



APPLICATION FOR APPEAL

RECEIVED

OCT 14 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 25)
- 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, NOV. 1, 2011

Time 1:30 p.m.

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 2055 FAIRMOUNT AVE City: ST. PAUL State: MN Zip: 55105

Appellant/Applicant: TIM + JAMIE FLYNN Email: FRESHFLYNN@me.com

Phone Numbers: Business 651-698-3333 Residence 651-698-1851 Cell 651-334-7115

Signature: [Signature] Date: 10/14/2011

Name of Owner (if other than Appellant): Same

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

Phone Numbers: Business same ↑ Residence _____ Cell _____

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

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

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

RE: 2055 Fairmount Ave
Ref. #108617
Residential Class:C

Fire Inspection Correction Notice Appeal

On September 27th, 2011, our property located at 2055 Fairmount Ave was inspected by St. Paul Fire Inspector Mitchell Imberson. Mr. Imberson had last inspected our property on or around September 10, 2008.

After Mr. Imberson's 2008 inspection, we were provided a list of 22 deficiencies, which we corrected and repaired as directed by the city. Included among that list was the installation of two basement egress windows installed to maintain the basement living spaces. The cost for these windows was \$4,500.

During the September 2011 inspection, we were provided with a list of 16 deficiencies and we would like to appeal five of them. The items are as follows- taken from the October 6, 2011 "Inspection Correction Notice":

- #2- Front House- Basement- SPLC 34.13 (1)- Provide and maintain all habitable areas with a ceiling height of 7 feet over ½ the floor area. – Height to suspended ceiling tiles throughout finished areas of basement is 6'5.5".
 - The current average height in the basement is approximately 6 feet 6 inches. There are a very few (2) small areas where the height may be lower than 6'8" inches. (See Photo 1.)
 - The distance between the overhead joist and the existing suspended ceiling tiles is approximately 3.5 inches. (See Photo 2.)
 - Removing and/or raising the ceiling tiles will not achieve a 7 foot ceiling.
 - These bedrooms have been here sense we bought this house and were considered "legal" bedrooms at the time.
 - Mr. Imberson made no mention of the basement ceiling height during the September 10, 2008 inspection.
 - It is simply cost prohibitive for us to comply with this mandate.

- #3- Front House- Exterior- 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 or protected from the elements and maintained in a professional manner free from chipped or peeling paint. Repair and tuckpoint brick as necessary.
 - Wear on the brick is minimal. (see photo 3)
 - Any wear of the bricks is not admitting dampness into the interior portions of the wall or structure.

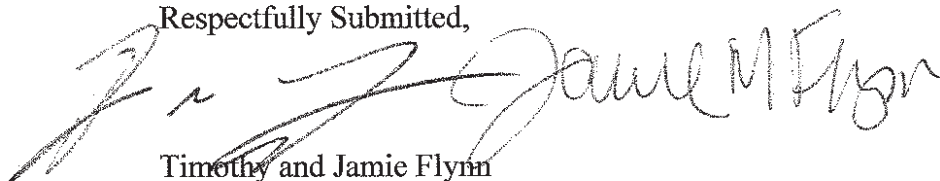
- There is no requirement for tuckpointing the brick in Sec. 34.09.
- #5 Front House- MSFC 1003.3.1.8- the maximum number of locks on unit door is two. Remove all locks in excess of two.
 - There are 2 significant locks- a door knob lock and a deadbolt. The third lock is a chain lock. There are 4 girls that currently live there and would like to leave the chain lock for security purposes (should someone knock on their door and they do not want to let them in). Removing the other locks would leave holes in the door. We request the chain lock be allowed. (See Photo 4.)
- #9- Rear House – Garage- MSFC 703- Provide and maintain fire rated floor and/or ceiling construction with approved materials and methods. This work may require a permit. The minimum rating must be: -No fire separation is present between residential garage at lower level and residential space on upper level. Garage area ceiling is unfinished and open to joists and subfloor.
 - We can not afford this
 - Why was this not mentioned 3 years ago?
- #15 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 at a cost of approximately \$500.00.
 - This test is expensive and we would like to use the results from the test three years ago.
- #10 & #11- Rear House Occupancy/ zoning-
 - The home business that currently occupies the Rear House is actively seeking new space. They are making all possible attempts to be out of the space by November 8th.

In 2008, we complied with all of the required repairs, which were completed at a cost of nearly \$7,000.00. 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 September 2008, we were told that the property would not require any additional inspections for five years. At the September 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 April 2005. 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 September 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 September 2008 report. In September 2008, the basement height

ceiling was the same height as it is now. In September 2008, there was no fire rated ceiling construction in the garage. Why were those issues not noted in the earlier inspections? We intend on trying to sell the property in the near future, but 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,

A handwritten signature in black ink, appearing to read "Timothy and Jamie Flynn". The signature is written in a cursive, flowing style with some overlapping strokes.

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

October 6, 2011

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

FIRE INSPECTION CORRECTION NOTICE

RE: 2055 FAIRMOUNT AVE
Ref. #108617
Residential Class: C

Dear Property Representative:

Your building was inspected on September 27, 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 8, 2011 at 1:00 pm.

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. Front House - Basement - 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.
2. Front House - Basement - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area.-Height to suspended ceiling tiles throughout finished areas of basement is 6 feet 5.5 inches. Finished rooms include an office area and two bedrooms.

