



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, April 24, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR
12-17](#) Ordering the rehabilitation or razing and removal of the structures at 1145 EDGERTON STREET within fifteen (15) days after the May 16, 2012, City Council Public Hearing.

Sponsors: Brendmoen

DSI is requesting that the item be withdrawn. The property was removed under an Emergency Abatement.

Staff report from Amy Spong: This area was identified in the 2011 Payne Phalen Survey and this property 1145 was identified as a contributing structure within the Northwest Payne-Phalen Residential Historic District. There is a really nice collection here of Victorian era houses.

Withdrawn
- 2 [SR 11-25](#) Reviewing progress of rehabilitation for 1456 COHANSEY STREET.

Sponsors: Brendmoen

DSI is requesting that this case be pulled as Jim Seeger was out for a finale inspection on 4-20-12. The owner only has a few minor items to finish and Jim Seeger will be issuing the Code Compliance Certificate on 4-24-12.

Received and Filed

11:00 a.m. Hearings

Summary Abatement Orders

- 3 [RLH SAO
12-11](#) Appeal of William J. Kachel Sr. to a Summary Abatement Order at 884 JACKSON STREET.

Sponsors: Brendmoen

DSI has advised the property owner not to appear at the hearing. They are re-issuing summary abatements to both properties that abut the retaining wall. Suggest this be laid over for two weeks. The other owner will probably appeal.

Laid Over to the Legislative Hearings due back on 5/8/2012

4 [RLH SAO
12-13](#)

Appeal of Lara Merrill to a Summary Abatement Order at 609 WELLS STREET.

Sponsors: Bostrom

Laid over for Appellant to follow-up with Zoning; grant the appeal on the overflowing garbage as owner is in compliance.

RE: 609 Wells St (single family)

Lara Merrill, owner, appeared.

Inspector Paula Seeley:

- *she was in the alley for another reason on Apr 11, 2012*
- *saw the overflowing garbage and issued a Summary Abatement Order; she also put on there the "residential parking on unapproved surface" in the backyard*
- *they need another container*
- *today, we have Orders on 2 other properties in that alley*
- *she sent out another Order Apr 18, 2012; compliance Apr 25, 2012 about the vehicles parking on the grass*
- *in meantime, she spoke with Karen Zachow, the Department of Safety and Inspections; this house has 1 pkg space in rear*
- *alley surface is asphalt*
- *photos*

Ms. Merrill:

- *has spoken with Ms. Seeley a couple times on the phone*
- *this was a Category 2 Vacant Building*
- *Jim Seeger signed-off on the parking in 2008*
- *if we don't have sufficient parking, we can't have a rental license*
- *as far as she has always known, they had a couple of parking spots in the back, which is due for a clean-up (gravel)*
- *also has photos (crushed gravel that's worn out)*
- *the adjacent neighbor also has crushed gravel*
- *she is adamant about keeping the crushed gravel (it looks nice); she was OK'd with this and wants to keep it that way*
- *was a duplex when she bought it; now, it's back to being a single-family home with 5 bedrooms, 2 baths (new roof, new windows, new plumbing, new appliances, etc..)*
- *the block looks rough; there's a vacant lot across the street; trash blows around*
- *gave strict orders to tenant with teenagers to keep the yard free from garbage and trash*
- *2 issues: 1) garbage; and 2) parking*
- *is asking for fairness because other properties have deficiencies, as well*
- *runs her property very strictly*
- *is requesting that Ms. Moermond permit nice landscaping with crushed gravel for parking (she doesn't want concrete or asphalt); Ms. Seeley said that she could put down all earth pavers, which has actual grass over it; needs to be approved by zoning*
- *she tries to bring things closely back to it's historic character*

Ms. Moermond:

- has photos of overflowing garbage at this property; sees loose and scattered trash also
- it's the owner's responsibility to make sure that there's enough garbage service; city code holds the owner accountable for paying for it
- looking at the photos of the parking area, the inspector made a good call
- the city is currently writing Orders on gravel surfaces, requiring they become asphalt, concrete, permeable pavers, etc.
- currently, the parking lot is not Class 5 and it's not organized (if you have to mow it, it's no longer a Class 5 surface); looks like 3/4 of the back yard is parking, which isn't OK according to the zoning code
- thinks Ms. Merrill is grandfathered-in in terms of parking requirements on the parcel because this has been an existing residential use for so long
- Appellant needs to talk to zoning, bringing them a diagram of how she wants the parking organized, i.e. 3 parking spaces lined up across the back of the yard - and have them sign-off on it
- surface wise: would like Appellant to talk to zoning and see what they advise; draft a site plan and talk with Karen Zachow 266-9084; copy Ms. Moermond on the info
- will Lay this over for 3 weeks

Laid Over to the Legislative Hearings due back on 5/15/2012

- 5 [RLH SAO 12-12](#) Appeal of Sy Meng to a Summary Abatement Order at 249 AURORA AVENUE.

