



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Agenda - Final-revised Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
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651-266-8560

Tuesday, January 11, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RES 10-1655](#) Resolution ordering the rehabilitation or razing and removal of the structures at 579 LEXINGTON PKWY S within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

- 2 [RES 10-1657](#) Resolution ordering the rehabilitation or razing and removal of the structures at 859 FRONT AVE within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

- 3 [RES 10-1658](#) Ordering the rehabilitation or razing and removal of the structures at 954 GALTIER ST within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

- 4 [RES 10-1659](#) Resolution ordering the rehabilitation or razing and removal of the structures at 1268 DESOTO ST within fifteen (15) days after the February 2, 2011, City Council Public Hearing.

10:00 a.m. Hearings

- 5 [RES 10-1331](#) Ordering the razing and removal of the structures at 620 MARYLAND AVE E within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

Remove within 15 days with no option for repair (pending a call from an attorney representing the Appellant by December 27, 2010).

STAFF PRESENT: Joe Yannarely, representing Steve Magner, Department of License and Inspections (DSI) - Code Enforcement; Amy Spong, DSI-Heritage Preservation Commission (HPC); Mai Vang and Jean Birkholz, Council Research

Remove/Repair Orders

Pompilio Nunez appeared.

Inspector Yannarely reported that the building is a two-story, wood frame, single-family home with a two-stall detached garage on a lot of 4,356 square feet. The file indicates this has been a vacant building since March 24, 2008. The current owner is Buy Rite Companies, per Ramsey County records. The City has had to board this building to secure it from trespass. There have been ten (10) Summary Abatement Notices since 2008 and nine (9) Work Orders issued for:

- remove tall grass and weeds*
- improperly stored refuse, garbage and misc debris*
- remove snow and ice*
- boarding/securing*

On April 1, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on August 11, 2010 with a compliance date of September 20, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment. Taxation has placed an estimated market value of \$11,600 on the land and \$48,400 on the building. As of December 9, 2010, a Code Compliance Inspection has not been obtained. The previous inspection on expired on January 12, 2010. As of December 9, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for the years 2009 and 2010 are delinquent in the amount of \$5,991.12, plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure between \$60,000 and \$80,000; to demolish between \$10,000 to \$15,000. DSI orders the property owner to repair or remove this structure within fifteen (15) days or the City will demolish it and assess the costs to the property.

Ms. Moermond noted that there were two (2) sets of photographs taken: 1) April 2, 2010; and 2) August 11, 2010. Photos revealed: tears in the ceiling, exposed piping, windows missing, windows boarded, damaged entry, deteriorated floor, broken windows, burns on floor, partial dropped ceiling, significant water damage, gaps in the foundation, broken stairs, etc.

Ms. Spong, DSI-HPC, reported that this is an 1890 worker's cottage near the Arlington Library, which is a preservation site. It's also the first house that backs up to the Payne Avenue Commercial Corridor. There are houses nearby and adjacent to that which have open porches, nice bays, architectural features still in tact, etc. It looks as though, originally, this was the second house in from the Payne Avenue Commercial Corridor. The first one was demolished. (There is concern about eroding the historical residential houses near commercial corridors.) It is also possible that the original or very early shed is still present. Maybe it was built on to at some point. She doesn't believe that it's in an ISP area or will in future survey work, and if not, it would not be eligible on its own.

Demolition would have no adverse effect.

Ms. Moermond asked Inspector Yannarely if there were any patterns derived from the Orders. Inspector Yannarely replied that the Work Orders were concentrated in the period from March 2008 until January 2010; nothing recent.

