (Thomas, 10/14)*

*Appellant Patrick Siedow (8715 Jewel Avenue S., Cottage Grove, MN 55016) appeared.*

*Inspector Urmann gave a staff report. He said the egress windows in the attic space had openable dimensions of 11 inches high by 21 inches wide, with a glazed area of 2.8 ft<sup>2</sup>. Egress windows in the northeast side and southeast side bedrooms had openable dimensions of 21 inches high by 24 inches wide. Mr. Urmann said the appellant was also requesting more time for exterior surfaces and had asked the inspector for an extension to May 2011.*

*Mr. Siedow said an egress window for the attic had been ordered and he hoped to have it in by mid-December. He said Inspector Thomas had signed off on the other items at reinspection and would sign off on the window when the installation permit was signed off. Mr. Siedow asked for four weeks to install the attic window. He said the main floor windows were only seven or eight years old and opened to 21 inches.*

*Mr. Urmann noted that there were no permits from the window installation. Mr. Siedow said he was following up on that. He said the windows had been installed by a reputable company that was still in business.*

*Mr. Siedow said the last issue was the exterior paint. He said the porch windows were done but areas of the garage still needed to be patched and touched up. He said he thought the inspector had granted to May 2011. Mr. Urmann clarified that May 2011 had been requested by the appellant but not agreed to by the inspector.*

*Ms. Moermond asked whether the new attic window would address sill height. Mr. Siedow said there was a second set of windows in the attic that they would make*

egress and would meet code.

Ms. Moermond said she would recommend that the Council grant a six week extension (December 31, 2010) for bringing the attic egress window into compliance. She said she would recommend a 3-inch variance on the openable height of the egress windows in the northeast side and southeast side bedrooms. She said the permit issue had been noted but not written up in the orders, so Mr. Siedow could follow up himself if he chose to.

Ms. Moermond asked about the status of the shed and garage. Mr. Siedow said they were structurally sound but needed painting.

Ms. Moermond asked whether the orders dealing with the porch had been addressed. Mr. Siedow said the exterior was done, but the interior ceiling still needed painting. Ms. Moermond confirmed with Mr. Siedow that it was a three season porch.

Ms. Moermond said she would recommend an extension to May 31, 2011 to address the balance of the porch, house, shed and garage.

#### Referred Under Master Resolution

31 [ALH 10-383](#)

Appeal of Michael Veehoff to a Fire Inspection Correction Notice at **192 MISSISSIPPI RIVER BOULEVARD NORTH.**

Sponsors: Stark

Attachments: [192 Mississippi.Appeal.11-16-10.pdf](#)  
[192 Mississippi River Blvd N.Fire C of O Ltr.10-1-10.dot](#)  
[192 Mississippi River Blvd N.Fire C of O Ltr.11-10-10.dot](#)  
[192 Mississippi River Blvd N.PC ltr.11-16-10.doc](#)

Grant a 3-inch variance on the openable height of the egress windows in the main floor east, middle and west bedrooms. Grant the appeal of the order to repair sash cords (Item 7) in the breezeway between the house and garage. Deny the appeal of the order to provide window screens (Item 3) and grant an extension to May 31, 2011 for compliance. (Beumer, 9/29 & 11/9)

Appellant Michael Veehoff (139 Otis Avenue, St. Paul, MN 55104) appeared.

Mr. Veehoff said the egress window variances had been granted the previous week, but he also wanted to appeal the order to repair the window sash cords (Item 7). He said the windows in question were in a breezeway between the garage and house, and had sash springs, not sash cords. He said he would also like to appeal the requirement for screens on the basement windows (Item 3).

Ms. Moermond asked Mr. Veehoff whether he was asking for more time or appealing the requirement. Mr. Veehoff said he was appealing the requirement. He said the process had started with a complaint from a neighbor about renters making too much noise. He said there had been three items on the initial inspection list but he felt the inspector had nitpicked on the reinspection.

