



# APPLICATION FOR APPEAL

RECEIVED  
OCT 25 2010  
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

**YOUR HEARING Date and Time:**

Tuesday, Nov. 2

Time 1:30

**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: pete@LindsayGroup.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 612-963-4844

Signature: Pete Lehner Date: 10/19/10

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 612.963.4844 Residence \_\_\_\_\_ Cell 612.963.4844

## 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
- Other
- Other

\_\_\_\_\_  
See attachments  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FILE COPY

DEPARTMENT SAFETY AND INSPECTIONS  
Fire Inspection Division  
Robert Kessler, Director



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-8989  
Saint Paul, MN 55101-1806 Fax: 651-266-8951

October 14, 2010

RECEIVED OCT 19 2010

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

### CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 2040 ASHLAND AVE  
Ref. # 101305

Dear Property Representative:

An inspection was made of your building on October 14, 2010 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately. A reinspection will be made on or after October 29, 2010.

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

#### DEFICIENCY LIST

1. Southeast room - 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.-The southeast room on the main floor must not be used as a bed room with out an approved egress window. the current window opens 13 inches wide by 39 inches high.
2. Southeast room - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office.-The southeast room on the main floor must not be used as a bed room with out an approved egress window. the current window opens 13 inches wide by 39 inches high.
3. Throughout - Provide the inspector with a completed and signed Residential Occupancy Affidavit.
4. Throughout - SPLC 34.19 - Provide access to the inspector to all areas of the building for a reinspection.
5. 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.

6. SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.
7. MSFC 307.1 Immediately remove the fire pit on the property. All fires on the ground must be a minimum of 25 feet from structures or contained in a grill or outdoor fireplace. Wind speeds must be under 10 mph, constantly attended, a means of extinguishment must be provided. Only natural firewood can be burned (no construction materials, brush or waste materials), and fire shall be extinguished if the smoke is deemed a nuisance. A citation will be issued for non-compliance.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

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 the original orders.

If you have any questions, email me at: [mike.urmann@ci.stpaul.mn.us](mailto:mike.urmann@ci.stpaul.mn.us) or call me at 651-266-8990 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,

Michael Urmann  
Fire Inspector

Ref. # 101305

October 19, 2010

APPLICATION FOR APPEAL -- REF #101305

ATTACHMENT 1

Dear Legislative Hearing Officer:

The owner of the building wishes to appeal Deficiencies #1 and #2 listed on the Correction Notice dated 10/14/10 as submitted by Fire Inspector Michael Urmann.

This room was addressed and appealed two years ago on 6/17/08 during the appeal process. At that time the appeal was granted by Legislative Hearing Officer, Marcia Moermond. Please see attached document showing the transcript of the Property Code Minutes relating to this appeal.

The owner requests that this deficiency be stricken from the correction notice per the previously granted 2008 hearing.

Respectfully submitted,

2040 Ashland Ave, LLC

7. Appeal of Peter Lehner, on behalf of Jonathan Lindsay, to a Certification of Occupancy Deficiency List for property at 2040 Ashland Avenue.

Peter Lehner, on behalf of appellant, appeared.

Ms. Moermond requested a staff report. Mr. Urmann stated that from a Code Enforcement standpoint, 5.7 square feet of open area or glazed area in an existing building is what the staff is looking for. In this case, there are two sets of windows; one is 40 inches by 19 which was 5.2 square feet; the other was 62 inches by 17 inches which was big enough because it's 7.5 square feet of glazed area. The minimum openings do not meet the minimum width requirement.

Ms. Moermond asked what the shortfall on the windows were. Mr. Urmann responded that this is an egress window and what firefighters would look at is that they are able to use the window for ingress as well as a person being able to egress in the case of a fire.

Ms. Moermond asked what the dimension shortfall was. Mr. Urmann responded that it was the width on both windows. They were lower than the required width because one has 19 inches and the other was 17 inches. The minimum width requirement is 20 inches as indicated in his handout.

Ms. Moermond asked Mr. Lehner what he wanted in the appeal process.

Mr. Lehner responded that he was appealing because he believed there was only a one inch short. The windows had a lot of glazed square footage and he believed it was reasonable given the inside of the rooms each had individual carbon monoxide and on the outside of each room was a smoke detectors. If there were to be a fire, this would alert them. It would cost \$1,200.00 or more to replace the windows over one inch size.

Ms. Moermond recommended granting the variances for the windows.