Mr. Nunez stated that he used to work for Buy Rite Companies and they owe him nearly \$30,000. The owner decided to give him the house for \$25,000 and call it even. Mr. Nunez bought it "as is" three (3) months ago. He doesn't know anything about the property. The owner owed him money for the past year and a half for work that he had done for Buy Rite. They closed without Mr. Nunez knowing what was going on with the property. He got the title two (2) weeks ago. Ms. Moermond stated that she has bad news. First of all, there has been no Code Compliance Inspection done, so the basic inspection that should have occurred for a property to be transacted didn't get done. Worse yet, if a building is up for demo as this one, it can't be transacted until it's repaired. It was not legal for Buy Rite to sell the property and transfer title. Mr. Nunez responded that he has heard that but now, what can he do about it. Mr. Yannarely added that there has not been a TISH Report since 2007. Ms. Moermond stated that Mr. Buy Rite basically handed Mr. Nunez \$25,000 in debt. There's \$6,000 in back taxes owed on the property. Mr. Nunez said that at the closing, he told him that he was going to pay the taxes. Ms. Moermond said that she would like to walk Mr. Nunez through the steps he would need to take in order to fix the building, but he can't because he wouldn't be able to pull permits on this property. She stated that there may be possible ways to navigate this situation but Mr. Nunez would need a lawyer to help him through it. She advised him to not register the title until he had a chance to talk with a lawyer about this. Legal Aid or the Real Estate may be able to help him. There are also a few legal firms that may be able to help.

This is scheduled to go to the City Council on January 5, 2011.

Ms. Moermond recommends Remove within 15 days with no option for repair (pending a call from an attorney representing the Appellant by December 27, 2010).

MM -req one month layover to allow time to develop rehab plan language issues

- 6 [RES 10-1339](#) Ordering the razing and removal of the structures at 1066 LAFOND AVE within fifteen (15) days after the January 5, 2011, City Council Public Hearing.

Ms. Moermond recommends removing the building within fifteen (15) days with no option for rehabilitation.

STAFF PRESENT: Inspector Joe Yannarely, representing Steve Magner, Department of License and Inspections (DSI) - Code Enforcement; Amy Spong, DSI - Heritage Preservation Commission (HPC); Mai Vang and Jean Birkholz, Council Research

Remove/Repair Orders

No one appeared.

Mr. Yannarely reported that this is a one-story, wood frame, single-family dwelling with a two-stall detached garage on a lot of 4,792 square feet. According to the file, it has been a vacant building since July 7, 2007. The current property owner is Paul Belmonte per Ramsey County Property Records. There have been three (3) Summary Abatement Notices since 2007 and one (1) Work Order issued for removal of tall grass and weeds. On September 10, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on September 24, 2010 with a compliance date of November 1, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid by assessment on August 20, 2010. Taxation has placed an estimated market value of \$17,300 on the land and \$34,000 on the building. A Code Compliance Inspection was done on March 5, 2010. As of December 9, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for the years 2009 and 2010 are delinquent in the amount of \$3,064.24, plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; to demolish between \$8,000 - \$15,000. DSI orders the property owner to repair or remove this structure within fifteen (15) days or the City will demolish it and assess the costs to the property.

Ms. Spong reported that this is a 1914 workers' cottage. It's a very simple structure devoid of any architectural features. There is some shingle and siding detail still exposed. It could have been moved. There are no Sanborn maps for this particular area. Demolition would have no adverse affect.

Ms. Moermond said that it looked to her as though the owner just walked away. She recommended removal of the building within fifteen (15) days with no option to rehabilitate.

MM No show LH

In opposition:

Paul Bel..window, started w inspection in ??, sarterd on work immediately, renter moved out and was made vb immeadiately and didn't allow for work to be done,

CC close 6-0

CC - refer back to LH 1/11 and continue PH

MM 1/11 10:00 a.m.; financial issues addressed first, bond and property taxes

CC - LH 1/11, CC 1/12

Mr.? may not be able to get off work

CC at least have bond and taxes by 1/11

motion 1/11 and 1/12

Mr. ? option to demolish himself?

