

MINUTES OF THE LEGISLATIVE HEARING  
ON LETTERS OF DEFICIENCY, CORRECTION NOTICES  
AND CORRECTION ORDERS

Tuesday, March 3, 2009

Room 330 City Hall, 15 Kellogg Blvd. West

The hearing was called to order at 1:40 p.m.

STAFF PRESENT: Leanna Shaff, Department of Safety and Inspections (DSI) – Fire Prevention; and Mai Vang, City Council Offices

5. Appeal of Richard Miller to a Certificate of Occupancy Deficiency List for property at 1126 Fourth Street East.

Appellant Richard Miller (5301 Aydee Circle, White Bear Lake, MN 55110) appeared.

Ms. Shaff stated that the items being appealed were window size and ceiling height. She said that the ceiling height was less than seven feet over half the floor area; the openable dimensions of the egress window in the upper north sleeping room were 21 inches high by 27 inches wide; in the south bedroom, they were 19 inches high by 22 inches wide.

Ms. Moermond asked for the measurements of the ceiling height. Mr. Miller stated that the appeal form incorrectly noted the ceiling height was six feet, eight inches and that the ceiling height was six feet, four inches.

Ms. Moermond asked whether the ceiling was flat or measured six feet by four inches at the highest point. Mr. Miller stated that one of the rooms had a flat ceiling and the other room was six feet four inches at the highest point. He said that raising the ceiling would require raising the roof.

Ms. Moermond asked for a description of the property. Mr. Miller stated that it was a single-family, three-bedroom house with one bedroom on the main floor and two upstairs, and that it was built in 1898. He said that if the house could not be rented he would have to sell it at a loss.

Ms. Moermond asked whether the house was occupied. Mr. Miller said that it was. He said the property was well-maintained and that he had complied with all of the other orders on the inspection report.

Ms. Moermond asked Mr. Miller to provide a diagram of the ceiling with measurements. She said she would recommend variance for the egress window in the north bedroom but not for the south bedroom. Mr. Miller stated that there were two windows in the south bedroom with glazed areas of 19 inches by 19 inches and 14 inches by 24 inches. He said that the window opening size, wall spacing and roof line presented constraints to changing the rough opening size.

Ms. Shaff asked when the upstairs rooms had been added. Mr. Miller said that a previous owner had told him that the upstairs had been a finished space since the 1950s.

Ms. Moermond asked Mr. Miller to get an estimate from a contractor of the amount of time that would be required to bring the windows in the south bedroom into compliance. She said that her decisions on the ceiling and on the amount of time she would grant for the window replacement would be forthcoming.

Ms. Moermond reviewed the records on March 26, 2009 and recommended denying the appeal for the egress windows on the south bedroom and granting an extension for 90 days to replace the windows. She recommended denying the appeal for the ceiling height in both units and granting an extension for 90 days. If Mr. Miller decides to raise the roof, she recommended that he get a plan to her within 30 days.