

# City of Saint Paul

*15 West Kellogg Blvd.  
Saint Paul, MN 55102*



## **Minutes - Final - Final**

**Tuesday, December 14, 2010**

**9:00 AM**

**Room 330 City Hall & Court House**

## **Legislative Hearings**

*Marcia Moermond, Legislative Hearing Officer*

*Mai Vang, Hearing Coordinator*

*Jean Birkholz, Hearing Secretary*

*legislativehearings@ci.stpaul.mn.us*

*651-266-8560*

## 9:00 a.m. Hearings

### Remove/Repair Orders

- 1      [RES 10-1331](#)      Ordering the razing and removal of the structures at 620 MARYLAND AVE E within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

**Sponsors:**            Bostrom

**Attachments:**        [620 Maryland Ave E.Hearing Notice.11-12-10.pdf](#)  
[620 Maryland Ave E.Order to Abate Nuisance Building.4-11-10.pdf](#)  
[620 Maryland Ave E.Photos.8-11-10.pdf](#)  
[620 Maryland Ave E.Appt Ltr.3-4-10.pdf](#)  
[620 Maryland Ave E.Photos.4-2-10.pdf](#)  
[620 Maryland Ave E.Code Compliance Inspection.1-12-09.pdf](#)  
[620 Maryland Ave E.Summary for Public Hearing.doc](#)  
[620 Maryland Ave E.R-R.12-14-10.Ltr.doc](#)

*Remove within 15 days with no option for repair (pending a call from an attorney representing the Appellant by December 27, 2010).*

*STAFF PRESENT: Joe Yannarely, representing Steve Magner, Department of License and Inspections (DSI) - Code Enforcement; Amy Spong, DSI-Heritage Preservation Commission (HPC); Mai Vang and Jean Birkholz, Council Research*

*Remove/Repair Orders*

*Pompilio Nunez appeared.*

*Inspector Yannarely reported that the building is a two-story, wood frame, single-family home with a two-stall detached garage on a lot of 4,356 square feet. The file indicates this has been a vacant building since March 24, 2008. The current owner is Buy Rite Companies, per Ramsey County records. The City has had to board this building to secure it from trespass. There have been ten (10) Summary Abatement Notices since 2008 and nine (9) Work Orders issued for:*

- remove tall grass and weeds*
- improperly stored refuse, garbage and misc debris*
- remove snow and ice*
- boarding/securing*

*On April 1, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on August 11, 2010 with a compliance date of September 20, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment. Taxation has placed an estimated market value of \$11,600 on the land and \$48,400 on the building. As of December 9, 2010, a Code Compliance Inspection has not been obtained. The previous inspection on expired on January 12, 2010. As of December 9, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for the years 2009 and 2010 are delinquent in the amount of \$5,991.12, plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure between \$60,000 and \$80,000; to demolish between \$10,000 to \$15,000. DSI orders the property owner to*

*repair or remove this structure within fifteen (15) days or the City will demolish it and assess the costs to the property.*

*Ms. Moermond noted that there were two (2) sets of photographs taken: 1) April 2, 2010; and 2) August 11, 2010. Photos revealed: tears in the ceiling, exposed piping, windows missing, windows boarded, damaged entry, deteriorated floor, broken windows, burns on floor, partial dropped ceiling, significant water damage, gaps in the foundation, broken stairs, etc.*

*Ms. Spong, DSI-HPC, reported that this is an 1890 worker's cottage near the Arlington Library, which is a preservation site. It's also the first house that backs up to the Payne Avenue Commercial Corridor. There are houses nearby and adjacent to that which have open porches, nice bays, architectural features still in tact, etc. It looks as though, originally, this was the second house in from the Payne Avenue Commercial Corridor. The first one was demolished. (There is concern about eroding the historical residential houses near commercial corridors.) It is also possible that the original or very early shed is still present. Maybe it was built on to at some point. She doesn't believe that it's in an ISP area or will in future survey work, and if not, it would not be eligible on its own. Demolition would have no adverse effect.*

*Ms. Moermond asked Inspector Yannarely if there were any patterns derived from the Orders. Inspector Yannarely replied that the Work Orders were concentrated in the period from March 2008 until January 2010; nothing recent.*

*Mr. Nunez stated that he used to work for Buy Rite Companies and they owe him nearly \$30,000. The owner decided to give him the house for \$25,000 and call it even. Mr. Nunez bought it "as is" three (3) months ago. He doesn't know anything about the property. The owner owed him money for the past year and a half for work that he had done for Buy Rite. They closed without Mr. Nunez knowing what was going on with the property. He got the title two (2) weeks ago. Ms. Moermond stated that she has bad news. First of all, there has been no Code Compliance Inspection done, so the basic inspection that should have occurred for a property to be transacted didn't get done. Worse yet, if a building is up for demo as this one, it can't be transacted until it's repaired. It was not legal for Buy Rite to sell the property and transfer title. Mr. Nunez responded that he has heard that but now, what can he do about it. Mr. Yannarely added that there has not been a TISH Report since 2007. Ms. Moermond stated that Mr. Buy Rite basically handed Mr. Nunez \$25,000 in debt. There's \$6,000 in back taxes owed on the property. Mr. Nunez said that at the closing, he told him that he was going to pay the taxes. Ms. Moermond said that she would like to walk Mr. Nunez through the steps he would need to take in order to fix the building, but he can't because he wouldn't be able to pull permits on this property. She stated that there may be possible ways to navigate this situation but Mr. Nunez would need a lawyer to help him through it. She advised him to not register the title until he had a chance to talk with a lawyer about this. Legal Aid or the Real Estate may be able to help him. There are also a few legal firms that may be able to help.*

*This is scheduled to go to the City Council on January 5, 2011.*

*Ms. Moermond recommends Remove within 15 days with no option for repair (pending a call from an attorney representing the Appellant by December 27, 2010).*

**Referred to the City Council, due back on 1/5/2011**

**Sponsors:** Carter III

**Attachments:** [557-559 Elfelt St.Hearing Notice.11-12-10.pdf](#)  
[557-559 Elfelt St.Order to Abate Nuisance Building.10-24-10.pdf](#)  
[557-559 Elfelt St.Photos.8-26-10.pdf](#)  
[557-559 Elfelt St.Appt Ltr.8-26-10.pdf](#)  
[557-559 Elfelt St.Summary for Public Hearing.doc](#)  
[557-559 Elfelt St.R-R.FTA Ltr.12-14-10.doc](#)

*Remove within 15 days with no option for repair. (MM will sent email to HRA and CDC and copy Melvin Carter of interest to rehabilitate the building)*

*STAFF PRESENT: Inspector Joe Yannarely, representing Steve Magner, Department of Safety and Inspections (DSI) - Code Enforcement; Amy Spong, DSI - Heritage Preservation Commission (HPC); Mai Vang and Jean Birkholz, Council Research*

*Remove/Repair Orders*

*No one appeared.*

*Mr. Yannarely reported that this building is a two-story, wood frame, duplex with a wood frame shed on a lot of 1,732 square feet. According to the file, it has been a vacant building since August 26, 2010. The current property owner is BAC Home Loan Servicing, c/o CT Corporation per Ramsey County records. There have been two (2) Summary Abatement Notices since 2009. There was one (1) Work Order issued for improperly stored refuse, garbage and misc debris. On September 15, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on September 24, 2010 with a compliance date of November 1, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid by assessment on October 22, 2010. Taxation has placed an estimated market value of \$9,600 on the land and \$44,000 on the building. As of December 9, 2010, a Code Compliance Inspection had not been done; a \$5,000 performance bond had not been posted. Real Estate taxes are current. Code Enforcement officers estimate the cost to repair this structure to exceed \$60,000; cost to demolish between \$11,000 - \$13,000. DSI orders the property owner to repair or remove this structure within fifteen (15) days, if not, the City will demolish the structure and assess the costs to the property.*

*Ms. Spong reported that this building is a very unique 1889 late Victorian double house. It still has its exact same footprint. The side porches are original; there was no front porch. It looks as though there was an identical twin to this house; two (2) double houses were built on one lot, originally. Its twin is not standing. There are some exposed historic details like shingles in the end gables still present. The siding has been covered. The structure is located in the 1983 historic district that was identified as a potential Frogtown historic district in the 1983 survey. It is also part of the new Frogtown survey. This building has value as an historic resource in Saint Paul; it's a unique type of property with some integrity left.*

*Ms. Moermond stated that she will send an email to the following: HRA; Greater Frogtown CDC; copy Councilmember Carter and his office, asking if they would consider this property for rehabilitation and at the same time, she will recommend the building be removed within fifteen (15) days. She will be happy to change her*

recommendation.

