



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8560

Tuesday, January 25, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RES 10-1331](#) Ordering the razing and removal of the structures at 620 MARYLAND AVENUE EAST 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](#)
[620 Maryland Ave.R-R FTA Ltr 1-11-11.doc](#)
[620 Maryland Ave.R-R FTA Ltr 1-25-11.doc](#)

Remove within 15 days with no option for repair. (620 Maryland Ave)

Ms. Delcor Dejvongsa appeared.

Ms. Dejvongsa explained that Mr. Pompilio Nunez, owner, tried to get funding; he has some money but not enough to finish the project. They tried to get funding from the City of Saint Paul and a neighborhood resource. He was just not a good candidate for that, so, the property will be let go. His income to debt ratio is not meeting the requirements and his credit rating is not stellar.

Ms. Moermond recommends removing within 15 days with no option for repair. The cost of the demolition will be assessed to the property taxes. If he chooses not to pay the taxes, eventually, it will go forfeit. The parcel will be buildable but probably not profitable.

Ms. Moermond asked Mr. Magner if bids for demolition on this property have been obtained. Mr. Magner responded that contractors have submitted bids (a copy was provided for Ms. Dejvongsa). The cost appears to be \$9,783. There will be additional costs for any hazardous wastes, most likely asbestos. Every property gets

surveyed. The additional costs are unknown at this time. There could be none but the average additional cost for hazardous waste removal is around \$2,000.

Item is Referred to the City Council, due back on 2/2/2011 (LH officer recommends remove within 15 days with no option for repair)

2 [RES 11-69](#)

Ordering the razing and removal of the structures at 49 WYOMING ST W within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Thune

Attachments: [49 Wyoming W.Order to Abate Nuisance Building.11-12-10.pdf](#)
[49 Wyoming W.Hearing Notice.12-30-10.pdf](#)
[49 Wyoming St W.LH Ltr.1-25-11.doc](#)
[49 Wyoming St W.WSCO Ltr.1-27-11.pdf](#)
[49 Wyoming At W.Photos.8-24-10.pdf](#)

No one appeared. Remove within 15 days with no option for repair.

Steve Magner, DSI-Vacant Buildings, 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 that has been vacant since February 4, 2009. The current owner is Brenda L. Hafemann per Ramsey County. There have been fourteen (14) Summary Abatement Notices since 2009 and thirteen (13) Work Orders issued for: 1) boarding/securing; 2) garbage/rubbish; 3) tall grass/weeds; and 4) snow/ice. On August 25, 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 November 12, 2010 with a compliance date of December 17, 2010. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees went to assessment. Taxation has placed an estimated market value of \$20,900 on the land and \$89,900 on the building. As of January 21, 2011, a Code Compliance Inspection has not been done and a performance deposit has not been posted. Real Estate taxes for 2010 are delinquent in the amount of \$4,186.56 plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure between \$40,000 and \$50,000; the estimated cost of demolition between \$10,000 and \$12,000. DSI recommends removing the building.

Ms. Amy Spong, PED-HPC reported that this is a one-story workers' cottage that was built in 1902. It has been altered quite a bit. All of the siding has been covered. The windows might be early with minor changes. Demolition would not have an adverse effect.

Ms. Moermond stated that it looks as though this house has been completely abandoned by its owner and doesn't have a single thing going for it. She recommends that it be removed within 15 days with no option for rehabilitation.

Item is Referred to the City Council, due back on 2/16/2011 (LH officer recommends remove within 15 days with no option for repair)

3 [RES 11-75](#)

Ordering the rehabilitation or razing and removal of the structures at 472 CONCORD ST within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Thune

Attachments: [472 Concord St.Order to Abate Nuisance Building.11-16-10.pdf](#)
[472 Concord St.Hearing Notice.12-30-10.pdf](#)
[472 Concord St.Code Compliance Inspection Report.2-4-09.pdf](#)
[472 Concord.Code Compliance Inspection Report.2.3-30-10.pdf](#)
[472 Concord St.Photos10-20-10.pdf](#)
[472 Concord St.WSCO Ltr.1-27-11](#)
[472 Concord St. Ludzack Email.2-7-11.pdf](#)
[472 Concord St.LH Ltr to Ludzack.1-27-11.doc](#)
[472 Concord St.LH Ltr to Ludzack.2-8-11.doc](#)
[472 Concord St.Photos.1-27-09.pdf](#)
[472 Concord St-Diagram.pdf](#)

MM will recommend granting 90 days for removal.

Don Ludzack, Guadalupe Alternative Programs

Steven Magner, DSI-Vacant Buildings, reported that 472 Concord is a one-story, wood frame, single-family dwelling on a lot of 2,614 square feet and has been vacant since January 21, 2009. The current property owner is Guadalupe Alternative Programs, per Ramsey. There have been ten (10) Summary Abatement Notices since 2009 and six (6) Work Orders issued for: 1) garbage/rubbish; 2) grass/weeds and 3) snow/ice. On October 20, 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 November 16, 2010 with a compliance date of December 17, 2010. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. As of January 21, 2011, the Vacant Building registration fees are due for 2011 in the amount of \$1,100. (Paid in 2010; assessed in 2009) Taxation has placed an estimated market value of \$12,000 on the land and \$69,700 on the building. A Code Compliance Inspection was completed on March 30, 2010. As of January 21, 2011, the \$5,000 performance deposit has not been posted. Real Estate taxes are current. Code Enforcement officers estimate the cost to repair this structure to be between \$50,000 and \$60,000; the cost to demolish between \$8,000 and \$10,000.

Amy Spong, PED-HPC, reported that this is a pre-1884, front gable frame construction workers' cottage. It is contained in a grouping of five (5) houses of similar era on a triangular shaped block. A lot of changes have been made (front porch has been removed; the openings have all been altered and the siding and trim have been completely removed) to the house leaving it without integrity, so demolition would have no adverse effect. There is one building at 555 Concord Street in our most recent survey of the area that is listed as a site of major significance and another at 168 Concord.

Ms. Moermond said she understands that Guadalupe has a number of projects going on. Mr. Ludzack stated that they bought this building in the summer of 2009. He thinks that it should be torn down and something else built on the site. There is significant foundation damage and a third of the building has rotten floors; he doesn't see the value in keeping it. Ms. Moermond asked where the Board is at on this. Mr. Ludzack responded that he had not talked with the Board, only the Director, who has not decided about rehab versus demo. Mr. Ludzack said they have a lot of questions that need answers before they make a decision. (setbacks, variances, size of lot, new design guidelines). Mr. Magner noted that they would need to do good research before they decide on what to do. Mr. Ludzack submitted a tentative plan for a new

house. Ms. Moermond stated that the likelihood of him being given permission to build on a 2,600 square foot lot is slim to none. That's half of what it needs to be. Mr. Magner interjected that it constitutes a real hardship if there's no use for the land, so, the BZA would need to make that decision. The state says that if there's no use for a parcel, a hardship has been created. Mr. Ludzack noted that they own the adjacent lot at 464 Concord which may make things easier to get a variance. Ms. Spong interjected that perhaps no variances would be needed if they used the same footprint and built within one (1) year. Ms. Moermond encouraged Mr. Ludzack to contact Wendy Lane, Zoning, DSI at 266-9081, to find answers to all these questions. She would be able to recommend the best option.

