



APPLICATION FOR APPEAL

RECEIVED
FEB 07 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, FEBRUARY 14
2012

Time 11 AM

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 432 Dewey City: St. Paul State: Mn Zip: 55104

Appellant/Applicant: Craig & Elsie Fohrenkamm Email fohrenkamm@hotmail.com

Phone Numbers: Business 651-779-1741 Residence _____ Cell 651-558-6684

Signature: Elsie Fohrenkamm Date: 2/7/2012

Name of Owner (if other than Appellant): _____

Address (if not Appellant's): _____

Phone Numbers: Business _____ 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

We are appealing for more time to address converting the bldg. to 3 plex - eliminating 1 apartment we have tried to get the proper approvals for use as a 4 plex - see all attached documents, but each step has been frustrating and plagued by miscommunication.

Our tenant has been given notice to vacate by March 31st.



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

February 2, 2012

CRAIG L FOHRENKAMM
ELSIE R FOHRENKAMM
442 DEWEY ST
ST PAUL MN 55104-3530

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 432 DEWEY ST
Ref. # 109031

Dear Property Representative:

Your building was inspected for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 33.05 of the Saint Paul Legislative Code.

A re-inspection will be made on March 2, 2012 at 1:00 PM or the property vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Basement - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.-Junction box.
2. SBC 3405.1, SBC 110.2 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use, or contact the Building department at 651-266-8989 to comply with requirements for approved occupancy.
-Contact building inspections for permits and written approval for additional units.
Property must be in compliance by 3/2/2012 or one unit must be vacated and the building properly deconverted to a three unit building.

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 this order.

If you have any questions, email me at: william.beumer@ci.stpaul.mn.us or call me at 651-266-8991 between 7:30 - 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. # 109031

The property at 432 Dewey Street has been used as a fourplex since the 1980's. For some reason the zoning is listed as a triplex and we have not been aware of this discrepancy in zoning. To the best of our knowledge it is zoned as RM2 which means it can be used as a multiple family dwelling. The requirements appear to be 1500 sqft of lot size per unit (the lot is 8231 sqft) which is well within the scope of the requirement in this part. However; the zoning goes on to require that the lot be not less than 9000 sqft for multiple dwelling. We are requesting a variance from this ruling.

1. This property is not a nuisance property.
2. We typically rent affordable housing to single students and working adults.
3. We live in the neighborhood at 442 Dewey (1 house away) and we are very responsible "hands-on" landlords.
4. We provide off-street parking for our tenants – many others in the neighborhood do not.

Timeline of missteps and miscommunication over zoning at 432 Dewey St.

Start:

Summer 2010: Initial inspection finding – city has building listed as tri-plex (Originally purchased as 4 unit rental, Contract for Deed in the 1980’s from elderly neighbor, has been used as 4-plex since purchase)

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Aug. 2, 2010: Contacted zoning – as advised – to apply for a variance. Filled out paper work and paid fee of \$470.00 for appeal.

Waited some time – then contacted by zoning that a variance was not applicable in this case, must file paperwork with the Office of Planning and Economic development for a “nonconforming use” variance. The \$470.00 was returned.

P. 7

Filed and Paid \$650.00 for filing a nonconforming use variance, along with

- 1) proof that it had been in use as a 4 plex for over 10 years
- 2) permission from neighbors within 100 feet, (approximately 10 affidavits for 2/3’s were taken)
- 3) drawing of the lot
- 4) floor plans,
- 5) evidence of meeting the parking requirements
- 6) evidence of financial hardship resulting from reducing by one apartment, *then appeared in front of this group on Nov. 5 2010.

Written permission was given to continue use as a 4-plex with upgrades to the property within 2 years (assumed to be Nov. 2012)

P. 9

- 1.) paved lot for parking
- 2.) Landscaping for the parking area
- 3.) St. Paul safety and fire code (Completed all cited existing code problems except for one electrical cover plate in the basement)

Next step was to get a code analysis done for upgrade to 4-plex.

Contracted Doug Derr for the code analysis

Completed Feb. 2011 (Cost \$1625.00)

*P. 10-12
see p. 11*

Contacted buildings Jim Bloom and set up a meeting in May 2011. Met with Jim Bloom, Leanne (fire) Doug Derr and myself to go over the analysis and options for meeting the requirements. Left a copy of the code analysis with both of them, and a rough plan for modifying the 3rd floor apartment as well as my recommendation – see attached sheet – for complying with what I feel would be a reasonable compromise.

