

# City of Saint Paul

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



## Meeting Minutes 3

**Tuesday, October 12, 2010**

**10:00 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*

## 1:30 p.m. Hearings

### Vacant Building Registrations

- 1 [ALH 10-190](#) Appeal of Dan Mills to Vacant Building Registration at 528 Harrison Avenue. (Ward 2)

**Sponsors:** Thune

**Attachments:** [528 Harrison Ave.Appeal.10-11-10.pdf](#)  
[528 Harrison Ave.Emergency Boarding Order.9-13-10](#)  
[528 Harrison Ave.Photos.9-13-10](#)  
[528 Harrison Ave.Condemnation Ltr.9-13-10](#)

*Waive the vacant building fees for 90 days per DSI*

**Referred Under Master Resolution**

### Correction Orders

#### Fire Corrections Notice

- 2 [ALH 10-146](#) Appeal of Daniel J. Ruza to a Fire Certificate of Occupancy Order at 1629-31 McAfee Street. (Ward 6)

**Sponsors:** Bostrom

**Attachments:** [1629-31 McAfee Street.Appeal.9-20-10.pdf](#)  
[1629-31 McAfee St.Fire C of O Ltr.9-1-10](#)  
[1629-31 McAfee St.Fire C of O Ltr.10-1-10](#)

*Appellant Daniel Ruza (13234 20th Street Ct. N., Suite 1, Stillwater, MN 55082) appeared.*

*Mr. Ruza said he was there about the dryer vents. He said he didn't object to the code requirement and had repaired the vents to code, but hadn't been able to get an answer about whether a permit was required. He said he hadn't installed the vents but had only repaired the existing ones. He said he was also told he couldn't purchase permits because he didn't live in the house; he asked whether a variance was required for him to purchase a permit. He said he had six units in three side-by-side properties and having a licensed contractor come to look at dryer vents would be expensive. He expressed frustration over the difference in requirements for owner-occupied and non-owner-occupied dwellings.*

*Ms. Moermond said she couldn't make a decision on permits, and she suggested that Mr. Ruza contact building inspector Jim Bloom.*

*Ms. Shaff asked how long the vents had been in the buildings. Mr. Ruza said he'd owned the building for 25 years. Ms. Shaff confirmed with Mr. Ruza that what had been called for was insulation on the first three feet of vent as it entered the house. She said the code was not retroactive, and if that was all that had been called for DSI would withdraw the order.*

**Withdrawn**

- 3      [ALH 10-184](#)      Appeal of Xai and Yer Xiong to a Fire Certificate of Occupancy Correction Order at 2030 Fourth Street East. (Ward 7)

**Sponsors:**      Lantry

**Attachments:**      [2030 4th St E.Appeal.10-7-10.pdf](#)  
                                 [2030 4th St E.Fire C of O Ltr.9-27-10](#)

*Grant a 4-inch variance on the openable width of the egress window in the upper floor bedroom (swing-out window) measuring 16w by 40h. Deny the egress window in the second crank-out window with dimensions of 13w by 54h and granted an extension to December 31, 2010 for the window to come into compliance.*

**Referred Under Master Resolution**

- 4      [ALH 10-180](#)      Appeal of Bruce Mitchell to a Fire Inspection Correction Order at 499 Lynnhurst Avenue West. (Ward 4)

**Sponsors:**      Stark

**Attachments:**      [499 Lynnhurst Ave.Appeal.9-24-10.pdf](#)  
                                 [499 Lynnhurst Ave W.Fire C of O Ltr.9-14-10](#)  
                                 [499 Lynnhurst Ave W.Abate Nuisance Ltr.8-26-10](#)  
                                 [499 Lynnhurst Ave W.Zoning Ltr.5-6-10](#)

*No one appeared. Deny the appeal.*

**Referred Under Master Resolution**

- 5      [ALH 10-181](#)      Appeal of Sharon Murphy to a Fire Certificate of Occupancy Correction Order at 1831-1833 Orange Avenue East. (Ward 6)