Ms. Moermond will be looking for a decision from Guadalupe Alternative Programs by February 8, 2011 (via email): rehab or demo. Ms. Moermond explained that if on February 16, 2011, the City Council votes to tear the building down, it would be a 15-day Order meaning that Guadalupe would have 15 days to knock it down themselves or the City will schedule a demo. If Guadalupe decides to tear it down, they would need to provide the City with a copy of the demolition contract. If they decide to rebuild, the City would be looking for a permit application for the new structure; they would monitor the security of the site. Footings could be poured in May if the hearing officer amends the resolution to a 45-day Order.

Housekeeping 2-8-2011:

Ms. Moermond reported that Don Ludzack, construction manager, Guadalupe Alternative Programs, communicated by email on February 7, 2011, that they are going to demolish this building. He asked for a little extra time so that they could do a deconstruction on this site.

Mr. Magner asked when this went back to City Council. Ms. Moermond said that it goes to Council for the first time on February 16, 2011. Mr. Magner suggested giving them 90 days.

Ms. Moermond will recommend granting 90 days from the City Council Public Hearing for removal.

Item is Referred to the City Council, due back on 2/16/2011 (LHO grants 90 days for removal)

4 [RES 11-77](#)

Resolution ordering the rehabilitation or razing and removal of the structures at 686 BRADLEY ST within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Thune

Attachments: [686 Bradley.Hearing Notice.12.30.10.pdf](#)
[686 Bradley.Order to Abate.11-17-10.pdf](#)
[686 Bradley.Photos.9-22-10.pdf](#)
[686 Bradley.Code Compliance Report.10-17-05.pdf](#)
[686 Bradley.Code Compliance Report.11-1-07.pdf](#)
[686 Bradley St.LH Referral to HPC.1-25-11.doc](#)

Recommend 1 month LO to Mar 16, 2011; back at LH Mar 8, 2011; to go to HPC for review

No one appeared.

Mr. Steve Magner, DSI-Vacant Buildings, reported that 686 Bradley Street is a two-story, wood frame, duplex on a lot of 2,614 square feet and has been vacant since June 10, 2005. The current owner is Deutsche Bank National Trust c/o Chase Home Finance LLC per Ramsey County. There have been fifteen (15) Summary Abatement Notices since 2005 and seventeen (17) Work Orders issued for: 1) boarding/securing; 2) garbage/rubbish; 3) tall grass/weeds; and 4) snow/ice. On September 22, 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 November 17, 2010 with a compliance date of December 17, 2010. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid by assessment (7/7/10). Taxation has placed an estimated market value of \$6,800 on the land and \$43,200 on the building. As of January 21, 2010, a Code Compliance Inspection has not been done and the \$5,000 performance deposit has not been posted. Real Estate taxes for the years 2008, 2009 and 2010 are delinquent in the amount of \$11,358 including penalty and interest. The property is scheduled to go tax forfeiture in 2010 (Ms. Moermond would like the County to take another look at that.). Code Enforcement officers estimate the cost to repair this structure to be between \$50,000 and \$60,000; estimated cost of demolition between \$8,000 and \$10,000. DSI recommends removing this structure within fifteen (15) days.

Ms. Amy Spong, PED-HPC, reported that this property is known as the Nouse-Okasin house. The 1981 Inventory Form states that it's a Queen Anne style 2 1/2 story built in 1889. It's a dark red soft brick. It is ornate with a hip and gable roof, an unusual asymmetrical profile with a two-story corner bay window topped by a wood turret which is missing its spire. There is elaborate brick work and rock-faced stone sills, ornate details and carving in woodwork, beautiful stained and colored glass windows, cut out circle motif in porch, gable on south side has recessed balcony with a mounted arch, shingles on dormer. It is by far the most ornate Victorian house in the vicinity. In 1982 it was being used as a duplex but originally, used as a single-family house. It has national register and local designation potential. It is located within the upcoming survey for Payne-Phalen, so it will be re-evaluated to see if it still maintains that potential. There are a couple other houses with some of these similar architectural features in the area. Noted threat in 1981: the owner plans to paint the brick. Now, it looks as though it's been painted with a red color all over. It still has its original double leaf doors. Ms. Spong is going to recommend that this building be forwarded to the HPC and/or delay a City Council decision in order for the survey findings to come forward on this property within the next few months. It is noted as a site of major significance in the final report of 1983. Railroad Island was recommended as a potential historic district. Ms. Moermond asked Ms. Spong where she would rank this property in importance to rehab, out of all the properties she has looked at within the past twelve (12) months. She responded, "At the top."

Ms. Moermond stated that she is comfortable recommending that this property go to the HPC for review. Ward 2 should be alerted to seek HRA acquisition of this property. There has been complete abandonment on the part of Deutsche Bank c/o Chase Home Finance LLC. This is up for City Council Public Hearing on February 16, 2011. Ms. Spong said that she will add this to the next HPC meeting (business) agenda on February 10, 2011. They will need the new survey information in order to make a decision on it. It will be much more detailed and a context developed of that neighborhood which will put the significance of this property in a relative context. Their grant from Historic Saint Paul has stipulated that the context is necessary.

Ms. Moermond will ask the City Council for a one-month layover to March 16, 2011; and it will be back at Legislative Hearing on March 8, 2011.

Item is Referred to the City Council, due back on 2/16/2011 (LH officer recommends referring the matter back to LH on March 8, 2011 and PH on March 16, 2011)

- 5 [RES 11-78](#) Ordering the razing and removal of the structures at 697 BRADLEY ST within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Thune

Attachments: [697 Bradley.photos.9-21-10.pdf](#)
[697 Bradley.appt.9-15-10.pdf](#)
[697 Bradley.ota.11-16-10.pdf](#)
[697 Bradley.ph.12-30-10.pdf](#)
[697 Bradley St.R-R FTA Ltr 1-25-11.doc](#)

Remove within 15 days with no option for repair.

No one appeared.

Mr. Steve Magner, DSI-Vacant Buildings, reported that 697 Bradley Street is a two-story, wood frame, single-family dwelling with a one-stall garage on a lot of 5,227 square feet and it has been vacant since April 23, 2010. The current owner is MERS per Ramsey County. There have been six (6) Summary Abatement Notices since 2010 and five (5) Work Orders issued for: 1) boarding/securing; and 2) garbage/rubbish. On September 22, 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 November 16, 2010 with a compliance date of December 17, 2010. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment (6/17/10). Taxation has placed an estimated market value of \$12,000 on the land and \$69,700 on the building. As of January 21, 2010, a Code Compliance Inspection has not been done and the \$5,000 performance deposit has not been posted. Real Estate taxes are current. Code Enforcement officers estimate the cost to repair this structure to be between \$50,000 and \$60,000; the cost of demolition between \$8,000 and \$10,000. DSI recommends removing this structure within fifteen (15) days.

