



# APPLICATION FOR APPEAL

**Saint Paul City Clerk**

310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8560

RECEIVED

NOV 1 2011

CITY CLERK

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number 905024)
- 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, <u>Nov. 15, 2011</u>
Time <u>1:30 p.m.</u>
<b>Location of Hearing:</b>
<u>Room 330 City Hall/Courthouse</u>

## Address Being Appealed:

Number & Street: 93+97 Cleveland Ave City: ST. PAUL State: MN Zip: 55105

Appellant/Applicant: TIM + JAMIE FLYNN Email: IRISH FLYNN @ HOTMAIL.COM

Phone Numbers: Business 651-698-3333 Residence 651-698-1851 Cell 651-278-4300

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Owner (if other than Appellant): \_\_\_\_\_

Address (if not Appellant's): 1751 BOHLAND AVE ST. PAUL MN 55116

Phone Numbers: Business SAME AS ABOVE Residence \_\_\_\_\_ Cell \_\_\_\_\_

## What Is Being Appealed and Why? Attachments Are Acceptable

- Vacate Order/Condemnation/Revocation of Fire C of O
  - Summary/Vehicle Abatement
  - Fire C of O Deficiency List
  - Fire C of O: Only Egress Windows
  - Code Enforcement Correction Notice
  - Vacant Building Registration
  - Other
- (See letter)

Timothy and Jamie Flynn  
1751 Bohland Ave  
St. Paul, MN 55116

RE: 93 & 97 Cleveland Ave  
Ref. #106192  
Residential Class:C

### Fire Inspection Correction Notice Appeal

On October 20<sup>th</sup>, 2011, our property located at 93 & 97 Cleveland Ave was inspected by St. Paul Fire Inspector Mitchell Imberson. Mr. Imberson had last inspected our property on or around August 10, 2008.

During the October 2011 inspection, we were provided with a list of 14 deficiencies and we would like to appeal 4 of them. The items are as follows- taken from the October 6, 2011 "Inspection Correction Notice":

- #3- Both Units-2 Bedrooms Per Unit- 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.  
*Existing double-hung windows in bedrooms do not meet openable height requirement. Windows have an openable area of 19.5 inches high by 25 inches wide and a glazed area of 7.3 feet.*
  - We request a variance be given on this for the following reasons:
    - These windows have been in the unit for nearly 10 years. This was not written up in the inspection from 2008.
    - The existing windows are within 1.5 inches of the stated requirements.
    - We cannot afford to replace these windows.
- #10- Exterior- Garage SPLC 34.08 (5) 34.31 (3)- Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements. – Scrape and paint throughout where chipped and/ or peeling.
  - We are seeking a delay on this-
  - We had the whole house painted 3 years ago. It was a fly by night college job and is all peeling off.
  - We are selling the house and the prospective buyer is planning on sandblasting and stuccoing the house.
- #11 Exterior- House- SPLC 34.09 (1) b,c- Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be

painted and protected from the elements and maintained in a professional manner free from chipped or peeling paint. – Scrape and paint throughout where chipped and/or peeling.

- We are seeking a delay on this-
  - We had the whole house painted 3 years ago. It was a fly by night college job and is all peeling off.
  - We are selling the house and the prospective buyer is planning on sandblasting and stuccoing the house.
- #13 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 St. Paul Fire Marshal's existing fuel burning Equipment Safety test Report to this office.
    - In 2008, we had this test performed 3 different times at a cost of approximately \$500.00. This does not include the fee to have the furnace cleaned.
    - This test is expensive and we would like to use the results from the test three years ago.

In 2008, we complied with all of the required repairs. With the rental market and real-estate market in decline, we do not generate enough income to pay for any additional significant repairs. When the property was inspected in August 2008, we were told that the property would not require any additional inspections for five years. At the August 2008 inspection, no mention was made of the deficiencies set forth in the most recent inspection report. We would like to discuss why the 2011 inspection occurred and why the deficiencies identified in the 2011 inspection report were not found during the September 2008 inspection. We have rented the property at issue since I purchased it in 1997. The property is in good condition and we have promptly dealt with any concerns raised by the tenants. We also promptly resolved the issues set forth in the August 2008 inspection report. We are disappointed in the inspection procedure that the City has instituted, especially with respect to issues that are raised in the most recent inspection report that were not noted in the August 2008 report. In August 2008, the bedroom windows were the same windows that are in the house today. Why wasn't this issues noted in the earlier inspections? We currently are negotiating an offer on the property. We are underwater with the mortgage and will be paying a significant amount of money out of pocket to sell this house. We quite simply do not have any money to make these significant repairs.

