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APPLICATION FOR APPEAL

RECEIVED
OCT 10 2012
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, <u>Oct. 16, 2012</u>
Time <u>1:30 P.M.</u>
Location of Hearing:
<u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 6002 Mendota St City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Mendota Properties, LLC Email _____

Phone Numbers: Business 651 292 3000 Residence _____ Cell 612 845 5089

Signature: _____ Date: _____

Name of Owner (if other than Appellant): Margaret Uria H

Address (if not Appellant's): 501 Dale St. Suite 300 St. Paul MN 55103

Phone Numbers: Business 651 292 3000 Residence _____ Cell 612-845-5089

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

1 Provide parking spaces that are per zoning, #6 on list.

I have attached where zoning had written that there should be 8. This building passed vacant building & without those required spaces and has never had 8 spaces.



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 1, 2012

MENDOTA PROPERTIES, LLC
501 DALE ST N STE 300
ST. PAUL MN 55103

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
602 MENDOTA ST

Ref. # 15521

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on September 28, 2012. 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 October 24, 2012 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. 2nd Floor - Hall - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.
-Repair or remove the non-working, non-required battery powered smoke alarm.
2. Basement - Electrical Room - MFGC 406.5.2 - Immediately repair or replace the leaking fuel equipment piping. This work may require a permit(s). Call DSI at (651) 266-8989.
-Provide documentation from a licensed contractor of the repair of a gas leak that was yellow tagged by Excel.
3. Basement - MSFC 703 - Repair and maintain the required fire resistive construction with approved materials and methods. This work will require a permit(s). Call DSI at (651) 266-9090.
4. Basement - SPLC 34.10 (1) - Abate and maintain the basement reasonably free from dampness and free of mold and mildew.
-Abate the mold-like substance on the sheet rock or replace the sheet rock if needed.

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5. Basement - SPC 4715.2000, 2110 - Provide an approved backflow preventer.-Provide the required annual service for the backflow preventer.
6. Exterior - Rear - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. *Contact DSI Zoning at 651-266-9090.*
7. Exterior - Rear - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.
-Repair the damaged shed or remove it from the property.
8. Exterior - Rear - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.
-Remove the mattress and tire from the property.
9. Exterior - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects. This work will require a permit. Contact DSI at 651-266-8989.
-Repair the roof leak in an approved manner.
10. Interior - All Units - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.
-Repair the damaged baseboard heater covers where needed throughout all units.
11. Interior - All Units - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
12. Interior - Front Entry - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.
-Repair or replace the floor tile.
13. Interior - Hall - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.
14. Rear Entry - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.
15. Unit 1 - Front Bathroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
-Repair the caulking.
16. Unit 1 - Front Hall - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.
17. Unit 1 - Middle Bedroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.

18. Unit 1 - Rear Door - MSFC 703 - The fire door must not be obstructed or impaired from its proper operation at any time.
-Repair the fire door to open properly.
19. Unit 1 - MSFC 605.5 - Remove electrical cords that extend through walls, ceiling, floors, under doors, or floors coverings, or are subjected to environmental or physical damage.
20. Unit 1 - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.
-Repair and replace all missing and improperly working smoke detectors.
21. Unit 1 - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.
-Replace the missing hard wired smoke detector.
22. Unit 1 East - Room - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. There is no approved emergency escape and rescue opening in this room.
-Immediately remove the bed and discontinue using this room as a sleeping room.
23. Unit 1 Rear - Bedroom - MSFC 605.4 - Relocatable power taps shall be of the polarized or grounded type, equipped with overcurrent protection, and shall be listed in accordance with UL 1363. Relocatable power taps shall be directly connected to a permanently installed receptacle.
24. Unit 2 - Bathrooms - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
-Repair the caulking.
25. Unit 2 - Hall - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.
26. Unit 2 - Kitchen Sink - SPLC 4715.0200.F.M. - Repair the clogged drain line.
27. Unit 2 - Middle Room - MSFC 605.5.3 - Immediately, discontinue use of frayed, deteriorated, damaged or spliced electrical cords.
-Discontinue use of the damaged power strip.
28. Unit 2 - Rear Bedroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.
29. Unit 3 - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the windows in good condition.
30. Unit 3 - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.
-Repair or replace the non-working stove.

