

## Timeline for resolution of Fire Inspection Items

The following table lists an updated, condensed timeline requested to make alterations and seek necessary inspections to receive a Fire Inspection certificate at property 727 Dayton Avenue.

Following this table is the original document filed with the appeal of the order to vacate, and supporting documents/communications with contractors to add veracity to the time claims made.

| Issues                      | Description  | To be Resolved by   | Current Status   | Work done by   |
|-----------------------------|--|---|--|--|
| Items 1 – 2                 | Exterior Paint fixes   | <b>April 2012 (earliest paintable weather)</b>  | Too cold to paint  | College Painters   |
| Items 3 – 4                 | Porch Guard Rail issues  | <b>February 2012 (see attached email from Bob Hengelfelt in appendix)</b>   | <ul style="list-style-type: none"> <li>• Received Permit and HPC approval;</li> <li>• Awaiting front porch guard rail install</li> </ul>                     | Bob Hengelfelt   |
| Items 5, 8, 9               | Kitchen remodel, having to do with wiring, plumbing and live-able conditions, etc. | <b>To be completed by February 2012</b> <ul style="list-style-type: none"> <li>• Kitchen cabinet installation happening week of 1-23-12 to 1-28-12</li> <li>• Counter top installation scheduled for 1<sup>st</sup> week of February</li> </ul> | <ul style="list-style-type: none"> <li>• Wiring and plumbing work has been approved.</li> <li>• Sheet-rocking, painting and floor work completed.</li> </ul> | General contractor for kitchen remodel is Warren Simmons<br><br>Countertop installation to be done by Home Depot |
| Items 11 & 15               | Occupancy items; related to having furniture and signs of occupancy in apartment   | <b>No action to take but remove furniture – at Council’s discretion</b>   | n/a  | n/a  |
| Item 10                     | Inactive permit from 2005 water heater install by St. Paul Plumbing and Heating    | <b>To be completed by February 2012</b>   | In communication with St. Paul Heating & Plumbing to get resolved  | St. Paul Heating & Plumbing  |
| Items 6, 7, 12, 13, 14 & 16 | Open electrical and plumbing permits not yet finalized by Mr. Simmons              | <b>To be completed by February 2012</b>   | In communication to get Mr. Simmons to get final inspections performed.  | Warren Simmons   |

## **(Original Document include in original appeal 1/17/2012)**

This appeal of the Revocation of Fire Certificate of Occupancy and Order to Vacate notice which my wife, Jada Breuer, and I, Joe Breuer, received on the 12/28/2011 is based on the following needs and requests:

1. More time to complete work requested by Fire Inspector.
  - a. **Items 1 – 2** on the issues list are requested exterior paint improvements. This cannot be completed during the current weather season (winter). We would request to have a completion date of **June 30th, 2012** scheduled to allow for booking of a competitive bid on the enhancements thought by the Fire Inspector and within our temporal budget constraints.
  - b. **Items 3 – 4** both are awaiting completion of the install of the front guard rail. All other issues mentioned in these items have been completed. This hand rail issue was overlooked by the Inspectors when the front porch work was completed in 2010. Bob Hengelfelt, who did the original porch work, is in the process of completing this work and has recently applied for a permit for the work. With timing issues between City Inspectors and the contractor's availability, as well as the weather, I would request a completion date of **April 30<sup>th</sup>, 2012**.
  - c. **Items 5, 8, 9** are in progress with work being completed by contractor Warren Simmons. These issues are directly related to the on-going kitchen remodeling that has made Unit #2 without a kitchen. Since electrical updates required by the Fire Inspector were just approved, this work can finally move to completion. Work on sheet-rocking and priming is starting next week and we are requesting a completion date of **February 29<sup>th</sup>, 2012**. This is based on what the contractor estimates in duration of the project due to the length of lead time it takes city inspectors to come out. It also works within our financial constraints. (See Sheet rocking bid
2. Clarification on other outstanding issues.
  - a. **Items 6, 7, 12, 13, 14, 16** – Based on what I understood the Fire Inspector to state, although these items passed inspection by the city inspector, they are not marked complete in the city computers. Therefore, the Fire Inspector cannot sign off on these items. It is my understanding once the remaining kitchen items are completed, these will be moved to a completed state in the city computers by the city inspector. I cannot estimate a time for completion as these activities are not in my control.
  - b. **Item 10** – This issue relates to water heaters being fixed by reputable St. Paul Company "St. Paul Plumbing and Heating" in 2007. The city computers show "Inactive" as a status and the Fire Inspector relayed to me that this was common practice if a final inspection had not been made. As a non-technical home owner, I hire professional services in good faith to take care of these city-related requirements. I do not have knowledge how to get this issue resolved and removed from my list, or whether I need to have St. Paul Heating and Plumbing come back out. This is a situation where I cannot use my

property as an income stream due to being blocked by an item I have little power or knowledge to fix.