Mr. Urmann said it did appear that the process began with a referral for possible over-occupied student housing. Mr. Veehoff said those tenants had been evicted. Mr. Urmann said the Certificate of Occupancy had been provisional at the time of the referral. He said the first inspection was a follow-up to the referral and the second was the full Certificate of Occupancy inspection. Ms. Moermond said there were a few additional items on the initial inspection. Mr. Urmann said the inspector had

*noted obvious items at that time. Ms. Moermond said the process could be confusing to the property owner. Mr. Veehoff said he appreciated the clarification, but his main concerns were the sash springs and window screens. He said the tenants had already put plastic over the breezeway windows for the winter.*

*Ms. Moermond confirmed with Mr. Veehoff that it was a breezeway between the garage and house. Mr. Veehoff said it was an unheated space.*

*Mr. Urmann said that sash springs had a screw that could be tightened, and sash cords could be repaired with sash clips.*

*Ms. Moermond said the windows weren't in an occupied space, but since the sash cords or springs were present they had to be in working order. She said she would grant the appeal on the sash springs, noting that the windows were in a breezeway and not an exitway.*

*Mr. Veehoff expressed frustration about the far reaching nature of the inspection.*

*Ms. Moermond asked for a description of the location of the missing screens. Mr. Veehoff said the windows were in window wells and were for the unfinished basement.*

*Ms. Moermond asked Mr. Urmann for the reasoning behind calling out the screens. Mr. Urmann said screens protected against rodents and other animals, and the code required all openable windows to have screens.*

*Mr. Veehoff asked whether he could staple screen material on. Mr. Urmann said the screens must be in frames and permanent.*

*Ms. Moermond said she would recommend that the Council deny the appeal of the order to provide window screens (Item 3) and grant an extension to May 31, 2011 for compliance. (November 9, 2010: 3-inch variances granted on the openable height of the egress windows in the main floor east, middle and west bedrooms. No hearing was held.)*

#### **Referred Under Master Resolution**

32      [ALH 10-393](#)

Appeal of R. Vlodayer to a Fire Inspection Correction Notice at **1722 and 1728 FORD PARKWAY.**

**Sponsors:**      Harris

**Attachments:**      [1722 & 1728 Ford Parkway.appeal.11-16-10.pdf](#)  
[1722 Ford Parkway.Fire C of O Ltr.11-4-10.dot](#)  
[1722-1728 Ford Pkwy.PC ltr.11-16-10.doc](#)

*Grant a 6-inch variance on the openable height of the egress window in the south bedroom at 1722. Grant a 1-inch variance on the openable height of the egress window in the south bedroom at 1728. Grant a 2-inch variance on the openable height of the egress window in the north bedroom at 1728. Grant the appeal of the order to repair or replace the dryer exhaust duct (Item 8). Grant the appeal of the order to remove the mattress from the basement (Item 3). The basement room may not be used for sleeping. Deny the appeal of the order to provide a heating facility test report (Item 6). (Gavin, 11/4)*

*Appellant Royee Vlodayer (6 Edgcumbe Place, St. Paul, MN 55116) appeared.*



Inspector Urmann gave a staff report. He said the first item being appealed was the annual heating system test report (Item 6). He said it was a Class C building and may have been inspected recently, but it had probably been over a calendar year since the last test. Ms. Moermond reviewed the property history and said the most recent records were from 2008. Mr. Urmann said the last inspection cycle was completed on October 29, 2008.

Mr. Vlodaver said the test was done at the end of 2008 and he felt that was recent enough. He said there were extra carbon monoxide detectors in the house to protect the residents. He said the furnace test was very expensive, and after the 2008 inspection he'd thought the property would be a Class B. He said it was a family property and it was important to him to keep it in good condition. He reiterated his concern about the cost of the test, and said the furnace was cleaned every year.

Mr. Uramnn said the furnace test was more than just carbon monoxide test. Mr. Vlodaver said it was a one-page report and he was told it would take a half hour for both units. He said for a Class A or B property it wasn't required every year. Ms. Moermond said Class A and B properties were not inspected every year but an annual furnace test was still required.

Mr. Urmann said Item 7 dealt with egress windows; he read the window dimensions from the inspector's report. Ms. Moermond said she would recommend that the Council grant a 6-inch variance on the openable height of the egress window in the south bedroom at 1722, a 1-inch variance on the openable height of the egress window in the south bedroom at 1728, and a 2-inch variance on the openable height of the egress window in the north bedroom at 1728. She asked how many points the window orders were worth and whether removing them would change the rating. Mr. Urmann said the window order was ten points. He said he would have to go back over the orders and recalculate.