**Referred to the City Council, due back on 1/5/2011**

- 3      [RES 10-1337](#)      Ordering the razing and removal of the structures at 935 FRONT AVE within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

**Sponsors:**      Helgen

**Attachments:**      [935 Front Ave Order to Abate a Nuisance Bldg 9-24-10.DOC](#)  
[935 Front Ave.Photos.9-1-10.pdf](#)  
[935 Front Ave.Appt Ltr 8-26-10.DOC](#)  
[935 Front Ave.Hearing Notice 11-12-10.DOC](#)  
[935 Front Ave.Exp Code Compliance 2-7-07.doc](#)  
[935 Front Ave.Summary for Public Hearing.doc](#)  
[935 Front Ave.R-R.FTA Ltr.12-14-10.doc](#)

*Ms. Moermond recommended the building be removed within 15 days with no option for rehabilitation.*

*STAFF PRESENT: Inspector Joe Yannarely, representing Steve Magner, Department of Safety and Inspections (DSI) - Code Enforcement; Amy Spong, DSI - Heritage Preservation Commission (HPC); Mai Vang and Jean Birkholz, Council Research*

*Remove/Repair Orders*

*No one appeared.*

*Mr. Yannarely reported that this building is a one and one-half story, wood frame, single-family building with a one-stall garage on a lot of 2,614 square feet. According to the file, it has been a vacant building since March 30, 2006. The current property owner is Kent E. Stahel per Ramsey County Property Records. There have been six (6) Summary Abatement Notices since 2006 and six (6) Word Orders issued for: 1) removal of tall grass and weeds; 2) improperly stored refuse, garbage and misc debris; and 3) boarding/securing. On August 18, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on September 10, 2010 with a compliance date of October 11, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid by assessment on July 9, 2010. Taxation has placed an estimated market value of \$12,800 on the land and \$35,400 on the building. As of November 4, 2010, a Code Compliance Inspection has not been obtained; the performance bond has not been posted. Real Estate taxes are current. Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; the cost to demolish between \$9,000 - \$19,000. DSI orders the property owner to repair or remove this structure within fifteen (15) days or the City will demolish it and assess the costs to the property.*

*Ms. Spong reported that this building is a 1910 one and one-half story bungalow. Some of its siding has been covered and its porch has been enclosed. There are no interior photographs. It's hard to tell if the windows are in tact. The original soffit is still visible. This is an area that has not been surveyed very extensively and there are no near future plans to any historical survey work. Demolition would have no adverse affect. There's a vacant lot next door and a cemetery across the street.*

Ms. Moermond commented that according to the photos on file, there's extensive water damage on the ceiling and walls; could have been a burst pipe.

Ms. Moermond recommended the building be removed within fifteen (15) days with no option for rehabilitation.

**Referred to the City Council, due back on 1/5/2011**

- 4      [RES 10-1338](#)      Ordering the rehabilitation or razing and removal of the structures at 987 EUCLID ST within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

**Sponsors:**      Lantry

**Attachments:**      [987 Euclid St.Hearing Notice.11-12-10.pdf](#)  
[987 Euclid St.Order to Abate Nuisance Building.10-1-10.pdf](#)  
[987 Euclid St.Photos.10-13-10.pdf](#)  
[987 Euclid St.Code Compliance Inspection.9-27-10.pdf](#)  
[987 Euclid St.Appt Ltr.8-12-10.pdf](#)  
[987 Euclid St.Summary for Public Hearing.doc](#)  
[987 Euclid St.R-R.FTA Ltr.12-14-10.doc](#)

Ms. Moermond recommended the following conditions be met in order to grant time for the rehabilitation by December 27, 2010:

1. post the \$5,000 performance deposit;
2. pay the back taxes;
3. provide financial information at least \$25,000 available to do the project;

If the conditions are met, she will recommend the following conditions:

4. a work plan, including timelines for the rehabilitation of the building (can document your labor and the value to your labor)
5. submit subcontractor bids; and
6. asbestos contractor

Laid over to Legislative Hearing on January 4, 2011 for staff report.

STAFF PRESENT: Inspector Joe Yannarely, representing Steve Magner, Department of Safety and Inspections (DSI) - Code Enforcement; Amy Spong, DSI - Heritage Preservation Commission (HPC); Mai Vang and Jean Birkholz, Council Research

Phito Alcenat, owner, appeared.

Inspector Yannarely reported that the building is a 1 1/2 story, wood frame, duplex with a wood frame shed on a lot of 4,792 square feet. According to the files, it has been a Vacant Building since June 11, 2009. The current property owner is Phito Alcenat per Ramsey County records. There have been three (3) Summary Abatement Notices since 2009 and four (4) Work Orders issued for removing tall grass and weeds, improperly stored refuse, garbage and misc debris and boarding/securing. On September 23, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on October 1, 2010 with a compliance date of November 5, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the

legislative code. The Vacant Building registration fees were sent to assessment. Taxation has placed an estimated market value of \$16,500 on the land and \$11,100 on the building. A Code Compliance Inspection was done on September 27, 2010. As of December 9, 2010, the \$5,000 performance deposit has not been posted. Real Estate taxes for the second half of 2010 are delinquent in the amount of \$2,209.68 plus penalty and interest. Code Enforcement officials estimate the cost to repair this structure between \$50,000 - \$60,000; to demolish between \$8,000 - \$10,000. DSI recommends the owner repair or remove this structure within fifteen (15) days. If not, the City is authorized to demolish and assess the costs to the property. There was no demo bid in the file.

Ms. Spong reported that this structure is an 1885 Victorian era house with a faceted side bay. The original full length front porch has been enclosed. There is a vacant lot next door so maybe some of these early properties have been removed already. She doesn't believe that the Dayton's Bluff Survey went out this far but the 1983 survey work did cover this. One of the properties on this block made it into the final report. The exterior on this house does not rise to the same level of integrity that some of the other houses do that are nearby. There does seem to be a lot of interior features in tact: 1) original trim; 2) leaded glass transom window; 3) turned railing in the stairwell, etc. She may recommend to encourage rehab but she doesn't think that it has merit on its own for designation. There are not any current near-future plans to survey this area. Some houses nearby may be worthy of preservation.

Ms. Moermond reviewed photos from 1) October 13, 2009; and 2) September 17, 2009.

Mr. Alcenat stated that he bought the house on September 1, 2010; it's his first house. He has looked at the house and believes that he can bring it back to how it was. He was unaware, however, that the City classifies houses by Categories 1, 2, 3. On September 13, 2010, he went to DSI to let them know that he was not willing to live in it as is because it's not safe for his family but he wanted to know what he needed to do to bring it up to the City's code expectations. He spoke with Mr. Reed Soley, who told him that the house was still Registered Vacant, so the City couldn't issue a permit. Mr. Soley spoke with his supervisor, who advised that Mr. Alcenat order a Code Compliance Inspection. After that, Mr. Alcenat could decide if he wanted to fix it up. Mr. Alcenat asked Mr. Soley if he would be able to pull a building permit after the inspection. Mr. Soley responded that he might be able to pull a building permit depending on how much the inspectors will value the work to cost. When the inspection was complete, Mr. Alcenat received this Order to Abate, which gave him only about thirty (30) days. According to the inspection, it's going to cost \$40,000 to repair it. Mr. Alcenat said that it would not cost him \$40,000 because there is a lot of work he can do by himself. Mr. Soley responded that unless he can prove he has the \$40,000 to fix it, the City can't issue a permit. He told Mr. Soley that if he had \$40,000, he would be going in a different direction. Mr. Soley said that maybe he could sell the house. Mr. Alcenat replied that he just bought the house for his family; he's not buying it to sell - he bought it to have a stable place for his children to live. Mr. Soley said that people who buy houses like this are investors. Mr. Alcenat said that an investor just invests money and he is trying to invest in his family. He is here today to ask for an opportunity to go ahead and fix up the house. He won't move into it until he brings it up to code but he can't do it without the Hearing Officer's approval.

Ms. Moermond stated that in this particular case, the timing is critical. On August 11, 2009, an appointment letter went out for a building deficiency inspection to be conducted. Inspector Yannarely stated that on October 22, 2009, HUD took over the house and the City can't move forward on anything once HUD has taken over. Ms.

Ms. Moermond said that if a building deficiency inspection was conducted, is there an Order to Abate a Nuisance Building attached to it; if there isn't, the house wasn't a Category 3. Mr. Yannarely replied that it was not a Category 3 then. Ms. Moermond added that the sales transaction would be legal, then, as a Category 2 house, if a Code Compliance Inspection had been disclosed at that time. However, it doesn't appear that was done. Mr. Yannarely read a notation dated July 30: "There was a contact by a potential buyer and the property may be sold soon."