Sponsors: Carter III

Appeal withdrawn by Appellant. Owner indicated contractor has been working with inspector to come into compliance.

Withdrawn

Orders To Vacate, Condemnations and Revocations

- 6 [RLH VO 12-22](#) Appeal of Timothy Wesbrook to a Fire Certificate of Occupancy Revocation and Order to Vacate 845 IGLEHART AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension until the close of business on May 11, 2012 to vacate the property or to come into compliance.

RE: 845 Iglehart Ave (duplex, upper and lower)

Timothy Wesbrook, owner, appeared.

Fire Inspector Mike Urmann:

- Revocation
- multiple code violations
- work was done without permit or permit approval
- several plumbing, electrical and construction issues throughout the building; a licensed contractor needs to look at all the plumbing work that was done and sign off on it; any plumbing work requires a permit and a licensed contractor will know that - state code
- a lot of spray foam was used in construction: into electrical boxes, into other areas where spray foam should not be (will cause fires)
- became necessary to Revoke because of noncompliance as well as safety issues
- no approved heat in 2nd floor unit; spaces heaters installed without permit and

some areas not heated to 68 degrees

- photos available
- had licensed contractors been in place and a work plan developed, we would not have gotten to the Revocation
- smoke detector affidavit is still on this list
- inspector has been there twice: Jan and Apr

Mr. Wesbrook:

- he sold property to Michael Kohler in 2010 on Contract for Deed; it's not recorded (Mr. Wesbrook gave it to Mr. Kohler because he was going through a bankruptcy but Mr. Kohler failed to record it once he was through with the bankruptcy)
- Mr. Kohler made payments until last Sep when he stopped; he left the property in Nov when Mr. Wesbrook got the property back; now, it's his job to deal with the mess left by Mr. Kohler
- electrical permit was pulled in Oct 2011 (permit cost \$250); he's been waiting for his electrician to complete it
- plumbing permit (washer drain): he paid the plumber for the work (Mr. Urmann - no plumber permit has been pulled; inspector noted that there was some doubt whether the plumber had a license - additional work has been done without a permit and it is incorrect and needs to be fixed)
- the plumber's bill represents a permit being pulled (city system doesn't have one listed)
- he used a plumber off the city's list of licensed contractors
- had Hinding do the furnace; already paid him (Mr. Urmann said they are not looking at the mechanical work; they are looking at the additional electrical space heaters on the 2nd floor)
- it would cause his tenants great hardship to have to move out of the property while he's trying to get the trades people to do the work
- he understands that it should have been done 2 months ago but he has had some difficulty with getting the workers; he is working on it
- the items that don't require a permit have been completed since Apr 16
- inspector will be out there again next Mon, Apr 30, 2012
- nothing can be done with the walls until the electrical inspector has approved what the electrician has done
- he needs more time to get the work done
- he was informed that everything needed to be done before the inspector came back; so Mr. Wesbrook called the inspector before the last inspection and told him that not everything was done and he was in Detroit Lakes; the inspector said that he would still go out there and asked Mr. Wesbrook to grant him access (have units open); so he called his tenant to allow the inspector access

Ms. Moermond:

- reminded Mr. Wesbrook that it was incumbent upon the seller to make sure it's recorded
- paying contractors ahead of time is not a good practice
- there were 21 items on the original list in Jan 2012; now, the list is down to 16 items
- she understands that Mr. Wesbrook has had some conflicts and problems; however, it's her job to focus on the building and the safety of the tenants
- after 90 days, only 5 items have been taken off the list
- suggested Applicant fire some contractors and hire different ones
- will be at City Council Public Hearing May 2, 2012
- will recommend a Vacate date or repairs finished by May 11, 2012 (subject to inspection May 14, 2012)
- call the plumbing inspector about questions

Mr. Urmann:

- wants to make clear that "work done" means that permits must be approved and signed-off; so, his contractors will have to contact the building inspectors, the electrical inspectors, plumbing inspectors prior to that date

Referred to the City Council due back on 5/2/2012

7 [RLH VO
12-23](#)

Appeal of Gary Nelson to a Fire Certificate of Occupancy Revocation and Order to Vacate 649 WESTERN AVENUE NORTH.

Sponsors: Carter III

Deny the appeal and grant an extension to June 15, 2012 for compliance.

RE: 649 Western Ave N (duplex)

Gary Nelson, friend of the family, realtor and project manager with a local construction company, appeared, representing owner, Mary Brinker.