Ms. Moermond asked about Item 8 relating to the dryer vent. Mr. Urmann read the requirements and said they came from the directions of the senior mechanical inspector. Ms. Moermond said it appeared that the issue was called out in 2008 and repaired. Mr. Vlodaver said it had been taken care of under permit at that time, and nothing had changed since then. Mr. Urmann said he didn't see a permit in the system. Ms. Moermond reviewed the history and said she would recommend that the Council grant the appeal on that item. She said records showed it had been called out and abated in 2008.

Mr. Vlodaver said Item 3 referred to a mattress the tenants were storing. He said it was being stored vertically in the cold basement and there was no bedding.

Mr. Urmann said removing the orders for the windows and dryer duct would leave a score of 7.6 points, which would be a Class B building rather than a Class C building.

Ms. Moermond said she would recommend that the Council grant the appeal of the order to remove the mattress from the basement. The basement room may not be used for sleeping.

Mr. Vlodaver asked about the order to remove or replace the fire extinguishers. Mr. Urmann said they weren't required for single family or duplex homes, but if they were present they had to meet code. He said annual testing ensured that the chemicals in the fire extinguisher remained effective.

Ms. Moermond said she would recommend that the Council deny the appeal of the order to provide a heating facility test report. She said the next inspection cycle would begin in three years.

**Referred Under Master Resolution**

33      [ALH 10-394](#)      Appeal of Gail Koslowski and Cornelius Brown to a Fire Certificate of Occupancy Order at **1694 EDMUND AVENUE**.

**Sponsors:**      Stark

**Attachments:**      [1692 Edmund.appeal.11-9-10.pdf](#)  
                                 [1692 Edmund Ave.Fire C of O Ltr.11-1-10.dot](#)  
                                 [1692 Edmund Ave.Fire of O Order.10-20-10.dot](#)  
                                 [1694 Edmund Ave.Documents.pdf](#)  
                                 [1694 Edmund Ave.Window Bid.9-2-10.pdf](#)  
                                 [1694 Edmund Ave.PC ltr.11-16-10.doc](#)

*Deny the appeal and grant an extension to December 17, 2010 for removing the carpeting and bringing the floor into compliance (Item 3), and for bringing the interior walls into compliance (Item 2). Grant an extension to May 31, 2011 for painting the exterior window frames (Item 1). (Isabell, 10/29)*

*Appellants Gail Koslowski and Cornelius Brown (1246 Edmund Avenue, St. Paul, MN 55104) appeared.*

*Inspector Urmann gave a staff report. He said the order to paint throughout the building was being appealed because it was not on the original July 29 orders. He said he wasn't sure of the current condition of the walls, but there may have been a sanitation issue preventing the inspector from seeing the condition of the walls previously. He confirmed that the painting order was not on the July or October orders.*

*Ms. Moermond asked when the unit was vacated. Mr. Brown said it was vacated on July 20, 2006. Ms. Moermond asked whether it had been used for storage. Mr. Brown said it wasn't.*

*Ms. Koslowski said the inspector had access to the walls at the original inspection, and had pointed out small superficial cracks in the walls at the most recent inspection.*

*Mr. Brown said there may have been minimal storage on the second floor, but the inspector had never mentioned it. He said the basement was also very neat.*

*Ms. Koslowski said they were asking for time until a suitable renter could be found.*

*Mr. Brown said the carpet had been cleaned and he had sent copies of the receipts with the appeal. He said there was no odor but were still a few superficial stains. Mr. Urmann said the cleaning company notes indicated heavy urine stains. He said the urine got into the underlayment and presented severe health issues, and replacement was the only remedy.*

*Mr. Urmann said another issue was exterior storage. He said the appellant said it was a vegetable garden but the inspector had noted storage in more than one location. Mr. Brown said the yard had been cleaned.*

*Mr. Urmann asked how long the property had been vacant. Mr. Brown said the bottom unit had been vacant for four years and the top for six. He said they had interested suitable tenants but just needed to address the floors and cracks in the*

walls.

Ms. Moermond asked what type of floor was under the carpet. Mr. Brown said it was wood grain.

Ms. Koslowski said they had a contract with Midwest Windows and the permit was still open. She said the contractor had one cracked frame to replace and wanted to do all of the window work at one time. Mr. Brown provided a document from Midwest Exteriors. He said he had installed smoke and CO detectors in the appropriate places and mailed the affidavit to the inspector. He noted that it was hard to rent the property because of the crime on both sides.

