



APPLICATION FOR APPEAL

RECEIVED

OCT 06 2010

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, Oct. 12

Time 11:30

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1787 Orange Ave City: St. Paul State: MN Zip: 55119

Appellant/Applicant: Terr. Brennan / Dan Brennan Email: Terbrennan@hotmail.com

Phone Numbers: Business _____ Residence 651-967-2642 Cell 612-390-8640

Signature: Terr Brennan / Dan Brennan Date: 10-6-10

Name of Owner (if other than Appellant): Todd Fairchild

Address (if not Appellant's): _____

Phone Numbers: Business 651-296-7770 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
- Other
- Other



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

September 23, 2010

Tcf Properties Llc
5405 29th Avenue South
Minneapolis, Mn. 55417

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1787 ORANGE AVE E
Ref. # 115077

Dear Property Representative:

Your building was inspected on September 23, 2010, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become **necessary to revoke the Certificate of Occupancy in accordance with Section 33.05 of the Saint Paul Legislative Code. A inspection will be made on October 11, 2010 at 12 NOON to vacate property.**

Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Basement - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-Repair or replace the damaged or deteriorated ceiling. Replace all missing ceiling tile.
2. Basement - MSFC 315.2.3 - Remove combustible storage from the fuel burning equipment rooms.-Remove all cans marked extremely flammable and Nitric Oxide
3. Basement - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet. This does include washer and dryers
4. Basement - MSFC 605.6 - Provide all openings in junction boxes to be sealed.

5. Basement - MSFC 315.2.5 - Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, operator or repaired within a building.-Remove motor bike from basement
6. Basement - SPLC 34.23, MSFC 110.1 - The basement is condemned as unsafe or dangerous. The basement must not be used for sleeping purposes until re-inspected and approved by this office. Cannot be used for sleeping purposes because there is no egress.
7. Bedroom north side - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)- 266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information.-20inches openable height and 26inches openable width and sill 27inches and Glazed 46inches height by 23inches width
8. Bedroom north side - SPLC 34.13 (3), SPLC 34.17 (2) - Reduce and maintain the number of occupants in the sleeping rooms to: 1-Bedroom being occupied by 2 bedroom measured at 90 square feet. Reduce to 1 occupant to sleep in the bedroom.
9. Bedroom south side - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)- 266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information.-Windows measured at 20inches openable height and 26inches openable width sill 27inches Glazed 46inches height by 23inches width
10. Garage - SPLC 71.01 - Provide address numbers on building per attached HN-1 handout.
11. Garage - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide address numbers that contrast with the background.
Provide reflective numbers or background or illuminate at night.
12. Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.
13. Rear of Building - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass.
14. Rear of property - MSFC 304.1 - Remove excessive combustible storage and/or vegetation from exterior property areas.-Remove tires from rear of property and storage
15. Stairway leading to attic - SPLC 34.10 (3) 34.33(2) - Provide an approved guardrail. Intermediate balustrade must not be more than 4 inches apart. Intermediate rails must be provided if the height of the platform is more than 30 inches.

16. Stairway leading to attic - SPLC 34.10 (3), 34.33(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.
17. Stairway East Side - SPLC SEC . - 34.09 B. Every flight of stairs which is more than three risers high shall have handrails in accordance with the Building Code or maintained in accordance with the Building Code under which it was originally constructed
18. 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.
19. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.
20. SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door frame.-Finish door frame exit door east side.

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>

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: james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

James Thomas
Fire Inspector

Ref. # 115077

REVOCATION NOTICE

The Certificate Of Occupancy Required For
The Occupancy Or Use Of This Building
Has Been Revoked.

It Is Unlawful To Use Or Occupy This Building
After October 11, 2010 at 12:00pm
Unauthorized Persons Using Or Allowing
The Use Or Occupancy Of This Building
Are Subject To Criminal Penalties.

1787 Orange
Building Address
J Thomas
Inspector

9.27.10 Date
SP10 Code
410 Art.
01 Sec.

SAINT PAUL FIRE DEPARTMENT
FIRE PREVENTION DIVISION
100 E. 11TH STREET
MINN. 55101



September 30, 2010

City of Saint Paul
Office of the City Clerk
c/o Legislative Hearing Officer
310 City Hall, City/County Courthouse
15 W Kellogg Blvd.
Saint Paul, MN 55102

RE: Appeal for Revocation of Fire C of O and C of O Deficiency List

We are appealing the revocation of our Fire C of O posted on September 27, 2010 for the following reasons:

We were notified of the first walk-through inspection that was done by inspector James Thomas. My landlord was not present at this inspection. I never received any deficiency list from Mr. Thomas. Mr. Thomas showed up at my home a month or so later and stated he was there for a re-inspection to make sure all items on the deficiency list had been taken care of. I explained that I had never received a list and asked him to please mail one to me. I received the list about a week and half later. I never heard from Mr. Thomas again.

I contacted my landlord, Todd Fairchild, and asked him about the deficiency list. He stated that he had never received the list nor had he been notified of any re-inspection dates. He further explained that he and his wife had separated and he no longer lived at the address the city had listed for him. Furthermore, his wife was refusing to give any of his mail to him and he would subsequently have to take her to court to get his mail from her. Todd called Mr. Thomas and notified him of the situation. He tried to tell him his new address but Mr. Thomas refused to change the address until he received a fax from Todd stating his new address. Todd also tried to reschedule the next re-inspection since he was going to be out of town on business and wouldn't be able to be there. Mr. Thomas refused to reschedule the appointment.