Ms. Moermond noted that the Deficiency List is pretty big. HUD didn't disclose a Code Compliance Inspection Report or tell Mr. Alcenat about the status of the building and they didn't pay the taxes. On October 1, 2010, it became a Category 3. Ms. Moermond stated that the good news is that Mr. Alcenat might be able to do the rehabilitation on this house; the bad news is that it is going to be very hard to prove to Ms. Moermond that he has the skills and funds to do it. Mr. Alcenat replied that he could do it along with his four (4) brothers. They all had worked with their dad who was a carpenter. They will use professional contractors where they need to but many of the things, they will be able to do themselves. Ms. Moermond said that she will need to ask for a lot of documentation to go along with that: 1) a \$5,000 performance deposit posted with DSI; 2) pay the back taxes (\$2,209.68); 3) show proof of at least \$40,000 to do the project; and 4) a work plan. In the work plan, she needs to see documentation of Mr. Alcenat's work on the project, which includes a value (i.e., \$20/hour), - that counts towards the \$40,000. He will need to hire sub-contractors for electrical, plumbing and heating/ventilation, and asbestos work. Mr. Alcenat will need bids from each of those contractors. She stated that if he can post the \$5,000 deposit, pay the taxes and show her the money, she will show the process down so that Mr. Alcenat can figure out the work plan. (Ms. Vang provided Mr. Alcenat with a sample work plan.) Ms. Moermond stated that the performance deposit itself will be given back to Mr. Alcenat when the job is complete (six (6) months). She added that the performance deposit needs to be posted before any permits can be pulled. She needs to see a work plan that shows how Mr. Alcenat plans to make this project work. He will need money to pay the contractors and for the supplies and Ms. Moermond is not sure where that money is coming from. All of the items listed on the Code Compliance Report need to get done. Mr. Alcenat stated that he can get them all done. Ms. Moermond responded that she believes him but she needs to prove it. The taxes need to be paid; the performance deposit needs to get posted; bids need to be gathered; and there needs to be proof the money to do it.

Ms. Spong noted that it sounds as though Mr. Alcenat was operating from the Category 2 status and now the building is a Category 3. Sounds as though there's a disconnect here. Ms. Moermond clarified that Mr. Alcenat bought the property as a Category 2 on September 1, 2010 but one month later, it was declared a Category 3. The conversations with Reed Soley and Mr. Alcenat were based on it being a Category 2. Mr. Yannarely added that basically, the only difference is the \$5,000 deposit. The fact that HUD can just dump it is not right.

Ms. Moermond recommended the following conditions be met in order to grant time for the rehabilitation by December 27, 2010:

1. post the \$5,000 performance deposit;
2. pay the back taxes;
3. provide financial information at least \$25,000 available to do the project;

If the conditions are met, she will recommend the following conditions:

4. a work plan, including timelines for the rehabilitation of the building (can document your labor and the value to your labor)



5. submit subcontractor bids; and
6. asbestos contractor

Laid over to Legislative Hearing on January 4, 2011 for staff report.

**Referred to the City Council, due back on 1/5/2011**

- 5      [RES 10-1339](#)      Ordering the razing and removal of the structures at 1066 LAFOND AVE within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

**Sponsors:**      Carter III

**Attachments:**      [1066 Lafond Ave.Hearing Notice.11-10-10.pdf](#)  
[1066 Lafond Ave.Order to Abate Nuisance Building.9-24-10.pdf](#)  
[1066 Lafond.Photos.9-1-09.pdf](#)  
[1066 Lafond Ave.Appt Ltr.8-28-09.pdf](#)  
[1066 Lafond Ave.Code Compliance Inspection.3-5-10.pdf](#)  
[1066 Lafond Ave.Summary for Public Hearing.doc](#)  
[1066 Lafond Ave.R-R.12-14-10.Ltr.doc](#)

*Ms. Moermond recommends removing the building within fifteen (15) days with no option for rehabilitation.*

*STAFF PRESENT: Inspector Joe Yannarely, representing Steve Magner, Department of License and Inspections (DSI) - Code Enforcement; Amy Spong, DSI - Heritage Preservation Commission (HPC); Mai Vang and Jean Birkholz, Council Research*

*Remove/Repair Orders*

*No one appeared.*

*Mr. Yannarely reported that this is a one-story, wood frame, single-family dwelling with a two-stall detached garage on a lot of 4,792 square feet. According to the file, it has been a vacant building since July 7, 2007. The current property owner is Paul Belmonte per Ramsey County Property Records. There have been three (3) Summary Abatement Notices since 2007 and one (1) Work Order issued for removal of tall grass and weeds. On September 10, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on September 24, 2010 with a compliance date of November 1, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid by assessment on August 20, 2010. Taxation has placed an estimated market value of \$17,300 on the land and \$34,000 on the building. A Code Compliance Inspection was done on March 5, 2010. As of December 9, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for the years 2009 and 2010 are delinquent in the amount of \$3,064.24, plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; to demolish between \$8,000 - \$15,000. DSI orders the property owner to repair or remove this structure within fifteen (15) days or the City will demolish it and assess the costs to the property.*

*Ms. Spong reported that this is a 1914 workers' cottage. It's a very simple structure devoid of any architectural features. There is some shingle and siding detail still exposed. It could have been moved. There are no Sanborn maps for this particular*

area. Demolition would have no adverse affect.

Ms. Moermond said that it looked to her as though the owner just walked away. She recommended removal of the building within fifteen (15) days with no option to rehabilitate.

Referred to the City Council, due back on 1/5/2011

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 6 [ALH 10-455](#) Appeal of John Krenik to a Summary Abatement Order, Vehicle Abatement Order, and Correction Notice-Complaint Inspection at 817 Aldine Street.

**Sponsors:** Stark

**Attachments:** [817 Aldine St.appeal.12-14-10.pdf](#)  
[817 Aldine Street.Bob Johnson Email.12-21-10.pdf](#)  
[817 Aldine St.photos 1.pdf](#)  
[817 Aldine St.photos 2.1-23-09.pdf](#)  
[817 Aldine St.vehicle photos.pdf](#)  
[817 Aldine St.LH revised ltr.12-21-10.doc](#)

Attorney, Mark Thompson called. Rescheduled to 12-21-10.

Rescheduled to the Legislative Hearings, due back on 12/21/2010

### Orders to Vacate, Condemnations and Revocations, Vacant Building Registration

- 7 [ALH 10-505](#) Appeal of Alan Starzl to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 731 SIMON AVENUE.

**Sponsors:** Helgen

**Attachments:** [731 Simon.appeal.12-14-10.pdf](#)  
[731 Simon Ave.LH ltr 12-14-10.doc](#)

Ms. Moermond recommended granting a variance on the ceiling height issue on the condition that the Appellant install one and one-half feet of wall shelving on both sides of the walls within 90 days.

STAFF PRESENT: Inspector Mike Urmann, Department of Safety and Inspections (DSI) - Fire; Mai Vang and Jean Birkholz, Council Research

Vacate Order/Condemnation/Revocation of Fire C of O

Alan Starzl appeared.

Mr. Starzl stated that the Condemnation has been lifted by DSI on this single-family home. He believes that everything he had to do on the list has been completed. He is appealing item #9: 2nd Floor - SPLC 34.13(1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area. 7 FOOT AREA OF 2ND

FLOOR MEASURES 7 FEET BY 33 FEET. TOTAL AREA MEASURES 16 FEET WIDE BY 33 FEET LONG.

Inspector Urmann reported that 1/3 of the floor area is actually at 7 feet, not 7 1/2 feet. 2/3 of the floor is less than that but that measurement has not been provided by the inspector. The inspector also indicated when interviewed that they were called because of a problem property issue with tenants who are now out of the building. The Condemnation, therefore, has been lifted; it's no longer a problem property. All of the other issues on the list have been taken care of except for item #9.

Ms. Moermond asked if there were any photos of the room. Mr. Starzl responded that he has just one (1). Ms. Moermond asked if there was anything along the wall that is not in the photo. Mr. Starzl said, "No." Ms. Moermond stated that her preference for situations like this is to take space from the sides of the room. Head injury is the main concern for anyone going in to do a rescue. She suggests that cabinetry or shelves be added to one side of the room; ideally, both sides. Mr. Starzl would be willing to bring in one wall 1 1/2 feet.

Inspector Urmann stated that head room for the stairs might not have been written up because the room itself is not a habitable room. If the room is a habitable room, head room for the stairs is important. If it's not a habitable room but an attic space, head room for the stairs is not in question. Mr. Starzl stated that when he comes up the stairs, the ceiling height is over 8 feet.

Ms. Moermond recommended granting a variance on the ceiling height issue on the condition that the Appellant install one and one-half feet of wall shelving on both sides of the walls within 90 days.

#### Referred Under Master Resolution

8 [ALH 10-542](#)

Appeal of Jim Angle, Realty House, to a Notice of Condemnation Unfit for Human Habitation Order to Vacate and Vacant Building Registration Notice at 1949 MORGAN AVENUE.

**Sponsors:** Harris

**Attachments:** [1949 Morgan.appeal.12-14-10.pdf](#)  
[1949 Morgan Ave.Photos.12-1-10.pdf](#)  
[1949 Morgan Ave.LH ltr 12-14-10.doc](#)

Ms. Moermond recommended that this building be a Category 1 Registered Vacant Building and the Vacant Building Registration Fee be waived for 90 days.

