



APPLICATION FOR APPEAL

RECEIVED
FEB 09 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

<i>YOUR HEARING Date and Time:</i>
Tuesday, <u>Feb. 28, 2012</u>
Time <u>1:30 p.m.</u>
<i>Location of Hearing:</i>
<u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 899 3rd St. E City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Attorney MaManee Moua Email: manee@moualawoffice.com

Phone Numbers: Business (651) 765-7389 Residence _____ Cell _____

Signature: Ma Manee Moua Date: 2/8/12

Name of Owner (if other than Appellant): Henry K. Her

Address (if not Appellant's): 1017 Meadowwood Dr, Brooklyn Park, MN 55444

Phone Numbers: Business _____ Residence _____ Cell (651) 308-0350

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

See attached 2 page appeal with pictures,

I am appealing the following deficiency list from the "Fire Inspection Correction Notice" dated February 1, 2012 regarding my property at 899 3rd St. E, Ref. # 114258, Residential Class C:

#2 I appeal an alleged violation of SPLC 34.11(4), 34.34 (1), MPC 4715.0900 MPC 4715.0220S to provide and maintain an approved waste trap. It notes that the main floor bathroom has an unapproved S-Trap. All existing plumbing conditions are as is from when I purchased the house. In addition, the above referenced bathroom is connected to an adequate water and sewer system. It is currently supplied with running hot and cold running water as required by SPLC 34.11(4). Since the plumbing system in the house is pre-existing, coupled with the fact that the above mention items is fully functional and connected to adequate water and sewer system, I ask that the requirement to repair/replace be waived.

With regard to the basement utility tub issue, I do not dispute this specific item and can repair/replace accordingly.

#3 I appeal having to repair/replace the asphalt driveway at this property. As required by SPLC 34.08 the driveway is paved with asphalt and in good condition. See the pictures of the driveway attached. There are no holes or cracks to the driveway. The surface is clean, safe for parking and durable. Additionally, I have researched asphalt businesses and was told by Marco Seal Master (635 Phalen Blvd, St. Paul, MN 55130. Phone # 651-755-3541) that hot asphalts which is the product to be used for driveways will not be available until May 15, 2012. May 15, 2012 is when the contractors can purchase hot asphalts.

#7 I appeal only the requirement in #7 to fix the garage. The garage exterior is in good condition. See pictures of garage attached. The exterior was painted in October 2011. There are no flaking or chipped paint.

REQUEST FOR ADDITIONAL TIME TO MAKE REPAIRS IN THE ALTERNATIVE

In the alternative, if I do not prevail in my appeal and I must make all the repairs on the deficiency list, particularly items #3, #6, and #7, I ask that I be given until July 1, 2012 to complete the deficiencies. For example, repairing the driveway (#3 deficiency) and repainting the garage (#7 deficiency) requires work to be done outside. Since we are still in the winter season with cold weather conditions it will be hard to find people to perform this outdoor task. Additionally, the repair results/final products may be negatively compromised and/or in poorer condition due to cold weather conditions. Additionally hot asphalts will not be available until May 15, 2012 to fix the driveway. I do not dispute that #6 deficiency (house-foundation) needs to be corrected. However, I request additional time to complete this repair as I will need time to find the proper people to fix the foundation in an approved manner. The work to the foundation is also outdoors work that must be completed. The cold weather can compromise the work quality/product that needs to be done in order to fix the foundation properly.

IF ADDITIONAL TIME TO MAKE REPAIRS IS NOT GRANTED, I WITHDRAW MY RENEWAL OF THE FIRE CERTIFICATE OCCUPANCY AND ASK THAT THIS CASE BE DISMISSED SO I CAN SELL THE PREMISE

If the additional requested time is not granted I request that this case be closed immediately and I withdraw my renewal of the Fire Certificate Occupancy. I will have the tenants vacate the premise and sell this property. If the case is not closed I will not be able to sell the property.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

February 1, 2012

HENRY KHOUA HER
1017 MEADOWWOD DR
BROOKLYN PARK MN 55444

FIRE INSPECTION CORRECTION NOTICE

RE: 899 3RD ST E
Ref. #114258
Residential Class: C

Dear Property Representative:

Your building was inspected on January 27, 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 March 1, 2012 at 1:00pm.

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.-Secure the dryer exhaust duct.

2. Basement and Main Floor - SPLC 34.11 (4), 34.34 (1), MPC 4715.0900 MPC 4715.0220S - Provide and maintain an approved waste trap.-The main floor bathroom has an unapproved S-trap and the basement utility tub has unapproved flexible plumbing. Contact licensed plumbing contractor to repair/replace the incorrectly installed plumbing to code. This work must be done under permit.
3. Exterior - Driveway - 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.-Repair/replace the deteriorated asphalt driveway.
4. Exterior - Gas Meter - MSFC 603.9- Call Xcel Energy at 1-800-895-4999 to provide vehicle impact protection for the gas meter.
5. Exterior - Storage - SPLC 34.08 (6), 34.31 (4) - Remove the accumulation of exterior storage that creates a nuisance or harbors rodents.
6. House - Foundation - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-Repair/replace the damaged foundation in an approved manner.
7. House and Garage - Exterior Surfaces - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Replace the broken/missing siding on the house. Scrape al flaking/chipped paint. Maintain all exterior surfaces in a good state of repairs and protected against elements of the weather.
8. Main Floor - Kitchen - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.-Repair/replace the burners on the gas range that are not igniting.
9. Main Floor - Kitchen - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
10. Main Floor - Northeast Bedroom - MSFC 1003.3.1.8 - Remove unapproved locks from the unit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.-Remove the unapproved loch from the bedroom door.

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 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 114258