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APPLICATION FOR APPEAL

Saint Paul City Clerk
310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8560

RECEIVED
FEB 17 2012

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

YOUR HEARING Date and Time:
Tuesday, <u>2-28-12</u>
Time <u>1:30</u>
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 2040 Ashland Ave. City: St Paul State: MN Zip: 55104

Appellant/Applicant: Pete Lehner Email 2040 Ashland Ave LLC@gmail.com

Phone Numbers: Business _____ Residence _____ Cell 612.963.4844

Signature: Pete Lehner Date: 2/16/12

Name of Owner (if other than Appellant): 2040 Ashland Ave. LLC

Address (if not Appellant's): 3450 Cty Rd 101 S., Minnetonka MN 55345

Phone Numbers: Business 952-931-3131 Residence 952-931-3131 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 see attachment
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

APPLICATION FOR APPEAL

RE: 2040 ASHLAND AVE, ST PAUL, MN

REFERENCE NUMBER 101305

REASON FOR APPEAL:

The owner is appealing the correction notice dated 2/09/2012, Item 1, which mentions two windows. Please refer to the attached exhibits (A & B) showing pictures of these windows. *Also attached is a copy of the 11/2/10 appeal.*

Rear Bedroom Window Opening: See Exhibit B. The rear window was appealed in June 2008 and again November 2010. Both times the Legislative Hearing Officer, Marcia Moermond, granted the appeals. Since the current fire inspector is not aware of these appeals, I ask that the Legislative Hearing Officer grant the appeal based on previous rulings. Please refer to the two previous appeals. Following the most recent 11/02/2010 appeal, I met the fire inspector on site to look at these windows again. He signed off on the windows and considered the item resolved. No further meeting with a hearing officer was needed following the mid Nov 2010 on site meeting with the inspector. Please update the records on this property to reflect that appeals on the rear bedroom windows have been granted.

Front Room Window Opening: See Exhibit A. I am appealing this deficiency on the basis that the current glazing square footage (10.14 SF) far exceeds the minimum requirement of 5 square feet. There are three (3) of these windows, of equal size, that could each be used as egress. The windows have a width of 39" which far exceeds the 20" minimum width. The owner feels that the openable height combined with the very large width of these windows provide reasonable means of egress especially given the fact that this room is at ground level. The owner feels it is unreasonable to require the replacement of these windows when the cost to install a window that matches architectural style and feel of the house could far exceed \$1,600 per window.

Thank you for considering this appeal.

Appellant: Pete Lehner



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

February 9, 2012

JONATHAN J LINDSAY
3450 S COUNTY ROAD 101
MINNETONKA MN 55345-1016

FIRE INSPECTION CORRECTION NOTICE

RE: 2040 ASHLAND AVE
Ref. #101305
Residential Class: C

Dear Property Representative:

Your building was inspected on February 8, 2012 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 March 12, 2012 at 1:00 pm.**

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. 1st Floor - 2 Bedrooms - 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.
Front Bedroom: Existing double-hung window does not meet openable height. Window has an openable area of 19 inches high by 39 inches wide and a glazed area of 10.14 square feet.

Rear Bedroom: Existing casement window does not meet openable width requirement or glazed area. Window has an openable area of 38 inches high by 15 inches wide and a glazed area of 4.75 square feet.

A different casement window is present from the same bedroom which also doesn't meet egress, the 2nd window is a casement with opening of 60 inches high by 13.5 inches wide and a glazed area of 6.7 square feet.

2. 1st Floor - Bathroom - SPC 4715.2110 - Provide an approved backflow prevention device on all potable water faucets and valves with threaded hose connections.-Provide approved connection for handheld shower run off from tub faucet.
3. 2nd Floor - Bedroom - MSFC 102.1.1 - Existing construction and design features that exceed the requirements for existing structures or facilities but are less than the requirements for new structures or facilities shall not be further diminished. - Repair or replace all missing hard-wired smoke detectors and all battery operated smoke detectors in bedrooms. These detectors must be maintained operational where previously installed.
4. 2nd Floor - Bedroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Patch hole in wall near closet.
5. 2nd Floor - Stairway - SPLC 34.10 (3), 34.33(2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.
6. Basement - Water Meter - MSFC 605.1 -Provide a grounding jumper around the water meter.
7. Exterior - Rear - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.-Detiorated wood and loose boards on rear deck stairway.
8. Exterior - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Scrape and paint where chipped or peeling.
9. Exterior - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screen.- Repair where damaged, replace where missing.
10. Throughout - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair non-working electrical outlets in multiple locations.
11. Throughout - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work will require a permit(s). Call DSI at (651) 266-8989.-Properly run exposed romex wiring under kitchen sink on 1st floor. Repair improper wiring throughout the basement as necessary. Multiple areas noted where romex is run below joists, wiring is not strapped properly, and wiring is not secured or protected at entrance to junction boxes. This work will require an electrical permit.

12. MSFC 1008.1- Remove unapproved locks from the exit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.-Remove hasp lock from outside of front bedroom door.
Remove 60 inch high chain lock from 1st floor rear bedroom door.
Remove deadbolts from bedroom doors throughout.
13. SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use.
Discontinue:-Property was set up with five bedrooms and had two beds plus a futon in one of the 2nd floor bedrooms. Building is approved as one dwelling unit and may be occupied by no more than four unrelated occupants.
14. 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.
15. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.
16. Provide the inspector with a completed and signed Residential Occupancy Affidavit.-
Property was set up with five bedrooms and had two beds plus a futon in one of the 2nd floor bedrooms. Building is approved as one dwelling unit and may be occupied by no more than four unrelated occupants.

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: mitchell.imbertson@ci.stpaul.mn.us or call me at 651-266-8986 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,

Mitchell Imbertson
Fire Inspection

Reference Number 101305



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final-revised

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, November 2, 2010

9:00 AM

Room 330 City Hall & Court House

ALH 10-284

Appeal of Pete Lehner to a Fire Certificate of Occupancy Correction Order at 2040 Ashland Avenue.

Sponsors: Stark

~~Grant up to a 4-inch variance on the openable width of the egress window in the southeast room on the main floor. The property owner will repair the windows so they can be opened fully and will make sure the tenants are able to open the windows. The window dimensions will be remeasured at the reinspection.~~

Appellant Pete Lehner (3450 County Road 101 South, Minnetonka, MN 55345) appeared.

Inspector Urmann gave a staff report. He said the property had been inspected due to a referral for over-occupied student housing, and the inspector had found over-occupancy and egress window issues. One egress window could not be opened by the occupant and the other opened to 39 inches high by 13 inches wide. Mr. Urmann said a variance had been granted previously for an egress window with openable dimensions of 40 inches high by 19 inches wide.

Mr. Lehner said he wasn't aware that the egress window was un-openable by the occupant; he said he would address that. He said the appeal was based on the variance granted in 2008.

Ms. Moermond asked whether the unopenable window was larger. Mr. Urmann said it was. He said there were two sets of windows in the room but only one was accessible at the time of the inspection. He said there were two windows in the 2008 appeal.

Ms. Moermond said it sounded like once the window was openable it would be covered by the existing variance. She asked that Mr. Lehner repair the window and/or instruct the tenants in opening the windows. She said she'd be comfortable going as low as 16 inches in width given the compensating height, and she asked that the window measurements be verified at the reinspection.

Referred Under Master Resolution