STAFF PRESENT: Inspector Mike Urmann, Department of Safety and Inspections (DSI) - Fire; Inspector Matt Dornfeld, DSI - Code Enforcement; Mai Vang and Jean Birkholz, Council Research

Vacate Order/Condemnation/Revocation of Fire C of O

Jim Angle, Realty House, representing owner, appeared.

Inspector Dornfeld reported that this property was Condemned by Fire Inspection. There are eight (8) items on the Deficiency List, including water shut-off. The Category 2 Vacant Building was opened by Inspector Dennis Senty on November 29, 2010 (same date as the Condemnation). Inspector Senty noted that the house was unoccupied. It was secured by normal means. The Condemnation by Fire Inspection placard was posted on the front door. He noted that there was siding

*pulled off a section of the north side wall; otherwise, the exterior appears to be in good repair. Photos were taken and Vacant Building placards were posted on front door. The garage was secure with some rot damage to siding and trim on garage.*

*Ms. Moermond asked if the water shut-off was the principle violation leading to the Condemnation. Inspector Urmann replied that it was. Fire obtained notification from Water Utility that the water was shut-off and the meter was pulled on November 22, 2010. The pulled meter means that the water will not be turned back on; the house is to remain without water so that it won't freeze up. As of today, the water was still shut-off.*

*Mr. Angle stated that the bank took over the property on November 7, 2010; foreclosure was completed at that point. According to an earlier property record, some of the items on the list had been previously abated. Mr. Angle stated that he may have gotten this property Condemned by calling the Water Utility to have the property winterized; the heat is still on. The bank likes to switch off the water in the street. He didn't realize that it would cause a Condemnation. He has a Certificate of Winterization from his client and one of the items they request is that the water be shut-off - just in case the furnace goes down. Ms. Moermond stated that it would be required as a Category 2 Vacant Building that the water be turned off and the gas capped. Inspector Dornfeld added, "If there's no Code Compliance pulled." Inspector Urmann added that as of this morning, the gas and power were still on. He continued to say that a cycle of Orders was completed in 2008 and abated; however, this is the 2010 cycle and those Orders were issued in November 2010. Mr. Angle asked if someone actually got into the property at that point. Inspector Urmann responded that all of the Orders with exception of the Condemnation appear to be exterior in nature.*

*Mr. Angle entered photos of the property. He noted that he has a much easier time marketing these properties when they are a Category 1; and he could address some immediate issues, if need be. He could take care of the items that address the City's concerns.*

*Ms. Moermond asked Inspector Urmann how this property came to his attention. Mr. Urmann replied that Water sent it to them as a referral because the basic facilities were cut off and the meter removed. Mr. Angle stated that he has a form from Bank of America that refers to the water shut-off as part of their procedure.*

*Ms. Moermond asked Mr. Angle how long it would take him to get this property into a buyer's hands if it were not a Category 2 building. Mr. Angle responded that the seller is pretty motivated and aggressive in their pricing, so he would guess two (2) - three (3) months.*

*Ms. Moermond recommended that this building be a Category 1 Registered Vacant Building and the Vacant Building Registration Fee be waived for 90 days.*

**Referred Under Master Resolution**

## **1:30 p.m. Hearings**

### **Fire Certificates of Occupancy Correction Orders**

- 9      [ALH 10-271](#)      Appeal of David Leventhal of Cecil Delicatessen to a Fire Certificate of Occupancy Correction Order at 651 Cleveland Avenue South.

**Sponsors:** Harris

**Attachments:** [651 Cleveland Ave S.Appeal.10-19-10.pdf](#)  
[651 Cleveland Ave S.Fire Inspection Ltr.10-12-10](#)  
[651 Cleveland Ave S.PC ltr.10-26-10.doc](#)  
[651 Cleveland Ave S.PC ltr.12-13-10.doc](#)

*Laid over to January 11, 2011.*

**Laid Over to the Legislative Hearings, due back on 1/11/2011**

10      [ALH 10-432](#)      Appeal of Douglas King to a Fire Inspection Correction Order at 750 BLAIR AVENUE.

**Sponsors:** Carter III

**Attachments:** [750 Blair.Appeal.12-7-10.pdf](#)  
[750 Blair Ave.PC ltr.12-7-10.doc](#)

*Deny the appeal. (Appellant will call whether he wants a public hearing next week. If so, it will be on January 5, 2011).*

**Laid Over to the Legislative Hearings, due back on 12/21/2010**

11      [ALH 10-466](#)      Appeal of Chong Moua and Vong Lor to a Fire Inspection Correction Notice at 1735 LOUISE AVENUE.

**Sponsors:** Lantry

**Attachments:** [1735 Louise.appeal.12-7-10.pdf](#)  
[1735 Louise Ave.Correction Notice 11-18-10.pdf](#)  
[1735 Louise Ave.PC ltr.12-7-10.doc](#)  
[1735 Louise Ave.PC ltr 12-14-10.doc](#)

*Rescheduled from December 7, 2010.*

*Ms. Moermond denied the appeal and granted an extension to April 30, 2011 for the windows to come into compliance; granted a variance on the sill height issue in the northwest bedroom provided a permanently fixed step is installed below the egress windows.*

*Inspector Leanna Shaff said a Fire Certificate of Occupancy inspection was conducted by Inspector Wayne Spiering on November 17, 2010. He found that the windows, all awning type, in the sleeping rooms on the upper and lower floors did not comply with the opening requirements. The code requires a minimum opening height of 24 inches and a minimum opening width of 20 inches. Sill height maximum is 48 inches from the floor. In the upper floor southwest bedroom one window is 10" high x 29" wide. A second window in the same room is 10" high x 38" wide with a sill height of 55 inches. In the upper floor northwest bedroom, the window is 10" high x 38" wide and in the lower level southwest and northwest bedrooms they are 10" high x 41" wide.*

*Mr. Moua said a fire inspector was in the property in 2007-2008 and the windows were not brought up at that time. He does not have an issue with this and wants to bring the windows up to code but he would like more time as he doesn't have the funds at this time and also due to the weather. The other things have been taken*

care of and he is waiting for a final inspection.

Ms. Shaff noted Item 1 pertaining to the dryer vent and said she does not see that a permit has been pulled. Mr. Moua said the dryer was left by previous tenants. It is not being used and he has not had time to remove it.

Ms. Moermond said her big concern is the size of the windows as the code requires 24 inches. Also, the awning style is not acceptable under current codes as it could fall on someone. She said she will recommend to the Council to grant until April 30, 2011 to bring the windows into compliance. In the meantime, she said he must take care of the sill height issue. The sill is 55 inches from the floor and it needs to be a maximum of 48 inches. In the northwest bedroom, she wants to see a permanent step affixed to the wall so it's stable. For the northwest bedroom where there is only one egress window, the sill height is too high and a permanent step will have to be affixed to the wall so it's stable. She asked Mr. Moua to see if he can find a way to completely open the window so someone would be able to get out of it.

#### Referred Under Master Resolution

12 [ALH 10-473](#)

Appeal of Gaylen Melby to a Certificate of Occupancy Re-inspection Deficiency List at 803 SNELLING AVENUE NORTH.

**Sponsors:** Harris

**Attachments:** [803 Snelling.appeal.12-14-10.pdf](#)  
[803 Snelling Ave.C of O Order.12-20-10.DOC](#)  
[803 Snelling Ave.PC ltr.12-21-10.doc](#)

Laid over to December 21, 2010 for staff report. Decision forthcoming

Inspector Shaff said this was a fire certificate of occupancy re-inspection conducted on November 24, 2010 by Inspector Carver Isabel. The bedroom doors had illegal deadbolt locks. The Fire Code possibly would allow a certain type of lock but the Zoning Code does not.

Gaylen Melby said there were several deficiencies noted for his property which he had no problem with but as he was checking over them, he was using the inspector's references to try to find where the Minnesota State Fire Code paragraph was that he mentioned and Mr. Melby found that it didn't exist. He had a complete copy of the fire code including amendments. Minnesota State Fire Code 1008 states: "Doors from individual dwelling or sleeping units of group or occupancies having an occupant load of ten or less are permitted to be equipped with night latch, deadbolt or security chain provided such devices are operable from the inside without the use of a key or tool." On his doors he has lever operated deadbolts from the inside and a key from the outside with a doorknob. He feels that fits the allowable use of the Minnesota State Fire Code and asked that the requirement be reviewed and the reference the inspector used be verified. Ms. Moermond said "corrected" would be the right phrase. It is a correct old reference she said. The computer system has a "pick list" that is used and the right reference pops up from whenever the computer system was last updated. They are corrected as they are found.

