

City of Saint Paul

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



Minutes - Final - Final

Tuesday, October 5, 2010

1:30 PM

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

10:00 a.m. Hearings**11:30 a.m. Hearings****Summary Abatement Orders****Orders to Vacate, Condemnations and Revocations**

- 1 [ALH 10-133](#) Appeal of Larry Alexander to a Revocation of the Fire Certificate of Occupancy and Order to Vacate at 224 Avon Street North. (Ward 1)

Sponsors: Carter III

Attachments: [224 Avon St N.Appeal.9-14-10.pdf](#)
[224 Avon St N.Fire C of O Ltr.9-14-10](#)
[224 Avon St N.Fire Photo Document.9-13-10](#)
[224 Avon St N.Fire C of O Ltr.8-23-10](#)
[224 Avon St N.Order to Provide Garbage Service.8-19-10](#)

Appellant to provide proof of ownership. (On CPH Oct 6) ALH 10-133

Referred Under Master Resolution

1:30 p.m. Hearings**Vacant Building Registrations**

- 2 [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](#)

Laid over to October 12. Fire will conduct an inspection of the interior.

Appellant Yolanda Menchaca appeared.

Inspector Dornfeld gave a staff report. He said the property had been referred to Fire because of a water service shut-off on July 22, and Inspector Martin had condemned and transferred it to Vacant Buildings on August 10 because the water was still off. Inspector Kalis inspected the property and opened a Vacant Building file on August

11. The home was in foreclosure, and the bank's attorneys had been in contact with Inspector Kalis and wanted the property vacated. The tenants had been offered and declined a cash for keys option, and were occupying the house illegally. Mr. Dornfeld reviewed Inspector Martin's condemnation list which included furnace and smoke detector affidavits, and windows and screens. He said there he had no confirmation that water service had been restored.

Ms. Menchaca said the house was placarded on the same day she learned of the bank ownership. She said they had lost their jobs and let the water service go, but it had been restored on August 24. She said they were working with an attorney to continue to rent the house and were drawing up a lease. She said the door screen had been fixed immediately, all of the window screens had been repaired, and there was a carbon monoxide detector and smoke detectors. She said the previous landlord had not owned the property since April but they'd continued to pay rent through July.

Ms. Moermond asked whether there had been an interior Certificate of Occupancy inspection. Mr. Urmann said there had not.

Ms. Menchaca said the Cash for Keys packet had been sent to the old owner and passed along on August 19 at the same time as the summary abatement notice.

Ms. Moermond noted that the house had been condemned and placarded on August 10, but Ms. Menchaca had not vacated or appealed. Ms. Menchaca said noting had been sent to them, and Inspector Kalis hadn't told them anything about an appeal. She said she had learned about the appeal process by contacting the mayor's office, and had received the summary abatement notice on the same day she'd filed the appeal. Mr. Dornfeld said the summary abatement notice had gone to the old and new owners and to Occupant at 480 Lawson, but the summary abatement was not related to the condemnation. Mr. Urmann said the building was posted when it was condemned, and the placard includes appeal information. Ms. Menchaca said the order had the wrong address and it took them a few days to contact Inspector Kalis to confirm the address.

Ms. Moermond said she would lay the matter over for a week so there could be an inspection of the interior.

Mr. ? (appeared with appellant) asked whether the placards being referred to were the blue ones on the front and back of the house. Mr. Dornfeld said the initial placard would have been white. Mr. ? said the only placard on the house was blue, was on the front and back of the house, and they'd received one visit from Inspector Kalis. Ms. Menchaca said the placard had the wrong address. Mr. ? said the notice gave them five days to vacate; he reiterated that they hadn't known about the appeal process until he called the mayor's office.

Referred Under Master Resolution

3 [ALH 10-161](#) Appeal of Brad Smith to a Vacant Building Registration Notice at 336 Fuller Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [336 Fuller Ave.Appeal.9-30-10.pdf](#)
 [336 Fuller Ave.VB Registration Ltr.8-18-10](#)
 [336 Fuller Ave.Photos.8-18-10](#)
 [336 Fuller Ave.Fire C of O Revocation Ltr.6-3-10](#)
 [336 Fuller Ave.Fire C of O Revocation Ltr.6-28-10](#)

Fire and Vacant Building inspectors will meet at the property, assess the condition and refer as appropriate

Appellant Brad Smith appeared.

Inspector Dornfeld gave a staff report. He said Inspector Martin had conducted an inspection for the Fire Certificate of Occupancy (C of O) on June 28 and reported 19 deficiencies. The deficiencies weren't corrected by the August 13 deadline and the C of O was revoked. A Category 2 Vacant Building file was opened by Inspector Senty on August 17. Mr. Dornfeld referred Ms. Moermond to file photographs and read from Inspector Senty's notes that the house was unoccupied and opened for a worker, most of the exterior had been painted, the front porch was settling and the steps and deck were uneven. The house had been placarded and Inspector Senty had explained the vacant building status and appeal process to the worker.

