



APPLICATION FOR APPEAL

Saint Paul City Clerk

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

RECEIVED

MAY 02 2011

The City Clerk needs the following to process your appeal.

CITY CLERK

- \$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

YOUR HEARING Date and Time:

Tuesday, 5-17-11

Time 1:30

Location of Hearing:
Room 330 City Hall/Courthouse

walk-in

Address Being Appealed:

Number & Street: 637 Hazel St N City: Saint Paul State: MN Zip: 55119

Appellant/Applicant: Brett J Horttor Email: bhorttor@comcast.net

Phone Numbers: Business _____ Residence 6517383891 Cell 6513364139

Signature: Brett Horttor Date: _____

Name of Owner (if other than Appellant): same

Address (if not Appellant's): same

Phone Numbers: Business same Residence same Cell same

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
- Other
- Other

Please see attached documents
1) Fire Inspector Letter 2) my comments

Attachment for Appeal of certain conditions contained in Initial Inspection of Property for Fire Certificate of Occupancy dated April 25, 2011 for 637 Hazel Street North.

This was not a re-inspection but an initial inspection for a Fire Certificate of Occupancy. The property currently has a provisional permit.

I am appealing items 3 and 4 on the deficiency list contained in the April 25th letter from James Thomas Fire Inspector. I have been told that the piece of land in question is a right of way owned by the city of Saint Paul. The city has told me that there is a lengthy legal process that I have to undertake (a Petition for Vacation) that would allow me to comply with items 3 and 4 on the list. The city says that the Petition for Vacation is the preferred method first and I must go through that process before asking for a Permit of Encroachment mentioned in item number 4.

It appears that for decades the previous owners of the property took care of this right of way (mowing, weeding, landscaping snow shoveling the sidewalk etc.) and also used it as a parking area. There is a concrete driveway cut-on off of Hazel Street in front of the decades-old parking area.

I am asking the city to allow me to continue to take care of the right of way and also to continue to use it for off street parking. I need time to pursue this matter through the Petition, the Permit of Encroachment, or other legal means.

I cannot comply with the May 20th re-inspection deadline for these two items because of the complicated legal issues involved. I do not have the authority at this time to comply with items 3 or 4.

I ask for a conditional or provisional Fire Certificate of Occupancy so that the property can continue to be occupied while it is determined how I can use the property as a parking area in a way satisfactory to Saint Paul. All other listed items will be fixed before the May 20th re-inspection.

I ask that I not be found to be non-compliant for not meeting items 3 and 4 at this time. I need more time to comply.

Brett Horttor



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

April 25, 2011

BRETT J HORTTOR
1959 NORTH PARK DRIVE
ST PAUL MN 55119-4920

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
637 HAZEL ST N

Ref. # 110680

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on . 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 May 20, 2011 at 1:30P.M..

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 - MSFC 605.6 - Provide all openings in junction boxes to be sealed.
2. Basement - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.
3. Basement - 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.
4. **Basement - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue: Use for parking space.-You will need to obtain and Encroachment permit from public works to park there.**
5. Bedroom East Side - MSFC 605.4 - Discontinue use of all multi-plug adapters.

6. Stairways House As It Applies - SPLC 34.10 (3), 34.33(2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.
7. SPLC 34.09 (1) e, 34.32 (1) d - Replace all missing shingles.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

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 james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 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,

James Thomas
Fire Inspector
Ref. # 110680