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APPLICATION FOR APPEAL

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APR 06 2012

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 _____) *CHECK # 2019*
- 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

YOUR HEARING Date and Time:
Tuesday, <u>4-17-12</u>
Time <u>1:30 P.M.</u>
Location of Hearing:
Room 330 City Hall/Courthouse

emailed 4-6-12 gone

Address Being Appealed:

Number & Street: 1748 ST CLAIR City: ST PAUL State: MN Zip: 55105

Appellant/Applicant: NICK + CHRISTY MACKAMAN Email nick.mackaman@gmail.com

Phone Numbers: Business 612 349 7780 Residence M Cell 612 599 0369

Signature: [Signature] Date: 4.5.12

Name of Owner (if other than Appellant): _____

Address (if not Appellant's): _____

Phone Numbers: Business [scribble] 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

ITEM 4 - HANDRAIL

(See attachment)

Attachment to Application for Appeal regarding 1748 St Clair Fire Certificate of Occupancy:

I am writing to appeal item #4 from the list of six items that Fire Inspector Rick Gavin identified to improve during his inspection in March. We definitely appreciate his inspection and identification of areas for improvement. We are working on five of the items.

Inspector Gavin explained in a phone conversation that once the order has been written, the way to remedy it is through this appeals process.

My wife and I are fulfilling our plan of returning to our home at 1748 St Clair on June 1, 2012. It was our first home after we were married in 2003. We have been renting the house primarily to Macalester College students, my alma mater, since 2006. We are exciting to be returning to St Paul as residents at the conclusion of the current lease on May 31, 2012.

Appeal 1: We are making the following appeal regarding item #4 from the list:

(4) Front steps – 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.

We are making the appeal because:

- 1) The rise is less than the 30 inches required per 34.03(2)(a). Please refer to Pictures 1, 2, 3, and 4.
- 2) There are three risers outside the structure, while the last item that could be called a rise is the floor within the porch per 34.03(2)(b). I have not been trained in construction or building codes so I am not sure how that the floor of the porch is categorized. Please refer to Pictures 2 and 3.
- 3) We are moving back to the house June 1, 2012, so it will be owner-occupied in a few weeks and will not require a Fire Certificate of Occupancy.
- 4) A railing would be in the way of the mailman.
- 5) I was told by a St Paul railing and stair contractor that, if there was a fire in the house, the railing could potentially snag a firehose.
- 6) A railing would create an obstacle to entering the house through the front door because people generally step up from the side. Please see Pictures 2 and 4.
- 7) Railing would diminish the aesthetic appeal of the home.

While it is not exhaustive, I think this list covers the major reasons that we are making this appeal.

Pictures 4-8 are included to show the rise and run and for your general reference.

I have typed parts of the appeal in *italicized, bolded, blue font* within the text of the code below:

Saint Paul Legislative Code Section 34.09. - Exterior structure. 

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

(2) *Stairs, porches, decks and railings.*

a. Every outside stair, porch and deck shall be constructed safely and shall be capable of supporting a load as determined in the building code and shall be kept in sound condition and good repair. Every stairway, porch, deck or step which is more than thirty (30) inches above grade ***Appeal: The rise is less than 30 inches*** shall have guardrails and intermediate rails, no more than six (6) inches apart or in accordance with the current building code, or maintained in accordance with the building code in effect when originally constructed. If deemed hazardous by the enforcement officer it shall be brought into compliance with state building code.

b. Every flight of stairs which is more than three (3) risers high ***Appeal: There are three risers outside and the last rise is the floor within the porch*** shall have handrails in accordance with the building code or maintained in accordance with the building code under which it was originally constructed.

c. Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected so as to be in compliance with the building code.

Appeal 2: It is my understanding that because we are moving back to our home we will not need a Fire C of O. Therefore, my second appeal is that the City does not make a re-inspection so that Inspector time can be put to use in other areas, and I do not have to pay a re-inspection fee.

Thank you,

Nick Mackaman



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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Saint Paul, Minnesota 55101-1806

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Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

March 12, 2012

NICOLAS B MACKAMAN
CHRISTINE MACKAMAN
PO BOX 580154
MINNEAPOLIS MN 55458-0154

FIRE INSPECTION CORRECTION NOTICE

RE: 1748 ST CLAIR AVE
Residential Class: B

Dear Property Representative:

Your building was inspected on March 12, 2012 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 April 10, 2012 at 1:30PM.

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. Basement steps - SPLC 34.10 (3), 34.33(2) - Repair or replace the unsafe stairway in an approved manner.-Repair damaged or deteriorated coverings on steps.
2. Behind refrigerator - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
3. Front door - SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock.

4. Front steps - 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.
5. Garage - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
6. SPLC 34.11(5), 34.34(2), SPC 4715.0200Q - Provide adequate hot water between 120 degrees F and 130 degrees F.

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: rick.gavin@ci.stpaul.mn.us or call me at 651-266-8994. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Rick Gavin
Fire Inspector