Ms. Moermond noted that the vacant building registration was addressed to Billie Jo Erickson. Mr. Smith said that was his wife.

Mr. Smith said the former tenants had planned to buy the property but been unable to obtain financing, and it had taken three months to get them out. He said the person who had been working at the house had given him the vacant building information but not the information about the ten day deadline for appeals.

Ms. Moermond said there was a vacant building fee and Code Compliance inspection in play. Mr. Smith said he had requested an inspection after completing the repairs, and hadn't been aware of the \$1100 fee. He said it was a nice house and he would be more than happy to have it inspected. He said he was planning to sell it.

Ms. Moermond asked whether water service had been restored. Mr. Smith said it hadn't but could be at any time.

Ms. Moermond said the building did fit the definition of a vacant building, and the two issues at hand were the fee and whether a C of O or Certificate of Code Compliance would be required for occupancy. She said the amount of the fee would depend upon how long the building remained vacant. She noted that not too much time had passed since the C of O inspection. Mr. Smith said everything from that inspection had been corrected.

Ms. Moermond asked whether Inspector Martin could take a look at the list so the category of the building could be decided. Mr. Urmann checked online for a photo file from the C of O inspection; Ms. Moermond said she had reviewed the photos but a determination could not be made based on the photos. She said that since the C of O had been revoked, the inspection should be charged as a full inspection. She asked that Fire and Vacant Building inspectors meet at the property, assess the condition, and refer as appropriate. She clarified for Mr. Smith that if the deficiencies had been corrected, the status would be changed to Category 1 and the Certificate of Code Compliance would not be required.

Referred Under Master Resolution

Fire Corrections Notice

4 [ALH 10-145](#) Appeal of Hank Cu to a Fire Certificate of Occupancy Correction Order at 1657 Minnehaha Avenue East. (Ward 7)

Sponsors: Lantry

Attachments: [1657 Minnehaha Ave E.Appeal.9-17-10.pdf](#)
[1657 Minnehaha Ave E. Fire C of O.9-21-10](#)
[1657 Minnehaha Ave E.Fire C of O Ltr.9-13-10](#)
[1657 Minnehaha Ave E.Fire C of O Ltr.8-9-10](#)
[1657 Minnehaha Ave E.Photos.8-6-10](#)
[1657 Minnehaha Ave E.Fire C of O Ltr.7-2-10](#)
[1657 Minnehaha Ave E.Fire C of O Ltr 6-17-10](#)
[1657 Minnehaha Ave E.Photos.6-15-10](#)
[1657 Minnehaha Ave E.Fire C of O Ltr.5-27-10](#)

Appellant Hank Cu (1119 East River Parkway, Minneapolis, MN 55414) appeared.

Inspector Urmann gave a staff report. He said the orders to paint the exterior surfaces of the house and garage were being appealed. He noted that the orders had existed since May 2010.

Mr. Cu said a tenant had fallen off of the balcony resulting in "chaos" over the summer. He said he would like to delay the painting until the next year. He pointed out that the painting orders were the only ones remaining on the list.

Ms. Moermond reviewed the original orders and asked Mr. Cu whether he had tried to comply. Mr. Cu said he had tried twice. He said he painted in July but some of the paint had peeled because of the hot rainy weather and the inspector had not approved it. He said they tried again but there was still some chipped paint in the back. He said they scraped and repainted the chipped area and corrected all of the other deficiencies.

Ms. Moermond said she was disappointed that the issue had been ongoing since May and wasn't appealed earlier. She noted that there had been four sets of orders since the May orders. Mr. Cu said he'd spent time and money rebuilding the deck and needed more time for the painting. He reiterated that everything else was done.

Ms. Moermond said she would recommend that the Council deny the appeal and grant an extension to October 31 for completing the exterior painting. She said the matter would be on the agenda for a City Council public hearing on October 6.

This was sent to the City Council as a public hearing item, before legistar. Therefore, it will need a memorialization. Also, recommendation changed at the table to grant until October 31, 2010 go scrape and paint, rather than to repaint all by October 21, 2010.

Referred Under Master Resolution

5 [ALH 10-147](#) Appeal of Robert Stein of RDS Investments Co. to a Fire Certificate of Occupancy Letter 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.7-29-10](#)
[1091 Rose Ave E.Fire C of O Ltr.6-29-10](#)

Laid Over to the Licensing Hearing, due back on 10/12/2010

- 6 [ALH 10-150](#) Appeal of PRO Real Estate Services, represented by Leah Frenning to a Fire Certificate of Occupancy Order at 784 Agate Street. (Ward 5)

Sponsors: Helgen

Attachments: [784 Agate Street.Appeal.9-23-10.pdf](#)
[784 Agate St.Fire C of O Ltr.8-20-10](#)
[784 Agate St.Fire C of O Ltr.7-20-10](#)
[784 Agate St.Bedroom door.JPG](#)
[784 Agate.Main door.JPG](#)

No one appeared.