Ms. Amy Spong, PED-HPC, reported that this is a front gabled wood frame house with an intersecting side gable built in 1884. The porch has been removed and the original clapboard siding covered. A lot of the windows are still in tact and the staircase is still in tact; however, the railing is not in place. It is in the ISP area as well as the Legacy Grant Survey area, which will be undertaken over the next couple of months. It may be determined that this is an area of a potential historic district. Ms. Spong is not very willing to recommend that removal will have no adverse effect at this time. Soon, some updated information will be available on this area (Railroad Island).

Ms. Moermond recommends removal within fifteen (15) days with no option for repair.

Item is Referred to the City Council (LH officer recommends remove within 15 days with no option for repair)

- 6 [RES 11-79](#) Ordering the razing and removal of the structures at 1070 MCLEAN AVE within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Lantry

Attachments: [1070 McLean Ave.Code Compliance Inspection Report.3-1-10.pdf](#)
[1070 McLean Ave.Order to Abate Nuisance Building.11-16-10.pdf](#)
[1070 McLean Ave. Hearing Notice.12-30-10.pdf](#)
[1070 McLean Ave-Photos.9-23-10.pdf](#)

Remove within 15 days with no option for repair.

No one appeared.

Mr. Steve Magner, DSI-Vacant Buildings, reported that 1070 Mclean Avenue is a one-story, wood frame, single-family dwelling on a lot of 6,098 square feet and has been vacant since February 10, 2009. The current owners are Tatyanna Detomaso and Alice J. Garcia per Ramsey County records. There have been four (4) Summary Abatement Notices since 2009 and ten (10) Work Orders issued for: 1) boarding/securing; 2) garbage/rubbish; 3) tall grass/weeds; and 4) snow/ice. On August 26, 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 November 16, 2010 with a compliance date of December 17, 2010. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were sent to assessment (3/9/10). Taxation has placed an estimated market value of \$27,100 on the land and \$82,900 on the building. A Code Compliance Inspection was done on March 1, 2010. As of January 21, 2011, the \$5,000 performance deposit has not been posted. Real Estate taxes for the years 2008, 2009 and 2010 are delinquent in the amount of \$11,430.42, which includes penalty and interest. (The property is scheduled to go tax forfeiture in 2014.) Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; the cost of demolition to exceed \$12,000. DSI recommends removing this structure within fifteen (15) days.

Ms. Amy Spong, PED-HPC, reported that this is a 1907 wood frame structure. A large addition has been added to it. It sits high upon a hill. There is a continuous retaining wall that extends four (4) properties. This area has not been surveyed and there are no current plans for survey. Demolition would have no adverse effect.

Ms. Moermond is seeing significant water damage on the photographs. Mr. Magner concurred.

Ms. Moermond recommended removal within 15 days with no option for repair.

Referred to the City Council due back on 2/16/2011(LHO recommends recommends removing within 15 days with no option for repair).

7 [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 granted an extension to February 8, 2011 for Mr. Belmonte to show her that he has at least \$50,000 to fix the house. She will require a bank account statement, a construction loan, a line of credit for doing construction, and a work plan showing that he knows how to get in and out of the rehab. She will want to see a "perfect" work plan on this.

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. Adopted by City Council on January 12, 2011 and signed by the Mayor's Office on January 24.

Marcia Moermond, Legislative Hearing Officer, stated that Councilmember Carter asked her to take another look at this matter to see if there was any reason the Council should reconsider it.

Inspector Steve Magner gave a staff report. A Legislative Hearing was held on December 14, 2010 and a recommendation was made to remove the building with no option for repair within fifteen days. A resolution and that recommendation were presented to the City Council and it was adopted on January 12. He cited from the minutes that Mr. Belmonte was sent a letter confirming the LH hearing on December 14, no one appeared, and Ms. Moermond recommended the building be removed within fifteen days.

Ms. Moermond said there have been three summary abatement notices since 2007 for tall grass and weeds. There was just one work order and it appears that was taken care of. She asked Mr. Belmonte if he owns the property or if he has a mortgage. He said he has a mortgage through his insurance company.

There have been vacant building fees every year, Ms. Moermond said, and they have been added to the taxes. Mr. Belmonte concurred and said it was because he had no money coming in.

A code compliance inspection was done on March 5, 2010, a performance deposit has not been posted which would have to be done in order to pull permits or to get additional time from the Council, Ms. Moermond stated, and it appears that taxes are delinquent. Mr. Belmonte said 2009 taxes were paid on January 29, 2010 and 2010 taxes will be paid this week. Ms. Moermond said his information was different from what she was seeing. (It was clarified with Ramsey County during the hearing that Mr. Belmonte's information was accurate.)

The estimated cost to rehabilitate the building is more than \$50,000 and it would be \$8,000-15,000 to demolish it. Mr. Belmonte said he would like to rehab the building. Ms. Moermond said there are some basic things required in order for her to recommend that he be given time for the rehab. These include:

- The taxes must be up to date.*
- A performance bond in the amount of \$5,000 must be posted.*

- *He must show that he has the financial ability to do the rehabilitation.*

Mr. Belmonte said this all started in 2007 with an inspection by Lisa Martin. He had his permits checked, she said he needed a window in the basement and he took care of that, new carpet was installed, the wooded steps needed work and he got a permit for that, he installed new windows, gutters, interior doors, everything that was required. He had until May 30 to complete the work and he made that deadline. In July it was declared a vacant building and he was told it could not be rented. He started the outside painting and installed new wood where it was needed. He put \$7,000 into it in the months of May and June and he questioned why he couldn't have kept renting it while he was working on it. After it became vacant, all the windows were destroyed.

Ms. Moermond said the requirement was that all of the things had to be done in a certain period of time in order to rent it and that did not happen.

Mr. Belmonte showed her pictures of the house and said if he could have rented the house in July, none of this would have happened as the work would have been done. He added that he has also put in new sidewalks and a patio form. It was HUD property that he purchased in 1992. In 1995 he received a letter from the City that everything was up to code.

Mr. Moermond asked Mr. Wagner to talk about how the property got into the vacant building program and how it got categorized.

Mr. Belmonte asked why he got a report a year later and the citations went from 22 to 45.

Mr. Wagner said on 5/30/2006 a complaint was received about excessive peeling of paint. The complaint was a referral Fire Certificate of Occupancy (C of O) which is a fire prevention file which was added on to in regard to garbage bags piling up. Subsequently, a number of appointment letters went out and a C of O with deficiencies was issued in May 2007 and 30 days later a revocation was done and referred to the vacant building program as a Category II which would be standard for a building that has a certificate of occupancy revoked with multiple violations on the revocation letter.

Ms. Moermond told Mr. Belmonte he was given a list of things to do, they weren't completed by the deadline so the inspector took action to revoke the certificate. A month or two later, the property was referred to the vacant building program because it was empty. Once there, the property must be brought completely up to code. The list came from the four trades inspectors who walked through and that's why it is longer. They are safety codes. She reiterated for Mr. Belmonte that he was told in the summer of 2007 he was being put in the vacant buildings program. She asked if he has pulled any permits since that time. He said he was not allowed to pull any permits.

