

Moermond, Marcia (CI-StPaul)

From: Ubl, Stephen (CI-StPaul)
Sent: Wednesday, September 13, 2017 1:29 PM
To: Moermond, Marcia (CI-StPaul)
Subject: RE: 784 Holton

Hi Marcia,

This is a very active property with many permits connected to it. What I have reviewed in our records indicates several issues.

- We still have a Building Warning folder open in our system due to the permit that was issued for the “bathroom Rough-in” was inspected and finalized BUT no additional permit was obtained to install any fixtures in the basement bathroom.
- The plans submitted to our office are suspect in that the hand-drawn plans show a flight of stairs that can appear to show going up to the main level.
- We did final the basement remodel and it does appear that the inspector did not identify this building being a “tri-Plex” with the finished basement.
- The building code and the zoning code do recognize this property with the finished basement as a “Tri-Plex”. If they owner wishes to have this basement used as habitable space they would then need to submit a full set of plans to our office for review under the 2015 Minnesota Building Code (one & two family properties are regulated under the 2015 Minnesota Residential Code)

I have asked staff to review all data on this property to ensure that all of our data shows that this property is a duplex (owner-occupied). The basement is allowed to be used as storage at this point in time if there is a one-hour separation between the basement and the first floor unit. Any other type of use would require a full review of the building from this office.

Thank you,



Stephen Ubl

City of St. Paul Building Official

Department of Safety & Inspections

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stephen.ubl@ci.stpaul.mn.us

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From: Moermond, Marcia (CI-StPaul)
Sent: Wednesday, September 13, 2017 10:53 AM
To: Ubl, Stephen (CI-StPaul)
Subject: FW: 784 Holton
Importance: High

In the email below, the property owner poses questions about the understanding of the city's inspectors as to her future use of the basement. She is indicating they were aware of her intended use and cleared it. Can you let me know your team's thoughts on this case. It is in front of the Council next Wed. 9/20. Thank you, Marcia

From: Moermond, Marcia (CI-StPaul)
Sent: Wednesday, September 13, 2017 10:49 AM
To: 'jenny'
Subject: RE: 784 Holton

Ms. Rundenza, This email will be attached to the Council record for their consideration of your appeal. I will forward your email to the City's Building Official for any comments he may have on your questions. Sincerely, Marcia Moermond

From: jenny [<mailto:jenny@talonreit.com>]
Sent: Wednesday, September 13, 2017 10:41 AM
To: Moermond, Marcia (CI-StPaul)
Subject: FW: 784 Holton

Hello Ms. Moermond,

Thank you for responding. In regards to the basement there were a few different ideas I have when designing this project. I hoped to use the finished space for my daughter to attend school or set it up as an office/guest area for family or friends to visit. However, as a back plan and future long term investment I thought adding the basement space to the main floor would be the best option in the long run. I did request the electrical to be connected to the main floor unit. In my mind the separation between the floors could be an ideal set up for an extended family, or students since there were separate living areas and bathrooms on each floor, (I live blocks from Hameline University.) Throughout the project I explained both options to contractors and inspectors.

I'd like to give you a little more information on the overall situation. Before the basement was complete my massage therapist asked if I had any rentals open, just so happens the main floor 2 bedroom unit had just been vacated. She was one of most popular massage therapists and I had been seeing her for 2 years so I knew her job history, it seemed like a perfect situation. She was aware of the basement work and knew I had plans for fixing up the exterior of the home. After the completion of the basement a friend of mine, who I used to work with and knew of my basement project, asked to rent some space for a few months. (At the time it seemed like a blessing because I had lost a well-paying job due to the company downsizing.) Sharing my space was a temporary plan that would help both of us. I've known this person for almost 2 years, he is a great cook so I knew I would get home cooked meals out of the deal. Plus I had grown close with his sons and enjoyed spending time with them. His youngest son actually spend quite a bit of time in my space during his visits and even spent the night a few times. My friend was paying me \$400 a month for space in the basement. Although this was different than either plan I intended, it was truly shared space, not a 3rd unit.

