



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8585

RECEIVED

AUG 14 2014

CITY CLERK

### We need the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul  
(if cash: receipt number Check 5058)
  - Copy of the City-issued orders/letter being appealed
  - Attachments you may wish to include
  - This appeal form completed
  - Walk-In OR  Mail-In
- for abatement orders only:*  Email OR  Fax

<b>HEARING DATE &amp; TIME</b>
<i>(provided by Legislative Hearing Office)</i>
Tuesday, <u>August 26, 2014</u>
Time <u>1:30</u>
<b>Location of Hearing:</b>
<u>Room 330 City Hall/Courthouse</u>

## Address Being Appealed:

Number & Street: 2110 Highwood Ave East City: Saint Paul State: MN Zip: 55119

Appellant/Applicant: Debra Lassegard Johnson Email: dlassegard@gmail.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 651-399-0565

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Owner (if other than Appellant): John Klick

Mailing Address if Not Appellant's: 3703 Casco Ave. Wayzata, MN 55391

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 612-817-4853

## 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
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

Please see Attached

DEBRA LASSEGARD JOHNSON  
2110 HIGHWOOD AVE E  
SAINT PAUL, MN 55119

AUGUST 12, 2014

STATE OF MINNESOTA  
CITY OF SAINT PAUL  
LEGISLATIVE HEARING OFFICER

OFFICE OF THE CITY CLERK  
310 CITY HALL CITY/COUNTY  
COURTHOUSE  
15 W KELLOG BLVD.  
SAINT PAUL, MN 55102

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Ref# 105973

RE: RE-INSPECTION FIRE CERTIFICATE OF  
OCCUPANCY WITH DEFICIENCIES  
2110 HIGHWOOD AVE E.  
SAINT PAUL, MN 55119

**AFFIDAVIT IN SUPPORT OF APPLICATION TO APPEAL ITEM # 6  
ON LIST OF DEFICIENCIES AT  
2110 HIGHWOOD AVE E. SAINT PAUL, MN 55119  
DATED JULY 24, 2014  
PREPARED BY JAMES THOMAS  
FIRE INSPECTOR Ref # 105973**

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I, Debra Lassegard Johnson make this affidavit in support of my appeal of item # 6 on the List of Deficiencies for 2110 Highwood Ave E. Saint Paul, MN 55119

I respectfully request that the City of St. Paul, Legislative Hearing Office amend the said list of deficiencies to exclude the following item: # 6 2110 –MSFC 1028.3

**BECAUSE**

Fire Marshall Thomas has applied code MSFC 1028.3 of the International Fire Codes to 2110 Highwood Ave E, Saint Paul, MN 55119 however, 2110 Highwood Avenue is considered a R3 residence, (a detached 2 family dwelling) and therefore not held liable to the International Fire Codes, but rather is governed by the International Residential Codes per the exception included in Chapter 10 of the international Fire Codes as follows:

*International Fire Codes*

*CHAPTER 10*

*MEANS OF EGRESS*

*Section 1001 Administration*

*1001.1 General. Buildings or portions thereof shall be provided with a means of egress system as required by this chapter. The provisions of this chapter shall control the design, construction and arrangement of means of egress components required to provide an approved means of egress from*

*structures and portions thereof. Sections 1003 through 1029 shall apply to new construction. Section 1030 shall apply to existing buildings*

*Exception: Detached one and two family dwellings and multiple single-family dwellings not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.*

#### **FURTHER CLARIFICATION**

Per the International Fire Codes, the definitions of an R3 building is as follows:

*R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including: Buildings that do not contain more than two dwelling units.*

MSFC 1028.3 governs large buildings such as churches, schools, and apartment buildings requiring these structures to have exit signs, sprinkler systems, lighted hallways and prohibiting large obstructions in hallways that slow the passage of groups of people going by.

In contrast, two narrow bookshelves on a large landing in a residential home, do not fall under the requirements of MSFC 1028.3.

#### **FURTHERMORE**

If 2110 Highwood Ave East were deemed to be governed by MSFC 1028.3, it would not be in violation of the this code anyway.

MSFC 1028.3 States : *A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice.*

# 6 on The order of Deficiencies States: *Remove materials that cause an exit obstruction and maintain a clear and unobstructed exit way.*

At 2110 Highwood Ave E., there are no exit obstructions nor are there any obstructed exit ways.

At 2110 Highwod Ave E., in addition to windows, there are the following Exits:

- A. The front door
- B. The back patio door
- C. There is also a door leading from the lower level into the garage which could be considered an exit if the garage door was opened

None of these exits nor the means of egress to them are blocked. I have attached photos of each exit.

On the stairway that leads from the main to the upper level, there is a landing halfway up. It is larger than a typical landing measuring 50" deep and 60" wide. The ceiling above is vaulted. There are two book cases sitting side by side on this landing. They do not decrease the width of the landing at all. They decrease the depth by about 10" making the depth 40" With the book shelves there, there is ample room for anyone to walk across the landing, in fact two people side by side can do so. This landing is not an exit (there are no doors or windows on it). And there is nothing on the landing that prevents a person or two people side by side from passing through it.

I have attached photos of the bookshelves on the landing. Thank you for your consideration in this matter.



