

RLH FCO 18-61



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

APR 24 2018

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number # 5977)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

<p>HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>MAY 1, 2018</u> Time <u>1:30</u> Location of Hearing: Room 330 City Hall/Courthouse</p>

Address Being Appealed:

Number & Street: 1428 Berkeley Ave. City: St. Paul State: MN Zip: 55105

Appellant/Applicant: Gisela Peters Email peters.gisela@gmail.com

Phone Numbers: Business 612.845.5825 Residence 651.647.9517 Cell 612.845.5825

Signature: Gisela Peters Date: 4/24/2018

Name of Owner (if other than Appellant): Lakes and Plains, LLC

Mailing Address if Not Appellant's: 1708 Portland Ave., St. Paul, MN 55104

Phone Numbers: Business 612.845.5825 Residence 651.647.9517 Cell 612.845.5825

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/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Comments: See attachment

Deficiency # 2 only

Gisela Peters
peters.gisela@gmail.com
612.845.5825

Appeal of Fire Inspection Correction Notice dated April 18, 2018
Address: 1428 Berkeley Ave., St. Paul, MN 55104
Ref. #125054

Deficiency 2: Interior – Basement – SPLC 34.13 (1) – Provide and maintain all habitable areas with a ceiling height of 7 feet over half the floor area. Highest ceiling height is 77 inches in basement. Immediately stop using any area of the basement as a sleeping area.

Reasons for Appeal of Deficiency #2:

The Department of Safety and Inspections states that:

Basements shall have a minimum ceiling height of 7 feet measured from finish floor to the lowest projection from the ceiling. (Lower ceilings may be approved due to existing conditions.) SEE EXHIBIT A

1. Above regulation allows for lower ceiling heights “due to existing conditions.” 1428 Berkeley Ave. was built in 1922. A ceiling height of less than 7 feet is an existing condition of older homes.

2. The State of Minnesota adopted the 2012 International Residential Code (IRC) on January 24, 2015. Revisor of Statutes, State of Minnesota (1309.0305 Section R305, Ceiling Height) states: SEE EXHIBIT B

R305.2 Alterations to existing building basements. Alterations to portions of existing basements shall comply with the provisions of this section.

R305.2.1 Minimum ceiling height, existing buildings. Alterations to existing basements or portions thereof shall have a ceiling height of not less than 6 feet 4 inches (1931 mm), including beams, girders, ducts, or other obstructions.

3. According Minnesota Statutes 2017 326B.121 State Building Code Subdivision 1 (b):

The State Building Code supersedes the building code of any municipality.

1428 Berkeley Ave. has a basement ceiling height of 77 inches, which exceeds the minimum ceiling height of 6 feet 4 inches (76 inches). It is, therefore, in full compliance with IRC as adopted by the State of Minnesota, and the reason given for deficiency #2 is invalid.



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
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Telephone: 651-266-8989
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Web: www.stpaul.gov/dsi

April 18, 2018

LAKES & PLAINS LLC
1708 Portland Ave
Saint Paul MN 55104-6843

FIRE INSPECTION CORRECTION NOTICE

RE: 1428 BERKELEY AVE
Ref. #125054
Residential Class: B

Dear Property Representative:

Your building was inspected on April 18, 2018 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 May 24, 2018 at 1:00pm.

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. Interior - Basement - MSFC 605.1 -Provide a grounding jumper around the water meter.
2. Interior - Basement - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over half the floor area.-**Highest ceiling height is 77 inches in basement. Immediately stop using any area of the basement as a sleeping area.**
3. Interior - Bathroom - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner.-Repair chipped and peeling areas.

4. Interior - Bathroom - SPLC 34.14 (3), MPC 4714.01 (T) - Provide and maintain a window or approved ventilation system in all bathrooms.-**Have a licensed contractor pull a permit and install a vent fan or remove toilet in bathroom with out one. Have basement bathroom vent fan repaired.**
5. Interior - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
6. Permits - MSBC -Section 105.1 - Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.-**Have the two open mechanical permits and one plumbing permit inspected and finaled for water heater and boiler installed last year.**

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: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: daniel.klein@ci.stpaul.mn.us or call me at 651-266-8988 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,