Ms. Shaff said in the Fire Code it says individual dwelling units and/or sleeping units which refers to rooming or boarding units or single resident occupancies. It does not reference sleeping rooms like a bedroom. Ms. Moermond noted that it says "unit doors" in the order. Ms. Shaff said the inspector explained to her that it appears as though the rooms are being rented by the room. Mr. Melby said that is partly true. This is a duplex which was built as a fraternity. The first floor unit is rented to a group

*under one lease. The upper floor has individual leases for each room and they have locks on the door for privacy.*

*Ms. Shaff said in going back to Zoning Code 65.171, she had an extensive conversation with Zoning Administrator Wendy Lane, Corinne Tilley, and Larry Zangs and others. It says "Any residential structure or dwelling unit." Number 3 says "any building" and she asked them about a duplex or a twin home or group of town houses. Under the Zoning Code, it's considered one building. If there are more than four people in the duplex, any one of the issues that Ms. Moermond read would cause a structure to be regulated as a rooming house, rooming unit doors are equipped without door locks or chains. The one unit where everyone has locks on their doors, or it is rented by the room, would be a definition of a rooming house.*

*Mr. Melby re-stated that he rents out the upper level of the duplex by the room. If he had one lease for that area, as he does for the first floor, and those rooms are equipped with the same kind of lock, he asked if he was permitted to have those students lock their doors. Ms. Shaff said no.*

*Mr. Melby said the leases go through him and there is one tenant who may have a concern about it. He asked about a key lock rather than a deadbolt.*

*Ms. Moermond told Mr. Melby his property is zoned RT 1, his primary use is a duplex and it is legal non-conforming. This order is written under the fire code so he would win under that point but they will re-issue orders under the Zoning Code. Ms. Shaff said there can be deadbolts in a dwelling unit or sleeping units but that would be under the presumption that it could be a rooming house. In the Building Code and the Fire Code, R is a residential use and there are sub-points to that.*

*Ms. Moermond said she would still like to see the orders re-issued which accurately reflect the Zoning Code. She was willing to lay the matter over in order for that to be accomplished. Her recommendation in one week will be to grant the appeal of Item 5 in the November 9 list. She told Mr. Melby he will end up in the same place but under a different code.*

*Mr. Melby said when Mr. Isabel went through and told him the deadbolt locks were not allowed, he said a doorknob with a key on the outside and a lockable device on the inside would be acceptable. Ms. Shaff said Isabel was partially correct; typically when they look at that type of situation and it's a parents' room, they might be ok with that, but the other doors might just have a privacy lock as in a bathroom.*

*He asked for additional time, to the end of May, so the tenants who are leasing the individual rooms with individual security have that time. One is a graduate student with valuable books, etc. in his room and he wants to ensure these things are secure.*

*Ms. Moermond said they will wait a week for the new orders to be in place. Right now this is only about the locks. She told Mr. Melby he could also go to the Board of Zoning Appeals.*

*Laid over to December 21, 2010.*

**Laid Over to the Legislative Hearings, due back on 12/21/2010**

13 [ALH 10-515](#)

Appeal of Robert Lunning to a Fire Inspection Correction Notice at 644 SUMMIT AVENUE.

**Sponsors:** Thune

**Attachments:**     [644 Summit.appeal.12-14-10.pdf](#)  
                              [644 Summit Ave.PC ltr 12-14-10.doc](#)

*Ms. Moermond granted a variance on the egress windows; denied the use of a ladder instead of steps; and granted until August 1, 2011 to resolve these issues.*

*Inspector Mike Urmann provided Ms. Moermond, Legislative Hearing Officer, with information from Assistant Fire Marshall Owens. The issue is that there is a third floor unit that is in excess of 500 sq. ft. and does not meet the minimum required allowance under the code. The only option for the inspector was to require a second exit off of the third floor. The information provided by the appellant indicates there was an exit at one time that was removed. Mr. Urmann noted that this is 1,000 sq. ft. and not 500 by the inspector's notes.*

*Ms. Moermond asked if the second exit was reinstated if there would still be an issue. Mr. Urmann responded if it was installed under permit and to code it would not be an issue.*

*Mr. Lunning said he was informed by two fire inspectors prior to removing the exterior staircase that it was not needed as an exit from Unit 2 since the entrance to Unit 2 is on the second floor. The stairway was removed under a building permit. There had been prior inspections by fire marshalls between 2001 and 2010 and it was not raised as an issue. He asked that the current order be rescinded and the decisions made by prior fire marshalls and building officials be upheld.*

*Inspector Leanna Shaff reported on permits issued in 2001 which included repair of built-in gutters and construction of a rear entry vestibule. Mr. Lunning said that is when the stairway was removed. Mr. Urmann said the permit does not address that. He said photographs were submitted because the house is in a heritage preservation district. Ms. Shaff added that the process was closed by the system due to no activity in one year so the permit was never finalized.*

*Christine Boulware, DSI, gave a staff report. She said she did not have photos showing the exit that was there but she had plans and copies of permits for construction of a new back porch on existing foundation. Based on the photos she did have, she said it appears the exit was on the back of the property. If one is required, it would require Heritage Preservation review. However, if it's on the back of the house, it may be able to be reviewed by staff if necessary.*

*Ms. Moermond said she will recommend to the Council that they grant a variance on the egress window dimensions but the matter of the exiting issue should be addressed. It must be a stable stair structure and not a ladder. She will recommend that he be given until August 1, 2011 to resolve this or vacate the unit.*

*Mr. Urmann said the exit is required to have a building permit through the building official and must meet the current codes for a walkout exit. A ladder is no longer allowed and was taken out of the Code several years ago.*

*Ms. Moermond told Mr. Lunning if he wants to continue to use the space as it has been, he will have to go through a permit review process and it will also involve the Heritage Preservation Commission.*

*Ms. Moermond said it sounds like the situation was not handled right in 2001 and said he currently has a very competent inspector. In the past, the inspectors may have had different focus areas and not looked at the exit in the same way.*

**Referred Under Master Resolution**



14 [ALH 10-516](#) Appeal of Kazong Xiong to a Correction Notice-Reinspection Complaint at 229 BATES AVENUE.

**Sponsors:** Lantry

**Attachments:** [229 Bates.appeal.12-14-10.pdf](#)  
[229 Bates Ave.PC ltr 12-14-10.doc](#)

*Grant until April 30, 2011 for the windows to be in compliance.*

*Mai Vang translated for the appellant, Kazong Xiong.*

*Inspector Shaff stated this matter involves a re-inspection of a complaint conducted November 23, 2010 by Inspector Barb Cummings. She found problems related to the second floor where there is an illegal bedroom which measures 5'3" x 12' which equals 63 sq. ft. Room measurements are made 5 ft. to the ceiling. This is a slanted ceiling and both sides are 12 ft. in length. The room is not large enough for a sleeping room as 70 sq. ft. are required and Ms. Cummings is requiring that they stop using it. Also, the egress window was replaced without a permit.*

*Mr. Xiong said when he purchased the property it was a four bedroom house. The replaced window is larger. He went to DSI to pull a permit and then came too Council to file the appeal.*

*Ms. Bolaire, staff person with the Heritage Preservation Commission (HPC), said this property is located in the Dayton's Bluff Historic District. Any work affecting the exterior of the property requires permit review in DSI as well as review from HPC staff or the Commission. She said she could not comment on the work that was done without a permit because she does not know exactly what was done.*

*Mr. Xiong said he replaced window w 26 H x 26 W encasement window.*

*Ms. Bolaire sad because this is an historic district, there are certain materials and styles of windows that are allowed. Some of that varies based on where the windows are located. They have allowed some changes on non-primary elevations to meet egress but depending on the style, location, and the material, she may not be able to approve it. They have made some exceptions to meet egress. It would be helpful to see photos of the window. Ms. Vang responded that she had left him a message to provide photos at this hearing but Mr. Xiong did not follow through.*

*Ms. Shaff said the inspector reported the windows measure 23" wide x 19 ½" high. She thought they were casement windows but it is listed as an overall window of 44" in height which would be more like a double hung. Ms. Bolaire said her information says it is a casement window 25-3/4" x 46-1/4" with a rough opening of 26" x 46". The invoice shows only one casement window but then the noted frame size and rough opening size. Ms. Shaff said that does not make sense with what the inspector has reported for a casement. Ms. Bolaire said it would depend on the location, the material and style of the window for complying with the guidelines. If it's in the back and not visible, it might be ok. Mr. Xiong said it's in the front. Ms. Bolaire said if it's something that's not changed to comply with guidelines, she would have to take it to the Preservation Commission for a public hearing because it falls out of her scope of review.*

*Ms. Shaff said they are casement windows and she is confident that it may not meet the width requirements for opening. The width of the frame is 25-3/4". There is at least 1-1/2" to 2" on each side plus where the window pivots on the hardware. Ms.*

*Bolaire said they are probably down to 17" which would be OK if they have the height to compensate. Ms. Shaff said the height is approximately 46-1/4" in the frame size.*

*Mr. Xiong said he is not using it for a bedroom but a playroom and he told the inspector that. There is no bed in there.*

*Ms. Bolaire said the HPC application is still not considered complete.*

*Ms. Moermond said in time she felt he would want a legal egress window installed.*

*Ms. Xiong asked why it wasn't called out before and Ms. Vang explained the procedure.*

*Ms. Moermond said she would grant the appeal on Item 1. As soon as he wants to use it as a sleeping room, he will have to address the issue. With respect to the appearance of the window, he will have to address that immediately because it's in an historic district. All that's temporarily being removed is the dimensions.*

*Ms. Shaff noted that if he said he wants to use the room as a bedroom there would be two issues: the size and the window.*

*Ms. Moermond said he will need to straighten out the egress window issue but in terms of the square feet and the room she will recommend that a variance be granted so it could eventually be turned into a bedroom for one person. He's shy 7 sq. ft. now, he has 62 sq. ft. and should have 70, and she will give him a variance for that.*

#### **Referred Under Master Resolution**

15      [ALH 10-519](#)

Appeal of Keith Frank to a Fire Inspection Correction Notice at 1604 EUCLID STREET.