No one appeared.

Referred Under Master Resolution

- 7 [ALH 10-151](#) Appeal of Titus Contracting on behalf of Osprey LLC to a Fire Certificate of Occupancy Correction Order at 538 Charles Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [538 Charles Avenue.Appeal-9-22-10.pdf](#)
[538 Charles Ave.Fire C of O Ltr.9-9-10](#)
[538 Charles Ave.Abate Nuisance Activity Ltr.8-23-10](#)

Grant a variance on the ceiling height requirement in the upper unit south bedroom. Grant a 1-inch variance on the openable height and a 1-inch variance on the openable width of the egress window in the upper unit south bedroom.

Scott Rajavuori (9765 172nd Street, Lakeville, MN 55044) appeared representing Titus Contracting. He provided photographs and a drawing of the room.

Inspector Urmann gave a staff report. He said the orders being appealed addressed ceiling height and egress window size in the upper unit south bedroom. The area under a 7-foot ceiling was 2 feet wide by 13 feet long, and the total area under a five foot-and-above ceiling was 71.5 ft². The openable dimensions of the egress window were 19 inches high by 23 inches wide.

Ms. Moermond reviewed the photographs and drawing. She asked whether the entire upper unit was attic-level. Mr. Rajavuori said only the back bedroom was shown in the drawing and there were two bedrooms. Ms. Moermond said it appeared from the drawing that there was also a kitchen on that level. Mr. Rajavuori said he had drawn the picture from the perspective of the entrance to the kitchen.

Ms. Moermond said she would recommend that the Council grant a variance on the ceiling height requirement in the upper unit south bedroom, and 1-inch variances on the openable height and width of the egress window in the upper unit south bedroom.

Referred Under Master Resolution

- 8 [ALH 10-152](#) Appeal of Gary Jager to a Fire Certificate of Occupancy Correction Order at 1783 Dayton Avenue. (Ward 4)

Sponsors: Stark

Attachments: [1783 Dayton Ave.9-24-10.Appeal.pdf](#)
[1783 Dayton Ave.Mold Abatement Ltr.9-15-10](#)
[1783 Dayton Ave.Fire C of O Ltr.9-15-10](#)
[1783 Dayton Ave.Photos.9-14-10](#)
[1783 Dayton Ave.Photos.8-19-10](#)
[1783 Dayton Ave.Fire C of O Ltr.8-19-10](#)

Grant a 5.5-inch variance on the ceiling height in the ceiling height in the basement unit. (The portion of the room with a ceiling height of 73 inches must be brought into compliance.)

Appellant Mark Cady (1535 Fourth Street NE, #1, Minneapolis, MN 55413) and Gary Jager appeared.

Mr. Urmann gave a staff report. He said the appeal involved ceiling height and an undersized door in the basement; he referred Ms. Moermond to the dimensions listed in the orders.

Mr. Cady said the door requirement could be met and was no longer an issue.

Ms. Moermond read from the orders that 192 ft² of the basement area had a ceiling height of 78.5 inches and 16.4 ft² had a ceiling height of 73 inches. She said she would recommend that the Council grant a 5.5-inch variance on the ceiling height in the in the basement unit. The portion of the room with a ceiling height of 73 inches must be brought into compliance (at least 78.5 inches).

Referred Under Master Resolution

9 [ALH 10-154](#)

Appeal of Richard Miller to a Fire Certificate of Occupancy Program participation requirement at 242 Goodrich Avenue. (Ward 2)

Sponsors: Thune

Attachments: [242 Goodrich Ave.9-29-10.Appeal.pdf](#)
[242 Goodrich Ave.Fire C of O Appt Ltr.9-21-10](#)

Grant the appeal of the Certificate of Occupancy requirement.

Appellant Richard Miller (26 West Tenth Street, Suite 802, St. Paul, MN 55102) appeared.

Inspector Urmann gave a staff report. He said the house was non-owner-occupied, and the inspector had found the house to be unoccupied and possibly a vacant building. Ms. Moermond asked how the determination had been made that it was unoccupied. Mr. Urmann said there were no curtains or furniture, or any signs of anyone occupying the building.

Mr. Miller said he'd told Inspector Cassidy that no one was living there. He said the house was being rehabilitated for his own personal residence. Ms. Moermond asked how long the rehabilitation would take. Mr. Miller said an architect was drawing plans and the rehabilitation would be completed sometime next year. He said he had a garden at the house and was there daily.

Mr. Urmann said the inspector had visited the property the day before and found several exterior violations that would cause the property to meet the definition of a Category 2 vacant building. Ms. Moermond asked what the violations were. Mr.

Urmann said the inspector cited exterior windows and walls; he hadn't given a list but had said "several."

