



APPLICATION FOR APPEAL

RECEIVED
DEC 07 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, <u>Dec. 14, 2010</u> |
| Time <u>1:30 p.m.</u> |
| Location of Hearing: |
| <u>Room 330 City Hall/Courthouse</u> |

mailed 12-7-10

Address Being Appealed:

Number & Street: 1884 Berkeley Avenue City: St. Paul State: MN Zip: 55105

Appellant/Applicant: LeAnn Brown Email LBrown20@uwsuper.edu

Phone Numbers: Business 715-394-8355 Residence 218-590-9570 Cell _____

Signature: LeAnn Brown Date: 12/2/2010

Name of Owner (if other than Appellant): _____

Address (if not Appellant's): my home address is: 4832 NW Island Lake Road,
Duluth, MN 55803

Phone Numbers: Business _____ 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 please see letter and attachments
- Code Enforcement Correction Notice _____
- Vacant Building Registration _____
- Other _____
- Other _____
- Other _____

December 2, 2010

Legislative Hearing Officer
Saint Paul City Clerk
310 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102

Dear Hearing Officer,

I am writing today to apply for an appeal regarding the bedroom egress windows for the home I own at 1884 Berkeley Avenue. I have included the letter from Rick Gavin, City Fire Inspector. Please see item number 4. I am confused as to why the windows are not in compliance and why an appeal is needed. The old windows were double hung – the old style rope and pulley type. The windows were replaced in 2009 with double hung vinyl windows with snap releases that allow both the top and bottom to swing open. The opening for escape meets MSFC 1026.1 requirements. I had my son (he lives in the house and will purchase from me after his wedding this June) take pictures of the opening. I mailed Mr. Gavin those pictures and a copy of MSFC 1026.1 that states the opening height must be 20 inches and the opening width must be 20 inches for houses built prior to July 10, 2007. The window opening is 29 inches by 29 inches.

Today Mr. Gavin called me and left a message that the issue is not the opening size but the type of window that was installed. Are double hung windows no longer allowed in rental homes? Most houses have double hung windows. I couldn't find any fire code ordinances that address types of windows on the state fire marshal web site or on St. Paul's web site.

I see that a hearing will be held on a Tuesday. Can my son attend instead of me? I live in Duluth and don't want to take a whole day of vacation. I am saving my vacation for the upcoming wedding.

Thank you for your assistance. I have included photos, Mr. Gavin's letter, and the application for appeal. By the way, Mr. Gavin has been a very helpful in this process. It is this just this one issue that I don't understand.

Sincerely,



LeAnn Brown
4832 NW Island Lake Road
Duluth, MN 55803
218-590-9570



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

November 9, 2010

LEANN L. BROWN
4832 NW ISLAND LAKE RD
DULUTH MN 55803-9218

FIRE INSPECTION CORRECTION NOTICE

RE: 1884 BERKELEY AVE
Ref. #112757
Residential Class: C

Dear Property Representative:

Your building was inspected on September 14, 2010 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 December 13, 2010 at 10:00 AM.

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 - 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. *Done* Basement - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Reduce storage of combustible materials.

3. Basement steps - 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.
4. Bedrooms - 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.
East
18.5 h x 24 w Glazed 5.6 Sq ft
North
14.5 h x 30 w Glazed 5.7 Sq ft
- done* 5. Bedrooms - 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.
6. Front door - SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock.
7. 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.
- done* 8. Garage - facing the alley - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide reflective numbers or background or illuminate at night.
- done* 9. Throughout - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
- ? 10. 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.
- done* 11. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

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: rick.gavin@ci.stpaul.mn.us or call me at 651-266-8994 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,

Rick Gavin
Fire Inspector

Reference Number 112757

7511.1025 SECTION 1025, ASSEMBLY.

Subpart 1. **IFC Section 1025.6.4.** IFC Section 1025.6 is amended by adding a section to read:

1025.6.4 Width of means of egress for bleacher facilities. Aisles for bleachers shall not be required to be more than 66 inches (167 cm) in width when calculated in accordance with Section 1025.6.1 or 1025.6.3 when the following conditions are satisfied:

1. The seating area served by such aisles is composed entirely of bleachers;
2. The row-to-row dimension is 28 inches (71 cm) or less; and
3. Front egress is not limited.

