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# APPLICATION FOR APPEAL

RECEIVED  
AUG 20 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

<b>YOUR HEARING Date and Time:</b>
Tuesday, <u>Sept 14</u>
Time <u>1:30 P.M.</u>
<b>Location of Hearing:</b>
Room 330 City Hall/Courthouse

*email notice 8-20-12 ganne*

## Address Being Appealed:

Number & Street: 1098 Marion St City: St Paul State: MN Zip: 55117

Appellant/Applicant: Keary C Maloney Email kearymaloney@comcast.net

Phone Numbers: Business \_\_\_\_\_ Residence 651-705-5744 Cell 651-271-6130

Signature: *Keary C Maloney* Date: \_\_\_\_\_

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

\_\_\_\_\_

Please see accompanying letter -

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8-16-12

To whom it may concern,

I am appealing item # 3 on the Fire inspection correction notice. My reason is this:  
The class 5 driveway in question was put in before the law was changed to the best of my knowledge. I took the time to look up what was acceptable at the time and class 5 was acceptable.

A permit was not pulled because to my understanding it was not required at the time. Maybe I'm wrong but I recall being told permits were only needed for electrical, mechanical, heating, plumbing, and permanent structures. Moreover, I read that permits are not required for work costing under a certain value and the class 5 gravel was under that value.

Therefore, the driveway should not have required a permit so there is no City record of when the driveway was put in but I believe I can produce evidence it was put in before the law change if granted an appeal hearing.

Kindest Regards,

Keary Maloney

A handwritten signature in black ink, appearing to read 'Keary Maloney', written in a cursive style.

8-17-12

To whom it may concern,

I am appealing item # 3 on the Fire inspection correction notice. My reason is this:  
The class 5 driveway in question was put in at I time, to the best of my knowledge, was acceptable. However, now I know I was wrong. I spoke with Mary in zoning today and found out that I put the class 5 driveway in after the change in the law. When I Googled what was legal for driveways in 2009 I read class 5 was an acceptable surface. Apparently, this was either old or misinformation.

A permit was not pulled because to my understanding it was not required at the time. Maybe I'm wrong but I recall being told permits were only needed for electrical, mechanical, heating, plumbing, and permanent structures. Moreover, I read that permits are not required for work costing under a certain value and the class 5 gravel was under that value.

This was an unintentional error on my behalf but since the driveway is already in and there have been no complaints from any neighbors I would like to keep it as is. It does not produce dust since is highly compacted now and you cannot drive fast enough on it to kick up dust. I believe I can get signed signatures from the neighbors next door saying they like the driveway there. (The other house on the other side is vacant). I believe the driveway improves the property. Before putting it in, tenants had complained about lack of off street parking. There were many incidences of towing during snow plowing before the driveway was put in. This is in spite of my tenants being on the city email plowing notices.

Many people refuse to rent without off street parking. It makes my job getting good tenants much harder without the driveway. I cannot afford a new driveway. I am out of work and my wife is going to be laid off in November when her company relocates to Atlanta. My rental house is worth 40% less than when I bought it. I can't even sell it because it is worth less than what remains on the mortgage. If we deplete our savings having to put in a new driveway and possibly other things that may come up like furnace, roof, new porch etc., we run the risk of losing our own house we live not just our rental property which we vested our retirement savings in. We could be homeless with our two children. I am not kidding about this.

I would like an exception and one day when I have a job again and can save money I will put in a paved driveway or even a garage and bring up the value of the neighborhood. If I'm forced to spend money I can't afford right now and end up losing the property to foreclosure no one really wins. The city will have another vacant property, my tenants will be disrupted and I will have lost my life savings. Please help me. I would like an appeal hearing to plead my case.

Kindest Regards,



Keary Maloney

P.S. I'm enclosing the \$25.00 appeal fee I forgot the first time. Sorry.



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](http://www.stpaul.gov/dsi)

August 15, 2012

KEARY MALONEY  
ALICIA MALONEY  
5165 GOLDENROD LN N  
PLYMOUTH MN 55442-2115

### FIRE INSPECTION CORRECTION NOTICE

RE: 1098 MARION ST  
Ref. #104741  
Residential Class: C

Dear Property Representative:

Your building was inspected on August 14, 2012 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 September 25, 2012 at 1:30pm.**

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 - Dryer Vent - UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter.-The dryer vent is not constructed with the correct gauge metal. Dryer vents must be constructed of at least 26-gauge aluminum or 30-gauge galvanized. Replace the dryer vent with approved material.

2. Basement - MSFC 315.2.5 - Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, operator or repaired within a building.-Remove all fueled equipment (lawn mowers/weed whips) and charcoal/lighter fluid stored in the basement. These items must not be stored inside the building.
3. Exterior - Driveway/Parking Space - 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.-The driveway/parking space consists of gravel/class 5. Gravel and class 5 is not an approved parking surface. Provide an approved driveway/parking space.
4. Upper Floor - Kitchen and West Bedroom - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.- Repair/replace the inoperable smoke detectors.
5. 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.
6. 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 this order.

If you have any questions, email me at: [wayne.spiering@ci.stpaul.mn.us](mailto:wayne.spiering@ci.stpaul.mn.us) or call me at 651-266-8993 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,

Wayne Spiering  
Fire Inspector

Reference Number 104741