Mr. Nelson:

- *Mary Brinker is 75 years old, not in the best health; living in Sr. Housing, Old Hudson Road*
- *her daughter, Shiela, is 50 years old and has lupus; also lives at the property and works part time for the MN Science Museum*
- *has been in Brinker family for over 100 years*
- *Mary has been a widow for over 30 years and is on a fixed income*
- *Mary called me to help them out in this situation*
- *they are asking for more time*
- *they have filed a claim with their insurance company because some of the damage and repairs were caused by a storm; has a copy of the claim from Farmers Insurance Group*
- *he was made aware of their situation about 3 1/2 weeks ago so he hasn't had a lot of time to dig in*
- *one of their subcontractors is currently working on the property*
- *the only issue they have is timing; insurances are not very giving; some of their allowances are not what they should be*
- *Forced Heating is preparing an estimate for replacing the gravity furnace (asbestos issues that will be expensive)*
- *looking for funds to help out; she is not using the furnace; it hasn't worked since Dec 2011*
- *someone put in cove heating for the basement and first floor (when he was there the end of March, he was comfortable in there)*
- *the 2nd floor has its own heating source - wall heaters*

Ms. Moermond:

- *fortunately, it's getting warmer*

Inspector Mike Urmann:

- *Previous Orders were issued Feb 7, 2012*
- *no Orders were issued between Feb 7 and Apr 13, 2012*
- *first set of Orders were for the exterior, only, because they couldn't gain access*
- *these Orders take the entire building into account - 25 items*
- *concern about the foundation pulling away from the building*
- *garage is starting to sway a bit; to lean (inspector said she was able to move it)*
- *photos show it pitching away from the house*
- *roof issues; screens / windows*
- *overly concerned about the structural issues (may not be covered under an insurance plan)*

- wooden steps in the front; concrete steps in the back; handrails and guardrails are in poor shape, as well

Mr. Nelson:

- the garage has since been repaired and a new garage door has been installed
- the steps in back are being addressed
- he was there with one of his subcontractors Apr 1 when Inspector Martin was going to be there for a re-inspection; they were checking out some of the items and Ms. Martin saw them there but she didn't talk with them; she went inside to talk with the homeowner; she said she would come back to re-inspect in May, then, she left; Mr. Nelson was a little disappointed that she didn't come to talk with him so that he could have gotten clarification on some of the items that she wanted addressed (Mr. Moermond said that the inspector's responsibility is to talk to the owner; if the owner wanted her to talk with you, that would be between her and you guys.) (Mr. Urmann: we cannot talk to contractors without the owner's direct permission.) Ms. Brinker thought the inspector had already talked to Mr. Nelson and the subcontractor.
- only issue they have is timing
- some of the painting and roof issues will be taken care of through the insurance claim
- the house has provided nice affordable housing for her daughter
- the upstairs is rented to a friend of the family
- with the repairs undone, the value of the home will not be very high
- the wood steps seem to be fine; I thought the main issue was with the guardrail (Mr. Urmann said it was apparent to him that the wooden steps are starting to show some dry rot and decay; the concrete ones in back are starting to break apart, too.)
- is assuming the concrete steps can be patched
- the broken steps to the back of Unit 2 are being repaired

Ms. Moermond:

- concerned about the broken steps (interior-#16 and exterior-#8)
- steps need to be fixed, the furnace replaced, #2 - the foundation addressed; won't happen quickly
- patching the concrete steps is fine; so is replacing them
- the foundation will be a big ticket item, along with replacing the furnace
- asked why Mary hasn't put the house into her daughter's name (Mr. Nelson said that is a possibility; selling it is also a possibility)
- will need a structural engineer to look at the foundation (not cheap)
- will recommend granting an extension to Jun 15, 2012 to come into compliance; re-inspection will happen after Jun 15, 2012
- may want to attend the City Council Public Hearing May 16, 2012 at 5:30 pm
- is not willing to let this go 6 months to a year for the insurance to be taken care of
- the roof is not part of these Orders (Mr. Nelson said the roof will be taken care of later)

Referred to the City Council due back on 5/16/2012

11:30 a.m. Hearings

- 8 [RLH VO 12-24](#) Appeal of Tifphanie Edwards (tenant) to a Fire Certificate of Occupancy Revocation and Order to Vacate at 717 FRY STREET/1642 MINNEHAHA AVENUE WEST.

Sponsors: Stark

Deny the appeal and grant an extension to June 1, 2012 to vacate the property.

717 Fry St / 1642 Minnehaha Ave W (duplex)

Tifphanie Edwards, tenant, appeared.