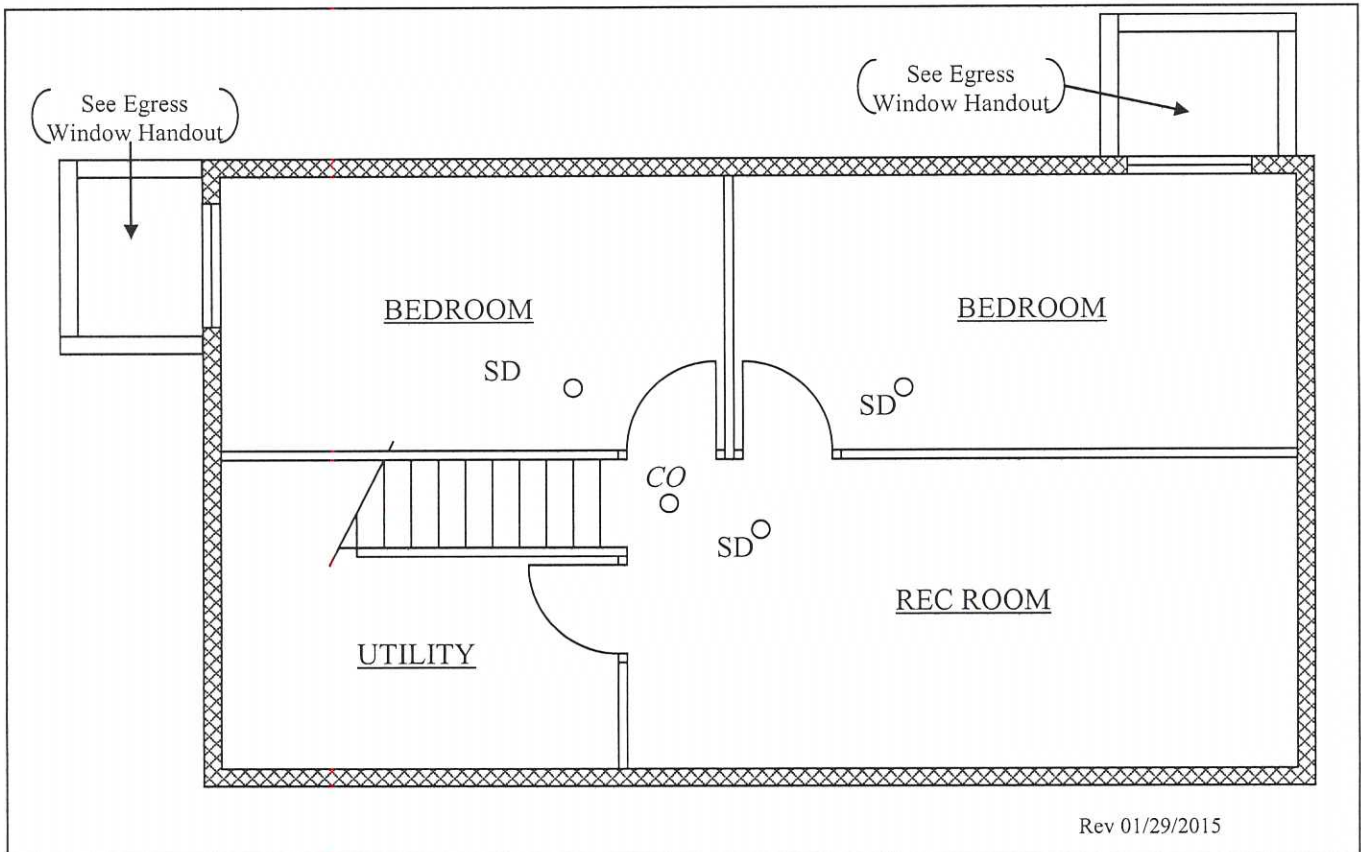
Daniel Klein
Fire Inspector

Reference Number 125054



Basement Finish

- Basements shall have a minimum ceiling height of 7 feet measured from finish floor to the lowest projection from the ceiling. **(Lower ceilings may be approved due to existing conditions.)**
 - Exception 1: Beams and girders spaced not less than 4 feet on center may project not more than 6 inches below the required ceiling height.
 - Exception 2: Not more than 50% of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet in height with no portion of the required floor area less than 5 feet in height.
- Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet. Other habitable rooms shall have a floor area of not less than 70 square feet. (Habitable Room: Space used for living, sleeping, eating or cooking.) Habitable rooms shall not be less than 7 feet in any horizontal dimension. (Except Kitchens)
- Every sleeping room must have at least one open able emergency escape and rescue window or exterior door opening for emergency escape and rescue. (See Egress Window Handout)
- Carbon Monoxide detectors are required on all levels; adjacent to all sleeping rooms. All bedroom's shall have new smoke detectors shall be hardwired and interconnected with battery backup. Verify location of smoke detectors with inspector during framing inspection.



1309.0305 SECTION R305, CEILING HEIGHT

IRC section R305 is amended to read as follows:

R305.1 Minimum height, new buildings. Habitable space, hallways, bathrooms, toilet rooms, laundry rooms, and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finish floor to the lowest projection from the ceiling.

Exceptions:

1. For rooms with sloped ceilings, at least 50 percent of the required floor area of the room shall have a ceiling height of at least 7 feet (2134 mm) and no portion of the required floor area may have a ceiling height of less than 5 feet (1524 mm).

2. Bathrooms shall have a minimum ceiling height of 6 feet 8 inches (2032 mm) at the center of the front clearance area for water closets, bidets, or sinks. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (2032 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.

R305.1.1 Basements, new buildings. Portions of basements that do not contain habitable space, hallways, bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

Exception: Beams, girders, ducts, or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor.

R305.2 Alterations to existing building basements. Alterations to portions of existing basements shall comply with the provisions of this section.

R305.2.1 Minimum ceiling height, existing buildings. Alterations to existing basements or portions thereof shall have a ceiling height of not less than 6 feet 4 inches (1931 mm), including beams, girders, ducts, or other obstructions.

R305.2.1.1 Bathroom plumbing fixture clearance. Bathrooms shall have a minimum ceiling height of 6 feet 4 inches (1931 mm) at the center of the front clearance area for water closets, bidets, or sinks. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 4 inches (1931 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the wall where the showerhead is placed. The ceiling may have slopes or soffits that do not infringe on the height required for the plumbing fixture.

R305.2.2 Minimum stairway headroom, existing buildings. Alterations to existing basement stairways shall have a minimum headroom in all parts of the stairway not less than 6 feet 4 inches (1931 mm) measured vertically from the sloped line adjoining the tread nosing or from the floor surface of the landing or platform on that portion of the stairway.

Exception: Where the nosings of treads at the side of a flight extend under the edge of a floor opening through which the stair passes, the floor opening shall be allowed to project horizontally into the required headroom a maximum of 4-3/4 inches (121 mm).

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.02; 326B.101; 326B.106; 326B.13*

History: *27 SR 1475; L 2007 c 140 art 4 s 61; art 13 s 4; 39 SR 91*

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