Mr. Urmann said he had been assigned as the inspector for the property, and there was the additional issue of the vacancy of the building.

Ms. Moermond said that there was not a revoked Certificate of Occupancy, and asked Mr. Urmann whether he considered that a Certificate of Occupancy with deficiencies was in place. Mr. Urmann said that was correct. He said if the corrections were made, he would be able to do a "revoked unoccupied" status for a period of one year before the building would go to Vacant Buildings. He said if the violations remained he would have to go to a "revoked vacant" status.

Ms. Moermond said the carpet had to be removed. She asked about the exterior window frames. Mr. Brown said some were done. He asked whether they could have an extension for some. Ms. Moermond said she would recommend an extension to May 31 2011. She said the interior walls should be spot repaired and painted.

Mr. Brown said the smoke detector affidavit and furnace test report had both been mailed in.

Ms. Moermond asked how long was needed to do the floor. Mr. Brown asked for two weeks. Ms. Moermond asked whether the units would be ready to rent at that time. Mr. Brown said he would order the carpet removal that night and let Ms. Moermond know when it could be completed. Ms. Moermond asked whether there was a renter lined up. Mr. Brown said he had a couple of good leads but wanted to do a careful screening. He shared anecdotes of problems with tenants in the past.

Ms. Moermond said she would recommend an extension to December 17 for removing the carpeting and bringing the floor into compliance.

**Referred Under Master Resolution**

## Window Variances

- 34      [ALH 10-363](#)      Appeal of Linda Bell to a Egress Window Non-Compliance Determination at 1036 DALE STREET NORTH.

**Sponsors:**      Helgen

**Attachments:**      [1036 Dale.appeal.11-5-10.pdf](#)

Grant an 8-inch variance on the openable height of two double hung replacement bedroom egress windows measuring 16 inches high by 31.5 inches wide.

**Referred Under Master Resolution**

- 35      [ALH 10-386](#)      Appeal of Bryan Horton on behalf of Renewal by Andersen to a Egress Window Non-Complaint Determination at **2078 HIGHLAND PARKWAY**.
- Sponsors:**      Harris
- Attachments:**      [2078 Highland.appeal.11-9-10.pdf](#)  
                                  [2078 Highland Pkwy.PC ltr.11-16-10.doc](#)
- Grant a 1-inch variance on the openable height of two double hung replacement bedroom egress windows measuring 23 inches high by 25 inches wide.*
- Referred Under Master Resolution**
- 36      [ALH 10-388](#)      Appeal of Bryan Horton on behalf of Renewal by Andersen to an Egress Window Non-Compliance Determination at **1761 LINCOLN AVENUE**.
- Sponsors:**      Harris
- Attachments:**      [1761 Lincoln.appeal.11-16-10.pdf](#)  
                                  [1761 Lincoln Ave.PC ltr.11-16-10.doc](#)
- Grant a 3 1/4-inch variance on the openable height of two double hung replacement bedroom egress windows measuring 20 3/4 inches high by 24 inches wide.*
- Referred Under Master Resolution**
- 37      [ALH 10-389](#)      Appeal of Jeremy Thompson to an Egress Window Non-Compliance Determination at **1931 FOURTH STREET EAST**.
- Sponsors:**      Lantry
- Attachments:**      [1931 4th St.E.appeal.11-16-10.pdf](#)  
                                  [1931 Fourth St E.PC ltr.11-16-10.doc](#)
- Grant a 1.5-inch variance on the openable height of one double hung replacement bedroom egress window measuring 22.5 inches high by 33 inches wide, and a 1.5-inch variance on the openable height of one double hung replacement bedroom egress window measuring 22.5 inches high by 24 inches wide.*
- Referred Under Master Resolution**
- 38      [ALH 10-392](#)      Appeal of Dawn Childs on behalf of Twin Cities Remodeling to an Egress Window Non-Compliance Determination at **961 OSCEOLA AVENUE**.
- Sponsors:**      Thune
- Attachments:**      [961 Osceola.appeal.11-16-10.pdf](#)  
                                  [961 Osceola Ave.PC ltr.11-16-10.doc](#)
- Grant a 1.66-inch variance on the openable height of one double hung replacement bedroom egress window measuring 22.34 inches high by 26.07 inches wide.*
- Referred Under Master Resolution**
- 39      [ALH 10-384](#)      Appeal of Wenshyan Wang to an Egress Window Non-Compliance Determination at **528 GALTIER STREET**.