- Ms. Edwards:

- she had no idea that anything was going on with the property until the Notice appeared on her door
- her mother called the city for her and found that this place has been under inspection 2 months before she ever moved in
- she knew nothing about the monthly inspections, etc.
- the Notice said that she needs to be out by the end of the month and she wasn't prepared to move
- when she woke up either last week Wed or Thu morning, there was no water so, she contacted the property manager, Loni Labrocca, who also didn't know anything about the water being shut off; the property mgr called later that afternoon and told her that the problem had been fixed
- when her mother called down to Water, she was told the water bill hadn't been paid since Jan 2012
- she moved in Aug, 2011; owner is David Anderson, DMA Properties LLC
- she is in limbo because she has to move quickly
- needs an extension in order to vacate; Apr 30 is the vacate date
- the property mgr told her that the owner is not going to put any more money into the property

Fire Inspector Mike Urmann

- the foundation element will affect the whole building
- storage issues; smoke detector missing in basement; front entryway has electrical issues; roof issues
- Order started Jul 28, 2011 (noncompliance over a long period of time)

Ms. Moermond:

- there must have been a couple sets of Orders leading to the Revocation, the water was shut off, so it would have been Condemned - but the water bill was subsequently paid
- will recommend granting an extension to Jun 1, 2012 to vacate
- referred her to Southern Minnesota Regional Legal Services (SMRLS)
- Attorney Generals' website

Referred to the City Council due back on 5/16/2012

9 [RLH VO
12-25](#)

Appeal of Lymoua Mouacheupao to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 41 SANDRALEE DRIVE WEST.

Sponsors: Lantry

Deny the appeal and grant an extension to June 1, 2012 for compliance.

RE: 41 Sandralee Dr W (single family)

Christopher Moua appeared on behalf of his sister, Lymoua Mouacheupao, owner, appeared.

Fire Inspector Mike Urmann:

- since Jan 6, 2012
- original set of Orders had 23 violations; now, there are 15 violations
- the inspector said this property may go through a short sale soon
- the inspector was told by the owner and occupant that no more work would be done

to comply

- under advisement, we are Revoking the Fire Certificate of Occupancy for noncompliance

Mr. Moua:

- sister is hoping to short sale it
- he is actually living in that house right now
- in 2007, the property was going to be foreclosed because she lost her job; Mr. Moua said that he would help her out so, he moved in and tried to buy the house from her but at the time, the property value went down and the principal was too high; no bank was ever going to loan him the money
- her sister said she would not take out another loan to repair the house and Mr. Moua couldn't take out a loan to fix it either
- he told his sister she should move back; he would move out because he would never be able to buy the property
- his sister decided try to do a short sale it
- he is moving out in Jun 2012; he bought another house (not sure of closing date) in Maplewood
- his sister will be moving in on Sandralee; she owns another property on Euclid (has claimed owner occupancy at 2 properties- an issue going on for a couple years)
- doesn't know what plans his sister has for the property on Euclid
- she will go to fix the bathroom for his sister in early May

Mr. Urmann:

- is not sure that this house will fit their definition of owner-occupancy since she owns another house on Euclid and was moving back and forth

Ms. Moermond:

- will recommend that the Council deny the appeal on the Revocation and extend the vacate date to Jun 1, 2012
- a lot of work still needs to be done
- City Council Public Hearing May 16, 2012
- will receive a letter of confirmation

Referred to the City Council due back on 5/16/2012

1:30 p.m. Hearings

Window Variances: Hearing Required

- 10 [RLH FOW 12-130](#) Appeal of John Domagall to a Fire Certificate of Occupancy Inspection Correction Notice and Egress Window Non-Compliance Determination at 1434 MCAFEE STREET.

Sponsors: Bostrom

Deny the appeal. (2nd time rescheduled...no further continuance).

Referred to the City Council due back on 5/16/2012

- 11 **RLH FOW 12-139** Appeal of Kirk Anderson to a Fire Inspection Correction Notice at 1419 ALASKA AVENUE.

Sponsors: Tolbert

*Laid over for appellant to provide photographs of the sill height below the windows.
(Staff report only)*

RE: 1419 Alaska Ave (single family)

Kirk Anderson, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Apr 6, 2012 by Inspector Rick Gavin*
- 6 listed items*
- #4 - horizontal slider window sill height is 53 1/2 inches (code requires a maximum of 48 inches)*

Mr. Anderson:

- appealing #4 and also the total number of items*
- understands that homes are graded A, B or C and 5 items on a list is a cut-off between A and B and if you get 5 or more, you need to be inspected every 3 years (A is every 5 yrs); Ms. Shaff explained that each deficiency has a "point value" assigned to it; live safety issues have more points; grading doesn't go by the number of deficiencies; it goes by the point value. The total is divided by the number of units in a building to give you a grading value.*
- Mr. Gavin told him he was close to a "C" grade*
- he argued that #1 and #2 are the same, according to him and #5 is a documentation*
- to him, 5 1/2 inches is not much discrepancy*

Ms. Moermond:

- regarding sill height: are you willing to install a permanent step under the window? (Mr. Anderson said there are 2 windows in each bedroom on the main floor; the step will impinge on a part of the heat/AC duct by half and will mean drilling holes into the wood floor, which he doesn't want to do. Realistically, if there would be a fire, people would climb onto the bed, which is right under the window, and go out the window; so the steps, to him, are redundant.)*

Ms. Shaff:

- the code is silent when it comes to furniture underneath a window unless it is obstructing the exit; can't count on where the bed will be on a permanent basis or during a fire*
- people have a lot of problem with sill height in attempting to get out of a window, especially short people and children*
- new construction code is 44 inches for sill height maximum*