**Sponsors:**            Lantry

**Attachments:**        [1604 Euclid.appeal.12-14-10.pdf](#)  
[1604 Euclid St.PC ltr 12-14-10.doc](#)  
[1604 Euclid St.PC correction ltr 12-14-10.doc](#)

*Granted the appeal on all three windows and granted 60 days to bring the electrical service panels into compliance. Appellant wants to contest further on the electrical panel issue.*

*Inspector Leanna Shaff said this is a fire inspection certificate of occupancy conducted by Inspector Wayne Spiering on November 30, 2010. There are windows issues in the upper unit, the main floor master, northwest and northeast bedrooms are all double hung with a size of 21" high x 37" wide. The code requires a minimum of 34" high x 20" wide.*

*The basement is currently being used for storage but it also has a double hung window. The inspector noted on the orders that the owner wanted it included as he may eventually use it as a bedroom. That window measure 17" high x 37" wide.*

*The west bedroom in the lower unit is also a double hung and measures 17" high x 33" wide on the openable.*

*Regarding the electrical service panels, the national electric code requires that each occupant have access to their service so they can connect or disconnect at the panel. Both of the panels are located inside the laundry room of the lower unit.*

*Inspector Spiering ordered that the upper unit must have access to an electrical panel.*

*Mr. Frank said the inspector indicated that if the windows were just rotated 60 degrees, they would meet egress. Ms. Moermond said she would recommend a variance on all three.*

*Mr. Frank requested a variance on the service panel unless any future remodeling is done where it would then be changed. The floor that has the access to the panels is also the access to both furnaces and both water heaters. He requires that his tenants not touch any of that. If a fuse is blown, he wants to be notified.*

*Ms. Moermond said it's a basic thing that the panels need to be available to the occupant of that space and she would not recommend a variance on that but she could give him some time to deal with it.*

*Mr. Frank said there is another exterior door that is separate from the others. He asked if that could be called a common area due to the fact that it's where there is access to the furnaces, water heater, and electrical panels. Ms. Moermond responded that if the people from the other units can have access to the electrical service panel, that is what she's looking for.*

*Ms. Moermond granted the appeal on all three windows and granted 60 days to bring the electrical service panels into compliance.*

**Referred Under Master Resolution**

- 16      [ALH 10-525](#)      Appeal of Lawrence Walker to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 823 AURORA AVENUE.

**Sponsors:**      Carter III

**Attachments:**      [823 Aurora.appeal.12-14-10.pdf](#)  
                                  [823 Aurora Ave.PC ltr 12-14-10.doc](#)

*No one appeared; appeal denied.*

**Referred Under Master Resolution**

- 17      [ALH 10-527](#)      Appeal of Emily White to a Fire Inspection Correction Notice at 405 BURLINGTON ROAD.

**Sponsors:**      Lantry

**Attachments:**      [405 Burlington.appeal.12-14-10.pdf](#)

*Granted the appeal on the window and granted an extension to June 30, 2011 to bring the exterior into compliance.*

*Emily White and Ed Webster (brother), trustees for their deceased mother, appeared regarding the property. Ms. White said her nephew is living in the house and his intent was to buy it on a contract for deed but due to a job loss that did not happen but he continues to live there. He is not paying rent and the family does not view it as rental property. A contractor will be taking care of the dryer vent and removing the toilet in the basement bathroom and that will be done under permit. Mr. Webster said he will do the railings and the other work to close off the area by the steps.*

The windows are openable to 19" wide and they are asking for a 1" variance in the four bedroom. They do meet the height requirements.

Inspector Leanna Shaff said this is a Fire Certificate of Occupancy inspection conducted by Wayne Spiering on November 16, 2010. The main floor, upper floor, northeast, southeast, southwest bedroom windows are all casement windows 19" high x 50" wide openable. One gutter and downspout are rusted and deteriorated, there are rotted and deteriorated window frames, paint is required to be scraped and painted on siding and soffit, and there are broken and cracked window panes.

Mr. Webster said he will not be able to get the exterior work done before spring. The one rotted window will most likely be replaced but possibly not until spring as well. The garage will be removed, the boat and trailer are both licensed and will be moved to the driveway but they may not be able to be moved until spring..

Marcia Moermond, Legislative hearing Officer, said she would recommend granting the appeal on the windows and granting an extension to June 30, 2011 to bring the exterior into compliance

**Referred Under Master Resolution**

- 18      [ALH 10-530](#)      Appeal of Donald Moeller, on behalf of Henry Hite to a Fire Inspection Correction Notice at 645 WHEELLOCK PARKWAY WEST.

**Sponsors:**      Helgen

**Attachments:**      [645 Wheelock.Appeal.12-14-10.pdf](#)  
                                 [645 Wheelock Pkwy W.PC ltr 12-14-10.doc](#)

No one appeared. Grant a 8.5 inch variance on the openable height of the egress bedroom window.

**Referred Under Master Resolution**

- 19      [ALH 10-539](#)      Appeal of LeAnn Brown to a Fire Inspection Correction Notice at 1884 BERKELEY AVENUE.

**Sponsors:**      Harris

**Attachments:**      [1884 Berkeley.appeal.12-14-10.pdf](#)  
                                 [1884 Berkeley Ave.PC ltr 12-14-10.doc](#)

Grant an 8.5-inch variance on the openable height of the egress window in the east bedroom. Deny and grant 90 days for the north bedroom to be brought into compliance unless the Appellant can show that it can be opened to at least 16 inches.

Alex Borchert, appeared representing his mother LeAnn Brown, the appellant.

Inspector Leanna Shaff said this was a fire certificate of occupancy inspection conducted by Inspector Rick Gavin on September 14, 2010. The east bedroom window measured 18-1/2" high x 24" wide, and the north bedroom 14-1/2" high x 30" wide.

Marcia Moermond, Legislative Hearing Officer, recommended granting a variance for the east bedroom but not for the north bedroom. #445

Mr. Borchert said his mother purchased the home and he is renting but intends to

eventually become the owner. He is doing the work and is the one who has pulled the permits. In 2009, he replaced all the windows. The north bedroom is used as a bedroom but the east bedroom is being used as an office. The replacements were not done with the thought of it being rental property. He said they open to create a large surface but he was unsure of the dimensions. They open to make for an adequate exit as there are switches that can be popped out.

Ms. Shaff told Mr. Borchert that he needs to insure the permits are finalized when he pulls them. She said there was not a permit for the windows and if he had pulled one, he would have known the requirement for the window size. She said the pop out windows are for ease of cleaning.

Ms. Moermond told Mr. Borchert that the window requirement is 24 " high so his is 9-1/2 " short which is very significant. She said she has never granted a variance that big. Mr. Borchert asked if he could recheck the measurement as he thought the height was 33". Ms. Moermond said he has to measure the openable dimensions – the space through which a body would fit. If he can get the measurement to 16 inches in height, she would be more comfortable looking at a variance. Ms. Moermond asked that he provide a photo showing the window dimensions. She also said he should go back and get permits finalized.

**Referred Under Master Resolution**

## Windows Permits

20 [ALH 10-462](#) Appeal of Dan Parker, Custom Remodelers, Inc. on behalf of Zonqua and Malina Xiong to an Egress Window Non-Compliance Determination at 704 IOWA AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [704 Iowa.appeal.12-14-10.pdf](#)  
[704 Iowa Ave E.PC ltr 12-14-10.doc](#)

*Deny the appeal.*

*Chase Anderson appeared on behalf of Dan Parker, the appellant. This is a stucco house and the owner does not want to change the looks of the house, Mr. Anderson said.*

*Marcia Moermond, Legislative Hearing Officer, said there is an opening height of 13 inches on the windows and she can not grant a variance when it's that low.*

*Mr. Anderson said the permit states: "except for any leg type, no re-framings required other than grossly non-compliant bedroom windows. A window may be replaced in the existing opening if it is the same size." There was a double hung window and it was replaced with the same.*

*Inspector Leanna Shaff pointed out that the first line says one bedroom window must meet the new egress window policy implemented.*

*There are a total of 14 windows and three bedroom windows. Ms. Moermond said she would like to have him talk to Steve Uble, the Senior Building Inspector. He will walk through what the requirements are but 13 inches is not acceptable.*

*The policy the city enforces is based on the Minnesota State Fire Code. There are*

other codes that address egress windows as well including the City's Legislative Code, the State's Building Code, and the IRC. Saint Paul picked the Fire Code which is one of the more lenient ones.