Mr. Miller said he remembered having to register the property as a rental a number of years ago and had forgotten to remove that designation when the last tenant moved out. Ms. Moermond asked when the last tenant moved out. Mr. Miller said it was in April 2008. He said he pulled a permit the previous day for the demolition of the badly deteriorated rear addition.

Ms. Moermond said she would recommend that the Council grant the appeal of the Certificate of Occupancy requirement. She said the issue of the possible vacant building status was not being appealed and she could not act on it.

Referred Under Master Resolution

10 [ALH 10-155](#)

Appeal of Barry Stoffel to a Fire Certificate of Occupancy Correction Order at 1583 Hazelwood Street. (Ward 6)

Sponsors: Bostrom

Attachments: [1583 Hazelwood Street.Appeal.9-27-10.pdf](#)
[1583 Hazelwood St.Fire C of O Ltr.9-21-10](#)
[1583 Hazelwood St.Fire C of O Ltr.8-30-10](#)
[1583 Hazelwood St.Fire C of O Ltr.8-3-10](#)
[1583 Hazelwood St.Fire C of O Ltr.7-7-10](#)
[1583 Hazelwood Ave.PC ltr.10-5-10.doc](#)
[1583 Hazelwood St.Mai Email.11-12-10.pdf](#)

Deny the appeal. Grant an extension to December 31, 2010 for bringing the egress windows and clearance around the electrical panel into compliance, and an extension to May 31, 2011 for painting the exterior trim. Grant an extension to October 29, 2010 for all other items.

Appellant Barry Stoffel (1573 LaMotte Drive, Lino Lakes, MN 55038) appeared.

Inspector Urmann gave a staff report. He said the issues had been going on for quite some time and the inspector had attempted to get together with the property owner to discuss them. He noted that the address had had an earlier legislative hearing at which the appellant had said he'd not received orders. Mr. Urmann said the first appointment letter had been sent on June 17, the first deficiency letter was sent on July 7, and there had been three sets of orders since then. He read from the inspector's notes that the appellant had missed three appointments and the inspector had been unable to reach him to discuss the orders.

Ms. Moermond asked Mr. Stoffel where he was with getting the property inspected. Mr. Stoffel said he'd moved three times in the previous three months and getting mail had been difficult. He said there'd been one set of orders for only the exterior because he hadn't received the first appointment letter, and a full walk-through after which he hadn't been able to reach the inspector. He said some of the items, such as painting the trim, were cost-prohibitive, and he asked for an extension for that item. He said he would also like to appeal the egress windows since they had been there for 45 years.

Ms. Moermond asked how much time was needed for the exterior painting. Mr. Stoffel said he'd like to have until next spring to save money. Mr. Urmann noted that the first orders for painting the trim were from July 7. Ms. Moermond asked why the

item wasn't appealed in July. Mr. Stoffel said he only had one rental property and was just learning the process. Ms. Moermond said the item should have been appealed sooner or addressed; she said she would recommend that the Council grant an extension to May 31, 2011 for painting the trim.

Ms. Moermond read from the orders that the openable height of the downstairs egress windows were 10 inches high by 23 inches wide; she said she couldn't grant a variance. Mr. Stoffel said they'd been measured with the child safety locks on. Ms. Moermond asked the department's procedure with child safety locks. Mr. Urmann said as long as the windows were easily openable and not obstructed, inspectors would push in the locks before taking measurements.

Ms. Moermond read from the orders that the glazed height was 28 inches; she said a double-hung window would not work. She said the openable dimensions of the upstairs windows were 15 inches high by 31 inches wide, and she was looking for at least 16 inches. Mr. Urmann said the glazed height was 30 inches which indicated that the window had been opened fully when it was measured.

Ms. Moermond asked whether progress was being made on other items. Mr. Stoffel said Item 11 (furnace inspection) was done, he'd gotten a proposal for the painting, and was moving forward with the other items.

Ms. Moermond said she would recommend an extension to October 29 for everything other than the painting and windows. She said she would recommend an extension to December 31 for bringing the egress windows into compliance.

Mr. Urmann said the life safety items to address immediately were the lint behind the dryer and the clearance around the electrical panel. Mr. Stoffel asked whether clear access from all sides of the electrical panel was required. He said a washer and dryer were in front of the panel and there were no options for moving them. He provided a diagram and said the arrangement had been the same for 40 years. Ms. Moermond suggested a stacking washer and dryer. Mr. Stoffel said that was cost-prohibitive. Ms. Moermond asked how much clearance there was currently. Mr. Stoffel there was no more than a foot. Ms. Moermond said she would recommend that the Council deny the appeal on that item and grant an extension to December 31. Mr. Urmann explained the need for clear access.

Ms. Moermond said Mr. Stoffel could contact her office to request a City Council public hearing if he decided he wanted one.

