



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

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CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

We need 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/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
- Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

<p>HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>September 5, 2017</u></p> <p>Time <u>1:30 p.m.</u></p> <p>Location of Hearing: Room 330 City Hall/Courthouse</p>
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Address Being Appealed:

Number & Street: 1108 Western City: St Paul State: MN Zip: 55117

Appellant/Applicant: Jose Felix Email: felixentityllc@gmail.com

Phone Numbers: Business 651-815-5200 Residence _____ Cell 651-815-5200

Signature: [Signature] Date: 8-15-17

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: 2744 Timber Ct. Grand Prairie TX 75052

Phone Numbers: Business _____ Residence _____ Cell 651-815-5200

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
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

Attached Written letter

Dear Legislative Hearing:

8-14-17

My name is Jose Felix, the owner at 1108 Western Ave N. I've been the operating owner of the Western building for the last 1.5 years since buying out my mother who was running it with my grandmother since my father passed away 3 years ago. I have been living in Dallas Texas for the last 3 years since my father's passing and my mother could not run the building on her own after my grandmother decided to retire so I bought them both out of the building and took over in November of 2015 while still living in Texas. There is a Fire Certificate of Occupancy letter with deficiencies in my building and I'm writing this letter for appeal because I have been having issues getting all the proper request on the letter completed in a timely manner without any issues. I am asking for an extension for the re-inspection until the month of November so I can have all needed repairs done as my funds are very low now with being out of over \$2,500.00 in repairs funds. I thought I was only able to file an application for appeal if I was debating whether the items on the list were correct or not and I didn't want to appeal the items on the list. On the last phone conversation with the fire inspector he informed me I can send the application for appeal for any situation not just what is on the list.

In the month of July, I paid my maintenance man who was my contractor \$1,500.00 for materials and labor cost to start on the building repairs to get all necessary things completed inside the building that was on the list from the fire inspector. In the early month of July, he had a serious heart attack and I was not able to get ahold of him regarding the repairs till too late and he used the funds while never completing the job before his heart attack. Last month before my last reinspection date I sent another \$1,000.00 to a contractor who I found online through craigslist trying to save money since I was already low on funds. I explained my extreme circumstances and needed to have my building repaired ASAP before the city fire inspection date. That individual took the money and never finished the repairs needed on the list. So, with that explained I'm in a very tough spot financially and living in Texas has hurt my business which is why I've been selling the building since April of this year as I'm losing too much money running the building from one thousand miles away. I am planning to come back to Minnesota by month's end and meet with a few new contractors to make sure they can get working on the list and give me the best price options for repairs. My only reason for not coming back into town sooner is I bought my own business here in Texas and I run it by myself and it is very hard to find someone to help me out so I could travel.

Again, I am asking for an extension for the re-inspection until the month of November if possible so I can have all needed repairs done as my funds are very low now with being out of over \$2,500.00 in repairs funds. I have had the building up for sale since April of 2017 and as of last week 8-09-17 I have signed a sale agreement and the building will be in the new owner's

hands by November of this year 2017. I have explained this situation to the new owner and have agreed to repair the list and want to get this all completed and that way the new owner can be there for the new inspection date if granted. I'm not arguing that all the items don't need to be repaired I'm just asking for a longer extension then Sept 5th, 2017 so I am able to complete all issues before then. Please call me at 651-815-5200 for any questions or if more clarity is needed on the sale, I can forward the sale agreement.

Thank You,

Jose Felix



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

August 8, 2017

JOSE AND ROSE FELIX
2744 TIMBER CT
GRAND PRAIRIE TX 75052-4443

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
1108 WESTERN AVE N – **FINAL NOTICE**

Ref. # 12886

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on August 4, 2017. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately.

A re-inspection will be made on September 5, 2017 at 10:00 AM.

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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

DEFICIENCY LIST

1. All Units - CO Alarms - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturer's instructions.-Provide carbon monoxide alarms to all units except Unit 3 * 8
2. Exterior - Building - SPLC 34.09 (1) (2), 34.33 (1) - 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.-There is a section of the brick wall that has large and running cracks.
3. Exterior - Front Entry Door - SPLC 34.33 (3) - Repair and maintain the door in good condition.-The frame and trim for the front entry door is cracked, damaged and has chipped pieces. The door does not latch.