Ms. Moermond:

- would like to see some photographs*
- would also like to see hand holds installed*
- will lay this over for 2 weeks (LH May 8, 2012)*

Laid Over to the Legislative Hearings due back on 5/8/2012

12 [RLH FOW](#)
[12-143](#)

Appeal of Todd Anderson, Garnet Management Group, to a Fire Inspection Correction Notice at 762 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Deny the appeal. (no show; windows too small)

Referred to the City Council due back on 5/16/2012

Fire Certificates of Occupancy

- 13** **RLH FCO** Appeal of Jean Youness to a Re-Inspection Fire Certificate of Occupancy
12-201 With Deficiencies at 85 VICTORIA STREET NORTH.
- Sponsors:** Carter III
- Grant the appeal on the interior east stairway.*
- RE: 85 Victoria St N (duplex)*
- Jean Youness, owner, appeared.*
- Layover from 2 weeks ago (LH Apr 10, 2012)*
- Ms. Moermond:*
- read the email from Ms. Boulware, Heritage Preservation Commission (HPC)
 - will recommend granting the appeal on the balustrade height
- Ms. Youness:*
- found that her house was built in 1890
- Referred to the City Council due back on 5/16/2012**
-
- 14** [RLH FCO](#) Appeal of Daniel Koopmans, DLK Properties, LLC, to a Fire Inspection
[12-245](#) Correction Notice at 1775 SIXTH STREET EAST.
- Sponsors:** Lantry
- Deny the appeal and grant an extension to June 4, 2012 for bringing the list into compliance.*
- RE: 1775 Sixth St E (single family)*
- Daniel and Alinda Koopmans, DLK Properties, LLC, owners, appeared.*
- Fire Supervisor Leanna Shaff:*
- Fire Certificate of Occupancy inspection conducted on Apr 4, 2012 by Inspector James Thomas
 - 18 items on the list
 - doesn't know what is being appealed
 - history shows a lot of furniture, Summary Abatements for exterior, etc. since DLK has owned it in 2008
- Mr. Koopmans:*
- entered a letter
 - most of these compliance issues are things that they are working on; several are tenant-based (he informed tenant that they need to comply with those things that they have control over)
 - #3 supposedly, someone is sleeping in the basement (it's a 3 bedroom house with only 2 people living in it so, there should not be anyone sleeping in the basement)
 - is asking for an extension to get some of this work done because he's having a hard time finding an handyman to do it
 - is specifically appealing:
 - #16 - pave the area where tenant parks the car (the area behind the garage is

already paved but the tenant drives off the pavement and parks on the grass in the back yard); is appealing doing further paving

- #9 - was not sure what inspector was talking about; it says repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structure free from holes and deteriorating (he looked around and didn't see any holes or deterioration anywhere; there's a little bit of peeling paint (Ms. Shaff suggested he ask Inspector Thomas)
- #17 - maintaining sidewalks, walkways - (the current walkway does need repair; he needs an extension to do that in the summer)
- has a property management company that they work with (E-Green Management, Mpls)
- the last tenant moved out about 6 months ago and had done \$6,000 worth of damage to the house; they made those repairs and do want to comply with the regulations; this is the only property they own and it's been a learning experience

Ms. Moermond:

- wants to see the following things done soon: #5- provide 30 inch clearance around the mechanical equipment; remove multi-plug adaptors and extension cords; obtain a fuel burning equipment test and repair equipment if necessary and fix the handrails
- will grant an extension to Jun 4, 2012 for full compliance
- good idea to check on the management company to see if they are checking on the property
- a little more active management would go a long way in this circumstance

Referred to the City Council due back on 5/16/2012

**15 RLH FCO
12-241**

Appeal of TAB Properties to a Fire Certificate of Occupancy Inspection Correction Notice at 963 IGLEHART AVENUE.

Sponsors: Carter III

Grant a 7.5-inch variance on the openable height of the egress window in the second floor east bedroom; grant a 1.75-inch variance on the openable height of the egress window in the second floor south bedroom; deny the appeal on the painting issue and grant an extension to July 1, 2012 for compliance; and grant an extension to May 1, 2012 for the rest of the items.

RE: 963 Iglehart Ave (single family)

Jon Taylor, TAB Properties, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted on Mar 5, 2012 by Inspector Rick Gavin
- #3 - double hung window on second floor east (16 1/2 h x 35w); second floor south (22 1/4 h x 33w)
- exterior painting
- photos in Amanda

Ms. Moermond:

- will recommend a variances on windows 16 1/2h x 35w; 22 1/4h x 33w; (Order on the windows didn't need to be written)

Mr. Taylor:

- regarding exterior painting: had it repainted 2-3 years ago; he doesn't know the exact nature of the overall request here; must be relatively minor - might need a touch-up; would need an extension if it requires a larger job; would need clarification

from inspector

Ms. Moermond:

- looked at photos in Amanda
- looks like more of a repair job is needed on the paint job rather than repainting
- will recommend an extension to Jul 1, 2012 for painting
- will recommend an extension to May 1, 2012 for the rest of the items

Referred to the City Council due back on 5/16/2012

16 [RLH FCO
12-239](#)

Appeal of TAB Properties to a Correction Notice-Complaint Inspection Rescheduled Appointment at 930 LAUREL AVENUE.