On November 10, 2010, Ms. Moermond reviewed photos submitted by Mr. Stoffel and recommended the following:

bedroom pic 1 - grant a 7-inch variance on the openable height of the egress bedroom window;
bedroom pic 1a - grant a variance on the egress bedroom window;
bedroom pic 2 - grant a 7.5-inch variance on the openable height of the egress bedroom window;
bedroom pic 2a - grant a variance on the egress bedroom window;
laundry room depth of electrical panel from wall - grant a variance;
laundry room measurement from dryer to wall at electrical panel - grant a 7-inch clearance;
laundry room relocated dryer in front of electrical panel - same - grant a variance on clearance;
lower level window - deny on the egress bedroom window. 15" is too short.

Referred Under Master Resolution

- 11 [ALH 10-156](#) Appeal of Ryan Hartung to a Fire Certificate of Occupancy Correction Order at 1981 James Avenue. (Ward 3)

Sponsors: Harris

Attachments: [1981 James Avenue.Appeal.9-28-10.pdf](#)
[1981 James Ave.Fire C of O Ltr.9-22-10](#)

Grant a 4-inch variance on the openable height of the egress window in the upstairs bedroom. The basement bedroom is no longer being used for sleeping

Appellant Ryan Hartung (4720 Chowen Avenue S., Minneapolis, MN 55410) appeared.

Inspector Urmann said the issue was that there was no egress window in the basement. Mr. Hartung said there was an egress window in the basement that had been obstructed by a weed in the window well. Mr. Urmann asked whether the window was in the bedroom. Mr. Hartung said it was not. Mr. Urmann said the bedroom was required to have an egress window. Mr. Hartung said the tenants were no longer using the room for sleeping, and the issue had already been discussed with the inspector.

Mr. Urmann read from the orders that the openable dimensions of the egress windows in the upstairs bedroom were 20 inches high by 27 inches wide. Ms. Moermond said she would recommend that the Council grant a 4-inch variance on the openable height of the egress window in the upstairs bedroom.

Referred Under Master Resolution

- 12 [ALH 10-157](#) Appeal of Kathleen Ohehir to a Fire Certificate of Occupancy Correction Order at 965 Laurel Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [965 Laurel Avenue.Appeal.9-23-10.pdf](#)
[965 Laurel Ave.Fire C of O Ltr.9-16-10](#)
[965 Laurel Ave.PC ltr.10-12-10.doc](#)

Deny the appeal.

No one appeared.

Inspector Urmann said the orders had been amended to come right out of the fire code at the direction of the City Attorney. He said the code citation had been changed, and he provided a copy. Ms. Moermond said no one had appeared at the hearing and her recommendation was denial. Mr. Urmann said the appellant had been notified of the change to the orders.

Referred Under Master Resolution

- 13 [ALH 10-158](#) Appeal of Michael Rocheford to a Fire Certificate of Occupancy Correction Order at 2099 Lincoln Avenue. (Ward 4)

Sponsors: Stark

Attachments: [2099 Lincoln Avenue.Appeal.9-27-10.pdf](#)
[2099 Lincoln Ave.Fire C of O Ltr.9-14-10](#)

Orders withdrawn by DSI

Appellant Michael Rocheford (2420 Dresden Lane, Golden Valley, MN 55422) appeared.

Inspector Urmann said the inspector had found the permit for the upstairs window installation after the inspection, and was withdrawing the orders. Mr. Rocheford stated for the record that a new egress window was being installed in the basement bedroom. Ms. Moermond said she would grant an extension to October 15 to complete that work.

Withdrawn

- 14 [ALH 10-160](#) Appeal of Shah Vang to a Fire Certificate of Occupancy Correction Order at 884 Westminster Street. (Ward 5)

Sponsors: Helgen

Attachments: [884 Westminster St.Appeal.9-30-10.pdf](#)
[884 Westminster St.Fire C of O Ltr.9-27-10](#)

Laid over to October 19. The property owner will provide photographs and a floor plan of the kitchen

Appellant Shah Vang (P.O. Box 65557, St. Paul, MN 55165) appeared.

Inspector Urmann gave a staff report. He said the appellant had put in a kitchen and attempted to get a second unit approved, and zoning had directed DSI to order deconversion of the building.

Mr. Vang said the kitchen was part of an old mother-in-law room and had been there since the house was built. He said the property had never been used as a duplex and they didn't intend to. He said the only thing in the kitchen was a small sink, and removing it would cause some hardship.

Ms. Moermond asked Mr. Vang to provide photographs and a floor plan; she said she would lay the matter over for a couple of weeks.

Mr. Vang questioned whether it was a fire safety issue. Ms. Moermond said it was a zoning issue. Mr. Urmann reiterated that it had been referred from zoning as a denial of a request to use the property as a duplex. Mr. Vang said Zoning had recommended denial because the lot size was not adequate.

On October 20, 2010, Ms. Moermond reviewed the file and recommended granting the appeal and that Mr. Vang does not need to remove the sink from the 2nd floor.