3. Occupancy requirements.

- a. **Item 11** – This item claims we have prevented the inspector from accessing all areas of the house. My work requires travel, so I have only been physically present at one inspection and I can attest that all areas were made available to the Fire Inspector. My wife assures me of the same occurring in my absence. This item needlessly prevents us from using our property as an income stream by preventing us from receiving a fire certificate although all safety & code requirements have been/are being met.
- b. **Item 15** – The items states that all furniture needs to be removed from the premises due to Unit #2 being unfit for occupancy. This declaration derives from the kitchen remodeling project in Unit #2 which required updates to plumbing and electrical that have all been completed. The sheet-rocking and painting of the Unit is to happen over the next several weeks with time allotted for inspections (**see items 5, 8, 9 above**). The extra financial burden of having all the furniture removed and stored for this short duration while the kitchen is completed will delay the he completion of the kitchen project as we need to get additional funding. We cannot do the work ourselves as I travel throughout the week and my wife is about to give birth (due date Jan 21<sup>st</sup>, 2012).

Further, the claim of occupation is incorrect. The furniture belong to a guest staying with us at our home address. She will eventually inhabit this space, but is not, while construction is on-going. The guest does not pay us any rent on Unit #2 and the furniture has been arranged as to allow her an occasional private retreat. The evacuation of these furniture by paid professionals would have no safety impact, but does incur a greater cost to myself.

Finally, the revoking the Fire Certificate of Occupancy also threatens me with the continuing of renting Unit #1 to its current tenant, a U.S. Veteran, who resides there at reduced Market Rates. His expulsion will require him to find a new affordable place as well as leaving with no income on my property.

Thanks You.

Sincerely,

Joe Breuer

## (Communications with Bob Hengelfelt as to completion of front stairs guard rail)

Sent: Mon 1/23/2012 10:42 AM

Joe,

The welder is working on your rail today and should be installing it sometime in the next few days. I'll let you know when I have an exact date.

Bob

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From: [joe.breuer@new-dimensions.biz](mailto:joe.breuer@new-dimensions.biz)  
To: [r-mhengelfelt@msn.com](mailto:r-mhengelfelt@msn.com)  
Subject: RE: 825/827 Dayton Ave.  
Date: Wed, 18 Jan 2012 13:54:14 -0600

Bob,

I had my appeals hearing yesterday and I need to provide a more reasonable estimate of completion of items. When do you think you can have the rail installed by? Thanks,

Joe Breuer

**From:** Robert Hengelfelt [<mailto:r-mhengelfelt@msn.com>]  
**Sent:** Monday, January 09, 2012 4:50 PM  
**To:** Joe Breuer(NDC)  
**Subject:** Fw: 825/827 Dayton Ave.

Joe,

Please see Amy Spong's (HPC) response below and let me know what your thoughts are.

Thanks,

Bob

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

**From:** [Amy Spong](#)

**To:** [Robert Hengelfelt](#)

**Sent:** Monday, January 09, 2012 4:32 PM

**Subject:** Re: 825/827 Dayton Ave.

Hi Bob,

Sorry for the delay. I was out on vacation over the holiday and then was sick on top of that for 16 days!

I've looked at your handrail application and we typically don't approve rails in the center of the stairs which often dissects a graceful and inviting entry. Can you move the railing to one side or install two?

I also believe that Plan Review will want to see the post come down to the bottom step but if you've already checked with them then disregard. I believe its a code thing.

Let me know about moving the railing to one side or having two. Amy

[Amy Spong](#)  
Historic Preservation Specialist  
Planning and Economic Development  
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>>> "Robert Hengelfelt" <[r-mhengelfelt@msn.com](mailto:r-mhengelfelt@msn.com)> 12/22/2011 1:43 PM >>>

Amy,

Please see the attached review application and specifications for a stair rail, for 825/ 827 Dayton Ave.

Thank you,

Bob Hengelfelt

Hengelfelt Restorations Inc.

Cell: 612.616.8601

[robert@hengelfelt.com](mailto:robert@hengelfelt.com)

[www.hengelfelt.com](http://www.hengelfelt.com)