



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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Tuesday, February 8, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

(RES 10-1339) - 1066 Lafond Ave

No one appeared. Forthcoming.

1066 Lafond Avenue

Ms. Moermond noted that this is a follow-up hearing to a January 25, 2011 hearing. The owner, Paul Belmonte, was to have posted a \$5,000 performance bond, pay the taxes, develop a Work Plan, prove financial capability and maintain the property.

Inspector Steve Magner reported that Mr. Belmonte has not posted a bond. There is no activity showing in the file, there is no confirmation of paid taxes nor has he submitted a Work Plan or timeline. The Code Compliance is still effective (March 2010).

Ms. Moermond

Forthcoming (MM need to review conditions submitted by Appellant)

11:00 a.m. Hearings

1:30 p.m. Hearings

Fire Certificates of Occupancy Correction Orders

- 1 [ALH 11-191](#) Appeal of Yang Y. Lee to a Fire Inspection Correction Notice at 1970 LONGFELLOW AVENUE.

Sponsors: Lantry

Attachments: [1970 Longfellow.appeal.1-27-11.pdf](#)
[1970 Longfellow Ave.Lee Ltr 2-15-11.doc](#)

Appellant to submit photos of windows by Tuesday, February 15. If windows can be opened to 16 inches, a variance will be granted. If they need to be replaced, the work would have to be done 90 days after the City Council hearing.

Inspector Leanna Shaff said this was a fire certificate of occupancy inspection conducted on December 27, 2010 by Inspector Wayne Spiering. Items being appealed were No. 5 - the windows in the main floor southeast and northeast bedrooms which have double hung windows and the measurements for the openable area are 15.25 in. high x 29 in. wide. The code requires a minimum of 24 in. high and 20 in. wide; and Item No. 8 requires a handrail on the rear deck stairway.

Yang Lee showed Marcia Moermond pictures of the windows and explained how they operate.

Mr. Lee said the handrail is completed.

Ms. Moermond asked Mr. Lee to submit photos of the windows by Tuesday, February 15, 2011 showing whether they can be opened to 16 inches. If they can, a variance will be granted. If they need to be replaced, the work would have to be done 90 days after the City Council hearing on this matter.

Laid Over to 2/15/2011 Legislative Hearings. (Appellant to submit photos)

2 [ALH 11-195](#)

Appeal of Mee Yang to a Fire Inspection Correction Notice at 747 EDMUND AVENUE.

Sponsors: Carter III

Attachments: [747 Edmund.appeal.1-28-11.pdf](#)

Grant a 2-inch variance on the openable height of the egress windows in the upper unit middle and rear bedrooms. (Mitchell Imbertson)

Inspector Leanna Shaff said this was a fire certificate of occupancy inspection conducted on January 19, 2011 by Inspector Imbertson. Ms. Yang appealed No. 17, the egress windows in the upper unit middle and rear bedrooms. They are openable windows measuring 22 in. high x 24-1/2 in. wide.

Ms. Moermond granted a 2-inch variance on the openable height of the egress windows in the upper unit middle and rear bedrooms.

Referred Under Master Resolution

3 [ALH 11-202](#)

Appeal of Keith Collins to a Fire Inspection Correction Notice at 325 WILDER STREET NORTH.

Sponsors: Stark

Attachments: [325 Wilder.appeal.1-28-11.pdf](#)
[325 Wilder St. N-Proposal.pdf](#)

Item 28 (Unit 5, East Bedroom): grant an 8-inch variance on the openable height of the egress bedroom window.

Item 29 (Unit 5, East Bedroom): deny the appeal and must install permanent steps to

address the sill height and should be affixed below the windows designated for the egress

Item 32 (Unit 5, West Bedroom): deny the appeal and grant 90 days for the egress window to come into compliance.

Item 33 (Unit 5, West Bedroom): deny the appeal and must install permanent steps to address the sill height and should be affixed below the windows designated for the egress.

Item 39 (Unit 6, West Bedroom): deny the appeal and grant 90 days for the egress window to come into compliance.

Item 42 (Unit 6, East and Middle Bedroom): grant a 2-inch variance on the openable height of the egress windows. No permit is required for the windows.

(William Beumer)

Inspector Leanna Shaff said this is an appeal of egress windows. A fire certificate of occupancy inspection was conducted on January 19, 2011 by Inspector William Beumer. She reviewed the issues with the windows and recommendations were made by Legislative Hearing Officer Marcia Moermond as noted above.

Ms. Moermond asked Mr. Collins about the illegal egress window well covers in Item 1. Mr. Collins said they have been removed. Ms. Shaff and Moermond told him that lightweight covers could be used.

Ms. Shaff noted that there are a lot of electrical issues on the list, many of them are quite serious, and there were no electrical permits. Mr. Collins said he is meeting with an electrical contractor this week to go over everything.

