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APPLICATION FOR APPEAL

RECEIVED
NOV 4 2011
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

YOUR HEARING Date and Time:
 Tuesday, 11-22-11
 Time 1:30
 Location of Hearing:
 Room 330 City Hall/Courthouse

*Emailed 11-4-11
mailed*

Address Being Appealed:

Number & Street: 212 Montrose Place City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Jeffrey Nielsen Email jnielsen212@yahoo.com

Phone Numbers: Business _____ Residence _____ Cell 563-676-2776

Signature: *Jeffrey Nielsen* Date: 1 Nov 2011

Name of Owner (if other than Appellant): same

Address (if not Appellant's): _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O _____
- Summary/Vehicle Abatement _____
- Fire C of O Deficiency List Item # 7 - see attached
- Fire C of O: Only Egress Windows _____
- Code Enforcement Correction Notice _____
- Vacant Building Registration _____
- Other _____

Jeffrey Nielsen & Linda Wiley
43 Wilson Road
Newport, KY 41071
563-676-2776
jnielsen212@yahoo.com

1 Nov 2011

TO:
St. Paul City Clerk
310 City Hall, 15 W. Kellogg Blvd.
St. Paul, MN 55102

We are requesting a variance for 212 Montrose Place for item number 7 on the inspection report: the percentage of ceiling height over seven feet in the finished attic.

When we purchased the house in 2000, the upstairs area had been finished by a previous owner. This included closing in the knee-walls, adding closets, HVAC and carpeting the floor. From the style of the woodwork, I would guess the work had been done in the 1970s. We have included a photo of the second floor area for your reference.

The inspection in 2009 (also enclosed) required that we put in a larger egress window on the second level, which we had done at that time. No mention of the ceiling was made in that report, nor in any earlier real estate inspection.

We hope this application reaches you in a timely manner. We realize it is due within 10 days of the inspection, but we did not receive the inspection report until Oct. 31.

Thank you.



Jeffrey Nielsen

Is it possible for you to also send the hearing notification to our property manager: John Walsh, 740 Mississippi River Blvd, Apt. 7-D, St. Paul, MN 55116.



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

October 26, 2011

JEFFREY A NIELSEN
LINDA G WILLEY
43 WILSON RD
NEWPORT KY 41071-2531

FIRE INSPECTION CORRECTION NOTICE

RE: 212 MONTROSE PLACE
Residential Class: C

Dear Property Representative:

Your building was inspected on October 26, 2011 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 November 30, 2011 at 11:30 AM.

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 - 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. This work requires a permit(s). Call DSI at (651) 266-8989.
2. Basement closet - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.-Door handle is missing. Provide an approved handle.
3. Basement living room - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Reduce storage of items on the floor by 30 percent.

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4. Front door - SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock.-Repair front door deadbolt lock so it is easily openable.
5. Garage door opener - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.
6. Garage door opener - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
7. Second floor - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area.-16 sq ft is over 7 ft. 160 sq ft is over 5 ft. Total sq ft of room is 230.
8. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
9. MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.
10. MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Basement smoke detector not mounted correctly. Relocate in an approved position.

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: rick.gavin@ci.stpaul.mn.us or call me at 651-266-8994 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,

Rick Gavin
Fire Inspector

212 Montrose





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-9090
Saint Paul, MN 55101-1806

April 24, 2009

*received
4/25/09*

JEFFREY A NIELSEN
LINDA G WILLEY
43 WILSON RD
NEWPORT KY 41071-2531

RE: FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
212 MONTROSE PLACE
Ref. # 108853

Residential Class: C

Dear Property Representative:

Your building was inspected on April 24, 2009 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 immediately. **A re-inspection will be made on May 26, 2009 at 1:30 pm.**

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 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. 2nd Floor - Windows - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition. - Repair damaged window glazing putty.
2. 2nd Floor - SPLC 34.13 (4) - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5.7 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. Refer to provide handout EW-1 for more information. - Existing double-hung window does not meet openable height requirement. Openable area of window is 18 inches high by 27 inches wide and glazed area is 44 inches high by 27 inches wide.
3. Basement - Bedroom - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area. - Height to flat finished ceiling is 6 feet 10.5 inches.

4. Basement - SPLC 62.01 - Use of this property does not conform to zoning ordinance. Immediately discontinue unapproved use and convert to legal use. - Discontinue use of unapproved basement dwelling unit. Contact DSI zoning inspector at (651)266-9090 to determine requirements for approving this space.
5. Exterior - Front - SPLC 34.09 (2) 34.32 (2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.-Provide a handrail for lower section of stairs leading to sidewalk.
6. Rear Entry Door - 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 surface-bolt lock.
7. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
8. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, call me at 651-266-8986 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,

Mitchell Imbertson
Fire Inspection

Ref. # 108853