Ms. Moermond said the public hearing before the City Council will be on January 5, 2010 at 5:30 p.m. He will receive a confirmation letter in the mail.

**Referred to the City Council, due back on 1/5/2011**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 21 [ALH 10-533](#) Appeal of John Link, Interlink Acquisitions to a Vacant Building Registration Fees at 1035 JESSAMINE AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [1035 Jessamine.appeal.12-14-10.pdf](#)  
[1035 Jessamine Ave E. 7-13.doc](#)  
[1035 Jessamine Ave E.PC ltr 12-14-10.doc](#)

*Deny the appeal.*

*John Link, Mike Swedahl, and Patricia Whitney appeared.*

*Inspector Singerhouse from Vacant Buildings said the assessment was on June 26, 2010. A Code Compliance Inspection was done on February 24, 2010, a sale review on March 29, 2010, and the Code Compliance approval letter was sent on October 20, 2010. The fee assessment was June 26, 2010 and was not completed and that's why it was assessed.*

*Mr. Link said he was not disputing that the fee was assessed. It can be pro-rated back to them once they are in compliance which they were at that time in October, but they had paid the entire assessed fee of \$1,235 so they could close on the house. Now they would like a pro-rated amount on the remaining amount from June through October.*

*Mr. Singerhouse said he recalls Mr. Link calling him about the closing but a waiver was not given*

*Marcia Moermond, Legislative Hearing Officer, said they are talking about a couple of months in the vacant building program. She said if Mr. Link hadn't paid the bill or if someone had appeared at the tax hearing on it, it wouldn't be an issue. By virtue of paying the bill, it looks like he agreed with the bill. She said she would not recommend that the Council re-open it as a tax assessment. They would have to take the old tax roll that's been adopted and ratified for 2011 taxes, open it up, change the amount, close it and send it on. Because it has already been transmitted to the County, it would be a matter of accounting in Finance and making two fiscal years work together. She would not recommend that a ward office re-open the resolution for the taxes but that is their discretion so she will send a copy of the appeal to the Ward 6 office.*

*Ms. Moermond stated that no one showed up at the appeal hearing and that's when*

*the tax letter and postcard went out.*

**Referred Under Master Resolution**

- 22      [ALH 10-540](#)      Appeal of Mike Swedahl to a Vacant Building Registration Fee at 870 EDMUND AVENUE.

**Sponsors:**      Carter III

**Attachments:**      [870 Edmund.appeal-12-14-10.pdf](#)  
                                 [870 Edmund Ave.PC ltr 12-14-10.doc](#)

*Waive the Vacant Building fees for 90 days and change the VB status to a Category I.*

*Inspector Singerhouse gave a staff report and said that Inspector Kalis went to the property on October 26, 2010 and opened up a Category II vacant building after receiving a referral from Fire Certificate of Occupancy regarding revocation of the property. There are exterior deficiencies, a dryer vent inside, window frames, screens, 14 items total. There is also a smoke detector affidavit.*

*Mr. Swedahl said the property has been vacant since October and there is a pending sale which was supposed to have closed on October 25, 2010. It's a short sale and they are waiting for the bank to approve it. It's being bought as is. A truth-in-housing was done and they were told the smoke detectors, and everything, were fine. Part of the 14 items cited includes a window on the front porch that had been broken. He's doing his best to keep up the property but said he has had confrontation problems with people in the area. He said he's afraid if the fee is assessed that the sale will fall through.*

*Marcia Moermond, Legislative Hearing Officer, said she would recommend waiving the Vacant Building fees for 90 days and change the VB status to a Category I for 90 days. She will ask that staff reassess it and if the building is broken into, etc., it will have to become a Category II.*

**Referred Under Master Resolution**

- 23      [ALH 10-541](#)      Appeal of Patricia Whitney and Jean Schuldt to a Vacant Building Registration Notice and Fire Certificate of Occupancy Revocation at 1125 BEECH STREET.

**Sponsors:**      Lantry

**Attachments:**      [1125 Beech.appeal.12-14-10.pdf](#)  
                                 [1125 Beech St.PC ltr 12-14-10.doc](#)

*Appeal denied.*

*Inspector Singerhouse gave a staff report saying he received a police report regarding this house being used as an after-hours party house three days in a row. Police officers spoke with Ms. Schuldt and she said there was nothing going on. The police report states that near 100 people were removed from the building. On November 19, 2010 he opened a Category II Vacant Building due to the exterior, roof, eave soffits, window screens, etc. that were in disrepair.*

*Inspector Shaff said that Ms. Schuldt, property owner, contacted her almost*

immediately and she was in disbelief that this had happened.

Ms. Whitney, attorney, said this is a duplex and the upstairs has been unoccupied. The downstairs tenant let them know that she was having problems after the big rain/wind storm. It was found that part of the roof had been blown off. It was covered with a tarp and the tenant was moved to a new location on October 26. Ms. Schuldt got a call that a big party had gone on for two days and they could not imagine how that could happen as the house should not be able to even handle that many people. She questioned how it could have gone on that long with no one complaining. When Ms. Schuldt got the call, maintenance people were sent over and the locks were changed again. That same week a notice of trash abatement was received and someone was sent immediately to bring it inside. She or maintenance have been there monitoring every week. She inspected on November 22 and saw there were placards. Information to pay the vacant building fee was sent to Ms. Schuldt in Florida where she was at the time. Ms. Whitney said she was expecting revocation of the certificate of occupancy as they will not put anyone in the building until the work is completed. Putting the vacant building label on it will shut them down. Jean Schuldt is the personal representative and is making the decisions.

**Referred Under Master Resolution**

### Window Variances: Fire Certificate of Occupancy

- 24 [ALH 10-469](#) Appeal of Jeffrey T. DeLisle, Del Co Limited Partnership, to a Fire Certificate of Occupancy Re-inspection with Deficiency List at 385 EARL STREET.

**Sponsors:** Lantry

**Attachments:** [385 Earl. appeal.12-14-10.pdf](#)  
[385 Earl St.PC ltr.12-14-10.doc](#)

*Grant a 4.5-inch variance on the openable height of the egress bedroom window in Unit 5.*

**Referred Under Master Resolution**

- 25 [ALH 10-500](#) Appeal of Dan Caron to a Fire Inspection Correction Notice at 2156 GERANIUM AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [2156 Geranium Ave E.appeal.12-14-10.pdf](#)  
[2156 Geranium Ave E.PC ltr.12-14-10.doc](#)

*Grant a 3-inch variance on the openable height of the egress window in the main floor northwest bedroom.*

**Referred Under Master Resolution**

- 26 [ALH 10-504](#) Appeal of Pat Mentone to a Fire Inspection Correction Notice at 2398 STEWART AVENUE.

**Sponsors:** Harris



**Attachments:**     [2398 Stewart.appeal.12-14-10.pdf](#)  
                              [2398 Stewart Ave.PC ltr.12-14-10.doc](#)

*Grant a 1-inch variance on the openable height of the egress window in the north bedroom and a 1.5-inch variance on the openable height of the egress windows in the southeast and southwest bedrooms.*

**Referred Under Master Resolution**

- 27        [ALH 10-513](#)     Appeal of Sergio Rodriguez to a Fire Inspection Correction Notice at 351 LAWSON AVENUE EAST.

**Sponsors:**        Helgen

**Attachments:**     [351 Lawson.appeal.12-14-10.pdf](#)  
                              [351 Lawson Ave E.PC ltr.12-14-10.doc](#)

*Grant a 5-inch variance on the openable height of the egress windows in the west bedrooms of Units 1 and 2.*

**Referred Under Master Resolution**

- 28        [ALH 10-520](#)     Appeal of Lawrence Walker to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 818 SHERBURNE AVENUE.

**Sponsors:**        Carter III

**Attachments:**     [818 Sherburne.appeal.12-14-10.pdf](#)  
                              [818 Sherburne Ave.PC ltr.12-14-10.doc](#)

*Grant a 4.5-inch variance on the openable height of the egress window in the rear bedroom on the 2nd floor and a 2-inch variance on the openable height of the egress windows in the front and side bedrooms on the 2nd floor.*

**Referred Under Master Resolution**

- 29        [ALH 10-521](#)     Appeal of Larry Gist to a Fire Inspection Correction Notice at 1253 ST. CLAIR AVENUE.

**Sponsors:**        Harris

**Attachments:**     [1253 St.Clair.appeal.12-14-10.pdf](#)  
                              [1253-1255 St Clair Ave.PC ltr.12-14-10.doc](#)

*Grant a 2-inch variance on the openable height of the egress bedroom windows in 1253 and 1255 St. Clair Avenue.*

**Referred Under Master Resolution**

- 30        [ALH 10-523](#)     Appeal of Nancy Vanderheider to a Fire Inspection Correction Notice at 30 WHITE BEAR AVENUE NORTH.

