



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, April 10, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR** Ordering the rehabilitation or razing and removal of the structures at 317
 12-15 BAKER STREET WEST within fifteen (15) days after the May 2, 2012, City
 Council Public Hearing.

Sponsors: Thune

The following condition must be met in order to receive a grant of time: apply for code compliance by April 20, 2012. Note: by this time, house must be cleaned out and a lock box provided for inspector access. If this is done, then on May 2, 2012 City Council Public Hearing, Ms. Moermond will ask for a layover to May 16, 2012. This would give an additional two weeks to address the conditions listed below:

- develop work plan to address items identified in code compliance inspection report
- demonstrate financial capability
- post the \$5,000 performance deposit (option to do bond)

If a financial institution or community organization, such as Neighborhood Development Alliance (NeDA) will participate in rehab costs and planning, Ms. Moermond will recommend a layover for plans to be developed. If a financial institution or community organization will help, they should inform Ms. Moermond by letter.

RE: 317 Baker St W (single family)

*Anne M. Haney and her son, Steven Haney, appeared along with her daughter, Jackie Luke, and her sons, Riley and Jerry
A next door neighbor also appeared.*

Steve Magner, Vacant Buildings:

- 2 story wood frame single-family dwelling with a wood shed on a lot of 7,405 sq. ft.
- been a Vacant Building since Oct 19, 2011
- current property owner is Anne M. Haney per Ramsey County
- Jan 11, 2012 inspection conducted; a list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building posted Jan 26, 2012; compliance date Feb 26,

2012

- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$24,800 on the land; \$78,000 on the building
- real estate taxes are current
- Vacant Building registration fees were paid by credit card Nov 23, 2011
- As of Mar 30, 2012, a Code Compliance Inspection has not been done
- As of Mar 30, 2012, the \$5,000 Performance Deposit has not been posted
- 1 Summary Abatement Notice since 2011; no Work Orders
- estimated cost to repair exceeds \$100,000; estimated cost to demolish exceeds \$12,000
- the Department of Safety and Inspections (DSI) recommends removal within 15 days
- has an 8-page letter from Ms. Haney (defers to Ms. Haney)
- read a letter from the neighbor of 317 Baker St W (attached)

Amy Spong, Heritage Preservation Commission (HPC):

- first building permit that we have is from 1885 for an addition to the property; no record of the original building date
- the context around the neighborhood has several houses that appear to date at a similar time period (late 1800s)
- property was not inventoried in 1983 but the block is fairly in-tact
- has had some changes: originally had a full front open 1-story porch
- turned into flats in early 1900s
- a lot of windows have been changed
- not a lot of original detailing
- substantial house
- a house on the corner was identified as having major significance in 1983
- on the opposite corner is an original fire station in brick that retains a lot of its integrity
- demolition would not have an adverse effect on the neighborhood

Ms. Haney:

- she was given a list of her responsibilities and has complied with all of them; she wrote a letter of her concerns to Matt Dornfeld but Dennis Senty wrote back saying he was considering demolition, which conflicted with what Inspector Joel Essling had said- he said they wouldn't even consider it until this coming October 2012; she got the letter in Dec 2011; this just didn't seem fair to her.
- read her 8-page letter into the record about Category changes and how she perceive what's been done to her and how unfair she feels she was treated and how important this property is and how she wants to follow the procedure that was given to her - list of things to do in order to restore it (letter attached)
- why couldn't Inspector Yannarely just reverse the Performance Bond (admitted he shouldn't have done it); he said the only way to appeal this was to go to a hearing (this one)
- the house will be cleaned out enough in 30 days to have the Code Compliance Inspection done
- she doesn't think that she needs to pay the bond; she can buy the Code Compliance Inspection today if she can believe it can help restore the house; she was afraid that if she pays for the inspection and gets that bond, she would just be throwing that money away because she can't proceed with the house
- now, it's a Category 3, so she can't even get a loan now
- if the house is not Condemned, she qualifies for a grant loan from Projects for Pride in Living (PPL)
- Tchu Yajh, the chief loan specialist, Planning and Economic Development (PED),

said that it would need to be a Cat 1 before the city would consider her for a loan
- that's why she hasn't gotten the Code Compliance yet; in order to hire contractors, she needs to have a loan

Ms. Moermond:

- actually, there's 3 different fees in place here: 1) cost of the Code Compliance Inspection Report; 2) annual Vacant Building fee; and 3) \$5,000 Performance Deposit (refundable upon completion of the rehab if it's done within the allotted time period)
- according to the record, the \$5,000 Performance Deposit hasn't been posted and there is no payment for a Code Compliance Inspection

Mr. Magner:

- when this building was Condemned, it would have to be a Category 2, minimum; to make it livable again, it would need a Code Compliance Inspection Report, permit sign-offs; the only difference between Cat 2 and Cat 3 is that we've issued an Order to Abate identifying a time frame for them to move forward - the city wants to be assured that the work will be completed, so it requires a \$5,000 Performance Deposit of bond (Ordinance)
- here, more progress should have been made earlier in the process so that DSI would not have had to Condemn the property
- DSI has been dealing with this for more than a year (Ms. Haney stated that the property was Condemned on Sep 27, 2011 and it became an official Vacant Building on Oct 20, 2011); Mr. Magner said that wasn't the beginning of the process; Ms. Haney countered with earlier, it was just to clean the yard - the property was not Condemned (Mr. Magner disagrees with the way Ms. Haney looks at it)

Steven Haney:

- would like a copy of the letter from the ambiguous person who said he was threatening them with fire arms because that's not true (that's defamation of his character and it's in writing)
- the tools and equipment that he moved to his mom's property were at one time, part of a very profitable auto repair business (this is not junk); how do you take a \$1,500 lathe and call it scrap metal
- he has had to deal with his children's educational issues, which he decided, are even more important than his mother's house
- he would like the consensus that one person in the neighborhood is making for all
- Sep 27, 2010 - Saint Paul Police Dept showed up at 9 am and gained unauthorized access to his mother's house; shortly afterward, he awoke to strangers' voice and immediately informed them of their trespass as per Minnesota statute 609-604; and they had disregarded the U.S. Constitution about unlawful entry and search; they insisted that their unlawful entry was lawful; Joel Essling then showed up and asked if he could enter; under duress, Mr. Haney asked if he had a choice; he would rather that Mr. Essling not enter. Mr. Essling entered without permission (we'll do whatever we want whenever we want under the code of law); so what if it's unconstitutional; we achieved our intent of resolve. The 4th Amendment was trampled on; officers treated him like a criminal because he has a permit and lawful hardware with no warrant, no crime committed and not being a threat to any neighbor - no real probable cause - just playing the hired thug role for an ambiguous accuser.
- at the last LH, Mr. Essling stated that the police were convinced that his mom was staying in the house after 8 pm; Mr. Haney defended his mom's integrity and informed Mr. Essling that her actions were all lawful and she insisted that Mr. Haney, too, depart by 8 pm or sooner; however, it would make their work easier and faster if they were able to work at the house later.
- it seems that money is a big motivater here; the city is taking from people who can't afford to be taken from
- shall they take their house of 42 years and just throw it away? The city is stealing

our house.

- in 1969, they paid less than \$14,000 for the house and now, he is limited to what he can do and the city has created an undue hardship for them; he has the skills and some of the electrical fixtures, etc., to install, but the city says it is unlawful for him to do it
- the supplies and equipment that he had accumulated is worth \$500,000 and now, he was supposed to get rid of it; he is not throwing away brand new stuff - he shouldn't have to; he has already donated thousands of dollars worth of stuff to Goodwill, etc.
- he and his mom are willing to work this out but they are not rich and the city has tied their hands
- some of the people have not been very clear in their communication on what their next step was going to be relative to how it would affect them; these things that would majorly affect their lives should have been in writing
- if the city forces them to get contractors for work that Mr. Haney is able to do, and forces his mom to pull a bond for money she doesn't have - he believes this is on the line of extortion!
- he will choose getting his kids the second-hand clothes they need instead of helping pay for someone else's 401K
- re: the neighbor's accusations - when he left his auto business on Maryland, he received 12 notes / letters from neighbors who loved him; here, there's a new guy on the block and someone doesn't like him very much but he cares about how he is affecting others' lives, intentionally and unintentionally
- a lot of this work could have been done had their hands not been tied

Ms. Haney:

- why aren't homeowners told clearly about a Category change before it happens with clear deadlines so that they can avoid those new problems
- the last time she was before Ms. Moermond, it was clear that they could do half the work, get a deferred loan; and then, suddenly, without any warning, without a clear deadline, the city says, "Now, you're a Category 3 and you can't get a loan and you need to post a \$5,000 Performance Deposit" - all this stuff hurts the homeowner and the city says it's supposed to be a motivator when instead, it actually shuts you down. It's so unfair! And, then, to say the property was Condemned? It's unfair! How can they do this? Does the city go to other properties after they've asked them to clean up the yard and Condemn the house? The city is being hard on citizens.
- asked why the house is now considered a single family dwelling when it actually is a duplex? Is the reason so that the city wants to make them fix everything at once? The inspectors have come every 4 years and have gone upstairs, and they never complained before (?)
- when she was at LH last, the agreement was she could do the 1st floor and basement interior repairs, the Condemnation would be removed, she could move back in and then, they would do the exterior repairs because Inspector Smith listed within the last year and he did not see them as something the house should be Condemned for; he said, "You can just repair them." Then, came the yard, the sickness, the scaffolding, etc.
- he said there was not hot water and that was the reason for the Condemnation but the reason there was no hot water was because they just got a new hot water heater and Steve was in the process of installing the water heater
- Inspector Joel Essling strongly recommended that she get a deferred city loan for house repairs; she talked with Tchu, who said they almost never or never give deferred loans for home repairs on a Cat 2

Mr. Magner:

- this is in an RT-1 zoning district, which would allow a non-conforming use as a duplex; the second floor hasn't been occupied; the city has no rental registration on

this property; no history; to claim a non-conforming duplex status, they would need to bring in some documentation to re-establish that with the Planning Commission

Ms. Moermond:

- thinks that Mr. Essling was referring Ms. Haney to PED Home Loans in hopes that money would be available; she thinks that Ms. Haney should check with Tchu again*
- with the Condemnation, this is a Cat 2 Vacant Building; she heard the appeal on the Condemnation, at which time Mr. Essling put on the record that the house had no furnace; hot water heater was recently installed improperly, in a hazardous manner without a permit; there's no bathtub or shower or bathroom sink; extension cord wiring throughout used in lieu of permanent wiring; there was one smoke detector; from the photos- work was being done on plumbing, structural and electrical parts of the dwelling but there were no permits pulled; there was a list of exterior items*
- clarification: the exterior Orders were Orders on the outside of the house; although they didn't help the Appellant, in the long run, the Condemnation is about conditions on the inside of the house*
- ultimately, the whole inside and outside of the house needs to be fixed if the Appellant intends to keep the house*
- the City Council made the decision the this is a Condemned structure deemed to be uninhabitable*
- this property needs to have a Code Compliance Inspection Report and the items on the report need to be addressed*
- much of that work can be done by the Appellant and could have been done all along (building items; must pull a building permit: what work is going to be done by you and the value of that work - and professional inspectors will follow with inspections); one of the problems here is that no permits have been pulled; similarly, you can pull an electrical permit to work on items in your own home*
- some of the work cannot be done by the Appellant - needs licensed contractors under permits (heating, plumbing)*
- this situation requires clean-out, building items, heating and ventilation items, plumbing and electrical*
- the city needs and the law requires that the Appellant have a Code Compliance Inspection Report that outlines those things that will bring you up to minimum code standards*
- the Appellant has a history of not pulling permit; the work won't be recognized if there are not permits pulled*
- at the previous LH, we talked about carrying water to make sure the toilet flushed; heating water in the kitchen for bathing, etc. and that's not OK (Ms. Haney explained that the toilet does have a water supply and it flushes normally; the spigit in the basement has running water; and the kitchen sink also has running water.)*
- Ms. Moermond can't help the Appellant with the commute; the place needs to be brought up to minimum standards before they can move in*
- she is hearing desperation from the Appellant but this is about the conditions of this building and the conditions of the systems that support the building; this is not about the Appellant and family as human beings-people; she will try to focus on the building itself; she is very sympathetic*
- clearing the record: it doesn't matter who's complaining and what they're saying; it doesn't matter one bit; she understands the Appellant and family feel offended by the nature of the complaint. The city gets complaints all day long about all different kinds of things; many of them founded; many of them not founded; it is incumbent of the city or in the case of a welfare check that the police were conducting, to figure out whether those complaints are founded or not founded. If there is evidence that those things exist, then, Orders will be issued to address it.*
- city employees need to do their job; it is not to generate revenue for the city; citizens don't get to pick what their tax dollars pay for; they vote for representatives who decide how taxes are divided.*

