



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

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CITY CLERK

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

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number \_\_\_\_\_)
  - 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

<p><b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>Jan. 17, 2017</u></p> <p>Time <u>1:30 p.m.</u></p> <p>Location of Hearing: <u>Room 330 City Hall/Courthouse</u></p>
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## Address Being Appealed:

Number & Street: 853 Fairmount Avenue City: St. Paul State: MN Zip: 55105

Appellant/Applicant: Bridget and Tom Lee Email \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: [Signature] Date: 1/4/17

Name of Owner (if other than Appellant): BRIAN D. ALTON, ATTORNEY FOR APPELLANT

Mailing Address if Not Appellant's: c/o Brian D. Alton, McClay-Alton, PLLP, 951 Grand Ave., St. Paul, MN 55105

Phone Numbers: Business 651-290-0301 email brian@mcclay-alton.com Residence XXXXXXXX Cell \_\_\_\_\_

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

- Vacate Order/Condemnation/Revocation of Fire C of O See attachment
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

ATTACHMENT TO APPLICATION FOR APPEAL  
ADDRESS: 853 Fairmount Avenue, St. Paul  
OWNERS: Bridget and Tom Lee

Bridget and Tom Lee, the owners of the property at 853 Fairmount Avenue, St. Paul appeal the Fire C of O Deficiency List/Correction Notice.

The property at 853 Fairmount Avenue is a single family home occupied by the owners. The property is not subject to City of St. Paul Certificate of Occupancy requirements.

The Minnesota State Fire Code section referenced in the Deficiency List (MSFC 307.1) is not applicable to the fireplace that the owners have in their backyard. See attached section of MSFC.

The outdoor fireplace located on the owners' property is not in violation of any municipal code requirements.

**7511.0307 SECTION 307, OPEN BURNING AND RECREATIONAL FIRES.**

Subpart 1. **IFC sections 307.1 through 307.2.1 and 307.4 through 307.4.1.** IFC sections 307.1 through 307.2.1 and IFC sections 307.4 through 307.4.1 are deleted.

Subp. 2. **IFC section 307.3.** IFC section 307.3 is amended to read as follows:

**307.3 Extinguishment authority.** When open burning, a recreational fire or a portable outdoor fireplace creates or adds to a hazardous situation, or a required permit has not been obtained, the fire code official is authorized to order extinguishment.

Subp. 3. **IFC section 307.4.3.** IFC section 307.4.3 is amended by deleting the exception.

**Statutory Authority:** *MS s 299F.011; 326B.02*

**History:** *32 SR 10; 40 SR 1437*

**Published Electronically:** *May 12, 2016*



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)

December 13, 2016

Thomas B Lee  
853 Fairmount Ave  
St Paul MN 55105-3341

651-266-  
8989.5

### CORRECTION NOTICE - RE-INSPECTION COMPLAINT

RE: 853 FAIRMOUNT AVE  
Ref. #

Dear Property Representative:

A re-inspection was made on your building on December 13, 2016, in response to a referral. You are hereby notified that the following deficiencies must be corrected immediately. A re-inspection will be made on or after January 12, 2017.

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

#### DEFICIENCY LIST

1. BACKYARD - MSFC 307.1 The Fire Inspection has been received a complaint regarding an outdoor fireplace being constructed on your property. All fires on the ground must be a minimum of 25 feet from structures or 15 a minimum of feet if contained contained in a grill or outdoor fireplace. Wind speeds must be less than 10 mph, constantly attended, a means of extinguishment must be provided. Only natural firewood can be burned (no construction materials, brush or waste materials), and fire shall be extinguished if the smoke is deemed a nuisance. A citation will be issued for non-compliance. **Fireplace under construction is too close to the neighboring property line, and does not meet distance requirements from the home, garage, and combustible fence. A plan and zoning review, and approval from the fire safety division will be required before a building permit may be issued. IMMEDIATELY CEASE CONSTRUCTION AND REMOVE THE FIREPLACE OR OBTAIN THE REQUIRED APPROVALS AND PERMITS. Contact DSI at 651-266-8989**

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>

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If you have any questions, email [mai.sec.her@ci.stpaul.mn.us](mailto:mai.sec.her@ci.stpaul.mn.us) or call her at 651-266-8940 between 8:00 a.m - 9:30 a.m.

Please help to make Saint Paul a safer city in which to live and work.

Sincerely,

Sara Naglosky  
Fire Inspector

An Equal Opportunity Employer

MCCLAY · ALTON, P.L.L.P.  
ATTORNEYS

ROBERT M. MCCLAY  
BRIAN D. ALTON\*

951 GRAND AVENUE  
ST. PAUL, MN 55105  
FAX: 651-290-2502  
651-290-0301

\*Also Licensed in Wisconsin

January 4, 2017

HAND DELIVERED  
Legislative Hearings  
CITY OF ST. PAUL  
310 City Hall  
15 West Kellogg Blvd.  
St. Paul, MN 55102

RE: 853 Fairmount Avenue

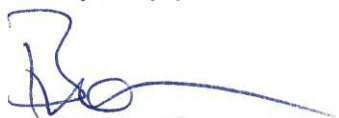
Dear Sir or Madam:

Our office represents Bridget and Tom Lee, the owners of the property at 853 Fairmount Avenue, Saint Paul, Minnesota.

On behalf of the owners, enclosed please find the Application for Appeal of Fire C of O Deficiency List/Correction Notice, with Attachments. Also enclosed is the filing fee of \$25.00 for the Application.

Thank you for your consideration in this matter. Please notify our office of the date of the hearing. If you need any further information please do not hesitate to contact me.

Very truly yours,



Brian D. Alton  
[brian@mcclay-alton.com](mailto:brian@mcclay-alton.com)

BDA:mm

cc: Bridget and Tom Lee