CC - Y, with permits

1:30 p.m. Hearings

Fire Certificates of Occupancy Correction Orders

- 7 [ALH 11-7](#) Appeal of Jamie Pribyl to a Fire Inspection Correction Notice at 1772 MINNEHAHA AVENUE WEST.

- 8 [ALH 11-39](#) Appeal of Sherri Henderson to a Fire Inspection Correction Notice at 2108 MAGNOLIA AVENUE EAST.

- 9 [ALH 11-44](#) Appeal of Omari Omari to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1019-1021 CARROLL AVENUE.

- 10 [ALH 10-271](#) Appeal of David Leventhal of Cecil Delicatessen to a Fire Certificate of Occupancy Correction Order at 651 Cleveland Avenue South.

Laid over to December 14. The appellant will attempt to locate a floor plan. Ms. Moermond will review the records from the 2009 remodeling, and will consult with licensing and CAO staff.

David Leventhal appeared representing Cecil's Delicatessen.

Inspector Shaff gave a staff report. She said the order being appealed reduced the occupant load to 44 from 85, and was from a Fire Certificate of Occupancy reinspection conducted by Inspector Skow-Fiske on October 12. She said the occupant load for the 660 ft² restaurant was 44, and she didn't know how 85 had ever been allowed. Records showed the occupant load had been changed to 65 in 2003 and 2004 and then to 85 in September 2006 and December 2008, but there was no explanation for the changes. Ms. Shaff provided a drawing from the inspector.

Ms. Shaff asked when the exterior freezer had been built. Mr. Leventhal said it was added in June 2009 and the plan had been approved by the City. Ms. Shaff said exiting through the rear door required passing through the serving area and food preparation area which the code didn't allow.

Ms. Moermond and Mr. Leventhal reviewed photographs provided by Mr. Leventhal. Mr. Leventhal said the restaurant had had seating for 85 for 40 years with no problems, and no significant changes to the restaurant's structure. He provided a copy of an undated City-issued sign allowing an occupancy load of 85 and signed by Inspector Zaccard.

Ms. Shaff and Mr. Leventhal reviewed an old file diagram of the restaurant showing a deli counter. Mr. Leventhal said the restaurant had had the current configuration since 1990 when the counter was removed and replaced by tables. He said he felt the current occupancy allowed plenty of room for the customers, and he would not jeopardize the safety of himself or family members who worked there every day. He said a 44 seat restaurant was not sustainable, and because he didn't own the property on either side of his building he couldn't change the configuration of the restaurant. He said the exit to the rear of the building was approved by the City in June 2009, was handicapped accessible, and provided easy egress. He said he felt it was unreasonable for the City to reduce the occupancy from 85 when it had been approved for many years.

Ms. Moermond asked whether the building was sprinkled. Mr. Leventhal said it wasn't. Ms. Shaff noted that there was a variance on the front door swing and vestibule.

Ms. Moermond asked whether Inspector Skow-Fiske had considered changing the occupant load to 65 rather than 44 since it had been 65 in the past. Ms. Shaff said the occupancy was determined based on the square footage calculation. Ms. Moermond said it looked as though the occupancy calculation had been made using 1090 ft² in the past. Ms. Shaff said that was total area and not just the dining area.

Ms. Moermond asked whether measuring the square footage was standard practice. Ms. Shaff said it was if the space looked tight.

Mr. Leventhal said the seating hadn't changed since 1990 when the restaurant was remodeled and was approved by building inspectors. Ms. Moermond asked how long the restaurant had been at its present location. Mr. Leventhal said it had been there since 1949.

Ms. Moermond said she would like to check the records from the 2009 remodeling to see whether there was a floor plan. Mr. Leventhal said he would try to locate one too. Ms. Moermond said she would also consult with licensing about the occupancy history and with the City Attorney's office about possible grandfathering. She laid the matter over until December 14. Laid over to January 11, 2011.