- this house was not Condemned prior to the Condemnation that was talked about in Sep 2011; before that, there were Orders on the exterior of the house
 - she explained the way PTL PED operates about their loans
 - she sees a house that's in very bad physical condition that isn't safe to live in; she can't recommend that the City Council allow this to be re-occupied while it's in the current condition (Ms. Haney thinks that if she were there, she probably wouldn't think of it that way - something has made Ms. Moermond think that's it's worse than it actually is.)

Mr. Haney:

- asked if Ms. Moermond was including the upstairs when she said "completed" (Ms. Moermond stated that the whole place needs to be repaired and inhabitable, whether it's a single-family or a duplex)
 - over the years, previous inspectors have approved the dwelling even though the upstairs was Condemned so, it wasn't considered "unsafe"; they just wanted to make sure it wasn't being rented out

Ms. Moermond:

- she would like to see Ms. Haney be able to move back into this house and live there safely through her retirement
 - the house needs to be completely done and signed-off on before Ms. Haney can move back in
 - Appellant needs to order the Code Compliance Inspection Report (\$450) but the house needs to be cleaned-out and install a lock box before the inspection can take place (2-3 weeks waiting period for inspection)
 - Appellant needs to pay the \$5,000 Performance Deposit (refundable, if done in 6 months); a bond can be posted instead
 - loans can't be part of her calculation; suggested Ms. Haney call the Neighborhood Development Alliance
 - suggests Ms. Haney hire a general contractor
 - later, a Work Plan needs to be developed including bids and timelines
 - available resources including sweat equity and available resources to complete work
 - would like to see a decision made by May 2, 2012 on whether or not the Appellant is going to move forward to do the repairs
 - will give 2 more weeks to get things together if the inspection report has been ordered and the house cleaned-out with a lock box on the door - combination available to the inspectors
 - this will be laid over to May 10, 2012
 - a confirmation letter will be sent
 - May 10 - if Appellant has the inspection done, the Work Plan, Performance Deposit, and evidence of financing will follow soon after
 - the house cannot be sold (transferred) until the nuisance condition is addressed (local code) unless it would be signed over to a non-profit

Referred to the City Council due back on 5/2/2012

**2 RLH RR
12-16**

Ordering the rehabilitation or razing and removal of the structures at 838 ROBERT STREET SOUTH within fifteen (15) days after the May 2, 2012, City Council Public Hearing.

Sponsors: Thune

The following conditions must be met by April 22, 2012 in order to receive a grant of time if property owner intends to rehabilitate the building: 1) the code compliance inspection must be ordered; 2) the \$5,000 performance deposit must be posted; and

3) the vacant building fees must be paid. If the conditions are met, Ms. Moermond will ask the City Council to lay over the matter.

RE: 838 Robert St S (single family)

Farid Farzanehkia, representing his son who owns the property, and Alejandro Espinosa, attorney, appeared.
Stephanie Nelson, Chase Bank representative also appeared.

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single-family dwelling; 1-stall detached garage on lot of 3,920 sq ft
- vacant building since May 11, 2010
- property owner is Farid Farzanehkia per Ramsey County records
- Jan 18, 2012, inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Jan 26, 2012; compliance date Feb 27, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$12,900 on land; \$119,400 on the building (the building hasn't been re-evaluated by Ramsey County in about 3 years)
- real estate taxes are current
- Vacant Building registration fees paid by check May 19, 2011
- as of Mar 30, 2012, a Code Compliance inspection has not been done; the \$5,000 Performance Deposit not posted
- 7 Summary Abatement Notices since 2010; 6 Work Orders issued for:
 - garbage / rubbish
 - boarding / securing
 - grass / weeds
- estimated cost to repair: \$60,000 - \$70,000; estimated cost to demolish: \$15,000 - \$16,000
- Department of Safety and Inspections (DSI) recommends removal of the structure within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- 1914 workers cottage; original owner, James Nollis; builder: A. Holmquist;
- originally, it had a full front porch (the roof is still visible); it's been enclosed and altered
- vinyl siding covers likely the original siding
- a lot of the windows are still in tact; front door, too
- area has a lot of vacant lots; a couple auto shops, garages, which is also the early context of this particular stretch of Robert St., an early transportation corridor - a mix of shops and houses; not a strong neighborhood context
- not surveyed in 1983; wasn't identified at that time
- demolition would not have an adverse effect on the historical integrity and significance of the neighborhood

Ms. Moermond:

- City Council Public Hearing May 2, 2012 at 5:30 pm
- sees significant water damage from the photos; the system froze

Mr. Espinosa:

- Mr. Kia is not the owner; his son owns the property
- introduced letter from son and Power of Attorney
- son is a medical student doing his residency in Philadelphia; he would like to retain

the property

- *aware of the damage; some from the window in the basement being left open*
- *both father and son realize the house needs some renovation*
- *son has the mortgage on the property*
- *owns the auto shop next door*

Mr. Farzanehkia:

- *son purchased the property about 10 years ago in 2002*
- *the problem with the house started when his son had to go to Philadelphia for his residency in 2010; he'll finish next year*
- *right now he doesn't have the money to repair the property*
- *son has been negotiating with the bank for almost 2 years; hasn't been making payments; bank hasn't foreclosed yet*
- *he rented out the house for 1 month; the tenants were destroying the house and were asked to move*
- *has been vacant for nearly 2 years*
- *basically, the house doesn't have much damage; the upper level is dry, all hardwood and is very nice*
- *the basement has water damage; heat was shut-off in winter*
- *the bank said he can give the house back to the bank or do a short sale but the city put a hold on it; we' can't do anything now*
- *asking that the city remove that hold so they can do a short sale or the bank can do something or wait until son comes back from residency - he has 1 1/2 yrs left; right now, his son cannot afford to do anything with the house*
- *the house is nicer than some in the neighborhood; why would the city want to demolish it?*
- *emphasized that the water damage is in the basement only*
- *son just doesn't have the money to do the repairs*