Mr. Collins asked about the storage lockers at bottom of the steps. (Item 16) Ms. Shaff said there should be no storage in that area and that it needs to be on the other side of the corridor.

Referred Under Master Resolution

4 [ALH 11-203](#)

Appeal of Mark Palm to a Fire Inspection Correction Notice at 1459 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Attachments: [1459 Maryland.appeal.1-28-11.pdf](#)

Deny appeal and grant until June 30, 2011 for completion of exterior work; grant until May 31, 2011 on all other items; grant a 3-inch variance on the openable height of the egress bedroom window. (James Thomas)

Inspector Leanna Shaff said this was a fire certificate of occupancy inspection conducted by Inspector James Thomas on December 27, 2010. Mr. Palm does not believe this property should be in the program and is appealing that.

Mark Palm said no one has lived at the property for 18 months and he is maintaining it. His home on Hoyt Street in St. Paul is in foreclosure and he plans to move to the Maryland property. He is hoping for a short sale.

Marcia Moermond, Legislative Hearing Officer, noted that she wasn't seeing anything for smoke detector affidavits. Mr. Palm said he has turned in the paperwork on the smoke detectors. He said the furnace is brand new.

Mr. Palm said he doesn't understand why he is in the Fire Certificate of Occupancy (C of O) program as he is not planning to rent the house. Ms. Moermond said she

may agree with him. However, she said they know there are things at the property that need to be fixed. If he had talked to her when he got the appointment letter and appealed it, she could have helped him. She will give him time to work on the list and get out of the C of O program if he moves into the house. She is not concerned about his ability to make the repairs but she knows he needs time. It appears that it's mainly exterior things to be repaired. She said the porch railings are required by code even though it's not a rental property.

Mr. Palm said if the foreclosure goes through on the Hoyt Avenue property, he will have to vacate that house by September 4.

Ms. Moermond reviewed past incidents at the Maryland Avenue property and Mr. Palm provided a history of what took place there.

Ms. Moermond asked about the mold. Mr. Palm said there had been a leak under the bathtub but it has been fixed and the mold taken care of.

Ms. Moermond asked about Item 5 - electrical cover plates to all outlets, switches and junction boxes that were missing. Mr. Palm said they have been taken care of.

Ms. Moermond said the way it's determined if someone should be in the C of O program is whether or not the owner is living at the property. If the owner lives at the property and rents out a couple of rooms, it is considered owner-occupied. If the owner does not live there, it's put in the C of O program. She said he maybe should have been in the Vacant Building Program which is a lot more stringent than the C of O. The fact that the house has been vacant for a year and a half and there are code violations, it puts him in a more difficult spot in terms of city regulations. She said she can lay the matter over and if he gets busy with a work program on the violations, it will keep him out of the vacant building program for a number of months and he will be ready to move in. He then will not hear from the C of O program again and someone from Code Enforcement will re-inspect the property. She wants to see him living there before she makes that call.

Ms. Moermond said she wants Mr. Palm to put together a work plan that shows he can do the repairs in 90 days. She granted until June 30, 2011 to do the exterior work.

Ms. Shaff said permits which were issued on November 15, 2010 for the gas piping and the chimney liner are both still open. Ms. Moermond told Mr. Palm to get an inspector to check it and make sure the contractor installed it correctly. If it wasn't installed correctly, the contractor will have to fix it.

Referred Under Master Resolution

5 [ALH 11-200](#)

Appeal of Anny Dang to a Fire Inspection Correction Notice at 1517 OLD HUDSON ROAD.

Sponsors: Lantry

Attachments: [1517 Old Hudson Road.appeal.1-28-11.pdf](#)

Grant a 3.5-inch variance on the openable height of the egress windows in the main floor southeast and northwest bedroom. Appellant needs to install two steps to address the sill height of all three windows and should be affixed below the windows designated for the egress. Ms. Moermond stated that a permit is not required for the egress windows.

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](#)

Ms. Moermond reviewed the photographs and recommended denying the appeal on the egress bedroom windows. Appellant wants a public hearing. Scheduled for 3/2 public hearing.

Referred to the City Council due back on 3/2/2011

- 8 [ALH 11-169](#) Appeal of David Palmer to a Fire Inspection Correction Notice at 1609 SAINT ANTHONY AVENUE.

