



# APPLICATION FOR APPEAL

RECEIVED  
MAY 24 2011  
CITY CLERK

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

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number \_\_\_\_\_)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

YOUR HEARING Date and Time:

Tuesday, 6-7-11

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

walk-in

## Address Being Appealed:

Number & Street: 469 Dayton Ave City: St. Paul State: MN Zip: 55102

Appellant/Applicant: Patricia Whitney, Attorney Email patricia@pwhitneylaw.com

Phone Numbers: Business 651-776-8034 Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: Patricia A. E. Whitney #162322 Date: 5-23-11

Name of Owner (if other than Appellant): Robert Flaten

Address (if not Appellant's): 5008 90<sup>th</sup> Street E, Rochester MN 55057  
% Kris Flaten

Phone Numbers: Business \_\_\_\_\_ Residence 651-276-5747 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
- Other
- Other

\_\_\_\_\_  
\_\_\_\_\_  
See Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PATRICIA A. E. WHITNEY  
ATTORNEY AT LAW  
878 PAYNE AVENUE  
SAINT PAUL, MN 55130-4102  
651-776-8034 (o)  
651-774-5327 (f)  
patricia @pwhitneylaw.com**

May 13, 2011

Appeal Attachment  
469 Dayton Avenue  
St. Paul, MN 55102

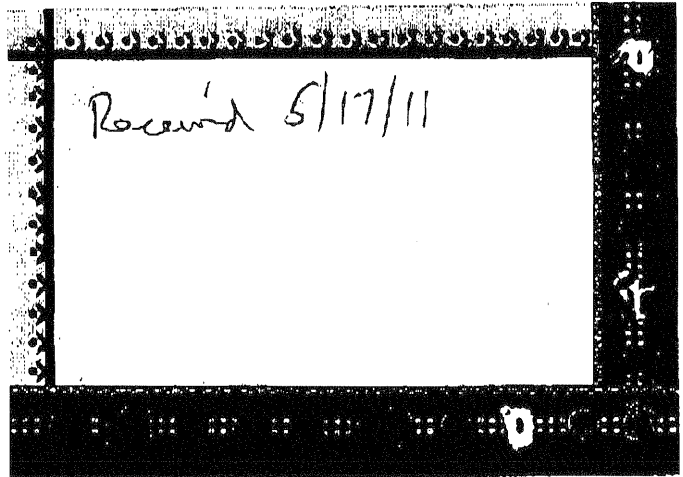
On behalf of the owner, Robert Flaten, and his daughter Kris Flaten (occupant of the second unit of the three units at 469 Dayton Avenue), I am appealing the time-frame deadline for the following deficiency items:

1. Repair damage to the rear deck, including where animals appear to have made holes.
4. Repair hole in the fascia.
6. Provide an approved handrail.

The timeframe deadlines may be too short on these items for the following reasons:

1. The owner's daughter formerly handled all maintenance activities on an about the property. Because of changes in Ms. Flaten's schedule and because of the aggressive and physically threatening behaviour of the lower level tenant towards Ms. Flaten, a management company has been retained to handle and / or facilitate these tasks beginning June 1, 2011. There may need to be some learning-curve time involved with identifying the issues and developing rapport with the repair personnel as management will need to act in a go-between manner until management is fully aware of the building's needs and has assimilated the role that Ms. Flaten previously fulfilled.
2. The building is situated within a regulated historic district of St. Paul. If the deck needs substantial repair (or if economics dictate a simple repair isn't appropriate), the proposed repairs and / or changes must be reduced to appropriate written submission and brought before the Historic Preservation Committee for approval.

3. The same concerns as expressed in the prior paragraph regarding the deck apply to the handrail. It is the understanding of Mr. and Ms. Flaten that an architect needs to prepare the plans for the handrail for submission to the Historic Preservation Committee for approval. Based on those complexity and costs of the proposed plans, the project may need to be submitted to various contractors for bid before the handrail can be installed.
  
4. Plans for replacement of the building's roof based on an insurance claim were set into motion several months ago. Work on or replacement of the fascia was intended to be part of the scope of that work. During the final preparations for this work to begin, however, additional storm damages to the roof were discovered. Bids for the expanded scope of work are being obtained, the insurance company has been notified, and once the proper procedures are followed (scope of work established, insurance company approval, Historic Preservation Committee approval, if needed) the fascia will be corrected as part of the roof project.



CITY OF SAINT PAUL  
*Christopher B. Coleman, Mayor*

May 13, 2011

ROBERT FLATEN  
Carroll Flaten  
5008 90TH STREET EAST  
NORTHFIELD MN 55057

**CORRECTION NOTICE - RE-INSPECTION COMPLAINT**

RE: 469 DAYTON AVE  
Ref. # 105168

Dear Property Representative:

An inspection was made on your building on May 13, 2011, in response to a complaint. You are hereby notified that the following deficiencies must be corrected prior to re-inspection date.

**A re-inspection will be made on June 30, 2011 at 11:00 AM.**

Failure to comply may result in a criminal citation or the revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

**DEFICIENCY LIST**

1. Exterior - Rear - SPLC 34.09 (2), 34.32(2) - Repair or replace stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090. -Repair damage to the rear deck, including where animals appear to have made holes.
2. Exterior - Rear - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-Repair damaged foundation in an approved manner.
3. Exterior - Rear - SPLC 34.08 (3) - Provide and maintain suitable ground cover on all exterior areas to control erosion.
4. Exterior - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-Repair hole in the fascia.
5. Front Entry - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door latch.

6. Front Entry - 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.
7. Lower Unit - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090. -Repair loose outlets and junction boxes.
8. Lower Unit - 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.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

If you have any questions, email me at [lisa.martin@ci.stpaul.mn.us](mailto:lisa.martin@ci.stpaul.mn.us) or call me at 651-266-8988 between 7:30 a.m - 9:00 a.m.

Please help to make Saint Paul a safer city in which to live and work.

Sincerely,

Lisa Martin  
Fire Inspector

Ref. # 105168