2:30 p.m. Hearings

Vacant Building Registrations

- 11 [ALH 11-23](#) Appeal of Tarryl Olson to a Vacant Building Registration Renewal Notice at 1334 BURR STREET.

- 12 [ALH 11-32](#) Appeal of Pheng Xiong to a Vacant Building Registration Renewal Notice at 1072 MINNEHAHA AVENUE EAST.

- 13 [ALH 11-43](#) Appeal of Zach McBroom, Central Bank, to a Vacant Building Registration Notice at 1134 JESSIE STREET.

- 14 [ALH 11-49](#) Appeal of Ben Hill to a Vacant Building Registration Notice at 853 CONWAY STREET.

- 15 [ALH 10-422](#) Appeal of Robert H. Nollet to a Certificate of Occupancy Revocation Vacant Building and Vacant Building Registration Renewal Notice at 676 RIVOLI STREET.

Ms. Moermond recommended laying this matter over to the January 4, 2011 Legislative Hearing at 2:30 p.m.

STAFF PRESENT: Matt Dornfeld and Mike Urmann, Department of Safety and Inspections (DSI) - Code Enforcement; and Mai Vang and Jean Birkholz, Council Research

Certificate of Occupancy Revocation Vacant Building and Vacant Building Registration Renewal Notice

Robert H. Nollet appeared along with his attorney, Ronan Blaschko.

Inspector Dornfeld reported that 676 Rivoli Street was Condemned by the Fire Inspector, James Thomas, back in December 2008 for multiple code violations. Mr. Thomas met with Mr. Nollet at the property and tried to explain to him what was happening and showed him all of the deficiencies and told him that it was going to be referred to the Vacant Building Program. Mr. Nollet phoned Inspector Dornfeld a couple days later, so Mr. Dornfeld met with Mr. Nollet and one of his contractors at the property to explain what was happening and what needed to be done (Code Compliance Inspection process, Vacant Building fee and that the house could not be occupied). In the past two (2) years, Mr. Nollet has made a half a dozen trips to the DSI office and has been hostile with secretaries. Inspector Dornfeld has spoken with Mr. Nollet every single time and has explained things over and over again. He also gave him Inspector Seeger's phone number. Mr. Nollet has made numerous phone calls to Rich, Inspectors Smith and Dornfeld, etc. Mr. Dornfeld stated that, obviously, staff at DSI has not done a good job of explaining to Mr. Nollet what needs to be done. He is unsure what else staff needs to do to make it clear to Mr. Nollet that 676 Rivoli Street is a Category 2 Vacant Building and an \$1,100 Vacant Building fee is due each year and a Code Compliance Inspection needs to be done from Jim Seeger. Once the inspection is done, permits need to be pulled and the work needs to be done up to code. One of Fire Inspector Thomas' complaints was that Mr. Nollet was trying to do some of this work on his own without permits being pulled; i.e., installing furnaces, etc.

Ms. Moermond stated that from the record she has garnered that the first Vacant Building fee was sent in December 2008 (the bills are for the next year). The first bill wasn't paid; it was sent to tax assessment and the assessment was ratified in May of 2009. Another bill was sent in December 2009 for December 2009 - December 2010 and that bill didn't get paid so it also went to tax assessment. Now, the third bill is due for December 2010 - December 2011; if it doesn't get paid, it will roll onto the property taxes. Mr. Nollet's appeal says that he doesn't want to pay the Vacant Building fee. If the property is going to be sold to be rehabbed, then, a Code Compliance Inspection needs to be done and the results disclosed to the prospective buyer, and whoever that is needs to demonstrate to the City that he is able to pay for rehabbing the property. He also needs to show a work plan for addressing the rehab. If Mr. Nollet wants to pull the permits and do the rehab, he can.

