



APPLICATION FOR APPEAL

RECEIVED
MAY 21 2012
CITY CLERK

RECEIVED
MAY 21 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 _____)
- 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, 6-12-12

Time 1:30 p.m.

Location of Hearing:
Room 330 City Hall/Courthouse

emailed notice 5-21-12 jmc

Address Being Appealed:

Number & Street: 538 WHEELLOCK PARKWAY City: ST. PAUL State: MN Zip: 55108

Appellant/Applicant: Jay R. Hill Email hillery@gmail.com

Phone Numbers: Business 651-203-6045 Residence _____ Cell 612-987-4455

Signature: [Signature] Date: 5/16/12

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

SEE ATTACHMENTS

Legislative Hearing Officer
City of Saint Paul
310 City Hall
15 W. Kellogg Blvd
Saint Paul, MN 55102

RE: Appeal of Fire Inspection Correction Notice for 538 Wheelock Parkway W.

Dear Sir or Madam,

I am writing to appeal several of the deficiency list items contained in the May 4, 2012 inspection report for the above referenced property.

I would first like to request that I am removed from the list of needing a Fire Certificate of Occupancy. This property was originally owned my wife's grandparents. When they past, we purchased to property from their estate. Following our purchase, we did rent out the property and we applied for both the required rental property license and Fire Certificate of Occupancy. In 2008, my wife's brother went through a divorce and then suffered a traumatic brain injury in a motorcycle accident. Due to his divorce and his on-going disability due to his accident, he needed a place to live, but could not afford to pay market rates. He made an agreement with him that he could live at this property in exchange for paying of all of the expenses on the property and providing any needed maintenance on the property. We have also registered the property as relative homestead with the County for tax purposes. Based upon this and past practices of the City in other cases, I believe that this property should be exempt from needing a Fire Certificate of Occupancy.

Item 2. Exterior-Throughout-Roof

The roof on the garage was replaced in 2004. The roof on the house has not been replaced since before I purchased the property in 2002. Some small areas of the roof are starting to show its age, but it is still "*impervious to water and have no defects which admit water or dampness to the interior of the building*" as required by SPLC 34.09 (1) e. The inspection report also sites SPLC 34.32 (1) d, but I have not been able to locate this particular section of the code. During the inspection, the Inspector, Lisa Martin, stated that if the roof does not leak, that I can appeal having to replace it at this time. Since the roof still meets the requirements of SPLC 34.09 (1) e, I respectfully request that this item is removed from the required corrective work list.

Item 4. Interior-Hot water temperature

I agree that the temperature measured at the kitchen faucet was higher than 130 degrees F. I will adjust the temperature of the hot water heater/tank and instruct the tenant not to adjust it to be above 130 degrees F.

Item 5. Interior – Closet light fixture globe

The light fixture in the upstairs bedroom closet was installed by the previous owner and does not have any provisions to have a globe attached and has never had a globe. Since this fixture was not originally equipped with a globe, I believe that one is not required and therefore respectfully request that this item is removed from the required corrective work list.

Item 6. Interior-Second Floor Egress Windows

These replacement windows were installed by the previous owners prior to my purchase of the property in 2002. I have contacted the City to research if they were installed under permit by the previous owners. The issue of the size of the windows was not brought forth in either my previous City inspection or inspection by HUD for a previous Section 8 renter. I therefore, respectfully request a variance to allow the existing windows to be “grandfathered” for the property and have this item removed from the corrective work list.

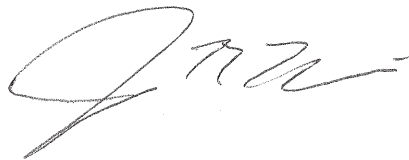
Item 7. Interior-Remove items from stairs and landings

I have no control over my tenant as to what and how much, if any items he keeps on the stairs and landings. I have instructed the tenant to remove the items from the stairs and landings and to keep them clear of obstructions for his safety. Since this is a “housekeeping” item that is out of my direct control and I have done everything that I can reasonably be expected to, I request that this item is deemed completed.

Item 8. Interior-Throughout-Handrail

All of the stairs have handrails as required. SPLC 34.10 (3) states “*must be maintained in accordance with the building code which was in effect when the stairs were originally constructed.*” This property was built in 1924, which was before the adoption of a state building code. Again, the railings were not previously noted as deficient in either of the previous inspections by the City or the HUD Section 8 inspector. During the inspection, the Inspector, Lisa Martin, stated that the railings should be upgraded but she did not state that she deemed them hazardous. The report for this item also references SPLC 34.33 (2) which states “*Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected in accordance with the building code or be maintained in accordance with the building code specifications under which it was originally constructed, if deemed hazardous.*” Therefore, even if the railing is deemed hazardous, the railing has been maintained in accordance with the building code specifications under which it was originally constructed. I respectfully request that this item is removed from the required corrective work list.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay R. Hill". The signature is fluid and cursive, with the first letter "J" being particularly large and stylized.

Jay R. Hill



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

May 4, 2012

JAY R HILL
1585 DUNLAP ST N
ST PAUL MN 55117-4214

FIRE INSPECTION CORRECTION NOTICE

RE: 538 WHEELLOCK PKWY W

Dear Property Representative:

Your building was inspected on May 4, 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 July 9, 2012 at 11 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-Throughout - 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.-Paint the peeling paint on house, garage, and ramp. Replace all missing siding.
2. Exterior-Throughout - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.
3. Exterior-Throughout - SPLC 34.08 (10) - Repair, replace and maintain exterior sidewalks, walkways and stairs.-Repair the cement stairs and landings to both entrance areas.

4. Interior - SPLC 34.11(5), 34.34(2), SPC 4715.0200Q - Provide adequate hot water between 120 degrees F and 130 degrees F.
5. Interior - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.-Provide a globe cover in all closets.
6. Interior - 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 two bedrooms windows on the second floor are both double hung and measure 17H x 27W.
7. Interior - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Remove all items from the stairs and landings. Keep clear at all times.
8. Interior-Throughout - SPLC 34.10 (3), 34.33(2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.-All handrails must run the entire length of the stairs and have a return.
9. 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.
10. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

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: lisa.martin@ci.stpaul.mn.us or call me at 651-266-8988 between 6:30 a.m. - 8:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Lisa Martin
Fire Inspector