

Scanned



APPLICATION FOR APPEAL

RECEIVED

FEB 01 2012

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
- Walk-In OR Mail-In

<p>YOUR HEARING Date and Time:</p> <p>Tuesday, <u>2-14-12</u></p> <p>Time <u>2:30</u></p> <p>Location of Hearing:</p> <p>Room 330 City Hall/Courthouse</p>
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Address Being Appealed:

Number & Street: 2128 Bush Ave City: St. Paul State: Mn Zip: 55119

Appellant/Applicant: Eric Almendinger Email: jealmendinger@msn.com

Phone Numbers: Business _____ Residence _____ Cell 651-755-3295

Signature: _____ Date: _____

Name of Owner (if other than Appellant): Terry Kirk

Address (if not Appellant's): 10075 Citywalk Dr #102 Woodbury mn 55129

Phone Numbers: Business _____ Residence _____ Cell 651-497-6779

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

Everything has been removed by date of letter

Attachments

Appeal of Vacant Building Registration

The home located at 2128 Bush Ave. St. Paul, was occupied up to 10/26/11 at which time the tenant vacated the home. We waited for the tenant to remove his personal belongings before starting any repairs to the home. The tenant caused a lot of issues while living there and continued to do so after leaving. The tenant refused to clean or leave in place things required for code compliance, such as smoke detectors. We would fix the problems and he would remove them after we left.

We are now in the process of cleaning and repairing the home so that the owner, Terry Kirk, can reoccupy the residence. Terry then received a notice that the home was now listed as a category 2 vacant building. The home is secure, checked often, and utilities are still on and usable.

We have been working on making sure the home is code compliant for many months and will continue to make sure it is code compliant. We received a deficiency list on December 15 that is attached. ALL deficiencies had previously been remedied many months ago.

I, Eric Almendinger, Terry Kirks son-in-law, will be taking over management of the property due to Terry Kirks inability to take care of the property because of his ongoing mental illness.



Eric Almendinger
651-755-3295



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Nuisance Building Code Enforcement

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

651-266-8989

651-266-1919

www.stpaul.gov/dsi

January 23, 2012

Terry L Kirk
2211 Van Dyke St Unit 1
Maplewood MN 55109-2725

VACANT BUILDING REGISTRATION NOTICE

The premises at **2128 BUSH AVE**

has been inspected and found to meet the legal definition of a Vacant Building as described in Saint Paul Legislative Code, Chapter 43. You are required to register this building with the Department of Safety and Inspections, Vacant Buildings Division, by filling out and returning the registration form provided with this letter. You are also required to pay the annual Vacant Building Registration Fee of **\$1,100.00**. The fee is due upon receipt of this letter and must be paid no later than thirty (30) days from the date of this letter, as required in Saint Paul Legislative Code Chapter 43. If this building is vacant due to a fire, complete the enclosed registration form and return it to this office within 30 days.

Please return the enclosed registration form along with your payment by February 23, 2012.

Do not mail cash.

If you wish to pay in person, you may do so from 8:00 a.m. to 4:00 p.m. Monday through Friday at:

DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

You may file an appeal to this fee or registration requirements by contacting the Office of the City Clerk at (651) 266-8688. Any appeal of this fee must be made within ten (10) days of the date of this notice.

If the registration fee is not received in this office within 45 days of the date of this letter the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.

The Code Enforcement Officer has notified the Building Inspection And Design Section that this property meets the legal definition of a registered vacant building and in accordance with Legislative Code Chapter 33, no permits (except demolition, wrecking and removal permits) will be issued until the requirements of all applicable ordinances are fulfilled.

All category 2 and category 3 vacant buildings must be winterized with gas and water services shut off or, alternately, an excess flow gas valve must be installed in the dwelling, within sixty (60) days of the date of this Notice.

WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL IS REQUIRED BEFORE A CATEGORY 2 OR CATEGORY 3 VACANT BUILDING CAN BE OCCUPIED OR SOLD.