**Sponsors:**        Lantry

**Attachments:**     [30 White Bear.appeal.12-14-10.pdf](#)  
                              [30 White Bear Ave.PC ltr.12-14-10.doc](#)

*Grant a 3-inch variance on the openable height of the egress windows in the upper*

*floor north and south bedrooms.*

**Referred Under Master Resolution**

- 31      [ALH 10-526](#)      Appeal of John W. Taylor to a Fire Inspection Correction Notice at 927 TUSCARORA AVENUE.

**Sponsors:**      Thune

**Attachments:**      [927 Tuscarora.appeal.12-14-10.pdf](#)  
[927 Tuscarora Ave.PC ltr.12-14-10.doc](#)

*Grant a 5-inch variance on the openable height of the egress window in the west second floor bedroom and a 2.5-inch variance on the openable height of the egress window in the east second floor bedroom.*

**Referred Under Master Resolution**

- 32      [ALH 10-529](#)      Appeal of Bob Hafdahl, Capstone Services, LLC on behalf of SWS Real Estate, LLC to a Fire Inspection Correction Notice at 1278 SARGENT AVENUE.

**Sponsors:**      Harris

**Attachments:**      [1278 Sargent.Appeal.12-14-10.pdf](#)  
[1278 Sargent Ave.PC ltr.12-14-10.doc](#)

*Grant a 3.5-inch variance on the openable height of the egress windows in the first floor north, first floor south and east and second floor west bedrooms.*

**Referred Under Master Resolution**

- 33      [ALH 10-531](#)      Appeal of Steve Sauro to a Fire Certificate of Occupancy Approval with Corrections at 49 LAWSON AVENUE WEST.

**Sponsors:**      Helgen

**Attachments:**      [49 Lawson.appeal.12-14-10.pdf](#)  
[49 Lawson Ave W.PC ltr.12-14-10.doc](#)

*Grant a 2.5-inch variance on the openable height of the egress bedroom window on the 2nd floor.*

**Referred Under Master Resolution**

## **Window Variances: Building Permits**

- 34      [ALH 10-454](#)      Appeal of Jeff Moore; Capital Siding, Windows, and Construction, on behalf of Elizabeth Gardner; to an Egress Window Non-Compliance Determination at 1485 Holton Street.

**Sponsors:**      Stark

**Attachments:**      [1485 Holton.appeal.12-14-10.pdf](#)  
[1485 Holton St.PC ltr.12-14-10.doc](#)

*Grant a 5.1-inch variance on the openable height of one double hung replacement egress bedroom window which measured at 18.9 inches high by 23.4 inches wide.*

**Referred Under Master Resolution**

- 35      [ALH 10-456](#)      Appeal of Kathleen Huntley to an Egress Window Non-Compliance Determination at 1435 Charles Avenue.

**Sponsors:**      Stark

**Attachments:**      [1435 Charles.appeal.12-14-10.pdf](#)  
                                 [1435 Charles Ave.PC ltr.12-14-10.doc](#)

*Grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows which measured at 20 inches high by 23.4 inches wide.*

**Referred Under Master Resolution**

- 36      [ALH 10-460](#)      Appeal of Dan Parker, Custom Remodelers, Inc, on behalf of Fred Kelly, to a Egress Window Non-Compliance Determination at 1400 Bradley Street.

**Sponsors:**      Helgen

**Attachments:**      [1400 Bradley . appeal. 12-14-10.pdf](#)  
                                 [1400 Bradley St.PC ltr.12-14-10.doc](#)

*Grant a 6.5-inch variance on the openable height of replacement egress bedroom window(s) which measured at 17.5 inches high by 27.75 inches wide.*

**Referred Under Master Resolution**

- 37      [ALH 10-463](#)      Appeal of Dan Parker, Custom Remodelers, Inc. on behalf of Nhia Moua and Mai Vang-Moua to an Egress Window Non-Compliance Determination at 1351 BRADLEY STREET.

**Sponsors:**      Helgen

**Attachments:**      [1351 Bradley.appeal.12-14-10.pdf](#)  
                                 [1351 Bradley St.PC ltr.12-14-10.doc](#)

*Grant a 6-inch variance on the openable height of three double hung replacement egress bedroom windows which measured at 18 inches high by 29 inches wide.*

**Referred Under Master Resolution**

- 38      [ALH 10-468](#)      Appeal of Dan Parker, Custom Remodelers, Inc. on behalf of Lenny and Rita Leier to an Egress Window Non-Compliance Determination at 334 SARATOGA STREET SOUTH.

**Sponsors:**      Harris

**Attachments:**      [334 Saratoga St.appeal.12-14-10.pdf](#)  
                                 [334 Saratoga St S.PC ltr.12-14-10.doc](#)

*Grant a 2-inch variance on the openable height of three double hung replacement egress bedroom windows which measured at 22 inches high by 23 inches wide.*

**Referred Under Master Resolution**

- 39      [ALH 10-480](#)      Appeal of Dan Parker, Custom Remodelers, Inc. on behalf of Drew & Rachel Wale to an Egress Window Non-Compliance Determination at 745 HOYT

AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [745 Hoyt Ave.appeal.12-14-10.pdf](#)  
[745 Hoyt Ave.PC ltr.12-14-10.doc](#)

*Grant a 3-inch variance on the oopenable height of two double hung replacement egress bedroom windows which measured at 21 inches high by 31.25 inches wisde and a 7-inch variance on the openable height of one double hung replacement egress bedroom window which measured at 17 inches high by 27.25 inches wide.*

**Referred Under Master Resolution**

- 40      [ALH 10-501](#)      Appeal of Bryan Horton, Renewal by Andersen, to two Egress Window Non-Compliance Determinations at 1872 MUNSTER AVENUE.

**Sponsors:** Harris

**Attachments:** [1872 Munster.appeal.12-14-10.pdf](#)  
[1872 Munster Ave.PC ltr.12-14-10.doc](#)

*Grant a 5 3/16-inch variance on the openable height of two double hung replacement egress bedroom windows which measured at 18 13/16 inches high by 30 inches wide and a 1 1/4-inch variance on the openable height of two double hung replacement egress bedroom windows which measured at 22 3/4 inches high by 30 inches wide.*

**Referred Under Master Resolution**

- 41      [ALH 10-514](#)      Appeal of Angela and Eric Teegarden to an Egress Window Non-Compliance Determination at 833 GERMAIN STREET.

**Sponsors:** Lantry

**Attachments:** [833 Germain.appeal.12-14-10.pdf](#)  
[833 Germain St.PC ltr.12-14-10.doc](#)

*Grant a 12 1/8-inch variance on the openable height of one casement replacement egress bedroom window which measured at 17 7/8 inches high by 23 1/2 inches wide.*

**Referred Under Master Resolution**

- 42      [ALH 10-522](#)      Appeal of Bryan Horton, Renewal by Andersen, to an Egress Window Non-Compliance Determination at 1546 CASE AVENUE.

**Sponsors:** Bostrom

**Attachments:** [1546 Case.appeal.12-14-10.pdf](#)  
[1546 Case Ave.PC ltr.12-14-10.doc](#)

*Grant a 2 1/8-inch variance on the openable width of one casement replacement egress bedroom window which measured at 35 3/4 inches high by 17 7/8 inches wide.*

**Referred Under Master Resolution**

- 43      [ALH 10-524](#)      Appeal of Bryan Horton, Renewal by Andersen, to an Egress Window Non-Compliance Determination at 2099 SUBURBAN AVENUE.

**Sponsors:** Lantry

**Attachments:** [2099 Suburban.appeal.12-14-10.pdf](#)  
[2099 Lincoln Ave.PC ltr.10-5-10.doc](#)

*Grant a 5 1/4-inch variance on the openable height of one double hung replacement egress bedroom window which measured at 18 3/4 inches high by 20 inches wide.*

**Referred Under Master Resolution**

44      [ALH 10-528](#)      Appeal of Keven Steen, Wellington Window and Door Company, to an Egress Window Non-Compliance Determination at 2242 WILLIAM TELL ROAD.

**Sponsors:** Lantry

**Attachments:** [2242 William Tell Road.appeal.12-14-10.pdf](#)  
[2242 William Tell Rd.PC ltr.12-14-10.doc](#)

*Grant a 7-inch variance on the openable height of three double hung replacement egress bedroom windows which measured at 17 inches high by 40 inches wide.*

**Referred Under Master Resolution**

45      [ALH 10-532](#)      Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 914 Conway Street #1 and #2.

**Sponsors:** Lantry

**Attachments:** [914 Conway.appeal.12-14-10.pdf](#)  
[914 Conway St.PC ltr.12-14-10.doc](#)

*Grant a 4.1-inch variance on the openable height of two double hung replacement egress bedroom windows which measured at 19.9 inches high by 25.2 inches wide.*

**Referred Under Master Resolution**