Sponsors: Carter III

Laid over to May 8, 2012 for HPC input.

RE: 930 Laurel Ave (three/four family)

Jon Taylor, TAB Properties, owner, appeared.

Fire Inspector Leanna Shaff:

- Complaint inspection conducted Feb 17 by Inspector Rick Gavin
- #2 - requirement of guardrails with intermediate ballustrades: current height is 28 inches (code requires a minimum of 36 inches high)

Mr. Taylor:

- #1 - it's a 2-story 1908 building with classic porch structure - they are not looking to make a changes to it; he is confused as to why it was flagged
- brushing it up with paint for the season is all they are going to do (age and character of the porch)
- the back is definitely in need of repair; will get it done this year; a substantial project
- they will also take care of #3

Ms. Moermond:

- will get some photos of this and have Ms. Boulware, Heritage Preservation Commission (HPC) take a look at this
- Ms. Boulware will drive by and look at it
- will lay this over for 2 weeks (LH May 8, 2012)

Laid Over to the Legislative Hearings due back on 5/8/2012

17 [RLH FCO
12-243](#)

Appeal of TAB Properties to a Fire Certificate of Occupancy Inspection Correction Notice at 1360 PAYNE AVENUE.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of the egress windows in all units; grant an extension to July 1, 2012 for the exterior items to come into compliance.

RE: 1360 Payne Ave (apartments)

Jon Taylor, TAB Properties LLC, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Mar 7, 2012 by Inspector Mike Cassidy

- multiple items are being appealed
- #3 - escape windows (20h x 31.5w and 41h x 27.5w)
- more time on the exterior issues

Ms. Moermond:

- regarding #3, she will recommend a variance noting that the Order need not have been written

Mr. Taylor:

- the interior work is complete
- the exterior - grading soil away from the property
- they want to avoid a wet basement with gutter repair, etc., as well

Ms. Moermond:

- will recommend an extension to Jul 1, 2012 to come into compliance

Referred to the City Council due back on 5/16/2012

2:30 p.m. Hearings

Vacant Building Registrations

- 18 [RLH VBR 12-26](#) Appeal of Anne Edmunds to a Vacant Building Registration Requirement at 533 BAY STREET.
- Sponsors:** Thune
- Deny the appeal and waive the vacant building fee for 120 days. (Appellant will need to order a code compliance inspection).*
- RE: 533 Bay St (single family)*
- Anne Edmunds, owner, appeared.*
- Revocation and Vacant Building Registration Fee - City Council Public Hearing May 16, 2012*
- Ms. Edmunds:
- submitted paperwork: letter from licensed general contractor; letter from State Farm rep
 - since they evicted tenants Jan 31, 2012 (things were still left there), they came back and vandalized the property; did Police Report and have been working with State Farm Insurance
 - on Apr 9, she opened the letter of Revocation of Fire C of O and left a message for Sean Westenhofer but she never heard back from him
- Fire Inspector Leanna Shaff:
- Fire C of O Revocation: started as a complaint Jan 6, 2012 that the 2nd floor was in need of repair; had mold issues; exposed electrical wires; Section 8 quit paying as they thought it was substandard
 - Inspector Westenhofer responded to the complaint Jan 11, 2012 but could not gain access; he sent Orders for access
 - he inspected Jan 25, 2012 and found multiple issues
 - Apr 4, 2012, he transferred the file to Fire Certificate of Occupancy
 - inspector notes: Jan 25, 2012-multiple door handles need repair; missing or

damaged window screens and storm windows; toilet loose; aerator missing from bathroom faucet; wall and ceiling in kitchen pantry damaged; exiting obstructions; missing CO detector; main floor north bedroom missing door frame/door; north bedroom-multiple ceiling fans and lights are damaged throughout the unit

- Apr 4, 2012, inspector spoke with Dean Welk who said he didn't have to come out to the property, they were fixing the interior; he was told the property was unoccupied (Ms. Shaff instructed Inspector Westenhofer to go out to the property anyway to note the condition); the list was quite large
- Inspector Westenhofer found most of the windows boarded from the inside; lots of broken glass; a dumpster in the yard filled with lots of debris and construction debris (demolition)
- quite an extensive demo; there were no permits pulled
- with the large number of Orders, the windows boarded up, etc., Ms. Shaff instructed Inspector Westenhofer to send it to Vacant Buildings
- photos in Legistar