Mr. Wagner said on July 2, 2007 vacant building staff opened a Vacant Building Category II file and vacant building registration notices were sent. In July, the owner submitted the fees. He could have obtained a code compliance inspection at that time and could have obtained permits. It does not appear a code compliance application was received until 2010 so there was no activity for three years. On the behest of DSI, the owner obtained a permit to install a gas valve which apparently has been done but other than that, there is no indication of any permits for any activity. In March 2010, a code compliance was performed by Jim Seeger and the document is three-pages long. There are four sections – building, electrical,

plumbing, and heating. Mr. Magner said he finds the items called on this code compliance are standard violations that they would see on a code compliance and, based on the number of them, they are relevant to Category II status. A vacant building that has multiple code violations, which are clearly evident in the photographs, would be a Category II. As far as a Category III status, the ordinance is very clear that if a Category II vacant building has been on the list for more than 24 months, it is a requirement of vacant building staff to review it to see if there is any action to remove it from the list; i.e., code compliance or permit activity and a plan for rehabilitation. DSI has none of that so inspectors recommended the property be looked at as a nuisance, the language was drafted, a building deficiency inspection was performed, and a notice to abate a nuisance building was sent to the owner. Mr. Magner said he does not see where this property, based on what has been documented by Mr. Seeger and his staff, is any different from any other building in this type of situation. DSI's opinion would be that if they don't have a valid work plan, a bond, and a financial plan to subsequently resolve the code compliance items, they should take the action that's been set forth by Council and remove the building as a nuisance.

Ms. Moermond referred to a letter that was sent on July 2, 2007 to the vacant building program and questioned what letter would have told Mr. Belmonte he needed a code compliance inspection. Mr. Magner said it would be in the hard file. A code compliance letter went out with the vacant building registration notice and the notice clearly states it is the responsibility of the owner to contact the department to find out what is required to resolve the issues. It would be the issuance of a code compliance certificate which would put him back into status where he could occupy the property himself or rent it.

Ms. Moermond said they're looking at 3-1/2 years where action hasn't been taken and he could have pulled a permit if the vacant building fee was paid. Mr. Magner said the owner paid the original vacant building fee on July 30, 2008 and he would have had one year and could have obtained a code compliance inspection. At that time the cost was about \$126.00. It then would have been a matter of obtaining permits.

Mr. Belmonte said he came on Tuesday, September 21, 2010 at 10:30 for a hearing but he was told there was no record for him. Ms. Moermond said he had not turned in the postcard indicating he was coming for a hearing.

Ms. Moermond told Mr. Belmonte she had to show the Council he has the ability to do the rehabilitation. She said she was not convinced by his argument that if he had taken care of the citations he would not be in this predicament. She told him that each step of the way he had a chance to take action and correct these things. She will not recommend the Council give him additional time unless he can show her he has the capacity and the money to do the fix. She needs to see at least \$50,000 to fix the house. She will require a bank account statement, a construction loan, a line of credit for doing construction, and a work plan showing he knows how to get in and out of the rehab. She will want to see a "perfect" work plan on this. A lot of things are in the inspection report that need to be addressed.

Mr. Belmonte said he will get plumbing and electrical/heating contractors to come out to give him a price. Mr. Magner said generally they like to look at the code compliance and view the job at the same time. Ms. Moermond reiterated she wants to see all of the things she mentioned as well as which contractors will be coming in and when. Mr. Belmonte told Ms. Moermond he will show her the estimate and a check. She said she will consider it but there are no guarantees she will find either the work plan or the finances acceptable. She told him he has two weeks to do all of

this. She said she has concerns about his capacity to do this given his track record. He responded that he's been doing renovations for many years and his track record was good until 2007.

Ms. Moermond reiterated that she will hold off for two weeks on recommending to the Council they pursue demolition. The fact that this was not taken care of in the hearing process is a sign he is not managing the situation well, she said.

Laid Over to the Legislative Hearings due back on 2/8/2011

11:00 a.m. Hearings

Orders to Vacate, Condemnations and Revocations

- 8 [ALH 11-125](#) Appeal of Lafonda Shamsid-Deen to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 836 CARROLL AVENUE.

Sponsors: Carter III

Attachments: [836 Carroll.appeal.1-13-11.pdf](#)
[836 Carroll Ave Ltr 1-25-11.doc](#)

836 Carroll Ave - Deny appeal; grant extension to March 1, 2011.

Lafonda Shamsid-Deen, owner, and friend, Tonya McClenton, appeared.

Revocation/Order to Vacate

Ms. Moermond viewed photos from November 9, 2010 that were taken in the basement concerning the venting and gas piping of the two (2) water heaters and the furnace. She noted the reason that the City is looking at this as a Revocation is because of long-term non-compliance. Inspector Imbertson added that non-compliance has occurred over multiple inspections; the initial inspection date was September 28, 2010. Some of the elbows and connections appear to be poorly made and there's some corrosion on some pipes, as well. The fuel equipment piping in the basement is incorrect, mainly to the water heaters. There's no drip-T on the connections for the gas line; flexible gas line is used, which wouldn't be an approved use of the flexible. The gas piping is not properly separated to the two (2) appliances so they can't be shut-off individually. These things have been cited on the initial report made September 28, 2010. Ms. Moermond searched the file for mechanical and plumbing permits that might possibly have addressed this situation. She found a plumbing permit on August 23, 2005, related to water heaters (\$200 worth of work). A follow up inspector gained no entry. Inspector Shaff noted that the work appears to be relatively newer than 2005. From the pictures, she is seeing crimps and connections with gaps in them, which usually cause some venting inside the house. This can be dangerous to the occupants. It looks as though the system is probably not balanced well and that's why there is excessive moisture. Ms. Moermond asked if there were any test results. Mr. Imbertson said they have test results pertaining to the furnace, not the water heaters (not required on water heaters).

Ms. Moermond asked if the rust that she is seeing in the photos is normal. Ms. Shaff responded that it's excessive. Moisture is accumulating within the venting system.

Mr. Imbertson noted that there were some areas where moisture had accumulated to the point where it actually corroded through the pipe; there were minor holes. He consulted with a mechanical inspector, who confirmed that in his opinion, it was enough corrosion that it would be a significant hazard unless it was corrected.

Mr. Imbertson noted that the third floor is condemned. The owner intends to de-convert the unit and make the building into a duplex again.; but not at this time.

Ms. Moermond asked Mr. Imbertson if he found evidence of infestation needing extermination. Mr. Imbertson replied that extermination was issued on a different report in response to a complaint. He issued the Orders without inspection and it was transferred into this particular file.

Ms. Shamsid-Deen explained that she is appealing because the first time Inspector Imbertson came out, he gave her a list of things that she needed to check, like the electrical. On the water heaters, he said that she needed to make sure the venting was correct. She called Roto Rooter to look at the water heaters. They said the water heaters were fine except for one repair on a vent. She paid him \$225 for that. She also paid for the heating system to be checked. She had the electrical checked, as well. She faxed those invoices to Mr. Imbertson. The only other thing was to clamp off the sink on the third floor. She called to find out if she needed a permit. Whomever she spoke with told her that job was too small of an issue to pull a permit. At that time, another inspection came up. An estimation for the work that came up was to cost \$8,000. (She purchased the property in 2006.) She doesn't mind repairing something that's unsafe but she does mind paying for something that doesn't have to be done. When the inspector came out the first time, he only mentioned about the vent. He didn't say all that other stuff needed to be done. She thinks maybe there's some confusion about it. She wants to make sure that the repairs need to be done, not just an upgrade. She tried to do everything.