↓ p. 13

↓ p. 14

Both Doug and I understood from this meeting that they would discuss and research and get back to us.

Sept. 2011 Contacted Jim Bloom office again (very difficult to get a response).

He didn't acknowledge ever receiving the code analysis or the rough plans for modification. I submitted the analysis and the plans once again via a PDF file as requested by Jim Bloom at this time.

No response, I again contacted his office via e-mail in Dec. and received no answer.

End of Dec. 2011 received a call from the city fire inspector, Bill Beumer, threatening me to close one apartment by the end of Jan. if plans were not submitted to the city (He claimed they had received nothing from me!)

I once again submitted the code analysis, modification plans, and a link to the planning committee decision to: Jim Bloom, Bill Beumer, and Leeann via e-mail.

I received letter in the mail as attached but I thought I had complied by submitting the required materials.

I now hear that I must have defined plans (\$\$\$\$) before any indication of approval and I should also have contractors and bids in hand.

I have now told the tenant in the 3rd floor apartment that he must vacate after 10 years of renting from us because I cannot understand the requirement for this conversion. He will vacate the apartment by March 31, and we will comply with "decommissioning" after that.

I am appealing for enough time to do this without totally losing my certificate of occupancy for all tenants.

I have no confidence in being able to escape the catch 22 of having 2 years to convert to a 4 plex but having to immediately meet the higher standard of Fire and Safety and with no cooperation from the the city in considering the adaptation of some requirements since this is older housing and I cannot afford to totally redo the entire building.

EXTERIOR OF SUBJECT

Fohrenkamm
Dewey Street

File No. 99102

County Ramsey

State Minnesota Zip Code 55104

Residential Mortgage

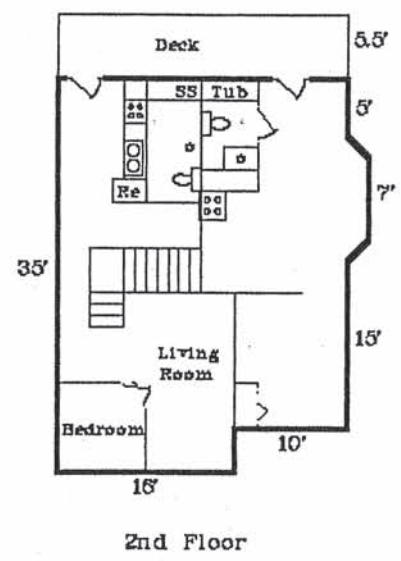
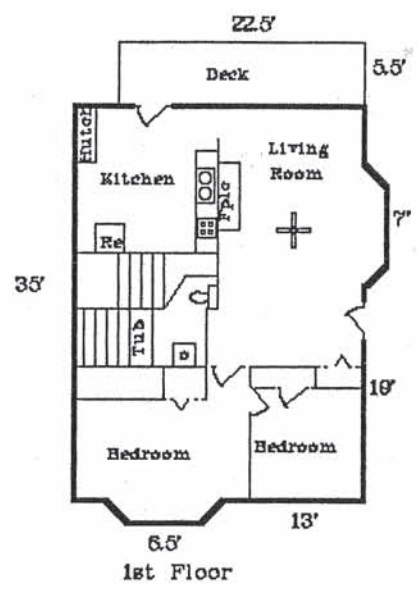
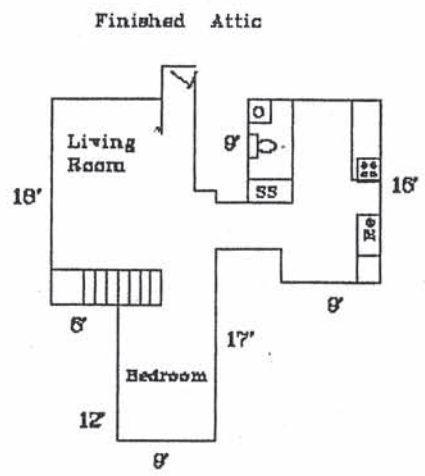