Mr. Blaschko explained that he understands that an inspection was done October 23, 2008. A list of things that needed to be complete was given to Mr. Nollet. At that time, there were tenants in the property who were uncooperative and had actually caused a lot of the damage and were not allowing Mr. Nollet to come into the house. Eventually, they had to be evicted. The sheriff escorted them off the property on November 10, 2008. On November 26, 2008, Mr. Nollet was given another list saying that because the house is now vacant, he

needed to register it as a Vacant Building and pay the fee and go through the Certificate of Occupancy. The time from November 10 to November 26 was not enough time to complete everything. Later he completed everything and asked that it be re-inspected. Then, he was told that they couldn't re-inspect; he needed to do a Code Compliance Inspection to meet the Fire Code which includes smoke detectors, etc. Inspector Dornfeld added that an appointment letter was sent on August 7, 2008 and the first C of O deficiency letter was sent September 2, 2008 and the Vacant Building file was opened on December 2, 2008, so there was ninety (90) days time. Mr. Blaschko stated that Mr. Nollet was not able to get into the house until he hired an attorney, who helped get the tenants evicted. Mr. Nollet paid the attorney \$500 to get the Code Compliance Inspection done but something happened and the inspection was not done; and there is still \$400 of that money still available. Mr. Nollet is frustrated because the inspection had not been done and he doesn't understand how things have gotten to this point. From what he can tell, this building is in better shape than those around it and he would like to see this become a productive property again. Mr. Nollet would like to see some profit from the building instead of it becoming a drain. Mr. Nollet has the receipts from contractors that he has hired to do some of the work and he was under the impression that the contractors would be pulling permits when they did the work. He has been trying to get things fixed and done.

Inspector Dornfeld reiterated that the Code Compliance Inspection is the first step. Four (4) City inspectors will come out to inspect the plumbing, the electrical, the building structure, etc. They will give Mr. Nollet a report that lists what needs to be fixed. They, he will need to pull permits in order to get the work completed. Once the work is completed and signed-off by those four (4) inspectors, he will be out of the Vacant Building Program. All of the past inspections are done and gone. A new inspection must be done. Mr. Blaschko will speak to the former attorney to recapture the \$400 she was to use to apply for the Code Compliance Inspection. Mr. Nollet may choose to sell the property. Ms. Moermond said that he can sell the building if he goes through a "Sale Review" at DSI. It pertains to whether or not the buyer can produce the funds necessary and provide a reasonable work plan. Ms. Moermond surmised that life might be simpler for Mr. Nollet if the Vacant Building fee were postponed in order for permits to be pulled and work initiated; however, without paying the Vacant Building fee, Mr. Nollet will not be able to pull permits. Ms. Moermond recommended laying this matter over for one (1) month. She urged Mr. Nollet to apply for the Code Compliance Inspection within the next week. She will set up another hearing date for Tuesday, January 4, 2011 at 2:30 p.m. to talk about the outcome of the inspection and whether Mr. Nollet chooses to rehab or to sell. Inspector Dornfeld clarified that at the time of the hearing, Mr. Nollet will have the Code Compliance Inspection in hand and the discussion will center around the future of the fee based on Mr. Nollet's plan of action.

Ms. Moermond stated that Mr. Nollet and his attorney will receive a letter and a copy of the minutes from today.

Rescheduled to January 11, 2011 Legislative Hearings.

House Keeping

16

[ALH 11-48](#)

Appeal of Special Tax Assessment for 1028 LOEB STREET for Project #: VB1005, Assessment #: 108898 in Ward 5.

- 17 [ALH 10-37](#) Appeal of Steve and Diane Anderson to a HPC Non-Compliance Garage Plan for property at 340 Summit Avenue. (Ward 2)
Laid over (housekeeping)

- 18 [ALH 10-202](#) Appeal of Steve Fisher to a Fire Certificate of Occupancy Correction Order at 965 Hague Avenue. (Ward 1)

Grant a 2.5-inch variance on the openable height of the egress window in the third floor bedroom. The appellant will provide photographs and a floor plan of the basement addressing the issue of egress; the basement is not currently being used for sleeping. Decision forthcoming on the basement bathroom ventilation (Item 14); the appellant will provide a diagram and photographs of the room. Grant an extension to May, 30 2011 on the exterior items as long as the window frames are repaired and the fascia sealed, and the inspector confirms that the siding deterioration is superficial. Grant an extension to November 12 for the door trim (Item 10).