Referred Under Master Resolution

- 15 [ALH 10-165](#) Appeal of DRS Investments to a Fire Certificate of Occupancy Correction Notice at 1643 Fifth Street East. (Ward 7)

Sponsors: Lantry

Attachments: [1643 5th St E.Appeal.9-28-10.pdf](#)
[1643 5th St E.Fire C of O Ltr.9-2-10](#)

Grant a 3.5-inch variance on the openable height of the egress window in the upper floor southeast bedroom.

Grant a 3.5-inch variance on the openable height of the egress window in the upper floor southeast bedroom

Referred Under Master Resolution

- 16 [ALH 10-167](#) Appeal of Sharon Murphy Fire Certificate of Occupancy Correction Order at 2000 Ivy Avenue East. (Ward 6)

Sponsors: Bostrom

Attachments: [2000 Ivy Ave E.Appeal.9-28-10.pdf](#)
[2000 Ivey Ave E.Fire C of O Ltr.9-17-10](#)

Grant a 4-inch variance on the openable height of the egress windows in the two attic bedrooms. Grant a 1-inch variance on the openable height of the egress window in the main floor north side bedroom. Grant a 4-inch variance on the openable height of the egress windows in the main floor south side bedrooms.

Grant a 4-inch variance on the openable height of the egress windows in the two attic bedrooms. Grant a 1-inch variance on the openable height of the egress window in the main floor north side bedroom. Grant a 4-inch variance on the openable height of the egress windows in the main floor south side bedrooms.

Referred Under Master Resolution

- 17 [ALH 10-168](#) Appeal of Lykia Yang to a Fire Certificate of Occupancy Correction Order at 1628 Sixth Street East. (Ward 7)

Sponsors: Lantry

Attachments: [1628 6th St E.Appeal.9-24-10.pdf](#)
[1628 6th St E.Fire C of O Ltr.8-23-10](#)
[1628 6th St E.Fire C of O Ltr.9-21-10](#)

Grant a 7-inch variance on the openable height of the egress window in the main floor southwest bedroom

Grant a 7-inch variance on the openable height of the egress window in the main floor southwest bedroom.

Referred Under Master Resolution

Window Orders

- 18 [ALH 10-142](#) Appeal of Ying Kong to a Code Compliance Inspection Report at 481 Thomas Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [481 Thomas Ave.Appeal.9-17-10.pdf](#)
[481 Thomas Ave.Code Compliance Insp.8-11-10](#)

Grant a 7-inch variance on the openable height of the egress window in the main floor southwest bedroom.

Grant a 7-inch variance on the openable height of the egress window in the main floor southwest bedroom

Referred Under Master Resolution

- 19 [ALH 10-143](#) Appeal of New Windows for America to a Building Permit Denial for Non-Compliant Egress Windows at 1659 Seventh Street East. (Ward 7)

Sponsors: Lantry

Attachments: [1659 7th St E.Appeal.9-14-10.pdf](#)

Jim Steffes appeared representing New Windows for America (609 West County Road E, Shoreview, MN 55126).

Ms. Moermond reviewed the appeal. She said she would recommend that the Council grant a 5-inch variance on the openable height of the two replacement double-hung egress windows with openable dimensions of 19 inches high by 22 inches side, but deny the variance request for the window with an openable height of 16.5 inches and openable width of 22 inches.

Mr. Steffes said they had always replaced double-hung windows with double-hungs; he asked where Ms. Moermond's cut-off was. Ms. Moermond said she would go as low as 16 inches in openable height or width as long as for every inch in shortfall in one direction there was a compensating inch in the other, and a two-to-one inch compensation when a dimension was close to 16 inches.

Referred Under Master Resolution

- 20 [ALH 10-144](#) Appeal of Victor and Julia Custardo to a Code Compliance Inspection Report at 835 Laurel Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [835 Laurel Ave.Appeal.9-13-10.pdf](#)
[835 Laurel Ave.Code Compliance Insp.4-23-10](#)

Appellants Victor and Julia Custardo (401 Sibley Street, Suite 548, St. Paul, MN 55101) appeared; they provided photographs.

Mr. Urmann said the appeal was of a code compliance inspection and there were no outstanding orders on the property.

Ms. Moermond asked whether the report included measurements for the windows the appellants wanted to install. Ms. Custardo clarified that the windows had already been installed.

Ms. Moermond reviewed the photographs with appellants. Ms. Custardo said Inspector Ubl had expressed concerns about one window with openable dimensions of 20 inches high and between 23 and 24 inches wide. Ms. Moermond said she would grant a 4-inch variance on the openable height of the bedroom egress

windows.

Mr. Custardo said the garage was older but sound and stable, and they would like an extension on the work on the garage as they were not planning to use it. Ms. Moermond asked whether the appellants were going to live in the house. They said they were. Ms. Custardo said they had discussed the issue with Mr. Lippert and he had suggested that an extension might be possible. Ms. Moermond recommended asking for a separate set of orders for the garage; she said she would check with the department.