**Sponsors:**      Bostrom

**Attachments:**      [1831 Orange Ave E.Appeal.10-610.pdf](#)  
                                 [1831 Orange Ave E.Fire C of O Ltr.9-29-10](#)  
                                 [1831 Orange Ave E.Photos.9-28-10](#)

*Grant the appeal for Items 4 and 13 (dryer vents); grant a 7-inch variance on the openable height of the egress bedroom windows for both units measuring 17 inches high by 31 inches wide (Item 7); deny the appeal for Items 10 (provide/maintain interior in a clean and sanitary condition), 18, 19 and 21.*

**Referred Under Master Resolution**

- 6      [ALH 10-182](#)      Appeal of Barbara Madigan to a Fire Certificate of Occupancy Correction Order at 1499 Pacific Street. (Ward 7)

**Sponsors:**      Lantry

**Attachments:**      [1499 Pacific St.Appeal.6-29-10](#)  
                                 [1499 Pacific St.Fire C of O Ltr.6-25-10](#)  
                                 [Pacific St 1499 approved.pdf](#)

*Continued to November 9*

**Laid Over to the Legislative Hearings, due back on 11/9/2010**

- 7      [ALH 10-183](#)      Appeal of Robert Stein of RDS Investments to a Fire Certificate of Occupancy Correction Order at 1091 Rose Avenue East. (Ward 6)

**Sponsors:**      Bostrom

**Attachments:**      [1091 Rose Ave E.Appeal.9-14-10.pdf](#)  
[1091 Rose Ave E.Fire C of O Ltr.9-15-10](#)  
[1091 Rose Ave E.Fire C of O Ltr.7-29-10](#)  
[1091 Rose Ave E.Fire C of O Ltr.6-30-10](#)

*Withdrawn by property owner*

**Withdrawn**

- 8      [ALH 10-179](#)      Appeal of Nancy Rowe to a Fire Certificate of Occupancy Correction Notice at 1522 Hague Avenue. (Ward 1)

**Sponsors:**      Carter III

**Attachments:**      [1522 Hague Ave.Appeal.10-4-10.pdf](#)  
[1522 Hague Ave.Fire C of O Ltr.9-24-10](#)  
[1522 Hague Ave.Photos.10-7-10](#)  
[1522 Hague Ave.Fire C of O Ltr.9-3-10](#)  
[1522 Hague Ave.Fire C of O Ltr.7-21-10](#)

*Nancy Rowe appeared.*

*Inspector Shaff reported that this is a 3 unit property with one (1) of the units over the garage. The Fire Code is quite specific about the separation between the garage and a dwelling unit. Part of the problem is that the garage and the dwelling unit over it were sharing the same furnace with common venting. The Code requires that not only the ceiling but the walls and all supporting structures be fire protected to give people time to get out of the dwelling unit in case of a fire in the garage. The owner has pulled a permit for sheetrocking the ceiling. The building inspector inspected the sheetrocking. What was actually needed was an occupancy separation.*

*Ms. Rowe stated that she thought Inspector Shaff's statements were misleading. She had met with the inspector on May 18, 2010 which produced a deficiency list. He knew that the furnace was in the garage and that it was shared with the dwelling above. He asked her to install a sheetrocked ceiling with a fire rated separation and a shut-off valve for the furnace. She complied with the original Order. What happened is that now the inspector said he made a mistake. Now, he said need two (2) separate furnaces, after the whole garage had been sheetrocked. She has complied and spent thousands of dollars to do what needed to be done. Why was this not caught in the first place? We did exactly what we were asked to do and now we need to do it differently. On October 7, 2010, we met with the building inspector, the fire inspector and the mechanical inspector to figure out exactly what needed to be done; and at that time, they still weren't sure what needed to be done. When she got the letter on September 27, 2010, she was very concerned because she worked very hard to comply with the safety issues; the letter was very disturbing. She emailed both Inspector Urmann and Inspector Beumer and was very upset. She expected them to get back to her quickly but they didn't. She called other people who very nice but told her they were not the people with whom she should talk.*