Appellant Steve Fisher (11825 118th Avenue N., Plymouth, MN 55441)

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Beumer on September 17. The orders stated that the openable dimensions of the egress windows on the third floor were 22.5 inches high by 22.5 inches wide. Ms. Shaff read from the appeal form that the appellant thought the windows had been installed under permit. She said the basement didn't have an egress window in the bedroom, but had a door leading to an unconditioned space which contained a stairway exiting directly outside.

Mr. Fisher said the house was renovated before they'd purchased it and they'd been told it had been done under permit. He said if there wasn't a permit he would like to request a variance for the third floor window. Ms. Shaff said the last building permit was from 2002 and was for a re-roof.

Ms. Moermond said she would recommend that the Council grant a 1.5-inch variance on the openable height of the egress window in the third floor bedroom.

Mr. Fisher said he was also appealing the order addressing the basement egress. He said there was a doorway leading to a small "corridor room" that had a doorway to the outside. Ms. Shaff noted that it was an unconditioned space, meaning there was no insulation. She said the fire code did give some exceptions for existing buildings, for exiting through one unlockable room to a door or exit that goes directly outside. She said she and Inspector Beumer had discussed it and weren't sure the space in question would qualify as a room. Mr. Fisher said the main room was enclosed, insulated and heated. Ms. Moermond asked for photographs and a floor plan of the basement. Mr. Fisher said the basement was not currently being used for sleeping but he would like a decision anyway and would submit the photos and floor plan.

Ms. Shaff asked whether the occupancy had been decreased (Item 1). Mr. Fisher said it had; he said the lease was for four people and he hadn't been aware a fifth had moved in.

Mr. Fisher said the basement bathroom had no window or vent (Item 14) but was adjacent to a laundry room which did have a window. He asked whether removing the door between the two rooms would suffice. Ms. Moermond asked for photographs and a floor plan.

Mr. Fisher confirmed with Ms. Moermond that the handrail requirement applied to a stairway of four steps and a landing regardless of when the house was built.

Mr. Fisher asked whether he could have an extension until spring for the exterior items. Ms. Moermond reviewed the photographs and asked that the

damaged window frames and fascia be repaired; she said she would recommend that the Council grant an extension to May 30, 2011 for replacing the siding and fascia. She asked whether there were holes in the siding. Mr. Fisher said the deterioration was superficial. Ms. Moermond asked that the inspector confirm that. She asked whether everything else was ready for the following day's reinspection. Mr. Fisher said everything was done except the furnace inspection which was scheduled for the following Monday, and the door trim (Item 10). Ms. Moermond said she would recommend an extension to November 12 for the door trim.

- 19 [ALH 10-417](#) Appeal of Kwasi Nanyakpe to a Notice of Condemnation Unfit for Human Habitation Order to Vacate and Vacant Building Registration Notice at 330 MAPLE STREET.

Laid over to December 7 at 2:30. The appellant will provide a Power of Attorney.

Appellant Kwasi Nunyakpe appeared.

Ms. Moermond said there was a condemnation and vacant building file; she said the condemnation was too old to be appealed but was related to the vacant building status.

Inspector Shaff said Inspector Cummings had reported that the appellant was the uncle of the property owner and had no rights to the property.

Ms. Moermond asked who Victor Doe was (the owner of record). Mr. Nunyakpe said Mr. Doe was his nephew. Ms. Moermond asked whether Mr. Doe lived at 530 Maple (the address listed in Ramsey County property records). Mr. Nunyakpe said Mr. Doe went back and forth between 330 Maple and his home in Indianapolis. He said he (Mr. Nunyakpe) lived at 330 Maple permanently. Ms. Moermond noted that there was a typo in the Ramsey County record.

