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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

MAY 16 2011

CITY CLERK

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

Date and Time of Hearing:

Tuesday, 5-24-11

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

*mailed 5-16-11*

Appellant/Applicant: Mark Schwarzhoff

Address: P.O. Box 352 City: Cottage Grove State: MN Zip: 55016

Phone Numbers: Business 612-850-2874 Residence same Cellular same

Signature: Mark Schwarzhoff Date: 5-13-11

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

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cellular \_\_\_\_\_

State specifically what is being appealed and why (use an attachment if necessary):

See attachment

NOTE: Any person unsatisfied by the final decision of the City Council may obtain judicial review by timely filing an action as provided by law in District Court or Court of Appeals

Fee Received: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

Line item #13 on the deficiency list states to reduce occupancy.

Based on there being 3 sleeping rooms: the master BR (111 sq ft), the 2<sup>nd</sup> BR (100 sq ft), and ½ of the Living room (183 sq ft), and the rule of 50 sq ft per person for 2 or more persons using a sleeping room, the maximum occupancy is 7. Based on the total sq ft of all habitable rooms which is 753 sq ft, the maximum occupancy is 6. There are 6 people in this unit, 2 adults and 4 children, therefore this unit is not overoccupied.



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)

May 4, 2011

MARK SCHWARZHOFF  
PO BOX 353  
COTTAGE GROVE MN 55016-0352

### FIRE INSPECTION CORRECTION NOTICE

RE: 934 CLARK ST  
Ref. #14616  
Residential Class: C

Dear Property Representative:

Your building was inspected on May 3, 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 June 6, 2011 at 10:45 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 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. EXTERIOR - UNIT 1 - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass.-Replace missing window pane in living room window in a professional manner.
2. EXTERIOR - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.-Remove fence posts from back yard and behind house. Remove shingles and boards from back yard, and remove tarp and boards from roof.

3. 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 house trim in a professional manner.
4. EXTERIOR - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door latch.-Replace broken handle on front storm door. Repair latch on rear storm door.
5. EXTERIOR - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.
6. EXTERIOR - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.
7. INTERIOR - ALL UNITS - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.

8. INTERIOR - ALL UNITS - 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 manufacturers instructions.-Provide Carbon Monoxide detectors for all units within 24 hours.

9. INTERIOR - UNIT 1 - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceilings in an approved manner.-Repair water damaged ceilings and walls in living room, bathroom and kitchen in a professional manner. Replace water damaged ceiling tiles in bedroom.

10. INTERIOR - UNIT 1 - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Clean kitchen floor. **TENANT**

11. INTERIOR - UNIT 1 - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.-Repair or replace the floor tile. Repair or replace the carpet.

12. INTERIOR - UNIT 1 - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Paint the walls and ceilings and repair hole in bedroom wall in a professional manner.

13. INTERIOR - UNIT 1 - SPLC 34.13 (2), (3), SPLC 34.17 (2) - Reduce and maintain the number of occupants in the unit to: The maximum occupancy of each dwelling unit is determined by the least of the following:  
1. Sleeping rooms - 70 square feet for one person, or 50 square feet per person for two or more using a sleeping room.  
2. Total of all habitable rooms - 150 square feet for the first person, and 100 square feet for each additional person.  
Any room used for sleeping must have at least two exits, one of which can be an approved escape window.-This unit is overoccupied. Reduce occupancy as necessary.

14. INTERIOR - UNIT 3 - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Repair cracks in living room ceiling in a professional manner.

15. INTERIOR - UNIT 3 - 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.-Upon inspection, window in bedroom of Unit 3 measured 26 inches openable height x 16.5 inches openable width.
16. INTERIOR - MSFC 901.6 - Have fire extinguishers recharged and tagged.
17. 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.
18. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

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 this order.

If you have any questions, email me at: [kelly.booker@ci.stpaul.mn.us](mailto:kelly.booker@ci.stpaul.mn.us) or call me at 651-266-8985 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,

Kelly Booker  
Fire Inspector

Reference Number 14616