We look forward to the opportunity to discuss these matters with you.

Respectfully Submitted,

Timothy and Jamie Flynn



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)

October 24, 2011

TIMOTHY M FLYNN  
1751 BOHLAND AVE  
ST PAUL MN 55116-2126

### FIRE INSPECTION CORRECTION NOTICE

RE: 93 CLEVELAND AVE S  
Ref. #106192  
Residential Class: C

Dear Property Representative:

Your building was inspected on October 20 and October 21, 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 November 23, 2011 at 10:00 am.**

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. **93** - MSFC 315.2.5 - Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, operator or repaired within a building. –  
*Propane tank and gas ice auger may not be stored within the building.*
2. **97** - Kitchen - MSFC 605.4 - Discontinue use of all multi-plug adapters.-Discontinue use of 3-way extension cord, discontinue use of 3-prong to 2-prong adapter.

3. **Both Units - 2 Bedrooms Per Unit** - 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.-  
*Existing double-hung windows in bedrooms do not meet openable height requirement. Windows have an openable area of 19.5 inches high by 25 inches wide and a glazed area of 7.3 square feet.*
4. **Both Units - Basement - Dryer** - 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.-  
*Dryer vents were not connected properly and venting into basement. This deficiency was verified to be completed at re-inspection on October 21, 2011.*
5. **Both Units - Fireplaces** - NFPA 211,9-2 - Have the chimneys, fireplaces, and vents inspected for soundness, freedom from deposits, and correct clearances. Cleaning, maintenance, and repairs shall be done if indicated by the inspection.
6. **Both Units** - MN Stat. 299F.362 (5)(a) - Smoke Detector - The occupant of a dwelling unit must inform the owner of the dwelling unit of a nonfunctioning smoke detector within 24 hours of discovering that the smoke detector in the dwelling unit is not functioning. –  
*Smoke detector may not be tampered with or disabled at any time.-This deficiency was verified to be completed at re-inspection on October 21, 2011.*
7. **Both Units** - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-No working smoke detectors found outside of bedrooms at time of inspection.  
*Provide smoke detector outside of sleeping areas in both units. Repair and maintain non-working smoke detectors in basement. This deficiency was verified to be completed at re-inspection on October 21, 2011.*
8. **Both Units** - 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.-  
*This deficiency was verified to be completed at re-inspection on October 21, 2011.*
9. **Exterior** - 2 Front Stairways - SPLC 34.09 (2) 34.32 (2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair. - *Handrails installed are loose and not securely mounted.*
10. **Exterior - Garage** - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements. - Scrape and paint throughout where chipped and/or peeling.

11. **Exterior - House** - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint. - Scrape and paint throughout where chipped and/or peeling.
12. **Exterior - Rear** - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-9090. - *Unapproved parking noted on grass next to garage.*
13. 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.
14. 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: [mitchell.imbertson@ci.stpaul.mn.us](mailto:mitchell.imbertson@ci.stpaul.mn.us) or call me at 651-266-8986 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,

Mitchell Imbertson  
Fire Inspection

Reference Number 106192



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

**SMOKE AND CARBON MONOXIDE DETECTOR  
INSPECTION AFFIDAVIT**

\*\* This affidavit must be completed and returned to the fire inspector upon inspection of the property. A certificate of occupancy cannot be issued/renewed without this completed affidavit. If all the units were not inspected by one person, signatures of all persons inspecting are required. More than one sheet may be used. \*\*

\_\_\_\_\_

Address	# of Units	C of O #
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**I affirm that I have given the occupant of each dwelling unit or guest room in the building at the above address a written explanation of the following:**

1. The location and operation of each smoke detector and carbon monoxide detector.
2. Instructions describing the action to be taken when an alarm sounds.
3. The procedures for testing the detectors.
4. Who to contact when a low-battery tone sounds or power light fails.
5. The penalties for disabling smoke detection or carbon monoxide detection.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**I affirm that I personally inspected the smoke detectors and carbon monoxide detectors in the dwelling units and guest rooms in the building at the above address as follows and that all detectors were in place and good working order:**

Apt. #	Apt. #	Apt. #	Apt. #	Apt. #	Apt. #
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Minnesota State Statutes 299F.362 requires smoke detectors and Minnesota State Statute 299F.50 requires carbon monoxide detectors and Saint Paul Ordinance 39.02 (c) requires that an affidavit stating that "all detectors are inspected and serviced when needed and are operational be filed before a Certificate of Occupancy can be issued or renewed."

Revised 12/09