Ms. Moermond asked why Mr. Doe went back and forth. Mr. Nunyakpe said he came for family visits.

Ms. Moermond asked whether Mr. Nunyakpe was empowered to make decisions about the property. Mr. Nunyakpe said he was. Ms. Moermond said she would like to see a power of attorney. She requested a staff report.

Inspector Shaff said the initial Fire Certificate of Occupancy inspection was conducted by Inspector Cummings on September 10, and there had been subsequent inspections, some of which were missed. She read from the inspector's notes that exterior steps were unsafe (Item 3), there was no handrail for the front steps, the porch floor was deteriorated and spongy (Item 4), there were lots of extension cords being used on the interior and exterior (Item 9), light sockets were screwed into outlet adapters from extension cords (Item 10), no egress from the attic bedroom (Item 11), no CO detectors (Item 12), loose plastic runner on the stairs, no furnace report, open junction boxes. She said the item that was most difficult for the inspector was the use of extension cords as wiring. She said the dryer vent was not a solid material, and it was a gas dryer. She said there were severe issues and lack of compliance. She reviewed the appointment and inspection history: the first appointment letter went out on August 6, correction letters were sent on September 10 and October 12, an appointment letter was sent on October 14 and the condemnation letter was sent on October 26.

Ms. Moermond asked whether the building had been inspected on October 26 and what the principle violations had been leading to the condemnation. Ms. Shaff said the inspection had taken place on the 25th or 26th. She said the principle violations were Item 20 (use of extension cords for wiring), 22 (dryer venting), 18 (missing junction box covers), 16 (furnace report), 15 (front handrail/guardrail), 12 (CO detectors), and 4 (front porch flooring). Ms. Moermond noted that there was no photo document in the Certificate of Occupancy file. She reviewed the vacant building file and exterior photos.

Inspector Singerhouse gave a staff report. He said the vacant building file was opened on November 2, photos were taken, and placards placed on the inside porch windows and back door.

Ms. Moermond asked whether the building was occupied at the time it was placarded. Mr. Singerhouse said no one answered the door.

Mr. Nunyakpe said he did not disagree with the inspector's findings and wanted to comply. He said they bought the house almost 5 years before, after it was inspected, and as an approved house, and were not told about any deficiencies. He said the house had been inspected and approved last year; he provided a building permit as documentation. He said he'd missed one appointment because the appointment letter was sent on the day of the inspection. He provided documentation and Ms. Moermond confirmed that the appointment letter and appointment had the same date. He said he'd missed another inspection when he'd travelled to Detroit for a medical appointment, and then had returned from Detroit to find the condemnation. He said prior to the condemnation he had hand-delivered a letter to Inspector Cummings to ask for more time due to the cost of the repairs, and he hadn't received a response. He said he'd had no other place to go after returning from Detroit. He said they were fixing the wiring and had made the simple corrections, and would welcome a reinspection. He said he'd left a house key at with a Fire supervisor, paid a \$426 reinspection fee, but had not gotten a response. He reiterated that he had no place to go. He asked that the placards be removed and he be allowed time to make the corrections.

Ms. Moermond said the TISH inspection conducted by Roger Bovee in 2002 was the sellers' disclosure and was different from a Code Compliance inspection. She asked whether the \$1100 vacant building fee had been paid. Mr. Nunyakpe said he'd paid an inspection fee. Ms. Moermond clarified that the \$436 fee was for the Code Compliance inspection.

Ms. Moermond said she would lay the matter over for one week to get the power of attorney. She said the placards could be removed. She said given the irregularities in the Certificate of Occupancy file history, she would allow the condemnation appeal and would allow Mr. Nunyakpe to continue to live there for a week. She confirmed with Mr. Nunyakpe that the extension cords were gone and there were operational smoke and CO detectors; she said the dryer should not be used.

