



# APPLICATION FOR APPEAL

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CITY CLERK

**Saint Paul City Clerk**

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

**The City Clerk needs the following to process your appeal:**

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number \_\_\_\_\_)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

**YOUR HEARING Date and Time:**

Tuesday, Sept. 21

Time 1:30

**Location of Hearing:**

Room 330 City Hall/Courthouse

*walk in*

## Address Being Appealed:

Number & Street: 739 aka 737 Stewart Ave City: St. Paul State: MN Zip: 55102

Appellant/Applicant: Jeff Tschetter Email \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 651-206-6361

Signature: [Signature] Date: 9/8/2010

Name of Owner (if other than Appellant): Blink REI LLC

Address (if not Appellant's): 4707 Hwy 61 #121 White Bear Lake, MN 55110

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 651-206-6361

## What Is Being appealed and why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O
  - Summary/Vehicle Abatement
  - Fire C of O Deficiency List
  - Fire C of O: Only Egress Windows
  - Code Enforcement Correction Notice
  - Vacant Building Registration
  - Other
  - Other
  - Other
- See attachment



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989  
Facsimile: 651-266-8951  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

September 1, 2010

BLINK REI LLC  
4707 Highway 61 N Ste 121  
White Bear Lake MN 55110-3227

### FIRE INSPECTION CORRECTION NOTICE

RE: 737 STEWART AVE  
Ref. #16263  
Residential Class: C

Dear Property Representative:

Your building was inspected on September 1, 2010 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. **A re-inspection will be made on August 25, 2010 at 9:30 am.**

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

**YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.**

#### DEFICIENCY LIST

1. Basement - Dryer - UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work may require a permit(s). Call DSI at (651) 266-8989.
2. Basement - MSFC 605.1 - Provide a grounding jumper around the water meter.
3. Basement - NFPA 13 (2002) 9.2.2.1 - Add or relocate hangers so the distance between them is in accordance with table 9.2.2.1.-Properly support sprinkler piping over boiler.

4. Basement - MSFC 703 - Provide and maintain fire rated floor and/or ceiling construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090. The minimum rating must be: 1 hour.-Provide and maintain 1 hour fire separation for basement or remove combustibile storage. Boiler is protected by a fire sprinkler and fire rated ceiling will not be required if storage is removed.
5. Basement - NEC 110-26 - Provide and maintain a minimum of 36 inches clearance in front of all electrical panels.
6. Throughout - All Unit Doors to Hallway - MSFC 703 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: 20 minutes.-Repair and maintain the door closer.
7. Unit 2 - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Relocate smoke detector to an approved location outside of kitchen.
8. Unit 3 - Front and Rear Entry Doors - MSFC MSFC 1003.3.1.8 - The maximum number of locks on unit doors is two. Remove all locks in excess of two.-Provide a maximum of two locks, located 34 to 48 inches high. Remove upper chain locks.
9. Unit 4 - Kitchen - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Relocate smoke detector to an approved location outside of kitchen.
10. Unit 4 - Rear Bedroom - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Remove air conditioner from required bedroom egress window.
11. Unit 5 - Bedroom - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)- 266-9090. Refer to the Escape Windows for Residential Occupanices handout for more information.-Existing double-hung windows do not meet openable height requirement. Windows have an openable height of 16.5 inches high by 20 inches wide and a glazed area of 38 inches high by 20 inches wide, 5.28.
12. Unit 5 - Living Room - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. Window replacement will require a permit(s). Call DSI at (651)- 266-8989. Refer to the Escape Windows for Residential Occupanices handout for more information.-This room does not have an openable window and may not be used as a sleeping room.
13. Unit 5 - Living Room - SPLC 34.14 - Provide and maintain light and ventilation in all habitable rooms in accordance with the Saint Paul Legislative Code.-This room has light

from skylight but has no openable windows directly from this space and does not meet ventilation requirements.

14. Unit 5 - MSFC 605.4 - Discontinue use of all multi-plug adapters.
15. Unit 5 - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area.-Height to flat finished ceiling is 6 feet 9.5 inches throughout.
16. Unit 5 - MSFC 1005.2 - Provide an approved additional means of egress due to an inadequate number of exits.-Provide an approved 2nd exit for this unit. Unit located on the 3rd floor of the building has only one approved exit. This work may require a permit(s) and plans. Contact DSI at (651)266-8989.  
Current 2nd exit from this unit is a limited height door from living room which opens to a finished attic hallway. Hallway leads to a casement window which opens to a ladder, ladder extends down to a 2nd floor deck. An approved stairway is then present travelling the rest of the distance down from 2nd floor to the ground. The casement window opening to the escape ladder has an openable size of 15 inches wide by 37 inches high and a glazed area of 19 inches wide by 37 inches high, 4.88 square feet glazed.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

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

If you have any questions, email me at: [mitchell.imbertson@ci.stpaul.mn.us](mailto:mitchell.imbertson@ci.stpaul.mn.us) or call me at 651-266-8986 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Mitchell Imbertson  
Fire Inspection

Reference Number 16263

Attachment for Appeal 739/737 Stewart Ave

Notes on the building:

It is a stucco exterior.

Had a fire C of O inspection which was passed July of 2009

Current owner purchased building end of November 2009

Item # 11. Bedroom has 2 windows next to each other. The rough opening of each window is approximately x . Because of the stucco exterior, increasing the rough opening size would be extremely labor intensive and costly. Also, because of the positions of the windows and the fact that the mullion that divides the 2 windows is load bearing, expanding the opening width would be structurally impossible. The owner proposes installing a casement window to replace one of the double hungs, therefore increasing the window opening from it's current size.

Item # 13

This building is over 100 years old and has been a 5 unit apartment building for over 25 years as well as getting the fire CO renewed/certified July 2009 with its initial renewal inspection in April 2009. The fact that there is not a ventilation window in the living room is nothing new, this has always been the case. It would be impossible to put in an openable window in this living room given the roof lines and attic spaces surrounding it, as it is on the 3<sup>rd</sup> floor. Also, I'd like to point out the fact that it did pass inspection last year with no openable window.

Item #14

The ceiling height of this apartment has always been 6' – 9.5", it is not a remodel or addition, it would be impossible to change this. It did pass the inspection in 2009 with the current ceiling height.

Item #16

It seems that last year an egress issue was called out with regards to this window and the previous owner replaced a double hung with a casement window in a dormer thus passing the inspection. This has a ladder leading to the 2<sup>nd</sup> floor deck which then has stairs leading to the ground level. Although the window does not meet standard egress requirements, the rough opening that this window is in already has the largest window possible in it as it is located at the end of a dormer. The framing would not allow increasing the width of this window as it would require removal of load bearing studs.