FRONT



REAR

IMPROVEMENTS SKETCH



SCALE: 1 inch = 17.00 feet

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY			
Area	Name of Area	Size	Totals
GLA1	First Floor	962.50	962.50
GLA2	Second Floor	888.00	888.00
LAND	Deck	123.75	
	Deck 2	143.00	266.75
OTH	Attic Finish	566.00	566.00
TOTAL LIVABLE (rounded)			1851

LIVING AREA CALCULATIONS			
Breakdown			Subtotals
26.50	X	37.00	980.50
2.00	X	32.00	64.00
-2.00	X	21.00	-42.00
-13.00	X	2.00	-26.00
-3.00	X	2.00	-6.00
-1.00	X	2.00	-2.00
-1.00	X	2.00	-2.00
-1.00	X	2.00	-2.00
-1.00	X	2.00	-2.00
26.00	X	35.00	910.00
2.00	X	30.00	60.00
-2.00	X	19.00	-38.00
-10.00	X	4.00	-40.00
-1.00	X	2.00	-2.00
-1.00	X	2.00	-2.00
TOTAL LIVABLE (rounded)			1851



RECEIPT

CITY OF SAINT PAUL

Payment #: 757644

Payment Date: August 4, 2010

Paid CRAIG L FOHRENKAMM
By: 432 DEWEY ST
ST PAUL MN 55104-3530

Amount Paid: \$470.00

Payment Type: Check

Transaction Description

Project Location: 432 DEWEY ST ST PAUL MN 55104-3530

10 - 701418

TYPE: BOARD OF ZONING APPEALS CASES

A variance of the lot size in order to legalize an existing four-plex. A minimum lot area of 9000 square feet is required.

SUB TYPE: MAJOR VARIANCE

WORK TYPE:

# of Dwelling Units	4	Site Plan Submitted	Yes
Supporting Documentation Submitted	Yes	Existing Primary Use	R-Three Family
Proposed Primary Use	R-Three/Four Family	Date of BZA Hearing	Aug 23, 2010

FEEs

Permit Fee 470.00

TOTAL 470.00

*step
plagi
otice*

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NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File #: 10-907226
Fee: 650
Tentative Hearing Date:
10-14-10

#13

3329 23310088

APPLICANT

Name Craig & Elsie Fohrenkamm
Address 442 N. Dewey
City St. Paul St. MN Zip 55104 Daytime Phone 651-779-1741
Name of Owner (if different) _____
Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 432 N. Dewey, St. Paul, MN, 55104
Legal Description 33-27-23-3-0038 Union Park Lot 62
Current Zoning RM2 / R- Three Family
(attach additional sheet if necessary) Legal Non-Conform Lot

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: Change from one nonconforming use to another (para. c)
 Re-establishment of a nonconforming use vacant for more than one year (para. e)
 Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use 4 plex

Proposed Use 4 plex

Attach additional sheets if necessary

CK9911
650
9-23-10

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature [Signature] Date 10/23/2010 City Agent [Signature]

add
9/23/10

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**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, October 28, 2010 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF OCTOBER 14, 2010, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

OLD BUSINESS

- 1 10-509-684 A & A Quality Food Fuel**
Conditional use permit to reconstruct an auto convenience store, with modification of required buffer area
1200 White Bear Avenue, SE corner at Maryland Avenue
B2
Anton Jerve 651-266-6567

NEW BUSINESS

- 2 10-907-226 Craig and Elsie Fohrenkamm**
Establishment of nonconforming use as a residential 4-plex
432 Dewey St, between Feronia and Stinson
RM2
Josh Williams 651-266-6659

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.

CITY OF SAINT PAUL, MINNESOTA
(NUP - Establishment)

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ZONING FILE NO: 10-907-226
APPLICANT: Craig and Elsie Fohrenkamm
PURPOSE: Establishment of nonconforming use as a residential 4-plex
LOCATION: 432 Dewey St
LEGAL DESCRIPTION: PIN 332923310038, Union Park Lot 62
ZONING COMMITTEE ACTION: Recommended approval with conditions
PLANNING COMMISSION ACTION: Approved with conditions on November 5, 2010

CONDITIONS OF THIS PERMIT:

1. The entire structure must meet building and fire code standards, as verified through a valid Fire Certificate of Occupancy for the property.
2. Paving of the parking area and landscaping of rear and side yards consistent with a site plan approved by staff of the Department of Safety and Inspections

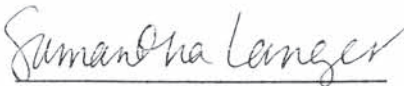
APPROVED BY: Kathi Donnelly-Cohen, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on November 5, 2010, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (Sec. 61.105).