Ms. Shamsid-Deen viewed the photos with Ms. Moermond and Inspector Imbertson. All the problems were pointed out and explained to Ms. Shamsid-Deen. Mr. Imbertson noted the problem on each photo and what needs to be done, in detail, which Ms. Shamsid-Deen will use to show the mechanical contractor what the City has cited and needs repair. Ms. Shamsid-Deen stated that she has papers to prove that she paid money to get a guarantee to have the pest control people to come out. Ms. Moermond asked for copies of all invoices that Ms. Shamsid-Deen has to be sent to DSI-Fire. Ms. Shaff estimated a contractor's trip charge to be around \$80; and probably that much per hour.

Ms. Moermond asked about the 3rd unit. Ms. Shamsid-Deen responded that she is using that tiny unit as storage. There is a small refrigerator up there; no stove or hot plate. Ms. Moermond stated that the sink should come out; the cabinets are optional and a small refrigerator is something you can have anywhere in the house.

Ms. Shaff reminded Ms. Shamsid-Deen that a licensed mechanical contractor needs to pull the permit and take care of all the issues that need to be fixed. DSI has lists of licensed mechanical contractors. Also, the Yellow Pages / Internet are also good resources.

Ms. Moermond noted that the current deadline to have the repairs made is February 14, 2011, and it's been a rolling deadline for some time. She will give her until March 1, 2011 to get it all done.

Inspector Imbertson stated that he needs to have access to re-inspect.

Ms. Moermond recommended denying the appeal and granting an extension to March 1, 2011.

Item is Referred to the City Council, due back on 2/16/2011 (Deny appeal; grant extension to March 1, 2011)

1:30 p.m. Hearings

Fire Certificates of Occupancy Correction Orders

- 9 [ALH 10-413](#) Appeal of Neil and Soraya Scott to a Fire Inspection Correction Notice at 475 SUMMIT AVENUE.

Sponsors: Carter III

Attachments: [475 Summit.appeal.11-30-10.pdf](#)
[475 Summit Ave.PC Ltr.11-30-10.doc](#)
[475 Summit Ave.PC Ltr 1-4-11.doc](#)
[475 Summit Ave.PC Ltr 1-25-11.doc](#)

Appeal granted. If order are re-issued, appellant will have six months to come into compliance.

Legislative Hearing Officer Marcia Moermond provided background information on this issue saying the attorney and appellants were provided additional information and the matter was laid over to allow time for them to review it.

Andy Dawkins, attorney representing Neil and Soraya Scott, said they reviewed both Inspector Owens' correspondence to Ms. Moermond dated December 10, 2010 and Fire Marshal Zaccard's policy statement dated April 5, 1996. Their position is that the Zaccard policy statement has never been revoked and never modified and it is still on the City's web site as of this date. Their position is also that the property has been owned by the Scotts since 1992, for that entire period of time there have been no exit door changes, it has passed five inspections with conditions just as they are now. They believe the property should either be grandfathered in, granted a variance, or otherwise exempted from the current enforcement effort. To do otherwise would cause a severe hardship on the Scotts as they either will have to put in a \$20,000 sprinkler system which would be unsightly with pipes running throughout the property because there is no crawl space to put them, or they will have to get a contractor to do a \$30,000 outside stairway which would have to be approved by the Heritage Preservation Commission.

Mr. Dawkins said they feel Mr. Owens' recitation of Fire Marshal Zaccard's policy is incorrect. The words he used in his fourth paragraph, Exception No. 5: "an existing dwelling unit on the third floor less than 500 square feet implied as in Exception No. 4." Dawkins said Mr. Owens wants the Fire Marshal's policy Exception No. 5 to only apply to third floors with less than 500 square feet. As has been shown in previously submitted exhibit "Residential Pre-Inspection Check List revised as of November 2008," which is eight years after enactment of the International Code, it's the under 2,000 square foot requirement that applies. It was the 2,000 square foot requirement that was used in the inspection done by Pat Fish in 1992 and every inspection since then. The 2,000 square foot requirement has never been interpreted as 500 square feet until they received Mr. Owens' December communication to Ms. Moermond.

Mr. Dawkins told Ms. Moermond the Scotts request answers to the following

questions before she makes her recommendations:

- Have all the inspectors been told about the new policy and when were they told about it? How were they told about it, in a written document? Who told them this was the new policy?
- Has DSI and the Fire Marshal cited this same condition every time they've seen it? Starting when? What are the addresses? Was any grandfathering done or variances granted for any of the other properties? He thought it was said that there are four other addresses that have been cited this way. Were they similar with 3rd floor occupancies and second floor exits? Businesses or not?
- How often does the City grant a variance from the International Code and under what circumstances would that happen? What is the City's plan for getting to all the properties to make the changes?

Mr. Dawkins asked for a continuance until answers are provided to the above questions. He told Ms. Moermond if she were to decide for an adverse recommendation to the Council, that it would allow until at least the end of August for the Scotts to complete any required work.

Ms. Moermond clarified it is the Minnesota State Fire Code and not the International Code.

Inspector Mitch Imbertson said the written set of orders only reference the Fire Code as far as the third floor. He said some of the questions are beyond what he would be able to comment on as far as what the policy of other inspectors would be or what was done in the past. There are a lot of variations on situations such as what was approved before, the square footage of the floor, etc. that would make each case a little different. He said his reading of the code is the same as what's referenced in the e-mail from Inspector Owens.

Ms. Moermond said good points were raised by Mr. Dawkins. She was anticipating that some of the communication about information on the Web and a check list would have been addressed by this time.

Inspector Imbertson cited from the web page: "Over 2,000 sq. ft. on the second floor would require a second exit and the third floor requires a second exit at all times."

Discussion continued on what was viewed by the Scotts on the web page which differed from what the inspectors quoted. Mr. Dawkins said the sentence which his client was referencing states: "If the door to the third floor unit is at the second level, the requirements for the second floor apply."

Ms. Moermond asked if this change in a pre-inspection list changes the way they called out the third floor exit issue or if it would be the same citation and the same call. Mr. Imbertson said the way he views it is that the pre-inspection checklist doesn't reference the code either way so it's just a guideline to the summary without having to read through all the relevant code sections but the code citation is made directly from the Fire Code.

Ms. Shaff noted the document was changed on January 7, 2011.

Mr. Dawkins questioned if Mr. Zaccard's policy has been changed and if inspectors have been told that's no longer the policy.

Ms. Moermond said the policy must not have been stated in the pre-inspection check list but that it was a general statement to prepare for an inspection. The actual policy

is embodied in the Minnesota State Fire Code and it's in force.

Mr. Dawkins asked about code enforcement policy No. 5-7 that Mr. Urmann brought to them last year. He noted page 2, No. 5 – "An existing dwelling unit on the third floor with the exiting entry door of the unit on the second floor may have only one exit." Inspector Pat Fish said this was fine in 1992 and it's the reason it has passed all inspections since then.

Ms. Moermond asked the inspectors if there was anything Mr. Urmann shared as to why he submitted this. Ms. Shaff said she did not know the answer.