Category 2: Requirements include: 1. register/re-register the building, 2. pay outstanding fee(s), 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use.

Category 3: All requirements listed for Category 2 vacant buildings, AND obtain a **Certificate of Occupancy OR Certificate of Code Compliance** prior to the sale of the building.

If the use of this building meets the definition of a nonconforming use by the Zoning Code then the use will lose its nonconforming status 365 days from the date the building was declared vacant.

You must contact the Enforcement officer, Dave Nelmark, at 651-266-1931 to find out what must be done before this building can be legally reoccupied.

The Enforcement Officer may declare this building(s) to constitute a Nuisance Building subject to demolition and issue an Order to Abate under authority of Legislative Code Chapter 45. In the event this building is declared a Nuisance Building subject to demolition, the Enforcement Officer will notify all owners and interested parties of the Order to Abate, as provided in the Legislative Code Chapter 45.

If you have questions about this annual registration fee or other vacant building requirements, please contact the Enforcement Officer, Dave Nelmark, at 651-266-1931.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Thank You,

Steve Magner
Vacant Buildings Program Manager
Department of Safety and Inspections

Enclosures: Regulations Requirements Information
Vacant Building Registration Form

SM: dn
vb_registration_notice 06/10



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsi

326

January 20, 2012

Terry L Kirk
2211 Van Dyke St Unit 1
Maplewood MN 55109-2725

Dear Sir or Madam:

2128 BUSH AVE is a Registered Vacant Building that requires a Code Compliance Inspection per the Vacant Building Statute (Chapter 43). This inspection can be obtained by calling Building and Inspections and Design at (651) 266-9016. **This dwelling can not be occupied without a Certificate of Code Compliance.** Call (651) 266-9016 for a permit sign-off.

THE VACANT BUILDING REGISTRATION FORM AND REGISTRATION FEE MUST BE RECEIVED BY THE VACANT BUILDING PROGRAM BEFORE DSI MAY ISSUE PERMITS.

Violation of the Vacant Building Statute (Chapter 43) will result in the issuance of a criminal citation.

Written permission from the City of Saint Paul is required before a Category 2 or Category 3 Vacant Building can be sold. Requirements that must be met for Category 2 vacant buildings include: 1. register/re-register the building, 2. Pay outstanding fees, 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use. In addition to meeting all 6(six) of these requirements a Category 3 vacant building must obtain a **Certificate of Occupancy** or a **Certificate of Code Compliance** prior to the sale of the building.

If you have any questions you can call me at the number below.

PROPERTIES THAT ARE SUSPECTED TO BE ILLEGALLY OCCUPIED ARE SUBJECT TO INSPECTIONS AT ANY HOUR OF THE DAY OR NIGHT.

Sincerely,

Dave Nelmark

651-266-1931

Vacant Buildings Code Enforcement Officer

dn

ncc60120 6/10

Done

January 20, 2012

12 - 008825



CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
DIVISION OF CODE ENFORCEMENT
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

SUMMARY ABATEMENT ORDER

326

Yog hais tias koj hais lus Hmoob thiab koj tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266-8989. Nws yog pab dawb zwb. Si necessita un traductor, por favor llamanos al (651)266-8989. No costo.

Terry L Kirk
2211 Van Dyke St Unit 1
Maplewood MN 55109-2725

Occupant
2128 BUSH AVE
St Paul MN 55119-3941

Terry L Kirk
2211 Van Dyke St Unit 1
Maplewood MN 55109-2725
CO Revoked/Vacant

As owner or person(s) responsible for: 2128 BUSH AVE you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

- Remove improperly stored or accumulated refuse including: garbage, rubbish, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from yard areas.
- Cut and remove tall grass, weeds and rank plant growth.
- Remove and properly dispose of all animal feces from yard areas.
- IMMEDIATELY secure all buildings which are open to unauthorized entry, including:
- Other:

If you do not correct the nuisance or file an appeal before **January 27, 2012**, the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes. Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipment, etc. The rate will be approximately \$260.00 per hour plus expenses for abatement.