31. Unit 4 - Bathroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090. -Contact a licensed electrician to repair the GFI outlet that has the hot and ground reversed.
32. Unit 4 - Bathroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
-Repair the caulking.
33. Unit 4 - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.
-Repair the damaged baseboard heaters.
34. Unit 4 - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.
-Repair or replace the damaged or deteriorated ceiling.
- ~~35.~~ Unit 4 - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.
-Replace the missing hard wired smoke detector. *Done*
- ~~36.~~ Unit 6 - Bathroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
-Repair the caulking. *Done*
- ~~37.~~ Unit 6 - Bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.
-Repair the loose and non-grounded three prong outlet. *Done*
- ~~38.~~ Unit 6 - Kitchen - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.
-Repair the loose outlet. *Done*
39. Unit 6 - Stove - MFGC 406.5.2 - Immediately repair or replace the leaking fuel equipment piping. This work may require a permit(s). Call DSI at (651) 266-8989.
-Repair or replace the stove that has been red tagged by Excel.
40. Unit 6 - MSFC 703 - Provide, repair or replace the fire rated door and assembly. This work **will** require a permit. Contact DSI at 651-266-8989.
-Repair the fire rated door, assembly and wall that is loose and not properly installed.
- ~~41.~~ Unit 6 - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.
-Replace the damaged and missing window. *Done*
42. Unit 7 - Bathroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
-Repair the caulking.
43. Unit 8 - Bathroom - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.

Call
Leanna

44. Unit 8 - Bedroom - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room.
-Remove the air conditioner that is obstructing the egress window.
45. 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.
46. 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: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at william.beumer@ci.stpaul.mn.us or call me at 651-266-8991 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,

William Beumer
Fire Inspector
Ref. # 15521

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Mendota Partners LLC **FILE #** 08-237-826
 2. **APPLICANT:** Mendota Partners LLC **HEARING DATE:** January 8, 2009
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
 4. **LOCATION:** 602 Mendota St, NE corner at Fifth St.
 5. **PIN & LEGAL DESCRIPTION:** 332922220095, 332922220096; DANA AND HUMES SUBDIVISION BLK 98 ETC. EX E 36 FT THE FOL S 20 62/100 FT OF LOT 2 AND ALL OF LOT 1; and, DANA AND HUMES SUBDIVISION BLK 98 ETC. E 36 FT OF LOT 1 AND E 36 FT OF S 20 62/100 FT OF LOT 2
 6. **PLANNING DISTRICT:** 4
 7. **ZONING CODE REFERENCE:** '62.109(d) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** December 29, 2008 **REVISED** 1/22/2009 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** December 18, 2008 **60-DAY DEADLINE FOR ACTION:** February 16, 2009
-
- A. **PURPOSE:** Re-establishment of nonconforming use as a 10-unit apartment building
 - B. **PARCEL SIZE:** 124 ft. (5th Street E.) X 60 ft. (Mendota) = 7,440 sq. ft.
 - C. **EXISTING LAND USE:** Multifamily Residential (vacant)
 - D. **SURROUNDING LAND USE:**
 - North: Single and Multifamily Residential (RT1)
 - East: Single and Multifamily Residential (RT1)
 - South: Multifamily Residential (RM2)
 - West: Trinity Catholic School and Vacant Convent (RM2)
 - E. **ZONING CODE CITATION:** '62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
 - F. **HISTORY/DISCUSSION:** According to City records there have been several inspections conducted and certificates of occupancy issued since 1986, all of which indicate that the property has been a 10-unit, multifamily structure. In March of 2005 the structure was placed on the vacant building list and has been monitored continuously since then.
 - G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council has recommended approval of the reestablishment of nonconforming use for eight or fewer units.
 - H. **FINDINGS:**
 1. According to Polk Directories the structure has been used as a ten-unit multifamily dwelling since approximately the mid-1960s. However, the property has been on the vacant building list since 2005. Since the use was discontinued for more than 365 days, the zoning code requires conformance with district regulations, which permit two units. The applicant intends to rehabilitate the structure and reestablish its use as a multi-unit rental in partnership with the Wilder Foundation. Although the building currently has ten units, the applicant has met with the District Council and has agreed to reduce the number of units to eight.
 2. The applicant obtained building permits and began work to rehabilitate the property in the fall of 2008. Shortly thereafter the permits were revoked by the Department of Safety and Inspections and the applicant given the option to appeal the revocation or apply to reestablish the nonconforming use. The applicant is therefore seeking a reestablishment of nonconforming use permit.
 3. A lot split took place at some point in the past, creating two parcels, one of which is considered unbuildable in the RT1 district. This lot (to the east of the building) will be used to provide off-street tenant parking.
 4. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming*