Ms. Moermond said this situation is very clear and she recommended that the appeal be granted for now. If the policy statements are cleaned up, she feels it would be legitimate for orders to be re-issued. If that happens, she recommended six months to come into compliance with those orders.

Mr. Dawkins commended Ms. Moermond on the process.

Item is Referred Under Master Resolution

10 [ALH 11-20](#)

Appeal of Wilson Simon to a Fire Inspection Correction Notice at 2554 COMO AVENUE.

Sponsors: Stark

Attachments: [2554 Como.appeal.12-27-10.pdf](#)
[2554 Como Ave.PC Ltr 1-4-11.doc](#)
[2554 Como Ave.PC Ltr 1-18-11.doc](#)
[2554 Como Ave.PC Ltr 1-25-11.doc](#)

Appeal denied. DSI and appellant have reached an agreement on the occupancy of the space being reclassified to artist studio. DSI to provide this agreement, in writing, to the Legislative Hearing Officer.

Mr. Simon said he met with Phil Owens, Angie Wiese, Jim Bluhm, and Larry Zangs of DSI on January 20, 2011 and he provided them with an updated floor plan, pictures, etc. The correction notice was based on the premise that he wanted it to be an assembly place. He clarified that and he was asked questions pertaining to the use. DSI staff said there was an artist's usage in an I1 zoning and that's what this fell under. They crossed off about ten of the items that were listed to make it up to code for an assembly use. Inspector Owens said he would relay their recommendations to Ms. Moermond, Mr. Simon would get a denial, and as long as he took care of the other things such as the extension cords and aerosol cans in order to come into compliance, they would issue new paperwork.

Ms. Moermond said she does not see that new orders have been issued. Right now there is a set of orders that presumes the continued use of the space which is rehearsal space on one side and residential on the other. The solution is that the two will be merged into one and become an artist's use. The orders would then no longer apply to a revised use of the space. Mr. Owens has said he would like to see the orders stay in place because it was a correct use at the time the orders were issued. Ms. Moermond said she prefers to see a new set of orders that apply to the new use. She told Mr. Simon that one or the other entity is withdrawing; either DSI is withdrawing their orders because of the change in use or he is withdrawing the appeal because he has come to a resolution with staff. She will put this matter before the City Council and if nothing else is forthcoming, she will recommend denial of the appeal and note for the record that the use has changed since the time the orders

were issued and it's moot. She would prefer to say that a fresh set of papers were written and she wants to see any agreement in writing before it goes to the Council.

Ms. Moermond asked Ms. Shaff to be sure Inspector Owens or Urmann get back to Mr. Simon with a written change of order, written letter – something outlining the City's understanding.

Item is Referred Under Master Resolution

11 [ALH 11-56](#)

Appeal of Sam Riesgraf, SMR Real Estate LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 576 WHITE BEAR AVENUE NORTH.

Sponsors: Lantry

Attachments: [576 White Bear.appeal.1-7-11.pdf](#)
[576 White Bear Ave.Riesgraf Ltr 1-18-11.doc](#)
[576 White Bear Ave N.Riesgraf Ltr 1-25-11.doc](#)

Appellant to repair or replace the porch floor foundation by May 31, 2011.

Inspector Shaff said this is a re-inspection of a fire Certificate of Occupancy conducted on October 21 by Inspector James Thomas. He found the front porch foundation is coming apart. Ms. Shaff said they are significant cracks.

Mr. Riesgraf said the steps have been repaired and he's present specifically for the porch. He has owned and rented the property since 2007. There was clutter on the porch in addition to the crack. It's a concrete slab but he does not consider it a foundation as described in the orders, and it is not affecting or compromising the building foundation.

Inspector Shaff said they can not tell Mr. Riesgraf how to fix it, that would be his decision. It's apparent it's coming apart, the crack is very large, it may get larger, and moisture can get into it. It possibly can be repaired but the pictures show significant cracking going on.

Mr. Riesgraf said he does not see it as a moisture source and it has not changed over the last four years; he can fix it to a degree but he expects he'll be back in a year when his next inspection is done. Ms. Moermond said the house is a Class C so he would be back in a year. The first inspection was done on July 28 and a re-inspection was done in October. He said he could patch it for now and look at it again in July.

Ms. Moermond said she is satisfied with this round of inspections that repair of the existing condition would be acceptable. She would like to see the surface fixed to an extent that someone would not trip and a permanent fix by May 31, 2011.

Item is Referred Under Master Resolution

12 [ALH 11-120](#)

Appeal of Shelly Pettit, J2S Properties, to a Fire Inspection Correction Notice at 1647 FIFTH STREET EAST.

Sponsors: Lantry

Attachments: [1647 5th st.appeal.1-13-11.pdf](#)
[1647 5th St E.Pettit PC ltr 1-25-11.doc](#)

Appeal granted.

Inspector Shaff said this is a Fire Certificate of Occupancy inspection conducted on January 3, 2011 by Inspector Wayne Spiering. Item #8 on the orders – the bedroom egress windows do not meet the minimum requirements.

Ms. Pettit said Mr. Spiering told her he thought the dimensions were right but it was the way the window is situated. Ms. Moermond said the second window in the main floor southwest bedroom which is a glider is a concern. Ms Pettit said both windows are higher and two that are turned sideways do meet the requirement.

Ms. Moermond granted the appeal.

Item is Referred Under Master Resolution

13 [ALH 11-137](#)

Appeal of Don and Cathy Suchomel to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1666 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Attachments: [1666 Jessamine.appeal.1-19-11.pdf](#)
[1666 Jessamine Ave E. PC ltr 1-25-11.doc](#)

Appeal granted on egress windows and driveway. Appellant instructed to put Class 5 on the driveway when weather permits.

Inspector Leanna Shaff said this was a Fire Certificate of Occupancy Re-inspection conducted by Inspector James Thomas on January 12, 2011.

Marcia Moermond, Legislative Hearing Officer, said she will recommend a variance on the windows.

Ms. Shaff said the other citation was the parking space which should be paved with asphalt, concrete, or durable dustless surface.

Don Suchomel said Inspector Thomas did not mention this at the time of the inspection. The garage is at the back of the property and part of the driveway is Class 5 crushed limestone and part of it is concrete. He didn't realize it was a problem when he bought it in September to fix up for a rental property. The previous owner was told a year ago that Class 5 was fine. Nothing was indicated on the disclosure report.

Ms. Moermond questioned why it was written to be determined it was not durable dustless. However, Class 5 will get crushed over a period of time and become dusty. It could come up in the future because these surfaces do change over time.

Appeal granted on egress windows and driveway. Appellant instructed to put Class 5 on the driveway when weather permits.

Item is Referred Under Master Resolution

14 [ALH 11-154](#)

Appeal of Victoria Richie to a Fire Inspection Correction Notice at 1641 CONWAY STREET.

Sponsors: Lantry

Attachments: [1641 Conway St.appeal.1-23-11.pdf](#)
[1641 Conway St.Richie. PC ltr 1-25-11.doc](#)
[1641 Conway St-photo 1.JPG](#)
[1641 Conway St-photo 2.JPG](#)
[1641 Conway St-photo 3.JPG](#)
[1641 Conway.Staff Rept on Appeal.pdf](#)

Appellant requested to provide Ms. Moermond with a photo of the windows. If the windows can be raised to 16 inches, a variance will be granted.