Referred Under Master Resolution

- 21 [ALH 10-148](#) Appeal of Richard Vang of JEM Construction to a Building Permit Denial for Non-Compliant Egress Windows at 1163 Kennard Street. (Ward 6)

Sponsors: Bostrom

Attachments: [1163 Kennard St.Appeal.8-19-10.pdf](#)

No one appeared. Ms. Moermond said she had consulted with Inspector Ubl, and would recommend that the Council grant a 4.5 inch variance on the openable width of four replacement glider egress windows, and a 7.5 inch variance on the openable width on one replacement glider egress window.

Referred Under Master Resolution

- 22 [ALH 10-162](#) Appeal Renewal by Anderson, represented by Bryan Horton, on behalf of Doris Schrenkler to a Building Permit Denial for Non-Compliant Egress Windows at 290 Burlington Road. (Ward 7)

Sponsors: Lantry

Attachments: [290 Burlington Road.Appeal.9-23-10.pdf](#)

Grant a 5 1/8 inch variance on the openable height of five double-hung replacement bedroom egress windows.

Grant a 5 1/8 inch variance on the openable height of five double-hung replacement bedroom egress windows.

Referred Under Master Resolution

- 23 [ALH 10-164](#) Appeal Ramsey County Department of Public Health, on behalf of Anna and Craig Butler, to a Building Permit Denial for Non-Compliant Egress Windows at 125 Robie Street West. (Ward 2)

Sponsors: Thune

Attachments: [125 Robie St W.Appeal.9-23-10.pdf](#)

Grant a 1-inch variance on the openable height of one double-hung replacement bedroom egress window.

Grant a 1-inch variance on the openable height of one double-hung replacement bedroom egress window.

Referred Under Master Resolution

- 24 [ALH 10-166](#) Appeal of David Theobald to a Code Compliance Inspection Report and a Building Permit Denial for Non-Compliant Egress Windows at 869 Geranium Avenue East. (Ward 6)

Sponsors: Bostrom

Attachments: [869 Geranium Ave E.Appeal.9-22-10.pdf](#)
[869 Geranium Ave E.Code Compliance Rept.5-6-10](#)

Grant a 4-inch variance on the openable height of three double-hung replacement bedroom egress windows

Grant a 4-inch variance on the openable height of three double-hung replacement bedroom egress windows

Referred Under Master Resolution

3:00 p.m. Hearings

Laid Over Items

- 25 [ALH 10-110](#) Appeal of Zaw Htun Wai to a Fire Certificate of Occupancy Deficiency Letter at 442 Brainerd Avenue.

Sponsors: Helgen

Attachments: [442 Brainerd Ave.Appeal.9-10-10.pdf](#)
[442 Brainerd Ave.Fire C of O Revocation.9-8-10](#)
[442 Brainerd Ave.Fire Photo Document.9-10-10](#)
[442 Brainerd Ave.PC ltr.11-12-10.doc](#)

On October 19, 2010, Ms. Moermond reviewed the water bill provided by the property owner and based on the documentation, she recommended granting the appeal and that the property not be in the Certificate of Occupancy program.

Decision forthcoming. Appellant to provide proof of owner-occupancy within two weeks. October 5: Decision forthcoming; waiting for minutes. ALH 10-110

Zaw Wai and Ye Zaw Htun (son) appeared. Mr. Htun provided interpretation.

Mr. Urmann gave a staff report. He read from the appeal that items 3 and 4 (smoke detector affidavit and heating facility test report) were being appealed; he said it wasn't clear why they were being appealed.

Mr. Wai said he'd purchased the house in 2009 and it had been approved by Inspector Singerhouse at that time. He said the house had been a rental but the tenants had stopped paying rent and been evicted. He said some windows had been broken since then but had been repaired. He said the smoke detector had been fixed, there were no heating problems and he thought everything had been addressed.

Ms. Moermond clarified the smoke detector affidavit requirement.

Mr. Urmann said that upon further review it appeared the inspector had written the orders incorrectly. He said the building was a revoked Category 1 vacant building, and all that was required was a complete Certificate of Occupancy inspection.

Ms. Moermond asked who was living at the property. Mr. Wai said they had been living at the property since August 20. Mr. Urmann noted that the appeal listed the owner's address as Rose Avenue. Mr. Htun said there were tenants living at the Rose address. He said his father was going to live in the basement unit of the Rose Avenue property and he (Mr. Htun) would be living on Brainerd. Mr. Wai submitted documentation

Ms. Moermond said whether or not the property was in the Certificate of Occupancy program depended on owner-occupancy, and there wasn't an exemption for family members. She said the property was considered a rental and subject to inspection. She asked whether Mr. Wai could provide a utility bill or other documentation to confirm residency. Mr. Wai said he could. Ms. Moermond said she would hold her decision for two weeks so Mr. Wai could provide that documentation.