use if the commission makes the following findings:

- (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This condition is met. This has been a ten-unit building for several years; deconversion to the legal number of units would require significant renovations and result in economic hardship for the landowner.
- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This condition is met. The applicant has met with the community and has agreed to reduce the number of units to eight rather than reconstruct the ten that currently exist. Therefore, the proposed use can be considered more appropriate than the previous use.
- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This condition is met. The property is surrounded by a mixture of single and multifamily housing. The property's return to a multifamily building will not be detrimental to the existing character of development in the neighborhood. The proposed use would also renovate a vacant structure, improving the public health, safety and general welfare in the immediate neighborhood.

The application includes a site plan showing six parking spaces; however the required number of spaces is twelve. The property is located on a corner lot with an adequate supply of on-street parking. However, if the applicant legally joins the two parcels identified in the application two additional off-street spaces could be provided, further reducing congestion in the public streets as well as the property's nonconformity.

- (4) *The proposed use is consistent with the comprehensive plan.* This condition is met. The Comprehensive Plan supports taking care of the city's existing housing stock (4.0), providing a broad range of housing types (4.1), and encourages the production of rental housing (5.3).
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This condition is met. The petition was found sufficient on December 22, 2008: 14 parcels eligible; 10 parcels required; 10 parcels signed.

I. STAFF RECOMMENDATION: Based on the findings above, staff recommends approval of the re-establishment of nonconforming use as an eight-unit apartment building subject to the following conditions:

1. The applicant submits to Ramsey County the appropriate form to combine the two parcels described in this report (PIN 332922220095 and 332922220096).
2. Provision of eight (8) off-street parking spaces in the rear of the property.
3. Compliance with all Department of Safety and Inspection building codes, standards and regulations, including the submission of revised architectural plans and a supplemental building permit.
4. The use shall be considered a multiple-family dwelling as defined in '65.116 and limited to eight (8) units. In accordance with the intent of Chapter 62 of the Zoning Code, any future reduction in the number of units shall permanently reduce the legal nonconformity to the new decreased number of units. The use shall not change to another nonconforming use except to reduce the number of dwelling units while meeting the applicable definition in '65.113, '65.114, or '65.116. Proposed nonconforming uses other than those defined in '65.113, '65.114 and '65.116 shall be brought to the Planning Commission for a new nonconforming use permit.

This →

5. Occupancy is limited to 24 persons based on the maximum occupancy allowed under the building code for the proposed sleeping room configuration. If the interior of the structure is to be reconfigured or improved in any way, the applicant shall notify the Zoning Administrator in order to determine whether the change is an intensification of the nonconforming use, or will require a new nonconforming use permit.