Inspector Rich Singerhouse:

- Inspector Matt Dorfeld inspected Apr 11, 2012 and opened a Category 2 Vacant Building file

Ms. Edmunds:

- DACH Properties is Dean Welk, Cory Heather and her (they bought a couple houses together)
- before Christmas, they gave an eviction notice to their tenant; if they hadn't caught up with the rent by a certain date, they would be evicted
- their goal was to hopefully, not have to do an unlawful detainer
- in January, 2012, they knew they had to move
- a coworker met the inspector; she was unable to because her son had a heart attack; co-worker didn't think the property was in such bad condition
- she feels as though she is being picked on - surprised the inspection was so harsh
- an edge of a stair was knicked by a worker - the list indicated it was a broken stair
- there are not multiple ceiling fans
- the exposed wiring was a light fixture that had been opened up which was secured before the inspection
- doesn't feel that everything that was written is justified (it sounds worse than the property is)
- the tenants had been there since 2005 so, walls needed to be repainted, etc.
- put in new soffit and fascia; windows; have been keeping the property up through the years
- she had asked if the inspection could be done after the tenants moved out because it didn't make sense while they were moving out
- tenants were not happy about leaving; they didn't have a place to go
- the inspector insisted tenants had to go because of the exposed wiring
- she didn't see evidence of mold; and the bathroom wasn't great but it wasn't bad; the toilet had been secured down
- the tenants came back and vandalized: threw bottles into the windows; kicked some holes in the walls; kicked the toilet over so there was extensive water damage from running about 6 days; we called the Police and the insurance company; met the insurance company on the 24th; they told them to put out more fans; when the insurance adjuster came back, he asked them to open more walls; still waiting to hear from adjuster; found out they needed a permit for demo work; they tried to pull a permit but couldn't because it's a Cat 2 VB so, they stopped everything (she had never demoed a property before)
- people change their clothes in the driveway, which goes along the back of Joseph's Coats, and throw things down
- they have all the estimates for plumbing, electrical and heating but can't start the

work until they hear back from the insurance company

Ms. Moermond:

- the C of O is gone*
- there's a Vacant Building fee of \$1,100 due*
- you have the potential of needing a Code Compliance Inspection*
- getting it re-occupied*
- won't be much difference between the four trades inspection list and what contractors come up with*
- the Code Compliance Certificate, indicating all items have been done, would be the new C of O*
- the Revocation looks legit: it has all those code violations and it has been going on for several months*

Ms. Edmunds:

- they were in the process of repairing/replacing things when the tenants came back and vandalized*
- they put in new sheet rock; a new light fixture; they did what was supposed to be done while they lived there*
- why can't the city just give them 90 - 100 days to complete the work that needs to be done*
- for months, the city has been after them to evict the tenants - they get numerous police/neighbors' calls (the people down the street would call constantly); an inspector came on a referral saying there was water in the basement- there was no water in the basement; he apologized saying, "We get these calls; we have to come." There were so many unfounded calls / police calls.*
- when tenants were late on rent after their Section 8 was taken away (police suspected the children were dealing drugs and a neighbor didn't want them in the neighborhood - she kept calling the police) so, she evicted those tenants after 7 years*
- tenants moved out Jan 31, 2012 and the first week in Feb 2012; they broke in somewhere around the 3rd week of Feb (they had been trying to contact them to move the rest of their belongings the 2nd week in Feb)*
- had tenants not vandalized the building, they would just have had to paint, install a couple new light fixtures and cleaned; then, rented it*
- Inspector Dornfeld gave her step-by-step notes as to what to write and say in the appeal process because he thought it wouldn't be a problem being a Category 1. He said, "Call the appeals' office (MM phone number); file appeal with Legislative Hearing Officer; ask for lenience 90-120 days; ask if they'll hold the Certificate of Occupancy and tell them how long it will take, make sure you tell them that you'll use all the appropriate, necessary permits - that they will be pulled and asked to have the building changed from Category 2 to Category 1; tell them that you did not know you needed a permit to open up or demo the walls for the insurance company. What has been going on with the property; ' Where we are now; and What we plan to do and How long it will take.'"*

Ms. Moermond:

- currently, this is a building that is empty with significant problems*
- if this were an occupied structure, it would be Condemned and people ordered out*
- it's clear to her that it needs to become a Registered Vacant Building*
- Code Compliance Inspection Report costs \$450 about (list of deficiencies)*
- VB fee costs \$1,100 annually*
- noted that she was not comfortable going with Inspector Dornfeld's thoughts on this*
- the Orders that he issued are not consistent with what he recommended the Appellant talk to her about*
- the Orders say that this should be a Registered Vacant Building, Category 2, dated*

Apr 12, 2012

- will recommend Appellant get the Code Compliance Inspection Report (\$447) and waive the Vacant Building fee for 4 months (insurance should cover the cost of the report)

- will recommend the building remain at a Category 2 Vacant Building

- City Council Public Hearing May 16, 2012 at 5:30 p.m.