4. Exterior - Parking Surface - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-8989.-The parking surface has sections that are in disrepair and have large cracks and deteriorated asphalt.
5. Exterior - Window - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition.-The window frame for the mechanical room has been rebuilt and the glass has a hole in the corner.
6. Exterior - Window Screens - SPLC 34.09 (4), 34.33 (3) -Provide or repair and maintain the window screen.-There are windows screens that are ripped, torn and have bent frames.
7. Exterior - Key Box - MSFC 506.2 - Install a fire department key box near the main entry at 7 feet high. Provide the correct type of key box and contact the Fire Department Communication Center at 651-266-7702 to provide the correct keys and lock the box.
8. Interior - Fire Doors - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be:
One hour. The fire doors in the building do not self-close, do not latch, and have loose door knobs.
One hour. The East fire door has cracked a kick plate.
9. Interior - Fire Extinguisher - MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.-The fire extinguishers are expired.
10. Interior - First Floor Hallway - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-The smoke alarm in the first floor hallway is of the incorrect type. Provide a battery-powered smoke alarm.
11. Interior - Front Stairway - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner.-There is a piece of a stair runner that is ripped and is a tripping hazard.
12. Interior - Laundry Room - MMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work requires a permit(s). Call DSI at (651) 266-8989.
There is one dryer machine that has the wrong type of exhaust duct connected.
The metal exhaust duct has the wrong type of tape on it.
13. Interior - Mechanical Room - MSFC 703.1, 1106.1 - Provide and maintain fire rated floor and/or ceiling construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-8989. The minimum rating must be:-One hour. There is still a large opening in the ceiling in the mechanical room over the equipment.

14. Unit 01 - Bathroom - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.-There is an unapproved light fixture that is sitting on top of the vanity light fixture. This light fixture is not properly installed. It must be properly installed under permit or remove the light fixture.
15. Unit 01 - Bathroom - SPLC 34.14 (3), MPC 4714.01 (T) - Provide and maintain a window or approved ventilation system in all bathrooms.-The bathroom fans makes a rubbing sound.
16. Unit 01 - Entry Door - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be:-20 minutes. The entry door does not self-close.
17. Unit 01 - Smoke Alarm - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-The hard-wired smoke alarm is missing. The hard-wired smoke alarm must be maintained as hard-wired.
Note: There is a temporary battery--powered smoke alarm in unit.
18. Unit 01 - Window - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition.-The left window does not open.
19. Unit 02 - Bathroom - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-There is black spots and cracks on the bathroom walls.
20. Unit 02 - Bathroom - SPLC 34.14 (3), MPC 4714.01 (T) - Provide and maintain a window or approved ventilation system in all bathrooms.-The bathroom fan makes a loud rattling sound.
21. Unit 02 - Bedroom - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.-There are items behind one of the bedroom doors.
22. Unit 02 - Door - SPLC 34.33 (3) - Repair and maintain the door in good condition.-The door knob for the bathroom door is loose.
23. Unit 02 - Living Room - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.-The outlet behind the entertainment center is missing.
24. Unit 02 - Living Room - MSFC 605.4 - Discontinue use of all multi-plug adapters.-There is a multi-plug adapter behind the entertainment center.
25. Unit 03 - Bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989.-There is broken and damaged outlet in one of the bedrooms.

26. Unit 03 - Entry Door - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be:
20 minutes. The trim for the entry door has come off.
One of the bedroom doors has a broken strike plate.
27. Unit 03 - Kitchen - SPLC 34.10 (7) - Repair and maintain the cabinets in an approved manner.-One of the kitchen drawer is missing.
28. Unit 03 - Left Bedroom - MSFC 308.1.2 - No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.-There is a used cigarette and other tobacco product sitting on the left bedroom window sill.
29. Unit 03 - Smoke Alarm - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.
The hard-wired smoke is missing and has a working battery-powered smoke alarm in its place. Provide and maintain the hard-wired smoke alarm.
In the left bedroom, the battery-powered smoke alarm is missing. Smoke alarms must be maintained inside and outside the bedrooms.
30. Unit 03 - Throughout - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.-Throughout the apartment there are light switches and outlets that are missing the covers.
31. Unit 04 - Bathroom - SPLC 34.33 (3) - Repair and maintain the door in good condition.- There are doors in this apartment that is cracked, damaged and missing strike plates.
32. Unit 04 - Bathroom & Kitchen - SPLC 34.11 (1), MSBC 2902.1, SPLC 34.35 (1), MPC 301.1 - Repair or replace and maintain all parts of the plumbing system to an operational condition.
The bathroom faucet sink is loose and unsecure.
The cover for the bath tub drain line is missing.
The kitchen faucet has loose and damaged knobs.
33. Unit 04 - Door - SPLC 34.33 (3) - Repair and maintain the door in good condition.-The patio door is hard to open and close and the door does not latch.
34. Unit 04 - Entry Door - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be:-20 minutes. The entry door does not self-close and is damaged with a large crack on the side.
35. Unit 04 - Floors - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner.-The carpeting in the apartment has dark stains and markings. The carpet also has sections that is ripped, damaged and unsecure.