Ms. Moermond laid the matter over to December 7 at 2:30 p.m.

- 20 [ALH 10-563](#) Appeal of Don Frable to a Fire Inspection Correction Notice at 1187 WOODBRIDGE AVENUE.

Variance granted on the windows in both bedrooms; Mr. Frable to install reflective lettering warning of the low ceiling height in stairways leading to upper unit and Ms. Moermond will give further consideration to that issue; pictures are to be provided within two weeks; and remove the aluminum windows in the porch by June 1, 2011. The egress window in the child's room shall not be blocked.

Inspector Leanna Shaff stated that the property was inspected by Lisa Martin on December 6, 2010. This is an issue of an egress window in the porch and the children's bedroom window which is blocked by bunk beds. Also, the window is too small.

Mr. Frable said this is a duplex with two bedrooms on each floor. It was built in 1909 as a bungalow. One bedroom opens into the front porch and he was told that was acceptable as long as the porch is open. The Certificate of Occupancy (C of O) was granted as is.

Marcia Moermond, Legislative Hearing Officer, said if there were two ways in and out of the upstairs unit, they could get away with reflective signage about the low ceiling height which would help someone trying to get out as well as firefighters trying to get in. Mr. Frable said it was built like that and has been a duplex for a very long time. The C of O was conducted less than three months before he bought it. He asked if he were to put a ladder on the dining room window if that would fix the problem. There is no possible way to put a second set of steps on the exterior because it's on the property line on one side and if it's done on the other side, the windows would be blocked. Ms. Moermond asked about rebuilding the current steps. Mr. Frable said it would mean tearing off the entire roof and building a dormer which would cost more than he paid for the house. Ms. Moermond said it was a lot of money but she felt that was the direction they were going. She requested he provide her with photos within two weeks. She would like to see a variety of angles as well as someone standing in the area in order to get a sense of the space. In the meantime, she asked that he purchase reflective lettering warning of the low ceiling height and put it up by the end of this week. She wants to look into why this issue was not called out in earlier inspections as it's a serious situation.

No Hearing Necessary

Window Variances: Fire Certificate of Occupancy

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| 21 | ALH 11-8 | Appeal of Reid and Susan Volkman to a Fire Inspection Correction Notice at 1022 TUSCARORA AVENUE. |
| 22 | ALH 11-24 | Appeal of Tou Ger Vang to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 777 MINNEHAHA AVENUE EAST. |
| 23 | ALH 11-25 | Appeal of Rania Emran to a Fire Inspection Correction Notice at 1786 HAWTHORNE AVENUE EAST. |
| 24 | ALH 11-26 | Appeal of Darlene Van Drew to a Fire Inspection Correction Notice at 940 ST. CLAIR AVENUE. |

- 25 [ALH 11-29](#) Appeal of Rick Calkins, REM Ramsey Inc., to a Fire Inspection Correction Notice at 1646 SUBURBAN AVENUE.
- 26 [ALH 11-37](#) Appeal of Jason Oberhumer to a Fire Inspection Correction Notice at 1809 RANDOLPH AVENUE.
- 27 [ALH 11-38](#) Appeal of Robert Julen; Sibley Manor, Inc.; to a Fire Inspection Correction Notice at 2443 STEWART AVENUE.
- 28 [ALH 11-46](#) Appeal of Jenni Xiong to a Fire Inspection Correctiuon Notice at 106 MAGNOLIA AVENUE WEST.

Window Variances: Building Permits

- 29 [ALH 11-40](#) Appeal of Bryan Horton, Renewal by Andersen, to an Egress Window Non-Compliance Determination at 1811 ELEANOR AVENUE.
- 30 [ALH 11-42](#) Appeal of Bryan Horton, Renewal By Andersen, to an Egress Window Non-Compliance Determinations at 1828 MONTREAL AVENUE.