Subp. 2. **IFC Section 1025.9.5.** IFC Section 1025.9.5 is amended by adding an exception to read:

5. Aisles serving bleachers in compliance with Section 1025.6.4.

Subp. 3. **IFC Section 1025.14.** IFC Section 1025.14 is amended to read:

1025.14 Assembly guards. Assembly guards shall comply with Sections 1025.14.1 through 1025.14.3.

Exception: In accordance with the Minnesota Bleacher Safety Act, Minnesota Statutes, section 16B.616:

1. Guards are not required on bleachers 55 inches and less in height; and
2. Bleachers must have vertical perimeter guards or other approved guards that address climbability and are designed to prevent accidents.

7511.1026 SECTION 1026, EMERGENCY ESCAPE AND RESCUE.

IFC Section 1026.1 is amended to read:

1026.1 Escape windows. In Group R and Group I-1 occupancies, escape windows shall be provided, installed and maintained in sleeping rooms in accordance with this section. Sleeping rooms located in basements and levels below the fourth story shall have at least one exterior emergency escape and rescue opening.

Exceptions:

1. An escape window is not required if the room has a door that leads directly to the exterior of the building.

2. Escape windows installed prior to April 11, 1983, and having a clear opening not less than 20 inches (508 mm) in width, 24 inches (610 mm) in height and 5 square feet (0.46 m²) in area with a finished sill height not more than 48 inches (1219 mm) above the floor may be allowed to continue.

3. An escape window is not required if the building is protected throughout by an approved, automatic sprinkler system.

4. Escape windows need not be installed from rooms of existing buildings having two separate means of escape, provided that the means of escape are independent of each other and they pass through only one adjacent nonlockable room or area.

5. Existing escape windows at single-story resort buildings installed prior to October 3, 1975, and having a clear opening not less than 20 inches (508 mm) in width, 20 inches (508 mm) in height and 4.5 square feet (0.41 m²) in area with a finished sill height not more

1.2 Approved emergency escape windows

When used as a second means of egress, windows shall comply with the following minimum size requirements:

For escape windows installed prior to July 10, 2007*:

- A minimum of 20 inches in width
- A minimum of 20 inches in height
- A minimum of 648 square inches (4.5 square feet) of clear opening
- A maximum of 48 inches from the floor to the sill opening

**Note: The above is considered the absolute minimum regardless of existing or window replacement.*

For escape windows installed above or below the level of exit discharge on or after July 10, 2007:

- A minimum of 20 inches in width
- A minimum of 24 inches in height
- A minimum of 820 square inches (5.7 square feet) of clear opening
- A maximum of 44 inches from the floor to the sill opening

For grade or ground floor escape windows installed on or after July 10, 2007:

- A minimum of 20 inches in width
- A minimum of 24 inches in height
- A minimum of 720 square inches (5.0 square feet) of clear opening
- A maximum of 44 inches from the floor to the sill opening

Approved egress/escape windows may include any of the following: Double hung windows

- Sliding windows
- Casement windows

See the attached diagrams for additional description of acceptable egress windows and a worksheet for determining compliance with the requirements of the MSFC (07).

1.3 Egress window opening height

Egress windows with openings up to 52 inches off of the floor may meet the height requirement (for existing buildings as applicable from Section 1.2 above) by securing a step, platform or bed to the wall directly underneath the window. This step, platform or bed shall be no more than 44 inches below the opening and must be strong enough to support the weight of the person. The minimum acceptable width shall be the same as the window opening. The minimum acceptable depth away from the wall shall be 18 inches. [MSFC (07) Section 1026.1]

1.4 Coverings on egress windows

Plastic coverings are allowed to cover egress/escape windows and exterior doors if the plastic covering meets the following requirements. [MSFC (07) Section 1026.1]



