



APPLICATION FOR APPEAL

RECEIVED RECEIVED
OCT 29 2013 OCT 11 2013
CITY CLERK 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

YOUR HEARING Date and Time:

Tuesday, Nov. 12, 2013
Time 1:30 p.m.

Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1747 Selby Ave. City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Jason Twombly Email brian@mcclay-alton.com

Phone Numbers: Business _____ Residence _____ Cell _____

Signature: Brian D. Alton, Attorney for Owner Date: October 09, 2013

Name of Owner (if other than Appellant): Jason Twombly

Address (if not Appellant): c/o McClay Alton, PLLP, 951 Grand Ave., St. Paul, MN 55105

Phone Numbers: Business 651-290-0301 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
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

See Attachment

Naylor, Racquel (CI-StPaul)

From: Brian Alton <brian@mcclay-alton.com>
Sent: Tuesday, October 29, 2013 2:18 PM
To: Naylor, Racquel (CI-StPaul)
Subject: RE: 1747 Selby Avenue, Deficiency List dated 10-17-13

Racquel,
Let's plan on the 12th. Thanks for checking.
Have a great day.

Regards,
Brian
Brian D. Alton
M^cCLAY • ALTON, P.L.L.P.
951 Grand Ave
St. Paul, MN 55105
FAX 651-290-2502
651-290-0301
brian@mcclay-alton.com

This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the listed email address. Thank you.

From: Naylor, Racquel (CI-StPaul) [<mailto:racquel.naylor@ci.stpaul.mn.us>]
Sent: Monday, October 28, 2013 11:34 AM
To: Brian Alton
Subject: RE: 1747 Selby Avenue, Deficiency List dated 10-17-13

Mr. Alton, do you know which hearing date you would prefer? -Racquel

From: Brian Alton [<mailto:brian@mcclay-alton.com>]
Sent: Thursday, October 24, 2013 11:34 AM
To: Naylor, Racquel (CI-StPaul)
Subject: RE: 1747 Selby Avenue, Deficiency List dated 10-17-13

Racquel,
Thanks for your email. We will want to appeal the October 17 notice. In particular items 7 and 10. Please let me know if I should file a new application for appeal.
I will let you know which hearing date, either Nov. 5 or Nov. 12, we prefer.

Regards,
Brian
Brian D. Alton
M^cCLAY • ALTON, P.L.L.P.
951 Grand Ave
St. Paul, MN 55105

FAX 651-290-2502
651-290-0301
brian@mcclay-alton.com

This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the listed email address. Thank you.

From: Naylor, Racquel (CI-StPaul) [<mailto:racquel.naylor@ci.stpaul.mn.us>]
Sent: Thursday, October 24, 2013 9:44 AM
To: Brian Alton
Cc: *CI-StPaul_LegislativeHearings
Subject: 1747 Selby Avenue, Deficiency List dated 10-17-13

I see a Re-Inspection Fire Certificate of Occupancy with Deficiencies for 1747 Selby Avenue dated October 17, 2013. Would you like to appeal this one? If so, you can choose the legislative Hearing dates of November 5 or 12. I still have your check for \$25.

-Racquel Naylor, 651-266-8573

This message has been scanned by [LastSpam](#) eMail security service, provided by [Digital Business Solutions, Inc.](#)

MCCLAY · ALTON, P.L.L.P.
ATTORNEYS

Robert M. McClay
Brian D. Alton*

*Also Licensed in Wisconsin

951 Grand Avenue
St. Paul, MN 55105
Fax: 651/290-2502
651/290-0301

October 9, 2013

St. Paul City Clerk
310 City Hall
15 West Kellogg Blvd
St. Paul, MN 55102

RECEIVED
OCT 11 2013
CITY CLERK

RE: **1747 Selby Ave**

Dear Sir or Madam:

Our office represents Jason Twombly, the owner of the property located at 1747 Selby Ave., St. Paul, MN.

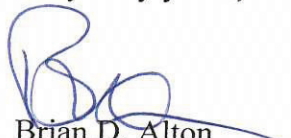
Enclosed please find Application for Appeal, with Attachment, copy of the Fire Inspection Correction Notice dated September 12, 2013, and \$25.00 filing fee for the application, made payable to the City of St. Paul.

On behalf of the property owner, we respectfully request that a hearing be scheduled on the appeal of the determination of a deficiency based upon SPLC 62.101 (Items 12 and 17 of the Fire Inspection Correction Notice).

Please note that the property owner received the Fire Inspection Correction Notice on October 8, 2013.

Thank you for your consideration in this matter. If you need any further information please do not hesitate to contact me.

Very truly yours,



Brian D. Alton
brian@mcclay-alton.com

BDA/mm
Enclosures
cc: Jason Twombly



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

October 17, 2013

JASON TWOMBLY
2914 EAST 25TH ST
MINNEAPOLIS MN 55406-2993

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
1747 SELBY AVE

Ref. # 120580

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on October 17, 2013. 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 November 18, 2013 at 11:00 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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. Basement - UMC 2213 (f) - Install proper hangers and support for the gas piping in compliance with the mechanical code.-Dryer
2. Exterior - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-Repair and tuckpoint the fondation in an approved manner.
3. Exterior - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-Repair or replace the roof soffit and fascia this work will require a permit.
4. Exterior - SPLC 34.09 (1) b,c, 34.33 (1) b, c - All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Repair and repaint exterior walls window frames and other surfaces in an approved manner.