Item 6 - Fire Door - Withdrawn from orders by DSI on January 14, 2011.

Inspector Leanna Shaff said this was a Fire Certificate of Occupancy Inspection conducted on January 14, 2011 by Inspector Wayne Spiering. The egress windows, Item No. 3, main floor southeast, southwest, and northwest bedrooms are all double hung windows with an openable size of 15-1/2 H x 33W. The code requires a minimum of 24"H x 20" W.

Legislative Hearing Officer Marcia Moermond said there is a significant shortfall in the window height but she is comfortable giving people as much as 8 inches in variance if there is a compensating number of inches in the other dimension. If 8 more inches is needed in height, she would look for between 8 and 16 more inches in width. These are off by about a ½ inch.

Ms. Moermond said she feels compelled to recommend denial of the appeal because she's looking at 16 inches as the minimum. She suggested Ms. Richie e-mail Council President Kathy Lantry photos and an explanation of the situation and that she's asking for a ½ inch variance beyond what she would normally get from the hearing officer. The final decision has a lot to do with the structure of the space.

Ms. Shaff asked if there is any room to get the windows raised higher. Ms. Richie said she was not sure but she will check. Ms. Moermond told Ms. Richie if she can find a way to get them to open to 16 inches high by removing any tabs that might be present, she should have a tape measure and take a picture and send it to Marcia. If it will open to 16 inches, she will grant her variance. Otherwise, she can appeal to the City Council

With respect to Item No. 6, the fire door between the attached garage and the kitchen which requires a closure, Ms. Richie said it will be done on Friday. Ms. Shaff said it is no longer a requirement but it's a good idea.

Appellant requested to provide Ms. Moermond with a photo of the windows. If the windows can be raised to 16 inches, a variance will be granted. Item 6 - Fire Door - Withdrawn from orders by DSI on January 14, 2011.

Laid over to February 8, 2011 Legislative Hearing. (housekeeping)

15 [ALH 11-155](#)

Appeal of Julie Carlson to a Fire Inspection Correction Notice at 1455 MARGARET STREET.

Sponsors: Lantry

Attachments: [1455 Margaret.appeal.1-20-11.pdf](#)
[1455 Margaret St.Carlson PC ltr 1-25-11.doc](#)

Appeal denied. Granted six months to bring the garage into compliance, granted three-inch variance on ceiling height in upper floor bedroom, and granted four-inch

variance on the width of the egress window openings in the main floor northeast bedroom.

Inspector Leanna Shaff said this was a Fire Certificate of Occupancy inspection conducted on January 7, 2011 by Inspector Wayne Spiering. Ms. Carlson is appealing Item No. 2, replacement of the deteriorated roof on the garage.

There is a note on Item No. 4 that the egress windows in the main floor northeast bedroom are casement windows and open 16 inches wide and 48 inches high; the upper floor bedroom is also a casement and that was frozen shut and could not be measured. A permit was issued in April 2006 but the final inspection was never completed so it's an expired permit.

Item No. 7 - pertains to House and detached garage repairs.

Item No. 10 – Upper floor bedroom - ceiling height is 6ft. 9in. and code requires a ceiling height of 7 ft. over half the floor area.

Item No.11 – Upper floor bedroom window was frozen shut and inoperable.

Ms. Carlson said the garage does leak some. It is old but structurally sound.

Ms. Moermond said she would grant six months to bring the garage into compliance.

With regard to the windows, Ms. Carlson said they were replaced about five years ago. There is wrong hardware on one window and the company is scheduled to come out Friday, January 28, to change out the hardware so it properly opens.

Ms. Moermond said she would recommend granting a variance on the main floor northeast bedroom window.

With regard to the ceiling, Ms. Carlson said the majority of it is flat. Ms. Moermond said she will recommend that the City Council grant a three-inch variance on the ceiling height.

Appeal denied. Granted six months to bring the garage into compliance, granted three-inch variance on ceiling height in upper floor bedroom, and granted four-inch variance on the width of the egress window openings in the main floor northeast bedroom.

Item is Referred Under Master Resolution

Laid Over Items (Housekeeping)

16 [ALH 10-202](#) Appeal of Steve Fisher to a Fire Certificate of Occupancy Correction Order at 965 Hague Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [965 Hague Avenue.Appeal.10-5-10.pdf](#)
[965 Hague Ave.Fire C of O Ltr.9-20-10](#)
[965 Hague Ave.Photos.9-20-10](#)
[965 Hague Ave.F-U ltr 1-31-11.doc](#)

Appeal granted on Item 22. Variance granted on basement bathroom ventilation.

Item is Referred Under Master Resolution

- 17 [ALH 10-249](#) Appeal of Brad Cartier to a Fire Certificate of Occupancy Correction Order at 1746 Sims Avenue.

Sponsors: Bostrom

Attachments: [1746 Sims Ave.Appeal.10-18-10.pdf](#)
[1746 Sims Ave.Fire Inspection Ltr.10-4-10](#)
[1746 Sims Ave.Diagram & Email.pdf](#)
[1746 Sims Ave.12-21-10.doc](#)

Appeal granted.

Item is Referred Under Master Resolution

- 18 [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 February 1, 2011 Legislative Hearing

- 19 [ALH 10-323](#) Appeal of Brian D. Alton to a Fire Certificate of Occupancy Condemnation at 929 Summit Avenue.

Sponsors: Carter III

Attachments: [929 Summit Ave.Appeal.10-29-10.pdf](#)
[929 Summit Ave.Alton Email.11-8-10.pdf](#)
[929 Summit Ave.Letter to Bob Kessler.11-8-10](#)
[929 Summit Ave.Letter to Halverson & Blaiser 10-26-10.pdf](#)
[929 Summit Ave.PC ltr.10-19-10.pdf](#)
[929 Summit Ave.St Paul Fire Inspection Condemned sign.10-25-10](#)
[929 Summit Ave.Alton Ltr.1-27-11.doc](#)

Appeal denied. Legislative Hearing Officer reviewed notes from previous hearing which was held on October 19, 2010 and by and large the issues were all in the previous set of Orders which were appealed and she has already made her recommendation to the City Council on them. (See attachment letter dated January 27, 2011).

Item is Referred Under Master Resolution

- 20 [ALH 10-352](#) Appeal of Kevin T. Singpiel to a Fire Inspection Correction Notice at 1801 Marshall Avenue.

Sponsors: Stark

Attachments: [1801 Marshall Ave Appeal.11-1-10.pdf](#)
[1801 Marshall Ave.Fire C of O Ltr.10-18-10](#)
[1801 Marshall Ave.PC ltr.11-9-10.doc](#)
[1801 Marshall Ave.Singpiel Ltr 2-4-11.doc](#)

Ms. Moermond reviewed the work plan submitted by the property owner and after reviewing the work plan, she recommended denying the appeal and granting an extension to February 28, 2011.