(On April 25, 2012, Ms. Edmunds contacted Legislative Hearing staff and indicating she wanted the recorded corrected to indicate that Section 8 stopped providing rent support because of tenant behavioral issues, rather than the building conditions, as noted in the hearing. This was confirmed by the Legislative Hearing Officer.)

Referred to the City Council due back on 5/16/2012

Other

Staff Reports

Window Variances: No Hearing Necessary

- 19** [RLH FOW](#)
[12-138](#) Appeal of Quality Residences to a Fire Certificate of Occupancy Inspection Correction Notice at 1039 BRADLEY STREET.
- Sponsors:** Brendmoen
- Grant a 3.5-inch variance on the openable height of the egress window in the 2nd floor bedroom.*
- Referred to the City Council due back on 5/16/2012**
- 20** [RLH FOW](#)
[12-140](#) Appeal of Colleen Mikesh and Barbara Baran to a Fire Inspection Correction Notice at 283 CLARENCE STREET.
- Sponsors:** Lantry
- Grant a 4.5-inch variance on the openable height of the egress windows in the main floor northeast and northwest bedrooms.*
- Referred to the City Council due back on 5/16/2012**
- 21** [RLH FOW](#)
[12-137](#) Appeal of Sy Vang Mouacheupao to a Fire Certificate of Occupancy Inspection Correction Notice at 1255 EDGERTON STREET.
- Sponsors:** Brendmoen
- Grant a 2.5-inch variance on the openable height of the egress windows in the first floor northeast, southwest and south bedrooms and 2nd floor northeast bedroom and grant a 7-inch variance on the openable height of the egress window in the 2nd floor west bedroom. The porch window(s) were not measured and inspector will need to measure at next inspection.*
- RE: 1255 Edgerton St (duplex)
- Sy Vang and Moua Soua Mouacheupao, owners, appeared. (Mai Vang interpreted.)

Fire Inspector Leanna Shaff:

- has a copy of the Orders but not a copy of the appeal
- Ms. Moermond already granted the windows: #6, #26 and #40
- using the porch as a sleeping room; there are 5 windows and they were covered with plastic (inspector wouldn't peel off the plastic to measure them); windows weren't measured; (Ms. Moermond: they have to have at least 1 window not covered by plastic and it must be large enough for egress.)

Appellants:

- appealing #6, #9, #26 and #40
- inspection re-scheduled to Jun 4, 2012 by Mike Cassidy

Ms. Moermond:

- #26 and #40 granted; Orders need not have been written
- #6 - needs to be measured at next inspection

Referred to the City Council due back on 5/16/2012

22 [RLH WP
12-32](#)

Appeal of Harmony Homes, on behalf of Phillip Stoyke, to two Egress Window Non-Compliance Determinations at 1853 HIGHLAND PARKWAY.

Sponsors: Tolbert

Grant a 2-inch variance on the openable height of three pocket/insert replacement egress windows measuring 22 inches high by 27 inches wide and grant a 6-inch variance on the openable height of one pocket/insert replacement egress window measuring 18 inches high by 23 inches wide.

Referred to the City Council due back on 5/16/2012

23 [RLH FOW
12-142](#)

Appeal of Todd Anderson, Garnet Real Estate Services, to a Fire Inspection Correction Notice at 1610 IDAHO AVENUE EAST.

Sponsors: Bostrom

Grant a 7-inch variance on the openable height of the egress windows in all bedrooms.

Referred to the City Council due back on 5/16/2012

24 [RLH FOW
12-131](#)

Appeal of Stephen Nesvig, 615 Maryland Avenue LLC, to a Fire Certificate of Occupancy Inspection Correction Notice at 615 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Grant a 3.5-inch variance on the openable width of the egress window in the 2nd floor, west bedroom.

Referred to the City Council due back on 5/16/2012

25 [RLH FOW
12-144](#)

Appeal of Ernest Strecker to a Fire Inspection Correction Notice at 1884 NEVADA AVENUE EAST.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of the egress windows in all bedrooms.

Referred to the City Council due back on 5/16/2012

**26 RLH FOW
12-145**

Appeal of Patricia Kes to a Fire Certificate of Occupancy Correction Notice at 309 PAGE STREET.

Sponsors: Thune

Grant a 4-inch variance on the openable height of the egress windows in the three upper bedrooms.

Referred to the City Council due back on 5/16/2012

**27 [RLH FOW](#)
[12-141](#)**

Appeal of Andy Hybben to a Fire Inspection Correction Notice at 625 SHERWOOD AVENUE.

Sponsors: Bostrom

Grant a 7.5-inch variance on the openable height of the egress window in the northwest bedroom and grant a 4-inch variance on the openable height of the egress window in the southwest bedroom.

Referred to the City Council due back on 5/16/2012