



# APPLICATION FOR APPEAL

RECEIVED  
OCT 24 2011  
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
- Walk-In OR  Mail-In

<b>YOUR HEARING Date and Time:</b>
Tuesday, <u>11-1-11</u>
Time <u>1:30</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

## Address Being Appealed:

Number & Street: 342 SNELLING AVE So City: ST. PAUL State: MN Zip: 55105

Appellant/Applicant: AAA NORTH PROPERTIES, LLC Email SEAN@EXECUTIVERE.COM  
C/O SEAN MAYNARD

Phone Numbers: Business 612-978-1032 Residence \_\_\_\_\_ Cell 612-978-1032

Signature: Sean Maynard Date: 10-24-11

Name of Owner (if other than Appellant): \_\_\_\_\_

Address (if not Appellant's): \_\_\_\_\_

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

## 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
- EGRESS WINDOW OPENABLE HEIGHT
- BEDROOM CEILING HEIGHT



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)

October 20, 2011

AAA NORTH PROPERTIES LLC  
C/O SEAN MAYNARD  
PO BOX 120358  
NEW BRIGHTON MN 55112

### FIRE INSPECTION CORRECTION NOTICE

RE: 342 SNELLING AVE S  
Residential Class: C

Dear Property Representative:

Your building was inspected on October 19, 2011 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 December 2, 2011 at 10:00 a.m..

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 bedrooms - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area.-East Bedroom  
Ceiling height is 6 ft 10.5 inches and room is 220 sq ft.  
West Bedroom  
Ceiling height is 6 ft 10.5 inches and room is 144 sq ft.

2. Double hung windows - 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 Occupancies handout for more information.
  - First floor west
  - 21.5 h x 24 w Glazed 7.3 sq ft
  - Second floor south
  - 23 h x 24 w Glazed 7.3 sq ft
  - Second floor north
  - 23 h x 24 w Glazed 7.3 sq ft
  
3. SPLC 34.13 (2), (3), SPLC 34.17 (2) - Reduce and maintain the number of occupants in the unit to: No more than four unrelated adults.

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: (651-266-8688) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: [rick.gavin@ci.stpaul.mn.us](mailto:rick.gavin@ci.stpaul.mn.us) or call me at 651-266-8994 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,

Rick Gavin  
Fire Inspector

Attention: Legislative Hearing Officer

Date: 10/24/2011

Re: Appeal of Inspection items for the property located at 342 Snelling Ave So

This appeal is regarding 2 items identified by Inspector Rick Gavin during his inspection of the property located at 342 Snelling Ave South that took place on October 19 2011. The minimum openable height of 3 egress windows as well as the ceiling height of 2 basement bedrooms is being appealed.

The windows in question are installed in rooms that were clearly designed to be bedrooms with closets, heat and above normal room square footage. They are not rooms that were added on after the fact or modified to be used as bedrooms. They are the original bedrooms that the house was built with and are in good shape with the original hardwood floors and original trim and moldings.

The first window in question is located in the bedroom referred to in the inspection report as "First Floor West." This room has 3 double hung windows in good functioning condition. The windows are the standard egress vinyl windows that open vertically. These windows **GREATLY EXCEED THE OPENABLE WIDTH OF 20 INCHES as they are 24 INCHES WIDE** but were 2.5 inches short on the openable height, measuring 21.5 inches where the new code requires 24 inches openable. So in this case, we greatly exceed the minimum WIDTH and minimum GLAZED AREA *but are slightly short on the openable height due to a plastic lip at the bottom of the vinyl window that is used to provide a weather-tight seal on the base of the window when it is closed.* We ask that the city realize that this is how the windows were designed and constructed for efficiency and a tighter energy-saving seal. This window obviously met previous existing code requirements up until the new egress code was implemented as this property has been a rental property for many years and has been inspected numerous times prior to this inspection. We have 3 windows in this room that have 2.3 square feet of glazed area MORE than the code requires and are 4 inches WIDER than the code requires so we are only asking for an appeal on the opening height that we are slightly short on. The windows would be very easy to escape through due to how big and wide they are.

The next 2 windows in question are located in the second floor bedrooms referred to as "Second Floor South and Second Floor North" in the inspection report. Both of these bedrooms have the same window dimensions so I will summarize both rooms at the same time. Again, these windows are vinyl, double hung, high-efficiency windows that open vertically. Both of these rooms are originally constructed bedrooms in the house and include large closets and above normal square footage. They have the original floor dimensions with the original trim and moldings and have not been modified since their original construction. These windows also **GREATLY EXCEED** the **minimum square feet of glazed area** of the code (by 2.3 square feet!) and **EXCEED** the **minimum openable width by 4 inches!** However, they fail to meet the required minimum openable height of the code by an *inch*. The code requires a minimum openable height of 24 inches and these windows are at 23 inches. So again we are appealing the openable height even though we exceed 2 other dimensions of the code. We ask the city to recognize that this window would easily allow for an exit if an emergency situation arose as it greatly exceeds the minimum code requirements in 2 of the 3 areas of the egress window code. This again was the original design of the window and the limiting factor is the bottom plastic lip of the window used to provide a weather-tight seal for the high-efficiency window design.

The second item we are appealing from the inspection is the ceiling height in the basement bedrooms. Both of these bedrooms are very large rooms with over-sized egress windows. One of the rooms has over 220 square feet and the other room has over 144 square feet of habitable space *without* including the large walk-in closets! Both of the bedrooms are very nicely finished with tiled floors, knock-down textured ceilings, fresh paint, and custom decorative crown molding. The problem is that after updating these rooms with the tile and knock-down textured ceilings we shrunk our ceiling height by about an inch throughout the room. The code requires that at least half the floor area of the room has a ceiling height of 7 feet and unfortunately our updates reduced our ceiling height to 6 Feet 10.5 inches to 6 Feet 11 inches throughout but NO area has a height less than 6 Feet 10.5 inches to 6 Feet 11 inches. We are only asking for an appeal on that small amount of ceiling height, about an inch to an inch and a half that we are now short on. By trying to make the bedrooms so nice we inadvertently changed our ceiling height. The safety of the rooms have not been comprised at all and the over-sized egress windows and door exits are still just as accessible as they have always been.

One other reminder concerning this property would be that it has been a rental property for many years prior to this recent inspection and the items in question have not previously been an issue before this inspection. We look forward to working with the city on this issue and we strive to provide a safe and quality environment for our tenants to call home.