3. Front House - Exterior - 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.-Repair and tuckpoint brick as necessary.
4. Front House - Exterior - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.-Replace broken decking board near side entry.
5. Front House - Front Entry - MSFC 1003.3.1.8 - The maximum number of locks on unit doors is two. Remove all locks in excess of two.
6. Front House - MSFC 102.1.1 - Existing construction and design features that exceed the requirements for existing structures or facilities but are less than the requirements for new structures or facilities shall not be further diminished.-Provide and maintain battery operated smoke detectors in all bedrooms.
Provide and maintain hardwired smoke detectors with battery backup in 1st floor and basement hallway.
These detectors must be maintained where previously installed.
7. Front House - 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.
8. Front House - 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. ^{NI} Installation shall be in accordance with manufacturers instructions.-Detectors are not within 10 feet of all sleeping rooms.
9. Rear House - Garage - MSFC 703 - Provide and maintain fire rated floor and/or ceiling construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090. The minimum rating must be:-No fire separation is present between residential garage at lower level and residential living space on upper level. Garage area ceiling is unfinished and open to Joists and subfloor.
10. Rear House - SBC 3405.1, SBC 110.2 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use, or contact the Building Official at 651-266-9071 for a code analysis and to comply with requirements for approved occupancy. Property is in use as office space and is approved for 1 - Unit residential occupancy.
11. Rear House - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue use as office space, property is approved for 1- Unit residential occupancy.
12. Rear House - 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.

13. ~~Throughout~~ - MSFC 605.4 - Discontinue use of all multi-plug adapters.-Discontinue use of ~~unapproved splitters.~~
Discontinue use of 3-prong to 2-prong plug adapters.
14. ~~Throughout~~ - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
15. 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.
16. 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.imberson@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 108617

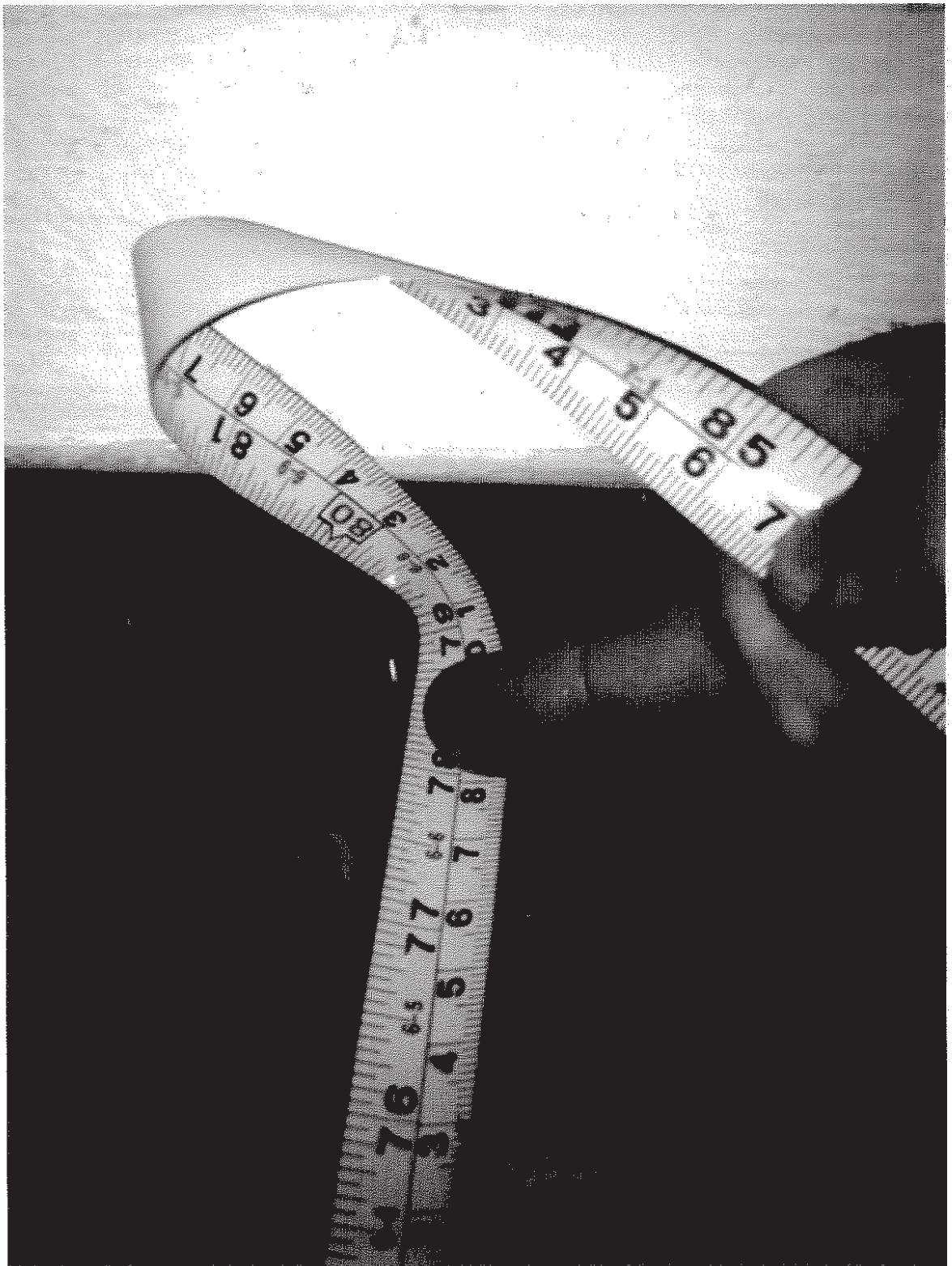


Photo 1



Photo 2

P



Photo 3



Photo 4