Item is Referred Under Master Resolution

- 21 [ALH 10-417](#) Appeal of Kwasi Nanyakpe to a Notice of Condemnation Unfit for Human Habitation Order to Vacate and Vacant Building Registration Notice at 330 MAPLE STREET.

Sponsors: Lantry

Attachments: [330 Maple.appeal.11-30-10.pdf](#)
[330 Maple St.Vacant Building Registration.11-2-10.DOC](#)
[330 Maple St.Photos.11-2-10.pdf](#)
[330 Maple St.Order to Vacate.10-26-10.dot](#)
[330 Maple St.Summary Abatement Order.11-2-10.DOC](#)
[330 Maple St.Vehicle Abatement Order.11-2-10.DOC](#)
[330 Maple St.PC ltr.11-30-10.doc](#)
[330 Maple St.PC ltr.12-7-10.doc](#)
[330 Maple St.Power of Atty Affidavit.12-3-10.pdf](#)

On January 25, 2011, Ms. Moermond reviewed and approved the revised power of attorney. Therefore, the interior items must be in compliance by February 1, 2011 and the exterior items must be in compliance by April 15, 2011. If the timeline for the interior items is not met, the appellant must vacate the property on February 18, 2011. The vacant building fees will be waived until March 1, 2011.

Referred Under Master Resolution

- 22 [ALH 10-554](#) Appeal of Todd R. Larsen to a Vacant Building Registration Renewal Notice at 1194 PACIFIC STREET.

Sponsors: Lantry

Attachments: [1194 Pacific.appeal.12-21-10.pdf](#)
[1194 Pacific St.PC Ltr 1-4-11.doc](#)
[1194 Pacific St.Larsen Ltr 2-4-11.doc](#)

Laid over to Feb. 1. Reinspection on January 26.

Laid over to February 1, 2011 Legislative Hearings.

No Hearing Necessary

Window Variances: Fire Certificate of Occupancy

- 23 [ALH 11-123](#) Appeal of Owen and Edi Holzbauer to a Fire Inspection Correction Notice at

2115 WAUKON AVENUE.

Sponsors: Lantry

Attachments: [2115 Waukon.appeal.1-19-11.pdf](#)
[2115 Waukon Ave.Holzbauer Ltr 1-25-11.doc](#)

Grant a variance on the ceiling height issue in Item 1 of the January 13, 2011 Order; grant a 3.5-inch variance on the openable height of the egress window in the main floor northwest bedroom and a 2.5-inch variance on the openable height of the egress window in the main floor southwest bedroom.

Item is Referred Under Master Resolution

24 [ALH 11-126](#) Appeal of Leng Yang to a Fire Inspection Correction Notice at 923-925 KENNARD STREET.

Sponsors: Bostrom

Attachments: [923-925 Kennard.appeal.1-14-11.pdf](#)
[923-925 Kennard.Yang Ltr 1-25-11.doc](#)

Grant a 3-inch variance on the openable height of the egress bedroom windows in 925 and 923.

Item is Referred Under Master Resolution

25 [ALH 11-127](#) Appeal of Gholam Ashrafzadeh to a Fire Inspection Correction Notice at 1069 FREMONT AVENUE.

Sponsors: Lantry

Attachments: [1069 Fremont.appeal.1-14-11.pdf](#)
[1069 Fremont Ave.Ashrafzadeh Ltr 1-25-11.doc](#)

Grant a 2.5-inch variance on the openable height of the egress bedroom window in Unit 2.

Item is Referred Under Master Resolution

26 [ALH 11-128](#) Appeal of Dan Mohr, Bohlen Properties LLC, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 542 HAZEL STREET NORTH.

Sponsors: Lantry

Attachments: [542 Hazel.appeal.1-14-11.pdf](#)
[542 Hazel St N.Mohr Ltr 1-25-11.doc](#)

Grant a 2-inch variance on the openable height of the egress windows in the northwest and northeast bedroom of Unit 2; grant a 1-inch variance on the openable width of the egress window in bedroom, Unit 1 and grant a 6-inch variance on the openable height of the egress window in bedroom, Unit 3.

Item is Referred Under Master Resolution

27 [ALH 11-131](#) Appeal of Florin Ibrani and Eric Richens to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1217 VAN BUREN AVENUE.

Sponsors: Stark

Attachments: [1217 Van Buren.appeal.1-19-11.pdf](#)
[1217 Van Buren Ave.Ibrani Ltr 1-25-11.doc](#)

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

Item is Referred Under Master Resolution

- 28 [ALH 11-132](#) Appeal of Chris and Kimberly Meirose to a Fire Inspection Correction Notice at 1533 Sixth Street East.

Sponsors: Lantry

Attachments: [1533 6th.appeal.1-18-11.pdf](#)
[1533 6th St.Mierose Ltr 1-25-11.doc](#)

Grant a 3-inch variance on the openable width of the egress windows in the main floor northwest and northeast bedrooms.

Item is Referred Under Master Resolution

- 29 [ALH 11-135](#) Appeal of Margaret Uria, Green Properties, to a Fire Inspection Correction Notice at 47 FRONT AVENUE.

Sponsors: Helgen

Attachments: [47 Front.appeal.1-19-11.pdf](#)
[47 Front Ave.Uria Ltr 1-25-11.doc](#)

Grant a 3-inch variance on the openable height of the egress north bedroom window on the 2nd floor.

Item is Referred Under Master Resolution

- 30 [ALH 11-145](#) Appeal of John Carter to an Egress Window Non-Compliance Determination at 577 FRONT AVENUE.

Sponsors: Helgen

Attachments: [577 Front.appeal.1-20-11.pdf](#)
[577 Front Ave.Carter Ltr 1-25-11.doc](#)

Grant a 2.5-inch variance on the openable width of the one double hung replacement egress bedroom window which measured at 17.5 inches wide by 48 inches high.

Item is Referred Under Master Resolution

- 31 [ALH 11-153](#) Appeal of Eric Sanders, Sensible Investments, to a Fire Inspection Correction Notice at 1925 FOURTH STREET EAST.

Sponsors: Lantry

Attachments: [1925 4th.appeal.1-25-11.pdf](#)
[1925 4th St E.Sanders Ltr 1-25-11.doc](#)

Grant a 3-inch variance on the openable height of the egress upper floor bedroom

window.

Item is Referred Under Master Resolution

Window Variances: Building Permits

- 32 [ALH 11-129](#) Appeal of Daniel Schmidt and Jim Yannarely, St. Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 711 VAN BUREN AVENUE.

Sponsors: Carter III

Attachments: [711 Van Buren.appeal.1-18-11.pdf](#)
 [711 Van Buren.Schmidt Ltr 1-25-11.doc](#)

Grant a 5/8-inch variance on the openable height of two double hung replacement egress bedroom windows which measured at 23.375 inches high yb 24 inches wide.

Item is Referred Under Master Resolution

- 33 [ALH 11-130](#) Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 554 WINSLOW AVENUE.

Sponsors: Thune

Attachments: [554 Winslow.appeal.1-19-11.pdf](#)
 [554 Winslow Ave.Schmidt Ltr 1-25-11.doc](#)

Grant a 4-inch variance on the openable height of three double hung replacement egress bedroom windows which measured at 20 inches high by 23 inches wide.

Item is Referred Under Master Resolution