On September 27, 2010 the revocation notice was posted on our front door.

Here are the items from the deficiency list that have been abated:

1. Replaced missing or damaged ceiling tiles.
2. Removed combustible storage from the fuel burning equipment rooms.
3. Plugged the washing machine cord directly into the permanent outlet.
4. Junction boxes have been sealed.
5. Motor bike was removed from the basement.
6. Tires removed.
7. No one has ever slept down in the basement – bed has been removed.
8. Egress windows – see below
9. Only one child sleeping in north bedroom
10. Egress windows – see below
11. Put reflective address numbers on garage.

12. Put reflective address numbers on garage
13. Replaced and painted any necessary exterior surfaces on garage.
14. Window glass replaced.
15. Tires removed from rear of property.
16. Stairway leading to attic (guardrail) see below
17. Stairway east side -not sure what needs to be done – need clarification
18. Furnace was tested by George from Piffner Heating on October 5, 2010. He will send necessary paperwork to City of Saint Paul.
19. Affidavit attached.
21. Door frame will be finished by Wednesday, October 7, 2010.

Items being appealed:

8. The landlord had all new windows put in the home approximately a year ago. After removing the stops that were placed at the top of each window, the space now measures 22” openable height and 26 “ openable width in the north bedroom. We feel there is plenty of space to get through the windows and out of house in case of fire.
10. The landlord had all new windows put in the home approximately a year ago. After removing the stops that were placed at the top of each window, the space now measures 22” openable height and 27 openable width in the south bedroom. We feel there is plenty of space to get through the window and out of the house in case of fire.
16. Attic not being used for anything but storage.
17. Attic not being used for anything but storage.
18. Not sure what needs to be done – need clarification.

We would like you to consider allowing the appealed items be taken into consideration since Todd Fairchild never received notice of the deficiency items in time to appeal them because of not being allowed to retrieve his mail from his previous address.

Sincerely,



Terri and Dan Brennan
1787 Orange Avenue
St Paul, MN 55119

Tom ✓ ✓



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

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July 21, 2010

Tcf Properties Llc
2658 Bartylla Court
White Bear Township MN 55110-0645

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
1787 ORANGE AVE E

Ref. # 115077

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on July 21, 2010. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately. A reinspection will be made on August 11, 2010 at 1:45 P.M..

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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. Basement - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-Repair or replace the damaged or deteriorated ceiling. Replace all missing ceiling tile. *need 2 ceiling tiles*

~~2. Basement - MSFC 315.2.3 - Remove combustible storage from the fuel burning equipment rooms.-Remove all cans marked extremely flammable and Nitric Oxide~~

3. Basement - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet. This does include washer and dryers *plug washer in to outlet*

~~4. Basement - MSFC 605.6 - Provide all openings in junction boxes to be sealed.~~

~~5~~

Basement - MSFC 315.2.5 - Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, *moved* operator or repaired within a building. -Remove motor bike from basement

~~6~~

Back yard Rear - MSFC 1103.3.6 - Arrange exterior storage of tires to be neat and orderly and free of vegetation. Piles must not exceed 5,000 square feet of continuous area, 50,000 cubic feet of volume, and be located within 50 feet of any property line or building. Piles must not exceed 10 feet in height. *gone*

~~7~~

Basement - SPLC 34.23, MSFC 110.1 - The basement is condemned as unsafe or dangerous. The basement must not be used for sleeping purposes until re-inspected and approved by this office. Cannot be used for sleeping purposes because there is no egress. *no one sleeps there*

8.

Bedroom north side - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)- 266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information. -20inches openable height and 26inches openable width and sill 27inches and Glazed 46inches height by 23inches width *Windows are new*

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~~9~~

Bedroom north side - SPLC 34.13 (3), SPLC 34.17 (2) - Reduce and maintain the number of occupants in the sleeping rooms to: 1-Bedroom being occupied by 2 bedroom measured at 90 square feet. Reduce to 1 occupant to sleeping the bedroom. *only one sleeps in that room*

10.

Bedroom south side - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. ~~This work may require permit(s). Call DSI at (651)- 266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information. -Windows measured at 20inches openable height and 26inches openable width sill 27inches Glazed 46inches height by 23inches width~~ *[scribble]*

extra

~~11~~

Garage - SPLC 71.01 - Provide address numbers on building per attached HN-1 handout. *put #s on garage*

~~12~~

Garage - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide address numbers that contrast with the background. Provide reflective numbers or background or illuminate at night.

~~13~~

Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements. *painted + repaired TRIM Fence Sides*

14.

Rear of Building - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass.

~~15~~

Rear of property - MSFC 304.1 - Remove excessive combustible storage and/or vegetation from exterior property areas. -Remove tires from rear of property and storage *gone*

- ~~16.~~ Stairway leading to attic - SPLC 34.10 (3) 34.33(2) - Provide an approved guardrail. Intermediate ballustrade must not be more than 4 inches apart. Intermediate rails must be provided if the height of the platform is more than 30 inches. } not used
- ~~17.~~ Stairway leading to attic - SPLC 34.10 (3), 34.33(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.
- 18. Stairway East Side - SPLC SEC . - 34.09 B. Every flight of stairs which is more than accordance with the Building Code under which it was originally constructed
- ~~19.~~ 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.
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If you have any questions, email me at james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 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,

James Thomas
Fire Inspector
Ref. # 115077

*City Clerk
St Paul
651-266-8688*