



APPLICATION FOR APPEAL

RECEIVED
NOV 22 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
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

Date and Time of Hearing:

Tuesday, 12/7/10

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

Appellant/Applicant: Daniel & Linda Gallaway

Address: 13645 Oakwood Crv City: Burnsville State: MN Zip: 55337

Phone Numbers: Business 612-845-4939 Residence N/A Cellular 612-251-5608

Signature: Daniel Gallaway Date: 11-14-2010

Name of Owner (if other than Appellant):

Property in question:

Address: 1564 McAfee City: St. Paul State: MN Zip: 55106

Phone Numbers: Business Residence Cellular

State specifically what is being appealed and why (use an attachment if necessary):

This home is a rambler style with 3 bedrooms up, and finished basement w/ one bedroom. The inspector stated bedrooms must have escape windows for each sleeping room with 5 sq. ft. glazed area with operable height of 24 inches and operable width of 20 in. Bedroom #1 has 2 windows. Each window has glass opening of 23 3/4" wide and 20" high, and has a sill height of 36" from floor. Bedrooms #2 and 3 each have 2 windows, with glass opening of 27 3/4" wide and 20" high and has a sill height of 36" from floor. The basement bedroom has a large egress window with glass opening of 23" wide and 43" height, and a sill height of 30" from floor. (cont'd)

NOTE: Any person unsatisfied by the final decision of the City Council may obtain judicial review by timely filing an action as provided by law in District Court or Court of Appeals

Fee Received: Receipt Number:

This request for appeal is overdue, but circumstances that are explained in the following information have been the reason for this delay. Because I was unable to meet Mr. Thomas at the time of the first inspection due to being out of town for work, the tenants let Mr. Thomas into the home to complete his inspection. Upon receipt of the first letter following the inspection I called Mr. Thomas and left a voicemail identifying myself and explaining that I had questions regarding several “deficiencies” he had listed in the letter. I left my name and phone number and requested that he call me back. After a week passed without hearing from him I again called and left another voicemail for Mr. Thomas requesting that he return my call. Another week passed without hearing from Mr. Thomas. I made a third phone call to Mr. Thomas and left a third voicemail that requested that he call me back to answer my questions. A few days after the third voicemail I received a call from Mr. Thomas. When we spoke I began asking him some of the questions I had. He seemed unable to answer my questions, however, and just told me he would reinspect the property and said I could file an appeal. I tried to explain to him that the windows were original to the house and were a standard size and placement, and also that the home had previously been inspected by Section 8 inspectors for a number of years and had passed everything on their list without exception. He was unwilling to discuss anything with me, however, and just repeated that I could file an appeal. I then contacted the office and requested an Appeal form.

Less than a week after receiving the appeal in the mail my wife, who had just become physically disabled and taken off work by her doctors, received the news that her mother had died unexpectedly. Because of her being only one of two siblings, our family had to help take care of the funeral details and then immediately turn to getting her elderly father moved from one place to another, who subsequently has become ill himself and required extra assistance now that his wife has died. With my wife's physical disability it required that I spend a substantial amount of my time assisting in this, as she is unable to do the physical labor involved. Then three weeks after my mother-in-law passed, there was a death in my immediate family, and within two weeks of that my own mother fell and was in Intensive Care at Methodist Hospital for almost a week. All these things contributed to the delay in getting this appeal filed, and are the reason our Appeal is so overdue. This has been a very difficult time for my wife and I on several levels, and were our priorities for the past three months.

I am enclosing a copy of a letter from Mr. Thomas dated September 7, 2010, notifying us of an upcoming inspection on September 17th. But the letter was not postmarked or mailed until October 4, 2010 (see attached copy of envelope). Therefore, we were unaware of any subsequent inspection of the home on McAfee. Also, by that time I had managed to complete several of the “deficiencies” listed on the original letter from Mr. Thomas, yet none of those “deficiencies” were taken off this letter and/or listed as having been completed. I again contacted Mr. Thomas to have a conversation regarding this, but when we spoke he again was unwilling to discuss anything with me and repeated to file the appeal before he hung up.

We have owned this home since 2005. When we purchased the home it was Section 8 approved and had tenants occupying it, and we continued to have Section 8 tenants occupying the home for over 2 ½ years. At each inspection by their inspectors the home passed with no problems whatsoever. One inspector even told me as he left that all Section 8 tenants would be 'fortunate' to live in a home that was as 'well maintained and clean' as this house was. We have consistently kept this house in good condition and made sure tenants had a well maintained and safe home to live in. Therefore, upon receiving Mr. Thomas first letter of deficiency, we were extremely surprised that there were two pages of “deficiencies”, especially the listing of the repair to be made to the privacy fence that surrounds the back yard. We did not understand what this had to do with fire safety in the home.

As of this date we have seen that all other “deficiencies” pointed out by Mr. Thomas have been completed. I am also attaching a list of the exact dimensions of each window along with a diagram of the window glass sizes, and request that we be granted a variance with regard to these windows. We believe the sizes of the windows in the four bedrooms is so close to the size required by the new state code that for a variance to be granted in this case would not present a safety hazard for the residents living there, especially as the house is a one-story rambler.

Also, to deny this variance only means that this home will have to sit empty, as we are financially unable to bear the large expense of replacing windows in four bedrooms. We believe to have the home sit empty would place us in the dangerous position of owning an empty house that would be ripe for vandals, squatters, or someone looking for a place to conduct illegal activities. Due to the location of this home (in the Lake Phalen neighborhood) in relation to where our residence is (Burnsville), we would not be able to properly monitor the house as an empty house should be monitored by its owners. We are very concerned about the potential problems this home being empty will place on our family. With my wife's recent disability and being taken off work by her doctors, as well as the financial issues this has presented to our family, we respectfully ask that our request for a variance be granted and we be issued a Certificate of Occupancy. We thank you in advance for your consideration of our request.