*Inspector Shaff said that she is looking at the file from 1994 and it appears that the residential heating units were replaced but they were done without any finalization of permits; and it also appears that another unit has been added, not necessarily done under permit. Unfortunately, when things are not done under permit, inspectors don't know what's been done.*

*Ms. Moermond stated that she has been researching the file and the summary has been quite accurate; however, it appears that the building inspector did not catch that the sheet rocking was to be done with a fire rated separation. The appellant responded that her understanding from the contractor was that she passed the inspection.*

**Referred to the Legislative Hearings, due back on 11/2/2010**

### Laid Over Items

- 9      [ALH 10-114](#)      Appeal of William Wengler to a Fire Certificate of Occupancy Correction Notice at 857 GRAND AVENUE.

**Sponsors:**      Thune

**Attachments:**      [857 Grand Ave.Appeal.9-10-10.pdf](#)  
[857 Grand Ave.Fire C of O Ltr.9-2-10](#)  
[857 Grand Ave.PC ltr.9-24-10.doc](#)

- 10      [ALH 10-149](#)      Appeal of Yolanda Menchaca to an Order to Vacate and Vacant Building Registration Notice at 480 Lawson Avenue West.

**Sponsors:**      Helgen

**Attachments:**      [480 Lawson Ave.Appeal.9-28-10.pdf](#)  
[480 Lawson Ave W.Condemnation & Vacate Order.9-10-10](#)  
[480 Lawson Ave W.Summary Abatement Order.8-12-10](#)  
[480 Lawson Ave W.VB Registration Ltr.8-13-10](#)  
[480 Lawson Ave W.VB Registration.9-13-10](#)  
[480 Lawson Avenue 10-5-10 minutes.doc](#)

*Grant an extension to November 8 to vacate the building.*

**Referred to the City Council, due back on 11/3/2010**

- 11      [ALH 10-140](#)      Appeal of Justin Bowser to a Fire Inspection Order at **312 BURGESS STREET.**

**Sponsors:**      Helgen

**Attachments:**      [312 Burgess St.Appeal.9-22-10.pdf](#)  
[312 Burgess St.Fire Inspection Ltr.6-23-10.dot](#)  
[312 Burgess St.Fire Inspection Order.9-16-10.dot](#)

*Item 16 - per DSI staff, cupboards were removed; Item 5 - Still forthcoming*

**Laid Over to the Legislative Hearings, due back on 10/26/2010**

**Window Orders**

- 12      [ALH 10-169](#)      Appeal Renewal by Anderson, represented by Bryan Horton, on behalf of Mona Koebele to a Building Permit Denial for Non-Compliant Egress Windows at 1369 Avon Street North. (Ward 5)

**Sponsors:**      Helgen

**Attachments:**      [1369 Avon St E.Appeal.10-4-10.pdf](#)  
                                 [1369 Avon St N.PC ltr.10-12-10.doc](#)

*Grant a 1 and 1/8-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 22 7/8 inches high by 32 inches wide.*

**Referred Under Master Resolution**

- 13      [ALH 10-185](#)      Appeal of Gerald Peterson to a Building Permit Non-Compliance Determination for Egress Window Dimensions at 1795 Hillcrest Avenue. (Ward 3)

**Sponsors:**      Harris

**Attachments:**      [1795 Hillcrest Ave.Appeal.10-1-10.pdf](#)

*Grant a 4.5-inch variance on the openable height of the egress bedroom windows measuring 19.5 inches high by 27.5 inches wide.*

**Referred Under Master Resolution**

- 14      [ALH 10-186](#)      Appeal of Jay Bockoven of JWB Construction to a Building Permit Denial Egress Window Non-Compliance Determination at 1949 Old Hudson Road.