5. Front porch - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner. -Repair the water damage on the front porch.
6. Lower bedroom - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Relocate the smoke detector to an approved location.
7. Throughout - SPLC 62.101 - Student Housing :Throughout. - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use and call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue use as an unapproved student housing and convert back to single family use. Obtain written approval from zoning for student housing use or de-convert immediately.
8. Throughout - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner. -Paint the wall. Patch the holes and/or cracks in the walls.
9. Throughout - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-Paint the ceiling. Patch the holes and/or cracks in the ceiling.
10. Throughout - SPLC 62.101 - Student Housing :Throughout. - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use and call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue use as an unapproved student housing and convert back to single family use. Obtain written approval from zoning for student housing use or de-convert immediately.

Number of People: Throughout the building - SPLC 33.05 (A) - The use of this building for more than four unrelated adults would require approval and a certificate of occupancy for use by more than 4 unrelated adults. Immediately discontinue unapproved use and convert to legal use.

11. Throughout - MSFC 1003.3.1.8 - Remove unapproved locks from the unit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.-Remove the slid bolt from the bedroom door.
12. 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.
13. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

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 the original orders.

If you have any questions, email me at mike.urnann@ci.stpaul.mn.us or call me at 651-266-8990 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,

Michael Urmann
Fire Inspector
Ref. # 120580

Naylor, Racquel (CI-StPaul)

From: Naylor, Racquel (CI-StPaul)
Sent: Friday, October 11, 2013 3:07 PM
To: brian@mcclay-alton.com
Cc: *CI-StPaul_LegislativeHearings; Urmann, Mike (CI-StPaul)
Subject: 1747 Selby Avenue, Deficiency List dated 9-12-13

Mr. Alton,

We received today your application for appeal on the Fire Inspection Correction Notice dated 9-12-13 on the property at 1747 Selby Avenue.

Unfortunately, we cannot accept an appeal because it is well past the ten day period to appeal.

If there is a deficiency list generated from the upcoming inspection on 10-14-13, the owner could probably appeal that list. Please let us know if you would prefer that we hold onto your \$25 check in case there is another list to appeal.

-Racquel Naylor, 651-266-8573

**ATTACHMENT TO APPLICATION FOR APPEAL
OF
FIRE INSPECTION CORRECTION NOTICE**

Address: 1747 Selby Avenue, St. Paul, Minnesota

The owner of the property appeals the **Fire Inspection Correction Notice** on the grounds that the Fire Inspector made an error in determining that the property was not in compliance with Section 62.101 of the St. Paul Legislative Code and/or the property did not conform to the zoning ordinance.



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

September 12, 2013

JASON TWOMBLY
2914 EAST 25TH ST
MINNEAPOLIS MN 55406-2993

FIRE INSPECTION CORRECTION NOTICE

RE: 1747 SELBY AVE
Ref. #120580
Residential Class: C

Dear Property Representative:

Your building was inspected on September 12, 2013 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 October 14, 2013 at 11:00 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 2213 (f) - Install proper hangers and support for the gas piping in compliance with the mechanical code.-Dryer
2. Basement - MSFC 605.5.3 - Immediately, discontinue use of frayed, deteriorated, damaged or spliced electrical cords.-Light must be installed to code.
3. Exterior - SPLC 34.11 (4), 34.34 (1), MPC 4515, MPC 326 - Connect or cap the rain leader piping in accordance with the plumbing code.-Cap the rain leader in an approved manner.

4. Exterior - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide address numbers that contrast with the background.
Provide reflective numbers or background or illuminate at night.
5. Exterior - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-Repair and tuck-point the foundation in an approved manner.
6. Exterior - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-Repair or replace the roof soffit and fascia this work will require a permit.
7. Exterior - SPLC 34.09 (1) b,c, 34.33 (1) b, c - All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Repair and repaint exterior walls window frames and other surfaces in an approved manner.
8. Front porch - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner. -Repair the water damage on the front porch.
9. Lower bedroom - 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.
10. Lower bedroom - MSFC 1003.3.1.8 - Remove unapproved locks from the unit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.-Remove the slid bolt from the bedroom door.
11. Lower bedroom - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Relocate the smoke detector to an approved location.
12. Throughout - SPLC 62.101 - Student Housing :Throughout. - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use and call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue use as an unapproved student housing and convert back to single family use. Obtain written approval from zoning for student housing use or de-convert immediately.
13. Throughout - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner. -Paint the wall. Patch the holes and/or cracks in the walls.
14. Throughout - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-Paint the ceiling. Patch the holes and/or cracks in the ceiling.
15. Throughout - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.

16. Throughout - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
17. Throughout - SPLC 62.101 - Student Housing :Throughout. - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use and call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue use as an unapproved student housing and convert back to single family use. Obtain written approval from zoning for student housing use or de-convert immediately.

Number of People: Throughout the building - SPLC 33.05 (A) - The use of this building for more than four unrelated adults would require approval and a certificate of occupancy for use by more then 4 unrelated adults. Immediately discontinue unapproved use and convert to legal use.

18. 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.
19. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

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: mike.urmann@ci.stpaul.mn.us or call me at 651-266-8990 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,

Michael Urmann
Fire Inspector

Reference Number 120580