Mr. Espinosa:

- *questions the amount of work that the city is requiring to be done; they have walked through the house and saw that some work needs to be done but \$60,000-\$70,000 is kind of high.*
- *the house doesn't look like a nuisance*

Ms. Nelson:

- *at this point, the bank is just the lein holder*
- *there has not been a sheriff's sale yet nor has one been scheduled*
- *her client hasn't indicated any a short sale (may not go through when there's a risk of demolition)*
- *original mortgage: \$153,900, inclusive of the line of equity*

Ms. Moermond:

- *she doesn't want to knock the house down, either*
- *she is convinced that a nuisance condition exists here and it needs to be abated*
- *the very condition of the house justifies the Order to Abate: water damage and exterior code violations*
- *Jan 26, 2012 letter indicated that a Code Compliance Inspection was to have been ordered and conducted but it hasn't been done (Mr. Espinosa stated that he was just asked to represent him this past week; they didn't want to do any legal maneuvering until after this hearing today; clearly, they don't want to lose the house and they don't want it destroyed. Today, they are looking for some time to evaluate everything.)*
- *the Code Compliance Inspection Report gives you that evaluation - shows you those things that are required to bring it into minimum compliance*
- *this notification was sent in January; there has been time; the son would have received the Order to Abate a Nuisance Building a couple months ago*

Mr. Espinosa:

- *Mr. Kia was unaware of that Order to Abate a Nuisance Building and he doesn't know what has to be done*
- *he has a hard time understanding what a "nuisance" means; how it this house a nuisance to the community when you can walk down that street and see lived-in homes that are much worse than this house; the house has all new windows and vinyl siding*

Ms. Moermond:

- *disappointed that the Code Compliance Inspection Report hasn't been ordered and that the \$5,000 Performance Deposit hasn't been posted in order for permits to be pulled in order to do the repairs; the \$5,000 is refundable if the work is done in the time allotted*
- *seems to have been a lack of communication between Mr. Kia and his son*

Mr. Magner:

- *listed DSI's concerns: DSI has been out there more than 20 times in the last 2 years; no one but the city is maintaining this property; there have been numerous complaints in regards to this property: dumping, parking cars, people entering the house, a gas leak, etc. The city has had to expend its resources from taxpayers to take care of this gentleman's property. The owner did know about all this because a man who identified himself as the owner called DSI and stated that when he received the Order to Abate, page 2 of the Order was missing or illegible; so, DSI mailed him a new copy and emailed him. DSI staff explained the Order to Abate process and the public hearing process to him on Feb 28, 2012; now it's April (more than 30 days for the owner to make some determination as to what he is going to do). The inspection could have already been done; there was time. Trained individuals have been in the house and performed inspections; they've documented the violations: 1) no electricity; 2) no gas; 3) no heating system; 4) the plumbing has frozen.*
- *listed dates of inspections*
- *have had 4 complaints about cars being parked on the property (Ms. Moermond: on private property, it is the owner's responsibility to have abandoned cars removed; if the city removes them, they will charge the owner)*

Mr. Kia:

- *has been at the house everyday; cut the grass hundreds of times*
- *he opens and closed the basement window himself to get some fresh air into the basement*
- *asks that they are allowed to sell the house "as is"*
- *has sent a letter to the city saying they have the right to tow away any cars they see parked on that property; he can't see the driveway from his business*

Ms. Moermond:

- *if the conditions of the house are a good as Mr. Kia says, it won't be that big of a deal to address the nuisance*
- *wants to see the Code Compliance Inspection Report ordered*
- *every year a Vacant Building Registration is sent to Mr. Kia's son; in the registration, it said that a Code Compliance Inspection needs to be conducted and those items addressed in order for the house to come off the VB list*
- *it doesn't sound as though the bank is interested in getting this property and fixing it*
- *she is not willing to ask the City Council to wait indefinitely for Mr. Kia's son to finish his residency and get himself established so that he can either fix it or do something else with it (Mr. Espinosa: we're not asking the city to wait but to allow some time to review all the information, make a decision, get some bids, etc; they don't want to lose the home)*

- the lack to funds to fix the property seems to be the problem
- this house needs to be fixed or it needs to come down
- per city code: the idea is to force these properties to be fixed before they are sold; otherwise, the nuisance condition continues; this means that the owner or the bank would need to be the ones who fix the property
- before the end of Jan 2012, the house could have been sold and the new owner would have been the one to fix the repairs; that opportunity has come and gone
- order the Code Compliance Inspection ASAP \$445
- a \$5,000 (refundable) Performance Deposit needs to be made
- needs to see financial availability to fix the property
- needs to see a Work Plan - bids from contractors and timelines
- the Vacant Building fee will be due May 11, 2012; have it paid by May 2, 2012
- if the bank wants to do their own Code Compliance inspection, call DSI

Mr. Kia:

- son doesn't have the money; let them destroy the house; he has no interest in that property
- if we could get 6 - 12 months, maybe we could do something

Mr. Espinosa:

- thinks that Mr. Kia is just frustrated now; doesn't think he wants to house to be demolished
- asked for time to think about this
- communications should be directed to him

Referred to the City Council due back on 5/2/2012

11:00 a.m. Hearings

Summary Abatement Orders

- 3 RLH SAO** Appeal of Todd Wybierala and Mary Kaye to a Summary Abatement Order
12-9 at 427 WHITALL STREET.

Sponsors: Brendmoen

Deny the appeal and grant an extension to May 5, 2012 for compliance.

RE: 427 Whitall St (single family)

Mary Kaye appeared on behalf of Todd Wybierala.