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)

July 24, 2014

STEVEN J COOL  
JOHN P KLICK  
3703 CASCO AVE  
WAYZATA MN 55391 9796

RE: RE INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES  
2108 HIGHWOOD AVE

Ref. # 105973

Dear Property Representative:

Your building was re inspected for the Fire Certificate of Occupancy on July 24, 2014. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately. A reinspection will be made on August 19, 2014 at 10:00 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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST - Please note these 5 are not applicable. They belong to 2108, not 2110

1. 2108 SPLC 34.10 (5), 34.33 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.
2. 2108 SPLC 34.10 (7), 34.34 (6) Repair and maintain the floor in an approved manner. Clean and sanitize the carpeting.
3. 2108 MSFC 605.5 Discontinue use of extension cords used in lieu of permanent wiring.
4. 2108 MSFC 308.2.1 No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.
5. 2108 MSMC 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

An Equal Opportunity Employer

diameter and installed in accordance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266 8989. Remove duck tape from dryer vent.

- Order in question for 2110 ↓
6. 2110 MSFC 1028.3 Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway. Remove all book shelves from the landing.
  7. SPLC 34.11 (6), 34.34 (3) Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
  8. SPLC 39.02(c) Complete and sign the smoke detector affidavit and return it to this office.

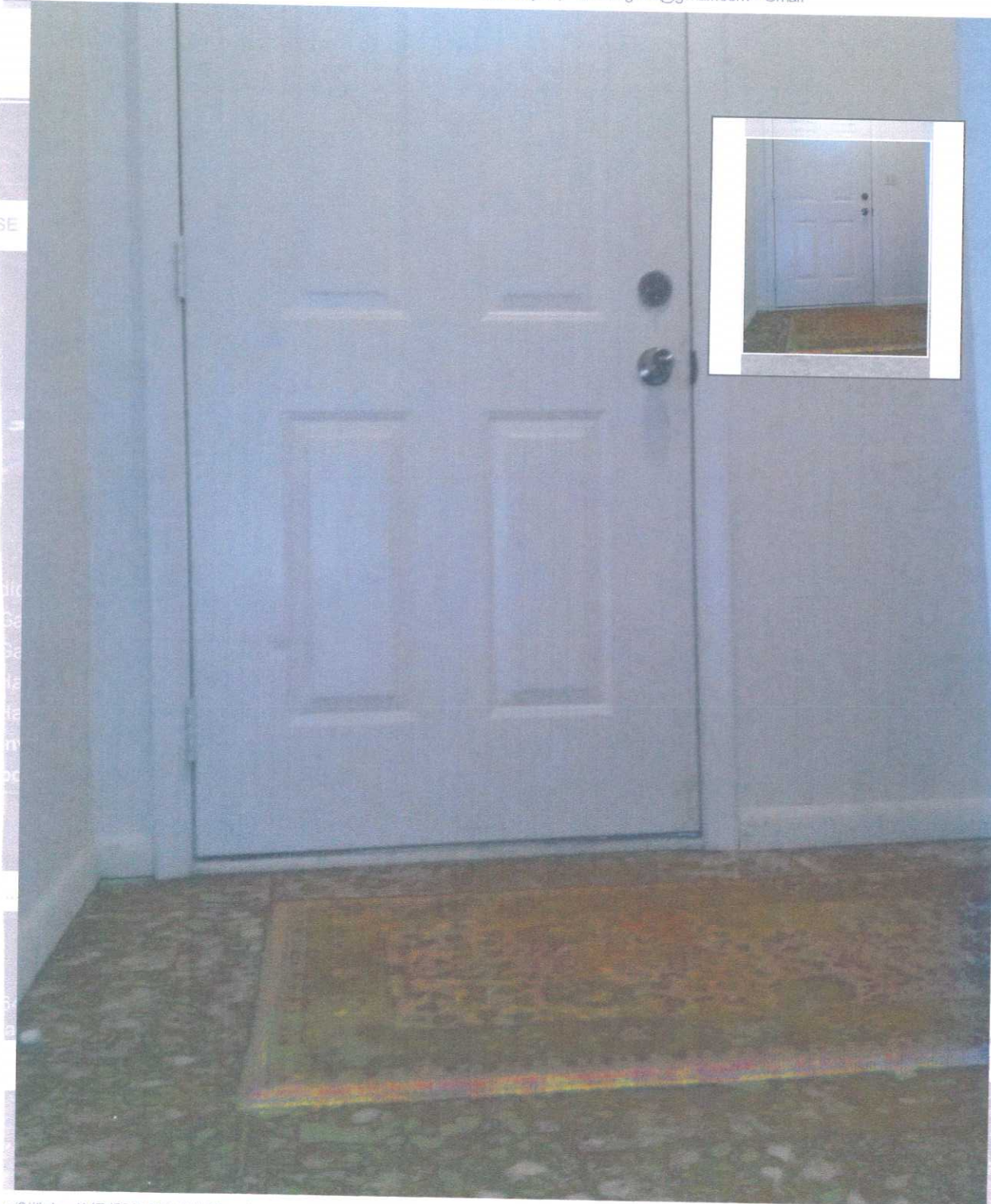
Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651 266 8585) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at [james.thomas@ci.stpaul.mn.us](mailto:james.thomas@ci.stpaul.mn.us) or call me at 651 266 8983 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,

James Thomas  
Fire Inspector  
Ref. # 105973



1@gm

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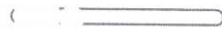
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