You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times
FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION

Issued by: Dave Nelmark Badge Number 326 Phone Number 651-266-1931
If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

Appeals: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, whichever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310, City Hall, St. Paul, MN 55102. The telephone number is (651) 266-8688. You must submit a copy of this Correction Order with your appeal application.

***WARNING** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within such 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.



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

December 15, 2011

TERRY L KIRK
2211 VAN DYKE ST UNIT 1
MAPLEWOOD MN 55109-2725

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
2128 BUSH AVE

Ref. # 113530

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on December 15, 2011. 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 January 18, 2012 at 11:30 A.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. House - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.
- attached 2. 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.
- attached 3. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.
- ✓ 4. MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Remove all cords from all pathways
- ✓ 5. MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.-Remove gas cans from basement.

Will get permit
and do work asap
to get to
code.

6.

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.-Double hung windows. Sill 35inches. 19inches openable height . Openable width is 35inches. Glazed is 40inches in height by 32inches in width.

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 the original orders.

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. # 113530



EXISTING FUEL BURNING EQUIPMENT SAFETY TEST REPORT

(Use separate form for each Appliance)

Department of Safety & Inspections
Fire Prevention Division
375 Jackson Street – Suite 220
Saint Paul MN 55101
Fax: 651-266-8951

Address: 2128 Bush Ave E Date: 1-27-11

Owner: Eric Almendarez

Type of Heat:

Gravity Air _____ Forced Air _____ Gravity Hot Water _____ Forced Hot Water X
Steam _____ Unit Heater _____ Space Heater _____ Other _____

Type of Fuel: Gas X Oil _____ Other _____

Gas Design	Conversion
Make of Burner <u>Peerless</u>	Make _____
Model <u>MMW-85-WC</u>	Model _____
Serial <u>MMW-17972</u>	Max. BTU Rating _____
Input <u>85,000</u>	Make of Furnace _____

Equipment venting type: Atmospheric X Induced Fan _____ Other _____

Total BTU input of all vented gas appliances per chimney: 119,000 BTU.

Type of Chimney: Masonry X Class B _____ Other _____

Type of Liner: None _____ Metal X Clay Tile _____

Combustible Air Supply Required?: Yes _____ No X Installed?: Yes _____ No X

Safety & Operating Control Tests:

	Yes	No	Fuel Analysis/Flue Gas Analysis:	Yes	No
Pilot/Flame Safeguard Operating Properly	<u>X</u>	_____	Vents Properly without Spillage	<u>X</u>	_____
Limit(s) Operating Properly	<u>X</u>	_____	Flame Stays Inside/Doesn't Roll Out	<u>X</u>	_____
Operator(s) Operating Properly	<u>X</u>	_____	Burner Lights Smoothly	<u>X</u>	_____
Low Water Cut-Off Operating Properly	_____	<u>N/A</u>	<i>Now they light smoothly burner were dirty I cleaned them.</i>	_____	_____
All Controls Operating Properly	<u>X</u>	_____			

	Initial	Final	Visual Inspection	Yes	No
Stack Temperature	<u>374</u> ° F/Net	<u>389</u> F/Net	Fuel Piping System – Okay	<u>X</u>	_____
Oxygen	<u>6.1</u> %	<u>8.1</u> %	Vent Systems—Draffhood, Connector, Vent Chimney-- Okay	<u>X</u>	_____
Carbon Dioxide	<u>7.8</u> %	<u>7.2</u> %	Heating Unit – Okay	<u>X</u>	_____
Carbon Monoxide	<u>8</u> % / ppm	<u>2</u> % / ppm			

Carbon Monoxide Detector (tube type) Positive _____ Negative X

Look At Total Heating System Before You Leave:

Does system operate safely and properly? Yes _____ No _____

COMMENTS: The Burner were very dirty. Cleaned Burner now water is working properly. There is no back flow preventer on water supply feed.