Inspector Paula Seeley:

- Summary Abatement Orders
- she got a call out Jan 4, 2012: zoning was receiving complaints of exterior storage throughout the yard (commercial vehicles, semis, commercial trailers parked in an RT-1 district, dog kennel full of items; scrap wood; scrap metal; plastic; she issued Orders with a compliance date of Jan 9, 2012
- "remove all roll-off dumpsters anywhere on the property, including the street; discontinue bringing trucks, trailers, dumpsters on the property or a citation will be issued.
- Larry Zangs wanted the yard cleaned up
- apparently, a zoning Inspector went out and gave them more time - until Feb 17, 2012
- she had also been out there 3-4 times last summer on the same thing

- took photos
- then, YaYa sent her a letter to go back out because they weren't compliant
- has photos dated Mar 20, 2012
- this is a residential vacant lot and there cannot be any accessory structure, whatsoever, on a vacant lot, according to zoning
- Ms. Seeley and Ms. Moermond checked out photos and plan of the property and surrounding properties
- Tom Wybierala submitted a plan showing where he wanted to put the accessory structures

Ms. Kaye:

- Tom and Todd Wybierala and others are all relatives and all of them are named in some of the trusts; some of them have gotten assets and some have not gotten assets and everyone seems to be fighting over this property on Whitall but Todd is listed on the deed (Todd and his daughter are the ones who inherited it and it's stated in the will that they can inhabit it)
- Todd has been cleaning for weeks and the 5 vacant lots that surround the building are completely clean
- she took photos this morning on her phone
- all vehicles are now gone
- showed where the current sheds are located

Ms. Seeley:

- trash and excessive litter needs to be cleaned up along the fence and along the street
- pointed out on the drawing where sheds could not be
- structures cannot be on a vacant lot unless you get a variance from BZA
- only 3 sheds are allowed on one lot and must be moved to the parcel with the building, perhaps in the rear yard
- the house is very close to the property line
- an accessory structure is not permitted on a vacant lot without a principal structure

Ms. Moermond:

- under zoning code, the shed cannot be right next to the house because it is actually located on the adjoining parcel
- the accessory structures need to be moved to the rear of the building by May 5, 2012; he can move them back if he gets a variance from BZA
- the dog kennel cannot be filled with materials; nothing can be propped up against the buildings
- will recommend denying the appeal and granting an extension to May 5, 2012 to get rid of the sheds / move them

Referred to the City Council due back on 5/2/2012

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Window Variances: Hearing Required

4	RLH FOW 12-113	Appeal of Loren Suekut to a Fire Certificate of Occupancy Correction Notice at 1231 FARRINGTON STREET.
	<u>Sponsors:</u>	Brendmoen

Deny the appeal and grant an extension to October 1, 2012 to bring the window into compliance unless property owner can demonstrate that the window can open to at least 18 inches high.

RE: 1231 Farrington St (single family)

Laren Suekut, owner, appeared.

Mr. Suekut:

- he is appealing asking for 6 months to complete the window (16h x 23w) replacement*
- since he's found out the cost of installing those 2 windows into the stucco home, he needs more time*
- first time landlords and they have had some pretty bad renters; did not screen well enough, perhaps*
- they had lived there for 25 years; moved out because he had become handicapped*
- appealing because it will be a hardship to change the windows*

Ms. Moermond:

- she was going to recommend that the Appellant have until Oct 1, 2012 to replace the double hung window*
- this looks as though it would be a good candidate for a casement window, which wouldn't cut into the stucco*
- if he can open the window to 18 inches in height, she would recommend a variance on it*
- Appellant can rent out the house*
- will recommend granting an extension to Oct 1, 2012 to either replace the window with a new style or window or repair this window so it will open to at least 18 inches (wants to keep him from needing to cut into the stucco)*

Referred to the City Council due back on 5/2/2012

5 [RLH FOW
12-125](#)

Appeal of Charles Belcher to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 733 JENKS AVENUE.

Sponsors: Bostrom

Grant a 7-inch variance on the openable height of the egress window in the 2nd floor north bedroom; deny the appeal for the 2nd floor west, east and south bedrooms and grant an extension to June 1, 2012 for tenants to vacate the property unless property owner can provide plans to the satisfaction of the legislative hearing officer. Laid over to May 8, 2012 to address the plans.

RE: 733 Jenks Ave (single family)

Charles Belcher, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Re-Inspection conducted Mar 13, 2012 by Inspector Mike Cassidy*
- windows were called out in the 2nd floor north bedroom 17h x 33w opening of double hung (Ms. Moermond granted a variance)*
- windows were also called out on the 2nd floor: west, east and south bedrooms - all are double hung 11h x 21w*
- inspector notes: glazed area height only 27 1/2h x 18w (3.44 sq ft); minimum code requirement on glazed area is 5 sq ft*
- other issue: sill height on all 3 of those windows is 58 inches (code allows for a*

maximum of 48 inches)

- no photos
- could possibly enlarge height opening below the window and put in correct size egress window

Mr. Belcher:

- he wasn't aware that there was an issue with the height of the window sills
- there is a door upstairs, as well; it's in a bathroom (Ms. Shaff: code says you can't exit out of a bathroom)
- house is in foreclosure; no sheriff's sale yet
- there will be an issue with the roof to make the opening larger
- each room has multiple windows in a row (4 in a row); he can visualize taking pieces of in-between wood out to create 2 windows
- is asking for a variance on the sill height

Ms. Moermond:

- will recommend the Council not grant a variance on the 2nd floor west, east and south bedroom windows: 1) the opening height is not sufficient; 2) the total glazed opening is too small; and 3) the sill height is too high
- a casement window with egress hardware may come closer to the required height
- those spaces will need to be opened up farther to put in egress windows
- 2 standard sized steps would be required for sills at that height
- she wouldn't recommend a variance on the windows without knowing more about Appellant's proposal to take out wood pieces; she will need to see a plan
- bring back a proposal with a plan in 2 weeks
- if this cannot be remedied, she would recommend that the space be vacated for sleeping purposes by Jun 1, 2012
- she would like to see photos and diagrams of Appellant's proposal by LH May 8, 2012
- scheduled for City Council Public Hearing May 16, 2012

Laid Over to the Legislative Hearings due back on 5/8/2012

Correction Orders

Fire Certificates of Occupancy

- 6 [RLH FCO](#)
[12-201](#) Appeal of Jean Youness to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 85 VICTORIA STREET NORTH.