Sponsors: Stark

Attachments: [1609 St Anthony.appeal.1-21-11.pdf](#)
[1609 St. Anthony Ave.Palmer 2-8-11.doc](#)

*Grant a 4.5-inch variance on the openable height of the egress bedroom window in Unit 5 which measured at 19.5 inches high by 27 inches wide.
Items 3 (fire separation) and 4 (sprinkler system issue) - deny the appeal. (must decide to come into compliance with one of the two items;
Items 7 (water heater issue) and 55 (boiler) - Must install a chimney liner under permit. A separate permit is not needed on boiler and water heater installation.*

Referred Under Master Resolution

No Hearing Necessary

Window Variances: Fire Certificate of Occupancy

- 9 [ALH 11-187](#) Appeal of Tony Swanson to a Fire Inspection Correction Notice at 1271 WATSON AVENUE.

Sponsors: Harris

Attachments: [1271 Watson.appeal.1-27-11.pdf](#)
[1271 Watson Ave.Swanson PC ltr 2-8-11.doc](#)

Grant a 1.75-inch variance on the openable height of the egress windows in the east and northwest bedrooms and grant a 4.5-inch variance on the openable height of the egress window in the northeast bedroom. (Rick Gavin)

Referred Under Master Resolution

- 10 [ALH 11-218](#) Appeal of John Llana to a Fire Inspection Correction Notice at 1928 NOKOMIS AVENUE.

Sponsors: Lantry

Attachments: [1928 Nokomis.appeal.1-31-11.pdf](#)
[1928 Nokomis Ave.Llana PC ltr 2-8-11.doc](#)

Grant a 3-inch variance on the openable height of the egress windows in the main floor northeast and southeast bedrooms. (Wayne Spiering)

Referred Under Master Resolution

Window Variances: Building Permits

- 11 [ALH 11-227](#) Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul-Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 1394 PAYNE AVENUE.
- Sponsors:** Bostrom
- Attachments:** [1394 Payne.appeal.2-2-11.pdf](#)
 [1394 Payne Ave.Public Health PC ltr 2-8-11.doc](#)
- Grant a 3.9-inch variance on the openable height of four double hung replacement egress bedroom windows which measured at 20.06 inches high by 23.09 inches wide.*
- Referred Under Master Resolution**
- 12 [ALH 11-228](#) Appeal of Renewal by Andersen, on behalf of Jennifer Davis-Lammers, to an Egress Window Non-Compliance Determination at 426 MOUNT CURVE BOULEVARD.
- Sponsors:** Harris
- Attachments:** [426 Mount Curve.appeal.2-1-11.pdf](#)
 [426 Mount Curve Blvd.Andersen Windows PC ltr 2-8-11.doc](#)
- Grant a 3-inch variance on the openable width of one casement replacement egress bedroom window which measured at 40.5 inches high by 17 inches wide.*
- Referred Under Master Resolution**
- 13 [ALH 11-229](#) Appeal of Harmony Homes, on behalf of Peter Mitchell, to an Egress Window Non-Compliance Determination at 1448 BERKELEY AVENUE.
- Sponsors:** Harris
- Attachments:** [1448 Berkeley.appeal.2-2-11.pdf](#)
 [1448 Berkeley Ave.Harmony PC ltr 2-8-11.doc](#)
- Grant a 2-inch variance on the openable height of four double hung replacement egress bedroom windows which measured at 22 inches high by 33 inches wide.*
- Referred Under Master Resolution**
- 14 [ALH 11-230](#) Appeal of Pergola Trust to an Egress Window Non-Compliance Determination at 178 SUMMIT AVENUE.
- Sponsors:** Thune
- Attachments:** [178 Summit.appeal.2-1-11.pdf](#)
 [178 Summit Ave.Pergola PC ltr 2-8-11.doc](#)
- Grant a variance on the openable height and width of one casement replacement*

egress bedroom window which measured at 29 inches high by 20 inches wide. (Bldg Official)

Referred Under Master Resolution

- 15 [ALH 11-234](#) Appeal of Helene Kalsow and Petra L. Kalsow to an Egress Window Non-Compliance Determination at 468 TOWER STREET.

Sponsors: Lantry

Attachments: [468 Tower.appeal.2-3-11.pdf](#)

Grant a variance on the openable height and width of two glider replacement egress bedroom windows which measured at 28 inches high by 28 inches wide. Per DSI's recommendation, recommend variance on egress window minimum sill height.

Referred Under Master Resolution

- 16 [ALH 11-237](#) Appeal of Daniel Schmidt, Ramsey County Public Health, to an Egress Window Non-Compliance Determination at 746 JESSAMINE AVENUE.

Sponsors: Bostrom

Attachments: [746 Jessamine Ave.appeal.1-31-11.pdf](#)
 [746 Jessamine.Public Health Revised PC ltr 2-8-11.doc](#)

Grant a 4-inch variance on the openable height of one double hung replacement egress bedroom window which measured at 20 inches high by 23 inches wide and grant a 2.9-inch variance on the openable height width of two casement replacement egress bedroom windows.

Referred Under Master Resolution