Referred Under Master Resolution

26 [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](#)

Heard on September 28, 2010

Appellant Bill Wengler appeared.

Ms. Moermond asked what was being appealed. Mr. Wengler said he was appealing Items 15 (lighted exit sign), 16 (sprinkler system design information sign), 18 (unapproved lock), 20 (sprinkler coverage in green room), and 29 (egress door swing).

Inspector Urmann reviewed the code requirements for the items being appealed. He said the note in Item 20 about a licensed electrician was an error.

Ms. Moermond asked about the appeal of Item 15. Mr. Wengler said the exit sign had been moved to its current location to comply with orders from the previous inspector. He said it was lighted and very visible, and was hard-wired with a battery back-up. Ms. Moermond said she would review the old orders.

Mr. Wengler said they had been there 30 years and always complied with orders. He said everything cited had been covered in previous inspections, and he'd never seen a deficiency list like the current one.

Ms. Moermond asked whether the sprinkler system was checked regularly. Mr. Wengler said the system was tested twice a year by a licensed, bonded sprinkler contractor.

Inspector Urmann said Item 16 should be an easy fix. Mr. Wengler said it was not an easy fix. He said it was a large building and the system had been installed in 1980, and had passed all inspections since then. He said the contractor had told him the

design plate would cost between \$6,000 and \$10,000, and he couldn't afford that. He said he could provide a letter from the sprinkler contractor stating that the coverage was adequate.

Ms. Moermond asked about the order addressing an illegal lock. Mr. Wengler said there were thumb locks and panic bars everywhere they were required. He said he wasn't present at the inspection and wasn't sure what the inspector was referring to. Ms. Moermond said Item 20 was not clear because of the statement about a licensed electrician being required. Mr. Urmann said it appeared to address sprinkler coverage in the green room, and the sprinkler contractor should be able to determine whether the coverage was adequate. Mr. Wengler said the green room was added in 1990 and the plan had been approved by the City, and no sprinkler coverage had been required at that time.

Ms. Moermond asked for a clarification of the code citation in the order. Mr. Urmann said the code required that all areas be sprinklered if any were. Mr. Wengler said the sprinkler contractor had told him when the green room was added that a sprinkler system wasn't required; he said if it had been required they would have put it in.

Ms. Moermond asked about the appeal of the order related to door swing. Mr. Wengler said the doors cited were not designated egress doors. Mr. Urmann said the requirement applied to any door that could be used as an exit. Mr. Wengler said that wasn't consistent with what he'd been told by the previous inspector.

Ms. Moermond said she would review codes and old orders and put a decision on the record in two weeks. The property owner will provide a letter from Viking Sprinkler regarding the design plate. The matter will be on the agenda for a City Council public hearing on November 3.

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

27 [ALH 10-159](#)

Appeal of Xia Xiong to a Fire Certificate of Occupancy Correction Order at 961-963 Wilson Avenue. (Ward 7)

Sponsors: Lantry

Attachments: [961-963 Wilson Ave.Appeal.9-14.pdf](#)
[961-963 Wilson Ave.Fire C of O Ltr.9-2-10](#)
[961-963 Wilson Ave.Fire C of O Ltr.9-30-10](#)
[961-963 Wilson Ave 9-14.doc](#)
[961-963 Wilson Ave.PC ltr.11-12-10.doc](#)

(Laid over from Sept. 14) ALH 10-159

No one appeared.

On November 5, 2010, Inspector Kelly Booker inspected the property and stated that the double hung windows in Unit 2 of 963 south bedroom measured at 18.5 inches high by 35 inches wide. The north bedroom was measured at 20 inches high by 19 inches wide. Based on these dimensions, Marcia Moermond, Legislative Hearing Officer recommended granting a 5.5-inch on the openable height of the egress window in the south bedroom and a 5-inch variance on the openable height of the egress window in north bedroom.

Referred Under Master Resolution

28 [ALH 10-163](#)

Appeal Mary Marrin to a Fire Certificate of Occupancy Correction Order at

1637 Conway Street. (Ward 7)

Sponsors: Lantry

Attachments: [1637 Conway St.Appeal.9-7-10.pdf](#)
[1637 Conway St.Fire C of O Ltr.8-27-10](#)
[1637 Conway St.Photos.9-28-10](#)
[1637 Conway St.Fire C of O Ltr.9-30-10](#)
[1637 Conway St.photo 1.jpg](#)
[1637 Conway St.photo 2.jpg](#)
[1637 Conway St.photo 3.jpg](#)
[1637 Conway St.photo 4.jpg](#)

Grant a 3-inch variance on the openable height of the egress windows in the second level northwest and southwest bedrooms. Grant a variance on the sill height requirement if the grab bars are moved to a position adjacent to the windows.

Grant a 3-inch variance on the openable height of the egress windows in the second level northwest and southwest bedrooms. Grant a variance on the sill height requirement if the grab bars are moved to a position adjacent to the windows.

Referred Under Master Resolution