**Sponsors:**      Lantry

**Attachments:**      [1949 Old Hudson Road.Appeal.10-1-2010.pdf](#)

*Grant a 1.15-inch variance on the openable width of five replacement bedroom egress windows measuring 40.14 inches high by 18.84 inches wide.*

**Referred Under Master Resolution**

- 15      [ALH 10-187](#)      Appeal of Jay Bockoven of JWB Construction to a Building Permit Denial Egress Window Non-Compliance Determination at 365 Luella Street North. (Ward 7)

**Sponsors:**      Lantry

**Attachments:**      [365 Luella St N.Appeal.10-1-2010.pdf](#)

*Grant a 1.15-inch variance on the openable width of sixteen replacement bedroom egress windows measuring 40.14 inches high by 18.84 inches wide.*

**Referred Under Master Resolution**

- 16      [ALH 10-188](#)      Appeal of Teri Breton to a Fire Certificate of Occupancy Correction Order at 1337 Portland Avenue. (Ward 1)

**Sponsors:**      Carter III

**Attachments:**      [1337 Portland Ave.Appeal.10-4-10.pdf](#)  
[1337 Portland Ave.Fire C of O Ltr.9-24-10](#)

*Grant a 1-inch variance on the openable height of the egress windows in the lower level southeast and northwest bedrooms measuring 23 inches high by 27 inches wide and grant a 3.5-inch variance on the openable height of the egress windows in the upper level south and north bedrooms measuring 20.5 inches high by 27 inches wide.*

**Referred Under Master Resolution**

- 17      [ALH 10-189](#)      Appeal of Jeff Anderson to a Fire Certificate of Occupancy Correction Order at 1231 Raymond Avenue. (Ward 4)

**Sponsors:**      Stark

**Attachments:**      [1231 Raymond Avenue.Appeal.10-6-10.pdf](#)  
[1231 Raymond Ave.Fire C of O Ltr.10-8-10](#)  
[1231 Raymond Ave.Fire C of O Ltr.9-28-10](#)  
[1231 Raymond Ave.Fire C of O Ltr.9-14-10](#)

*Grant a 3-inch variance on the openable width of the egress bedroom window in Unit #1 measuring 24 inches high by 17 inches wide.*

**Referred Under Master Resolution**

- 18      [ALH 10-191](#)      Appeal of James Lennon of New Library Management to a Fire Certificate of Occupancy Correction Order at 1052 Agate Street. (Ward 5)

**Sponsors:**      Helgen

**Attachments:**      [1052 Agate St.Appeal.10-6-10.pdf](#)  
[1052 Agate St.Fire C of O Ltr.9-27-10](#)

*Grant a 3-inch variance on the openable height of the egress bedroom windows in Units 3, 6, 7, 10 and 11 measuring 21 inches high by 44 inches wide.*

**Referred Under Master Resolution**

- 19      [ALH 10-192](#)      Appeal of Richard G Brovitch to a Fire Certificate of Occupancy Correction Order at 45 Luella Street South. (Ward 7)

**Sponsors:**      Lantry

**Attachments:**      [45 Luealla St S.Appeal.10-7-10.pdf](#)  
[45 Luella St S.Fire C of O Ltr.10-6-10](#)

*Grant a 3.5-inch variance on the openable height of the egress window in the main floor northwest bedroom measuring 20.5 inches high by 29 inches wide.*

**Referred Under Master Resolution**

- 20      [ALH 10-193](#)      Appeal of MBJ Development Corporation to a Fire Certificate of Occupancy

Correction Notice at 2111 Gordon Avenue. (Ward 4)

**Sponsors:** Stark

**Attachments:** [2111 Gordon Ave.Appeal.10-1-10.pdf](#)  
[2111 Gordon Ave.Fire C of O Ltr.9-24-10](#)  
[2111 Gordon Ave.Fire C of O Ltr.10-8-10](#)

*Grant a 3-inch variance on the openable height of the egress bedroom windows in Unit 1 measuring 21 inches high by 27 inches wide.*

**Referred Under Master Resolution**