



APPLICATION FOR APPEAL

RECEIVED
MAR 19 2012
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 205312)
- 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, March 27, 2012

Time 1:30 p.m.

Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 279 Pascal City: St Paul State: MN Zip: _____

Appellant/Applicant: Sean Maynard Email: Sean@executiveire.com

Phone Numbers: Business 763-413-8000 Residence _____ Cell 612-978-1032

Signature: [Handwritten Signature] Date: _____

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

① Windows

② 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

March 12, 2012

SEAN P MAYNARD
PO BOX 120358
NEW BRIGHTON MN 55112-0016

FIRE INSPECTION CORRECTION NOTICE

RE: 279 PASCAL ST S
Residential Class: B

Dear Property Representative:

Your building was inspected on March 12, 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 April 9, 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. Double hung - 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
21 h x 27 w Glazed 7.7 sq ft

Second floor southeast
21.5 h x 33 w Glazed 9.6 sq ft
Second floor west
22 h x 27 w Glazed 7.7 sq ft

2. Garage - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
3. Rear porch - SPLC 34.10 (3) 34.33(2) - Provide an approved guardrail. Intermediate ballustrade must not be more than 4 inches apart. Intermediate rails must be provided if the height of the platform is more than 30 inches.
4. Third floor - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area.-This bedroom has 19 sq ft over 7 feet in height. The total square footage of the room is 240 square feet. 208 square feet is above 5 feet. 32 square feet is under 5 feet.

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 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: 3/14/2012

Re: Appeal of Inspection items for the property located at 279 Pascal Street So

This appeal is regarding 2 items identified by Inspector Rick Gavin during his inspection of the property located at 279 Pascal Street South. The minimum openable height of 3 egress windows as well as the ceiling height of the top floor master bedroom suite 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 newer carpet over the original hardwood floors and original trim and moldings.

The first window(s) in question are located in the bedroom referred to in the inspection report as "First Floor." This room has 3 double hung windows in good functioning condition. The windows are the original standard egress wood windows that open vertically. These windows **GREATLY EXCEED THE OPENABLE WIDTH OF 20 INCHES as they are 27 INCHES WIDE** but are less than 3 inches short on the openable height, measuring 21+ 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*. We ask that the city realize that this is how the windows were originally designed and constructed. 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 EACH have 2.7 square feet of glazed area **MORE (over 1.5 times!)** then the code requires and are **7 inches WIDER** then 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 actually are.

The next window(s) in question are located in the 2nd floor bedroom referred to in the inspection report as "Second Floor SouthEast." This room has 4 double hung windows in good functioning condition. The windows are the original standard egress wood windows that open vertically. These windows **GREATLY EXCEED THE OPENABLE WIDTH OF 20 INCHES as they are 33 INCHES WIDE** but were less than 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*. We ask that the city realize that this is how the windows were originally designed and constructed. 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 4 windows in this room that EACH have 4.6 square feet of glazed area **MORE (almost DOUBLE!!)** then the code requires and are **13 inches WIDER** then the code requires so we are only asking for an appeal on the opening height that we are slightly short on. These windows would also be very easy to escape through due to how **big and wide** they actually are.

The last window(s) in question are located in the 2nd floor bedroom referred to in the inspection report as "Second Floor West." This room has 6 double hung windows in good functioning condition. The windows are the original standard egress wood windows that open

vertically. These windows **GREATLY EXCEED THE OPENABLE WIDTH OF 20 INCHES as they are 27 INCHES WIDE** but were less than 2 inches short on the openable height, measuring 22+ 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*. We ask that the city realize that this is how the windows were originally designed and constructed. 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 6 windows in this room that EACH have **2.7 square feet of glazed area MORE (over 1.5 times!)** then the code requires and are **7 inches WIDER** then the code requires so we are only asking for an appeal on the opening height that we are slightly short on. Again, the windows would be very easy to escape through due to how large, **big and wide**, they actually are.

In summary, the windows listed above seem to be the standard-sized windows that were installed in homes during the time period in which our property was built. We have appealed very similar sized windows in the past with the Hearing Office and have always been granted our appeal as they do not provide a hindrance to safety or escape-ability in any way. In fact, some of these windows are the largest that we have ever had to appeal and feel confident that they provide a safe means of egress for our tenants based on our previous findings.

The second item we are appealing from the inspection is the ceiling height in the top floor master bedroom suite. This is the original master bedroom suite that is very large with an oversized casement egress window plus a vertical double hung window in the room. It has over 188 square feet of livable space (counting the closet/office area) with an original built in storage area (see attached floor plan, not sure where inspector got his measurements of the room). The bedroom is very nicely finished with newer carpet, knock-down textured ceilings, fresh paint, and decorative lighting. The problem appears to be that since it is on the top floor of the building, the peaks of the roof line are causing some areas, mainly in the closet/office area, to not meet the current code for acceptable ceiling height. If we just focus on the area where the bed is located and the landing and steps leading to the bed area, you can see from the included pictures that we do not have an issue with ceiling height. In fact, we have some areas in the landing and step area that exceed 10 feet and well over half of this whole area easily exceeds 6'10". The safety of the room has not been compromised by the peaks of the roof line at all and the over-sized egress casement window and door exit are as they were originally built which at the time of construction met current code. If we need to ask for a variance it would be that over half of the floor area in the bedroom section is at 6'10" so we are 2" under the current code. We still have areas that are over 7, 8 and 10 feet but more then half is around 6'10" and that is what we are asking the variance on.

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.

"LIVEABLE" FLOOR
AREA IS

114.6 SQ FT + 74.25 SQ FT

188.85 SQ FT

CASEMENT WINDOW

8 FT 3 INCHES
(99 INCHES)

9 FEET
(108 INCHES)

74.25 SQ FT

STEPS

10 FT 5 INCHES
(125 INCHES)

11 FEET
(132 INCHES)

114.6 SQ FT

LARGE
LANDING
OVER 6'x6'

STEPS

APPROXIMATE