As I mentioned before I was very open about my plans with Innovated basements and inspectors. Everyone was given a full tour and well aware that the dwelling was a legal duplex and being used as such. I am not sure why filing of the permit was done as a single family home. Having two options of what to do with the basement

seemed like the best use of the investment. Throughout the process, the only code violation I was told about was that I could not have a stove/oven in the basement. I abided by this code and did not add a stove/oven or any similar device. There was a microwave which was mainly for convenience so nobody had to walk up 2 flights of stairs to warm up something real quick. It was not indicated to me that my intended use of the space was a code violation by any inspector. On February 23rd, 2017 a final inspection was scheduled. During the final inspection a tour of the entire dwelling was conducted, mainly to confirm all smoke detectors and carbon monoxide alarms were present and working. At this time all 3 floors shared a common hallway and all 3 floors had doors with locks. Nothing was added or removed from the time of the final inspection until now. The only interior work done was painting of the shared hallway.

I am a hardworking, law abiding citizen with excellent credit and no criminal background. I'll admit I was wrong in believing the brother of my tenant when he said permits were not needed on the exterior if there was not structural change. Moving forward I will check with the city before doing any work. However, I properly handled the addition of the basement and have maintained the restrictions given to me. I was honest about how I intended to use the space and believed having a final inspection meant I could use the space in the manner I described. My question is in what capacity was the space permitted for when it was finalized? What is the difference if the home was being used as a single family home? At this time I would like to use the basement as my office space and guest room for out of state visitors, not to be used a living space for any individual. Now that I know the main floor and basement must be connected in order to be considered a single unit, I do plan on making that change at a later date, with permits.

One final note, I contacted the permit inspector the day after the hearing, he came out on Monday and evaluated both porches, I had to remove the back porch, which I have done and the front porch work is in process. Unfortunately the inspector assigned to this project is very busy. I had hoped to complete the front porch by the end of this week but the inspector could not do another inspection until Friday. I'm hopeful to have the front porch done by the 20th. For the back porch, multiple inspections are needed as footings are needed which were not present when I purchased the property, I will have this in process and timing plan laid out by the 20th but I do not believe it will be finished by the 20th. Inspector Martin is scheduled to come back on the 20th at 10 a.m.

Please understand this situation is a combination of bad events with the job lose, and unexpected costs of construction, exceeding my contingency fund, combined with difficult tenants. My property was in the middle of multiple project when it was inspected and followed a huge garage clean-out project which was all cleared the trash day following that weekend. Unfortunately this was also the day my tenants decided to have a party and left a huge mess. I am a good person and sincerely apologize for any inconvenience I caused.

Thank you for your consideration in this matter.

Jenny Rundenza
Senior Accountant
Talon Real Estate Holding Corp.
5500 Wayzata Blvd. STE 1070
Minneapolis, MN 55416
Direct: 952.449.3652
Main: 612.604.4600
Jenny@talonreit.com

Begin forwarded message:

From: "Moermond, Marcia (CI-StPaul)" <marcia.moermond@ci.stpaul.mn.us>
Date: September 11, 2017 at 5:39:37 PM CDT
To: "jdk2007@icloud.com" <jdk2007@icloud.com>
Cc: "Martin, Lisa (CI-StPaul)" <lisa.martin@ci.stpaul.mn.us>, "Vang, Mai (CI-StPaul)" <mai.vang@ci.stpaul.mn.us>
Subject: RE: 784 Holton

Ms. Rundenza,

A review of the relevant sections of the City's Zoning Code and the Minnesota Building Code makes clear that there cannot be shared living spaces for the 2 units. The living space in the basement has to attach to one of the units and may not be occupied or used for the purpose you propose. These are the relevant code sections:

Chapter 60.205. -D contains the following definition:

Dwelling unit. One (1) or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a **single complete kitchen facility (stove and/or oven,** refrigerator, and sink), sleeping area, and bathroom provided within the unit for the exclusive use of a single household.