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.**

Violation of the conditions of this permit may result in its revocation.



Samantha Langer
Secretary to the Saint Paul
Zoning Committee

Copies to:
Applicant
File No. 10-907-226
District Council 13

Mailed: November 5, 2010

PROJECT INVOICE



Douglas Derr Architects, LLC
1742 Portland Avenue
Saint Paul, MN 55104

Invoice No. 2-2011-02

Date: February 24, 2011

To: Elsie & Craig Fohrenkamm
422 Dewey Street
St Paul, MN 55104

Project Location: 432 Dewey Street
Saint Paul, MN

Project Description:
Architect's Code Assessment

Project Deliverable:
Two (2) sets of report

Project Quote: Hourly @ \$65.00 / hour not to Exceed \$1000.00

Total Hours: To today's date 25 hrs. x \$65 = \$1,625.00

Amount Due: \$1,000.00

Please make check payable to Douglas Derr

1742 Portland Avenue
Saint Paul, MN 55104
Tel. 612.386.8304
Derrx003@umn.edu



Douglas Derr Architects, LLC
1742 Portland Avenue
Saint Paul, MN 55104

February 23, 2011

Elsie & Craig Fohrenkamm
422 Dewey Street
Saint Paul, MN 55104

Re: 432 Dewey Street
Saint Paul, MN

Dear Elsie and Craig,

Per your request we have conducted this fire code assessment of the structure at 432 Dewey Street, Saint Paul, MN. We have attached two copies of the final report as part of this letter.

The following report is comprised of two major components. The first is the written report. This follows the Minnesota State Fire Marshall's (MSFM) Inspection process and cites by Section the MSFM's Check List, then details notes on the current status and provides recommendations per each sub-Section. The second component is comprised of schematic floor plans for each level indicating exiting and egress window locations for each unit.

! { Douglas Derr, Minnesota Registered Architect, visited 432 Dewey Street during the month of January and February to conduct the inspections for this report. Twenty-two (22) recommendations are detailed in the report. Ten of the recommendations are the same and appear in more than one section. Any of the items detailed in our recommendations could be discussed with the local Fire Marshall or City Inspector, who may determine that the existing situation is substantially compliant and the specific recommendation is not required.

Current Status

Address:	432 Dewey Street
Property ID	33-029-23-31-0038
Year Built:	1896
Parcel Size	.18 Acres
Stories:	Three (3) plus Basement
Current Use:	Four (4) Apartment rental units
Proposed Established Use:	Four (4) Apartment rental units
Configuration:	One unit on third floor, two units on second floor and one unit on first floor
Occupancy Type:	R-2
Construction Type:	V-B
Fire Suppression System	None
Standpipe	None

It is our opinion that upon completion of the recommendations detailed in the attached report that the building will be substantially compliant with the items identified on the Minnesota State Fire Marshall's Inspection Check Sheet.

We hereby certify that this report was prepared by us and that we are duly licensed Architects under the laws of the State of Minnesota.