Sponsors: Carter III

Laid over to April 24, 2012 get HPC input.

RE: 85 Victoria St N (duplex)

Jean Youness, owner, appeared.

Fire Supervisor Leanna Shaff:

- Re-inspection of a Fire Certificate of Occupancy inspection conducted Mar 8, 2012 by Inspector Rick Gavin
- item #1 is being appealed: current guardrail is 24 1/2 inches high; code requires guardrails to be a minimum of 36 inches high
- photo attached
- suggested that when Ms. Youness seeks advice from an architect or the Heritage

Preservation Commission (HPC), she ask them about moving furniture up those stairs

Ms. Youness:

- appealing because it is one of the few things remaining that's original to the property with some historical value, adding aesthetics; also, it's very sturdy - is built very well, is in great condition and is very intricate;*
- these stairs go up to the 2nd unit; there's also a back staircase*
- 1930ish house and an original duplex*
- asking for a variance to keep the staircase as is*
- it will be more difficult to move furniture up those stairs when the guardrail is code height*

Ms. Moermond:

- if this staircase were to be razed, Appellant would want an architect to take a look at it*
- the current guardrail is a foot too short and the current code is also the code applied at the time of construction*
- will ask the HPC staff to take a look at this before she makes a decision on this*
- will lay this over to Apr 24, 2012*

Laid Over to the Legislative Hearings due back on 4/24/2012

**7 RLH FCO
12-223**

Appeal of Gary Southward to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 959 REANEY AVENUE.

Sponsors: Lantry

No show; deny the appeal.

Referred to the City Council due back on 5/2/2012

**8 [RLH FCO](#)
[12-202](#)**

Appeal of Laura Goodman, St. Catherine University, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2004 RANDOLPH AVENUE (O'SHAUGHNESSY THEATER).

Sponsors: Tolbert

Laid over to May 8, 2012 LH at 1:30 pm.

RE: 2004 Randolph Ave (O'Shaughnessy Theater, College/University)

Laura Goodman, Director of Public Safety and Jim Manship, Director of Facilities, St. Catherine University, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Re-Inspection*
- photos in file*
- appealing item #3 - remove all storage from tunnel system*
- alarms and notification systems are not protection systems - they alert*
- Fire Protection Engineer, Angie Wiese, would like to comment*

Fire Inspector Kris Skow-Fiske:

- the tunnel has been the place for storing period time pieces for production (props) for 40 years for the student theater department*
- there is no sprinkler system in the tunnel system; they have a partial sprinkler system in the basement (under the stage)*

- used the photos to show sprinkler coverage
- the code does allow storage there only if there is a sprinkler system-
- the building does have a fire alarm system; however, there are only heat detectors in the lower level tunnel systems
- if there is a fire in the tunnel system with or without fuel fired equipment, smoke would accumulate quickly (real safety hazard for fire fighters); the way in is also the way out
- the floor plan shows the fire protection in the building
- they have the fire door but a mechanical tunnel is not supposed to be used for storage
- the building is an assembly space: if there is storage in a tunnel system which houses all of the mechanical items, and there is a fire, there will be smoke throughout the building because there are no damper systems put into place, which poses a big threat to fire fighters; the smoke decreases visibility and may create carbon monoxide; typically, there should be no combustible storage with mechanical equipment

Ms. Goodman:

- guided Ms. Moermond through the floor plan of fire protection
- it's a concrete building with fire doors at both ends
- there are horns in the tunnel part of the building which would sound even if there would be a small fire anywhere else in the building
- there are smoke detectors in the upper floors, along with fire exits
- just has LLS do the fire upgrade on this building; they have slowly been upgrading all of their buildings
- it would be very expensive to move all of these items somewhere else
- if these items would be in another location, the students would need to move them back and forth
- at this time, there isn't another place to put these props
- they feel that since the props have been there for 40 years, it's reasonable to keep them there - there's a clear walking space and it has other fire protection devices (concrete, fire doors, horns, alarms, heat sensors) - they would go off before the sprinkler system would go off (behind the stage is all sprinkled)
- this is not an unprotected building
- they would need about 3 layers of sprinkler system in order to do what they are being asked, which would become cost prohibitive
- if they need to do the sprinkling, it's not something they can just decide to do; because it's such a huge expense, it needs to be incorporated into a master space plan

Mr. Manship:

- the architecture is called brutalist modern (12-inch concrete wall and concrete floor decks)
- there is a lot of duct work in this section
- they did consider sprinkling so that the storage could remain but there is so much in the ceilings that it would be very expensive for them - over \$100,000
- they considered moving storage somewhere else on campus or trailers - all are unacceptable answers for them
- duct work is scattered throughout that space
- considered installing dampers; would cost nearly \$2,000-\$2,400 per damper; have a least 6 dampers that need to be in the basement ducts alone (the dampers alone wouldn't be the total solution); dampers in coordination with the sprinkler system would be ideal
- at this point, sprinkling the area is not on the table
- over the past several years, they put sprinkler systems in the residents' halls throughout campus - focusing on living spaces

Ms. Moermond:

- some optional solutions: 1) clearing out the props; 2) sprinkling it; 3) damper system; 4) walls to sequester the mechanicals
- paused for copies of the plans to be made

Ms. Wiese:

- she went to view the property (tunnel situation)
- the tunnel would be a bear to sprinkler; it has ductwork running all through it
- the sprinkler code requires that you would have to protect above and below all the duct work
- putting in walls would be quite difficult because of all the duct work in the area
- plus, they are using the entire space for storage
- fire needs 3 things: 1) ignition source; 2) fuel source; 3) oxygen; this area has plenty of oxygen and fuel source; it just needs the spark
- also, there is no way to dissipate the heat - no way to ventilate it for their purposes
- in this tunnel, there would be toxic smoke throughout the building quite quickly
- the heat detection would go off at the same time as a fire sprinkler

Ms. Moermond:

- checked on the history of fire inspections here (Ms. Wiese noted there was an inspection in 2008 with no comments; another inspection in 2005 with no comments; there was a referral in 2003 about maintaining the fire alarm system - doesn't specify the problem; Mr. Manship said that after the 2003 referral, they modernized that fire alarm system)
- the City Council may look at this differently than what she is; she sees this as a space that needs to be vacated of the props
- she will provide time to sort this out
- she will recommend an extension to Sep 1, 2012 to come up with some solutions (could be sprinkling it; walling off the mechanicals area; or moving the props); maybe Appellant needs more time; a lot of coordination needs to be done; she would like some feedback on time
- she is bothered that this hasn't come up in the past; it should have; the Fire Code hasn't changed in this regard

Ms. Goodman:

- it seems innately unfair to not have said anything for 40 years and then expect them to take on a major expense, which will create other risks for them (moving stuff around on an almost daily basis)
- it seems that there's responsibility that lies both ways in that they have had inspections every 2 years and this hasn't been brought to their attention until now
- the city ought to be looking at a considerable length of time for them to be able to deal with a very costly expense
- they will need to talk to their finance person; currently, there isn't \$200,000 in the budget to do this
- they went through costing this out when they first got it; they got to a point where it became unreasonable to even consider it in this amount of time
- it is not reasonable to have inspections for 40 years and now be told that something that we've been doing for 40 years needs to change in 6 months - not having a plan or budget for it; certainly, the city knows that you need to budget and plan for things; it's just not a 6-month fix
- suggested that another legislative hearing be held to give them time to make some connections

Ms. Moermond:

- there is also the safety component that isn't hinged on the social concerns of budget

and planning, etc.

- just looking at the physical space - it needs to be addressed

- the city can try to accommodate the university's concerns

- she and the Council want to see what the university thinks is reasonable

- it's an assembly space; there's not a lot of maneuvering on this

- will lay this over for 4 weeks to legislative hearing May 8, 2012 at 1:30 pm to talk about some specific plans

Laid Over to the Legislative Hearings due back on 5/8/2012

Other

- 9 [RLH OA](#)
 [12-32](#) Appeal of Jarred Johnson to a Code Compliance Report at 685 ORANGE AVENUE EAST.

Sponsors: Bostrom

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 4/17/2012

2:30 p.m. Hearings

Vacant Building Registrations

- 10 **RLH VBR**
 12-17 Appeal of Earl F. Miller to a Vacant Building Registration Notice at 1116 PACIFIC STREET.

Sponsors: Lantry

No show; deny the appeal. (2x rescheduled - no further continuance)

Referred to the City Council due back on 5/2/2012

- 11 **RLH VBR**
 12-21 Appeal of John Thorson to a Vacant Building Registration Fee at 555 SELBY AVENUE.

Sponsors: Carter III

Grant the appeal.

Referred to the City Council due back on 5/2/2012

- 12 [RLH VBR](#)
 [12-22](#) Appeal of DeLisle Company, on behalf of Del Co Limited Partnership, to a Vacant Building Registration Notice at 1075 AVON STREET NORTH.

Sponsors: Brendmoen

STAFF REPORT: Inspector to check whether there are exterior code violations.

RE: 1075 Avon St N (single family)

Attorney Chad Lemmons and Contractor Jeff Sullivan appeared.

Ms. Moermond:

- Vacant Building Registration
- City Council Public Hearing May 2, 2012

Matt Dornfeld, Vacant Buildings:

- Inspector Mike Kalas opened a Category 2 VB file Mar 22, 2012
- per a Certificate of Occupancy Revocation by Fire Inspector Lisa Martin Mar 21, 2012
- 17 violations were documented
- before all of this, Code Inspector Craig Meshuga issued a Summary Abatement Order Mar 15, 2012 for garbage on ground and in trailer; also over flowing hauler containers; a Work Order was issued to clean-up Mar 22, 2012

Fire Supervisor Leanna Shaff:

- received a complaint of a broken window Feb 15, 2012
- Inspector Martin went out and issued Orders; wasn't able to get in
- Mar 7, 2012 - no access again; appears occupied and smells like dog feces; garbage blocking rear door; broken window screens; siding; storm door broken; garage unsecured
- had a discussion with Xcel
- were supposed to be new tenants Mar 1, 2012 but that didn't happen
- Mar 7, 2012 - transferred file to C of O Program
- Mar 20, 2012 - went back for re-inspection and found nothing done
- photos taken Mar 20, 2012 attached to file
- being in a state of disrepair and unoccupied, she sent it to VB Program

Mr. Lemmons:

- not appealing Correction Order- that work's been done
- appealing the VB status
- background: there was a garbage notice issued in Feb; on Feb 12, Gene was sent out to remove all exterior debris (photo); because the property was still occupied by tenants, they couldn't enter the property, legally; tenants brought out garbage and threw it into their trailer; the garage was also cleaned except for personal items of the tenants
- Feb 22, DeLisle gave tenants notice to leave the premises by Mar 31, 2012; they left Mar 6, 2012
- about the same time, the Correction Notice came out dated Mar 8, 2012
- the Correction Notice they have has only 11 correction items (Ms. Moermond has the Mar 8th and 20th Correction Notices showing 11 items, also); those items were actually all taken care of except for the garbage; furnace test was done Mar 19, 2012
- he gave a copy to Ms. Shaff; he also gave a copy of the Smoke detector affidavit to Ms. Shaff
- when the tenants moved out, they left all the garbage in the garage again (all removed on Mar 28, 2012) but it was a mixture of personal property and garbage; has photos of cleaned-out garage
- intentions are to put the house on the market to sell
- the building doesn't really qualify as a VB because the house itself was secured; and it was unoccupied only because the tenants had moved out before their move-out date so, it doesn't really qualify as a VB under the Ordinance (their point)
- items noted in the Re-inspection Notice have all been taken care of; one shouldn't really be painting in this weather but the garage has been painted and all the window screens have been replaced - there's no broken glass; they painted the exterior of the foundation, as well; the yard's been thoroughly cleaned-up; all the debris from the interior has also been removed; the house smelled musty yesterday - it needs airing

Mr. Sullivan:

- clarified that the garage was unsecured but that was because someone crow-barred the pad lock and hasp (since replaced)

Ms. Moermond:

- clarified - no one showed on Mar 20, 2012; the documents were signed the day before

- this wasn't a proposed VB until Mar 22, 2012

- at the time that this determination was made, it looks as though there were some exterior code violations that were noted; she is satisfied if the inspector confirms that those have been addressed that they have been

- the code is quite clear: condemned properties are multiple code violations; by virtue of not having been inside the property, they haven't identified the interior code violations (they should have been admitted to the property - the appointment was scheduled - the work had been done); Mr. Lemmons thinks that it was just an accident that no one showed up for the re-inspection Mar 20; he will remind Mr. DeLisle that he has to show up

- she is not seeing multiple code violations if the exterior has been addressed (she was unable to find what Mr. Kalas observed when he inspected the exterior)

- VB inspector needs to double check to see whether the exterior code violations have been addressed to their satisfaction and notify Ms. Moermond of their findings (does it meet the definition of a registered vacant building because of multiple code violations)

Laid Over to the Legislative Hearings due back on 4/17/2012

**13 RLH VBR
12-23**

Appeal of Michael Davis to a Vacant Building Registration Notice at 1229 RICE STREET.

Sponsors: Brendmoen

Grant extension for three months to get c of o reinstated and will waive the VB fee for 90 days. If not reinstated, property owner will be in the VB program and the fees will be assessed.

Referred to the City Council due back on 5/2/2012

Staff Reports

Window Variances: No Hearing Necessary

**14 RLH FOW
12-117**

Appeal of Gajpov N. Yang to an Egress Window Non-Compliance Determination at 1233 BRADLEY STREET.

Sponsors: Brendmoen

No hearing necessary; grant a 2-inch variance on the openable height of the egress window in the 2nd floor, northwest bedroom.

Referred to the City Council due back on 5/2/2012

**15 RLH WP
12-30**

Appeal of Jeffrey Weinzetl to an Egress Window Non-Compliance Determination at 1717 BURNS AVENUE.

Sponsors: Lantry

No hearing necessary; grant a 1 square foot glazed area for the one casement

replacement egress bedroom window.

Referred to the City Council due back on 5/2/2012

**16 RLH FOW
12-121**

Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Inspection Correction Notice at 793 IGLEHART AVENUE.

Sponsors: Carter III

No hearing necessary; grant a 1.5-inch variance on the openable height of the egress windows in the northeast, northwest and south bedrooms.

Referred to the City Council due back on 5/2/2012

**17 RLH FOW
12-122**

Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Inspection Correction Notice at 1172 SUPORNICK LANE.

Sponsors: Bostrom

No hearing necessary; grant a 6-inch variance on the openable height of the egress window in Unit 1172A.

Referred to the City Council due back on 5/2/2012

**18 RLH WP
12-29**

Appeal of Pollock Construction LLC, on behalf of Susan Stewart Davis, to an Egress Window Non-Compliance Determination at 280 MAPLE STREET.

Sponsors: Lantry

Grant a variance on the glazed area and egress opening height in all three double hung replacement windows. (See attachment)

Referred to the City Council due back on 5/2/2012

**19 RLH FOW
12-118**

Appeal of Randy McLevish to an Egress Window Non-Compliance Determination at 534 MARSHALL AVENUE.

Sponsors: Carter III

No hearing necessary; grant a 2-inch variance on the openable height of the egress window in Unit 1 bedroom; grant a 2.5-inch variance on the openable height of the egress window in Unit 3 bedroom; and grant a 1-inch variance on the openable height of the egress window in Unit 4 bedroom.

Referred to the City Council due back on 5/2/2012

**20 RLH FOW
12-126**

Appeal of George Stone to a Fire Certificate of Occupancy Inspection Correction Notice at 1079 MARYLAND AVENUE EAST.

Sponsors: Bostrom

No hearing necessary; grant a 3-inch variance on the openable height of the egress window in the first floor west bedroom and grant a 4-inch variance on the openable height of the egress window in the 2nd floor west bedroom.

Referred to the City Council due back on 5/2/2012

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- 21 **RLH WP**
 12-31 Appeal of Minnesota Rusco, on behalf of Joko Sutrisno and Tri Martodikromo, to three Egress Window Non-Compliance Determinations at 883 PARKVIEW AVENUE.
- Sponsors: Brendmoen
- No hearing necessary; grant a 7-inch variance on the openable height of two double replacement egress windows measuring 17 inches high by 24 inches wide; grant a 4-inch variance on the openable height of one double hung replacement egress window measuring 20 inches high by 24 inches wide; and grant a 4-inch variance on the openable height and 1-inch variance on the openable width of one double hung replacement egress window measuring 20 inches high by 19 1/4 inches wide.*
- Referred to the City Council due back on 5/2/2012**
- 22 **RLH FOW**
 12-120 Appeal of Lori Kustritz, oh behalf of EMK Holding Company, to a Correction Notice - Complaint Inspection at 1191 RICE STREET.
- Sponsors: Brendmoen
- No hearing necessary; grant a 7-inch variance on the openable height of the egress windows in the upper floor of both bedrooms.*
- Referred to the City Council due back on 5/2/2012**
- 23 **RLH FOW**
 12-114 Appeal of Equitron Holdings LLC to an Egress Window Non-Compliance Determination at 1186 SAINT PAUL AVENUE.
- Sponsors: Tolbert
- No hearing necessary; grant a 3.5-inch variance on the egress window in the first floor east bedroom.*
- Referred to the City Council due back on 5/2/2012**
- 24 **RLH FOW**
 12-119 Appeal of Jennifer Vitry to an Egress Window Non-Compliance Determination at 1572 SEVENTH STREET EAST.
- Sponsors: Lantry
- No hearing necessary; grant a 4-inch variance on the openable height of the egress window in the attic bedroom.*
- Referred to the City Council due back on 5/2/2012**
- 25 **RLH FOW**
 12-123 Appeal of Wendy Smith to a Fire Certificate of Occupancy Inspection Correction Notice at 599 SHERWOOD AVENUE.
- Sponsors: Bostrom
- No hearing necessary; grant a 2-inch variance on the openable height of the egress windows in the first floor north and south bedrooms.*
- Referred to the City Council due back on 5/2/2012**