Sec. 202 of the MN Building Code defines dwelling unit(s) as follows (*the italicized text is from the annotated version of the Building Code*):

Dwelling: A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwellings are buildings intended to serve as residences for one or two families. Dwellings can be owner occupied or rented. The term "dwelling," which refers to the building itself, is designed to distinguish it from the term "dwelling unit," which is a single living unit within a building. It is important to recognize that the code is not intended to regulate detached one- and two-family dwellings and townhouses that are regulated by the International Residential Code (IRC) (see Section 101.2) See also the definition of townhouse.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

A dwelling unit, as stated, is a residential unit that contains all the necessary facilities for independent living. This provides a single, independent unit that serves a single family or single group of individuals. This terminology is used throughout the code for the determination of the application of various provisions. A dwelling unit is also distinguished from a sleeping unit which does not have all the features of a dwelling unit and must comply with a different set of requirements (see the definition for "Sleeping Unit). A building containing three or more dwelling units is regulated as a Group R-2 occupancy. The most common term used for such a building is an apartment house or condominium. To be considered a Group R-3 occupancy, the structure must have one or two dwelling units, or be subdivided by fire walls between every unit or every two units.

Although there may be common access to certain parts of the basement, such as a laundry area, the space designed for living purposes must be connected to one of the

units in the building, presumably the first floor unit. If the space is not connected to a unit, it is not a part of a complete unit for the use of a single household. (Your contractor's (Innovative Basement Systems) building permit applications indicated this was a basement finishing job for a single family dwelling. The notes in the electrical permit file from December 2016 indicate the basement was to be connected to the first floor unit's service. This makes it appear that if the space was not originally constructed to be an illegal unit, it was intended to be connected to the first floor. Your testimony that you constructed the space as a living area or sleeping unit for your daughter makes the former appear more plausible.)

Moving forward, in order for this space to be used for habitation, it must be connected to one of the two units in the house so the spaces form one cohesive unit with no locks or barriers and the space would be used exclusively by one household. Alternatively, you may apply to obtain a variance from the Board of Zoning Appeals to add a legal third unit to the building.

I will append this email to the record of your appeal and prepare the resolution for the Council's consideration so that it makes this clear.

Sincerely,
Marcia Moermond
Legislative Hearing Officer
Saint Paul City Council

From: Martin, Lisa (CI-StPaul)
Sent: Monday, September 11, 2017 4:13 PM
To: Moermond, Marcia (CI-StPaul)
Subject: Fwd: 784 Holton

Sent from my iPhone

Begin forwarded message:

From: Jenny Rundenza <jdk2007@icloud.com>
Date: September 11, 2017 at 2:47:13 PM CDT
To: "Martin, Lisa (CI-StPaul)" <lisa.martin@ci.stpaul.mn.us>
Cc: "Moermond, Marcia (CI-StPaul)" <marcia.moermond@ci.stpaul.mn.us>, "Vang, Mai (CI-StPaul)" <mai.vang@ci.stpaul.mn.us>
Subject: Re: 784 Holton

Lisa,

My attorney asked me to contact you with a question regarding the basement. If I were to remove the lock on the door that leads to the finished basement area, and share it with tenants as a lounge area/place to fold clothes or watch tv while doing laundry, would this be okay? The door to the basement laundry room is the exact same as the door to the finished basement area and would have a

handle just like handle on laundry room door. Basically the entire basement would be shared area with two unlocked doors.

Thanks

Jenny

On Sep 8, 2017, at 6:59 AM, Martin, Lisa (CI-StPaul)
<lisa.martin@ci.stpaul.mn.us> wrote:

To clarify, I never spoke to your friend who rents in the basement or have I ever met your friend. Your letter was emailed to you per your request in regards to the recent hearing. I will be in my office until 8:30am if you still have more questions.

Thanks!

-----Original Message-----

From: Jenny Rundenza
[<mailto:jdk2007@icloud.com>]

Sent: Thursday, September 7, 2017 4:45 PM

To: Martin, Lisa (CI-StPaul)
<lisa.martin@ci.stpaul.mn.us>

Subject: 784 Holton

Hi Lisa,

I've left you a few messages as I have questions. I understand you are busy but I really need some clarification. My friend who rents the room in the basement said he spoke with you and you told him he could live in the basement. However, from my understanding of the paperwork as well as the hearing it was my understanding that I could not rent to a friend as a shared unit to mine. Would you please clarify.

Thank you

Jenny