_____ Date _____

Douglas Derr
Douglas Derr Architects, LLC
License No. 14206

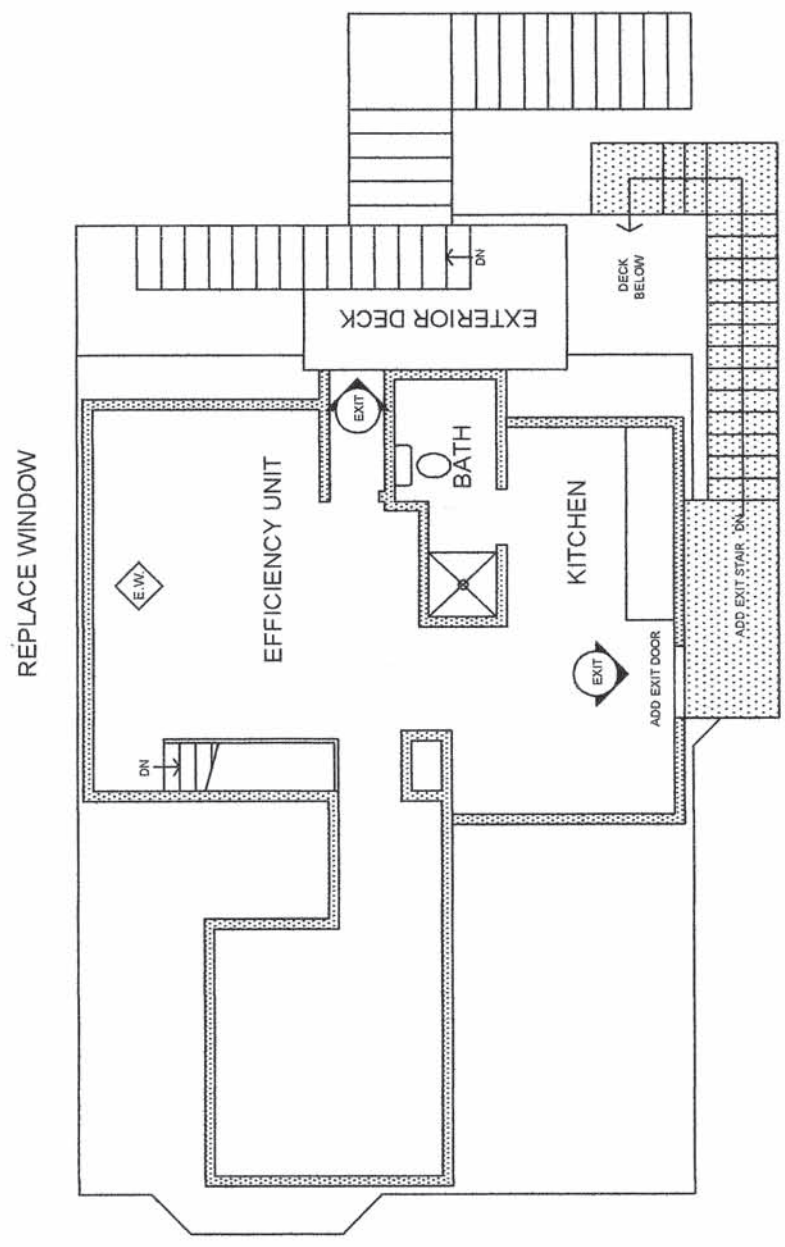
Douglas Derr Architects, LLC
1742 Portland Avenue
Saint Paul, MN 55104
Tel. 612.386.8304 derrx003@umn.edu

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DOUGLAS DERR ARCHITCTS, LLC
1742 PORTLAND AVENUE
SAINT PAUL, MN 55104
TELEPHONE: 612-386-8304
EMAIL: derr003@umn.edu

432 DEWEY STREET, SAINT PAUL, MN
ATTIC FLOOR EXITING PLAN

A-102



REVISED
ATTIC FLOOR PLAN



SCALE 1/8" = 1'-0"

1
A-102

SYMBOL LEGEND

- EXIT DIRECT TO EXTERIOR
- EGRESS WINDOW

Cost for 432 Dewey

Stained and painted back decking and stairs	\$630.00	
Repaired roof on garage shed by replacing roof	\$450.00	
Installed larger window for office / bedroom 1 st floor (egress)	\$750.00	
Submitted claim for variance as suggested by city	(\$450.00)	
Withdrew claim for variance as told to do by city	repaid (\$450.00)	
Submitted documentation for non-conforming 4-unit to the zoning committee	\$650.00	
Zoning approved:		
Zoning also requests that the entire parking area be paved It is now class "5" hard surfaced	TBD (cost)	
Fire extinguishers have been installed by licensed contractor	\$500.00	<u>5@ \$100.00 ea</u>
Cost for new drawings requested by city planners	\$1,625.00	

I Propose:

Install proper egress window on 3 rd floor	TBD
Install proper ceiling in the basement for fire protection	TBD

← changes to stairway rail height

I request that other recommendations be put on hold for future consideration in order to maintain affordable housing in the city. This has been a 4 plex since 1985 and unfortunately we are now caught in an ugly circle of trying to please the inspector (he is very the last person I would ever want as an employee – harsh, finding fault where there is none and going beyond his scope and capability to be arrogant and nasty), the zoning committee, and the city of St. Paul. I have tried my best to please all parties in these actions but if it is the intent of the city to make obstacles which we cannot afford – we are close to that point – then I want to know if we should give up now. Please consider my request as this has been a terrible burden for myself and my husband who has been totally disabled since a severe stroke in 2007.