36. Unit 04 - Stove - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.-The handle bar for the oven is missing.
37. Unit 05 - Bathroom - SPLC 34.10 (4), 34.34 (3) - Provide a bathroom impervious to water.-The tile shower wall is smashed in.
38. Unit 05 - Bathroom - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-There is cracked and damages to the bathroom wall.
39. Unit 05 - Smoke Alarm - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-The hard-wired smoke alarm is expired and is not functioning properly. Replace and maintain the hard-wired smoke alarm.
Note: There is a battery-powered smoke alarm in the unit.
40. Unit 06 - Bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989.-There is a broken outlet in the right bedroom.
41. Unit 06 - Bedroom Window - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition.-There is a bedroom window sill and frame that is cracked and damaged.
42. Unit 06 - Doors - SPLC 34.33 (3) - Repair and maintain the door in good condition.- There are doors in this apartment that are unable to close, have loose and missing strike plates, cracked and damaged frames, loose door knobs and hardware and other damages.
43. Unit 06 - Entry Door - MSFC 1008.1.9.2 Hardware Height. Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the finished floor. Lock used only for security purposes and not used for normal operation are permitted at any height.-The latch on the entry door is too high.
44. Unit 06 - Floors - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner.-There are spots on the carpet and linoleum that is ripped and damaged.
45. Unit 06 - Light Fixtures - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.-There are light fixtures in the apartment that is missing the cover, including over the kitchen sink.
46. Unit 06 - Wall - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-There is a hole on the wall behind one of the bedroom doors.
47. Unit 07 - SPLC 34.19 - Provide access to the inspector to all areas of the building.- Provide access to this unit and ensure that it has working smoke and carbon monoxide alarms.

48. Unit 08 - Bathroom - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-The is black spots and mildew developing on the shower wall and along the bottom of the bathroom window.
49. Unit 08 - Bathroom - SPLC 34.11 (1), MSBC 2902.1, SPLC 34.35 (1), MPC 301.1 - Repair or replace and maintain all parts of the plumbing system to an operational condition.-The bath tub faucet is leaking.
The toilet is loose.
50. Unit 08 - Bedroom Window - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window frame.-The top portion of the bedroom window frame is cracked and damaged and has chipping and peeling paint.
51. Unit 08 - Door - SPLC 34.33 (3) - Repair and maintain the door in good condition.-The bathroom door is cracked and damaged and the door knob is loose and unsecure.
52. Unit 08 - Entry Door - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be:-20 minutes. The entry door does not self-close, has a loose door knob and the trims around the door is cracked and damaged.
53. Unit 08 - Smoke Alarm - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-The hard-wired smoke alarm is missing. The hard-wired connection is covered by a non-working battery-powered smoke alarm. All hard-wired smoke alarms must be maintained as a hard-wired smoke alarm.
54. Unit 08 - Wall - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-There is a large hole on the living room wall.
55. Unit 09 - Bathroom - SPLC 34.11 (1), MSBC 2902.1, SPLC 34.35 (1), MPC 301.1 - Repair or replace and maintain all parts of the plumbing system to an operational condition.-The toilet is loose.
56. Unit 09 - Walls - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-There is a hole on the left bedroom wall behind the door.

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: (651-266-8585) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at Efrayn.Franquiz@ci.stpaul.mn.us or call me at 651-266-8955 between 8:00 a.m. - 9:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Efrayn Franquiz
Fire Inspector
Ref. # 12886