Name of Licensed Contractor: Sedgwick Heating Address 1408 Northland Dr Phone # 952-881-5000

Person Doing Test (Print) Kevin Pace (signature) [Signature]

Certificate of Competency Number from City of Saint Paul for Appropriate Fuel: Journeyman Gasburner
#20090000041



CITY OF SAINT PAUL
OFFICE OF THE CITY COUNCIL
310 CITY HALL
15 WEST KELLOGG BOULEVARD
SAINT PAUL, MN 55102-1615
EMAIL: legislativehearings@ci.stpaul.mn.us
PHONE: (651) 266-8560 FAX: (651) 266-8574

February 17, 2011

Terry Kirk
2211 Van Dyke St, Unit 1
Maplewood, MN 55109

Re: Appeal for property at 2128 Bush Avenue
File ID: ALH 11-260

Dear Mr. Kirk:

This is to confirm that on February 8, 2011 the Legislative Hearing Officer reviewed the above-referenced appeal and recommended granting a 4-inch variance on the openable height of the egress window in the main floor southwest bedroom.

If you have further questions, please contact me at 651-266-8563.

Sincerely,

Mai Vang
Legislative Hearing Coordinator

c: Fire Supervisors (email)
Pat Fish (email)
File



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

**SMOKE AND CARBON MONOXIDE DETECTOR
INSPECTION AFFIDAVIT**

** This affidavit must be completed and returned to the fire inspector upon inspection of the property. A certificate of occupancy cannot be issued/renewed without this completed affidavit. If all the units were not inspected by one person, signatures of all persons inspecting are required. More than one sheet may be used. **

2126 BUSH AVE, ST. PAUL

1

Address

of Units

C of O #

I affirm that I have given the occupant of each dwelling unit or guest room in the building at the above address a written explanation of the following:

1. The location and operation of each smoke detector and carbon monoxide detector.
2. Instructions describing the action to be taken when an alarm sounds.
3. The procedures for testing the detectors.
4. Who to contact when a low-battery tone sounds or power light fails.
5. The penalties for disabling smoke detection or carbon monoxide detection.

Signature: Terry Kib

Date: 2-1-12

I affirm that I personally inspected the smoke detectors and carbon monoxide detectors in the dwelling units and guest rooms in the building at the above address as follows and that all detectors were in place and good working order:

Apt. #	Apt. #	Apt. #	Apt. #	Apt. #	Apt. #
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Signature: Terry Kib

Date: 2-1-12

Minnesota State Statutes 299F.362 requires smoke detectors and Minnesota State Statute 299F.50 requires carbon monoxide detectors and Saint Paul Ordinance 39.02 (c) requires that an affidavit stating that "all detectors are inspected and serviced when needed and are operational be filed before a Certificate of Occupancy can be issued or renewed."

Revised 12/09

737340

INVOICE

Jones
65121711

OLD TO	Terry Kirk			ORDER NO.	WIKESIDE AIRBORNE		
ADDRESS	2425 Best Ave			ADDRESS	2904 90th Ave		
CITY, STATE, ZIP	St. Paul, MN			CITY, STATE, ZIP	Chicago, MN 55413		
CUSTOMER'S ORDER	SALE PERSON	TERMS	VIA	F.O.B.	DATE		
	Terry Kirk						

JB Sup.

- 1) Install Gas Valve for
Morse Heater Valve - 12.00 + 40" 52.00
 - 2) Reinstall Boiler Tank - 125.00
Pressure tank
 - 3) Install Pressure Relief Valve
for Water Boiler & ext tube - 50.00
10' from floor
 - 4) Vent Duct Work - \$125.00 125.00
 - 5) Permit Fee \$130.00
- ~~\$313.00~~