**Sponsors:** Carter III

**Attachments:** [528 Galtier St.appeal.11-16-10.pdf](#)  
[528 Galtier St.PC ltr.11-16-10.doc](#)

*Grant a 1.5-inch variance on the openable width of one double hung replacement bedroom egress window measuring 29 inches high by 18.5 inches wide.*

**Referred Under Master Resolution**

- 40      [ALH 10-347](#)      Appeal of Systetter Remodeling, Inc. on behalf of Anthony A. Frank and Donell Frank to a Re-inspection Fire Certificate of Occupancy with Deficiencies at 1856 HAWTHORNE AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1856 Hawthorne Ave.Appeal.11-8-10.pdf](#)

*Grant a 3-inch variance on the openable height of the egress window in the downstairs northeast side bedroom. (Thomas, 10/25)*

**Referred Under Master Resolution**

- 41      [ALH 10-362](#)      Appeal of Carl J. Seidel to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at **1676 and 1678 FORD PARKWAY**.

**Sponsors:**      Harris

**Attachments:**      [1676 Ford Pkwy.appeal.11-5-10.pdf](#)  
[1676-1678 Ford Pkwy.PC ltr.11-16-10.doc](#)

*Grant a 2.25-inch variance on the openable height of the egress window in the north bedroom at 1678. Grant a 2.5-inch variance on the openable height of the egress window in the east bedroom at 1678. Grant a 2.25-inch variance on the openable height of the egress window in the bedroom at 1676. (Gavin, 10/5)*

**Referred Under Master Resolution**

- 42      [ALH 10-382](#)      Appeal of Sharon Hart to a Fire Inspection Correction Notice at **1046 HANCOCK STREET**.

**Sponsors:**      Lantry

**Attachments:**      [1046 Hancock.appeal.11-9-10.pdf](#)  
[1046 Hancock St.Fire C of O Ltr.10-28-10.dot](#)  
[1046 Hancock St.PC ltr.11-16-10.doc](#)

*Grant a 5-inch variance on the openable height of the egress windows in the upstairs bedrooms. (Booker, 10/26)*

**Referred Under Master Resolution**

- 43      [ALH 10-385](#)      Appeal of Brad Oldre to a Fire Inspection Correction Notice at **1795 REANEY AVENUE**.

**Sponsors:**      Lantry

**Attachments:** [1795 Reaney Avenue.Appeal.11-16-10.pdf](#)  
[1795 Reaney Ave.Fire C of O Ltr.10-13-10.dot](#)  
[1795 Reaney Ave.PC ltr.11-16-10.doc](#)

*Grant a 4.5-inch variance on the openable height of the egress windows in both attic bedrooms. (Thomas, 10/13)*

**Referred Under Master Resolution**

**44**      [ALH 10-387](#)      Appeal of Mandy Jacobson to a Fire Inspection Correction Notice at **1038 AVON STREET NORTH.**

**Sponsors:**      Helgen

**Attachments:**      [1038 Avon.appeal.11-9-10.pdf](#)  
[1038 Avon St N.Fire C of O Ltr.11-5-10.dot](#)  
[1038 Avon St N.PC ltr.11-16-10.doc](#)

*Grant a 4-inch variance on the openable height of the egress window in the second level bedroom. Grant a 2-inch variance on the openable height of the egress window in the lower level bedroom. (Isabell, 10/28)*

**Referred Under Master Resolution**

**45**      [ALH 10-391](#)      Appeal of Jeff Boehm to a Fire Inspection Correction Notice at **2196 SIXTH STREET EAST**

**Sponsors:**      Lantry

**Attachments:**      [2196 6th St.E.appeal.11-16-10.pdf](#)  
[2196 6th St E.C of O Ltr.10-29-10.dot](#)  
[2196 Sixth St E.PC ltr.11-16-10.doc](#)

*Grant a 5-inch variance on the openable height of the egress windows in the main floor northwest and southwest bedrooms. Grant a 5-inch variance on the openable height of the egress windows in the upper floor southeast and west bedrooms. (Spiering, 10/28)*

**Referred Under Master Resolution**