



# APPLICATION FOR APPEAL

Saint Paul City Clerk  
15 W. Kellogg Blvd., 310 City Hall  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8688

RECEIVED

NOV 30 2010

CITY CLERK

1. Address of Property being Appealed: <i>644 Summit Avenue</i>	2. Number of Dwelling Units: <i>3 rental / 1 owner</i>	3. Date of Letter Appealed: <i>October 28, 2010</i>
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4. Name of Owner: *Robert Lunning*  
 Address: *644 Summit Ave.* City: *St. Paul* State: *MN* Zip: *55105*  
 Phone Numbers: Business *651.221.0915* Residence *NA* Cellular *651.587.5567*  
 Signature: *Robert Lunning*

5. Appellant / Applicant (if other than owner): *NA*  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cellular \_\_\_\_\_  
 Signature: \_\_\_\_\_

6 State specifically what is being appealed and why (Use an attachment if necessary):  
*See attachment.*

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NOTE: A \$25.00 filing fee made payable to the City of Saint Paul must accompany this application as a necessary condition for filing. You must attach a copy of the original orders and any other correspondence relative to this appeal. Any person unsatisfied by the final decision of the City Council may obtain judicial review by timely filing of an action as provided by law in District Court.

### For Office Use Only

Date Received: <i>11/30/10</i>	Fee Received: <i>25</i>	Receipt Number:	Date of Hearing: <i>12/14/10 01:30</i>
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This **Application for Appeal** relates to Item 6 of the Deficiency List in the Fire Inspection Correction Notice dated October 28, 2010 for:

**644 Summit Avenue  
Re #10703  
Residential Class: C**

related to MSFC1005.2 – provision of approved additional means of egress from Unit 2.

**As stated in the Correction Notice:**

Provide an approved additional means of egress due to an inadequate number of exits.

**Background on the property:**

The property has been a registered residential rental building since approximately 1945. A Fire Certificate of Occupancy has been consistently re-inspected and approved for renewal.

When the current owners purchased the property in 1988, an exterior wooden stairway and ladder provided a means of connection from a third floor platform to the ground level.

During two Fire Certificate of Occupancy inspections between 1995 and 2001, fire inspectors informed the owners that the exterior wooden stairway and ladder were not required as an exit from Unit 2. The fire inspectors stated, since the entrance to Unit 2 is on the second floor level, an additional exitway was not required.

In 2001, the owners reviewed this interpretation with the Building Official and received a permit to remove the exterior stairway and ladder as part of renovations to the property.

Between 2001-2007, the property has been re-inspected and approved for Fire Certificates of Occupancy and exiting from Unit 2 has not been a subject of concern.

The rationale for the current fire inspector's interpretation is that Unit 2 exceeds a habitable area of 500 square feet and, therefore, does not qualify for the previously approved determination.

The property is a contributing structure in the Historic Hill Heritage Preservation District.

**Basis for this Application for Appeal:**

Relying on fire inspectors' interpretations, the owners acted in good faith when removing the stairway and ladder under the Building Official's permit.

A mistake occurred in the prior interpretations of the fire inspectors and the Building Official or in the current fire inspector's interpretation.

The owners have met with a Plan Review official to consider options for providing an additional exitway. Under current code, a stairway is the acceptable means of exit. The re-introduction of an exterior stairway would be detrimental to the historic character of the property.

**Variations requested:**

The owners request the previous fire inspectors' and Building Official's interpretations be affirmed and Item 6 of the current Fire Inspection Correction Notice be rescinded.

In lieu of rescinding Item 6, the owners request the provision of an exit ladder be allowed as the additional exitway for Unit 2.

Thank you for your consideration of this appeal.

Robert Lunning  
Applicant



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For Office Use Only

Date Received:	Fee Received:	Receipt Number:	Date of Hearing:

This **Application for Appeal** relates to Item 1 of the Deficiency List in the Fire Inspection Correction Notice dated October 28, 2010 for:

**644 Summit Avenue  
Re #10703  
Residential Class: C**

related to MSFC1026.1 – provision and maintenance of approved escape windows from sleeping rooms.

**As stated in the Correction Notice:**

Unit 2 and 4 – One Bedroom Each Unit: Existing double hung windows have an openable area of 21.5 inches high by 35 inches wide and a glazed area of 58 inches high by 35 inches wide, 14 square feet.

Unit 3 – Bedroom 1: Existing double hung windows have an openable area of 19 inches high by 29 inches wide and a glazed area of 45 inches high by 29 inches wide, 9 square feet.

Unit 3 – Bedroom 2: Existing double hung windows have an openable area of 22 inches high by 31 inches wide and a glazed area of 53 inches high by 31 inches wide, 11.4 square feet.

**Background on the property:**

The property has been a registered residential rental building since approximately 1945. The windows have not been altered in that time. A Fire Certificate of Occupancy was in good standing, when the current owners purchased the property in 1988, and has been consistently re-inspected and approved for renewal.

The property is a contributing structure in the Historic Hill Heritage Preservation District.

**Basis for this Application for Appeal:**

The escape window in each of the sleeping rooms substantially exceeds clear opening area in either width or height.

The escape window in each of the sleeping rooms substantially exceeds the required area for the entire glazed area.

Therefore, the egress areas of the existing windows meet the intent of the code requirements for escape windows.

Compliance with Item 1 of the Correction Notice would require alteration of the historic fabric of the structure.

**Variations requested:**

Unit 2 and 4 – One Bedroom Each Unit: Allow openable height of 21.5 inches in lieu of 24 inches.

Unit 3 – Bedroom 1: Allow openable height of 19 inches in lieu of 24 inches.

Unit 3 – Bedroom 2: Allow openable height of 22 inches in lieu of 24 inches.

Thank you for your consideration of this appeal.

Robert Lunning  
Applicant



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)

October 28, 2010

ROBERT B LUNNING  
644 Summit Ave  
St Paul MN 55105-3437

### FIRE INSPECTION CORRECTION NOTICE

RE: 644 SUMMIT AVE  
Ref. #10703  
Residential Class: C

Dear Property Representative:

Your building was inspected on October 22, 2010 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 December 1, 2010 at 10:30 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. All Units - All 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.-

Units 2 and 4 - One Bedroom Each Unit: Existing double hung windows have an openable area of 21.5 inches high by 35 inches wide and a glazed area of 58 inches high by 35 inches wide, 14 square feet.

Unit 3 - Bedroom 1: Existing double-hung window has an openable area of 19 inches high by 29 inches wide and a glazed area of 45 inches high by 29 inches wide, 9 square feet.

Unit 3 - Bedroom 2: Existing double-hung window has an openable area of 22 inches high by 31 inches wide and a glazed area of 53 inches high by 31 inches wide, 11.4 square feet.

2. Basement - Boiler Room - MSFC 703 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: 1 hour.-Door must self-close and completely latch.
3. Basement - Laundry Room - UMC 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. This work may require a permit(s). Call DSI at (651) 266-8989.
4. Basement - Near Electrical Panel - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.
5. Basement - Throughout - MSFC 703 - Repair and maintain the required fire resistive construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair damaged area of ceiling.  
Seal as necessary in openings around wires and pipes.
6. Unit 2 - MSFC 1005.2 - Provide an approved additional means of egress due to an inadequate number of exits. - Unit 2, located on the 3rd floor of the building, requires a 2nd exit.
7. Unit 4 - Bedroom - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window sash.-Window must be able to remain open to full height.

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: [mitchell.imbertson@ci.stpaul.mn.us](mailto: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 10703