



APPLICATION FOR APPEAL

RECEIVED
JUL 31 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, <u>Aug. 14</u>
Time <u>1:30 P.M.</u>
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 238 LEXINGTON PKWY. N. City: ST PAUL State: MN Zip: 55104

Appellant/Applicant: GORDON MERGENS Email SEELEVEL13@YAHOO.COM

Phone Numbers: Business 612-0720-2213 Residence SAME Cell SAME

Signature: Gordon D Mergens Date: 7-29-2012

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 SEE ATTACHED LETTER
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

7/29/2012

To the office of the city clerk.

This letter is to request variance's on the remaining issues with the property at 238 Lexington and to request a five year interval between inspections.

After 15 months since the original certificate was granted, a new inspection was scheduled for this property. After the May inspection I received a list of thirty items the new inspector wanted corrected. I took care of as many items as I could and what I considered the major issues. After the July inspection I received a letter with thirteen items on it, three of which were completed at the time of the second inspection and a new item (clothes hanging on pipe) that existed in every inspection I ever had.

I'd like to run down the list of items and give you the status of each.

1, The exterior of the house is mostly stucco in good repair. The trim is wood and is what the inspector has an issue with. This was going to be my main undergoing this summer but I've been sidetracked by the work the inspector has requested. Some of this work can be done year round by painting inside and replacing old wood in the colder months. Not in 30 days. **VARIENCE**

2, The ceiling under the porch was covered with 5/8 fire retardant sheet rock on 2X12 floor joists as requested by the inspector in the May inspection. The garage is concrete block not wood. 2/3's of the ceiling is span concrete. The last 1/3 of the ceiling is the new sheet rock. I consider this work done. **VARIENCE**

3,4,6,7,9, These are all the same issue-grounding. These passed the first COO inspection and now they are not. The solution is to put in two pronged outlets so the inspector can't plug in the tester. The problem still exists, but the inspector can't prove it. I'd rather not play the game. **VARIENCE**

5,12, This work was completed by a contractor, under permit, at the time of the second inspection. **Why is this still on the list?**

8, All circuit breakers are in one box in unit #3. This has not changed since the first COO was issued and has been this way for the 22 years I've rented these units. This issue would require rewiring of the whole house. This is not feasible or cost effective. Circuit breakers do trip. The occupant of the third unit is a caretaker. They reset the breakers when they are there. I and the neighbor are the backups. Tenants are without power due to Excel outages more than they are due to breakers tripping. Without a variance this place will be vacant. **VARIENCE**

10,13, This is the inspectors interpretation. I am in the process of sorting this into keep, donate, and pitch. I will do this at my own pace, not within the next couple of weeks. Again, #13 was never an issue before this latest letter. **VARIENCE**



FIRE CERTIFICATE OF OCCUPANCY

City of Saint Paul

Department of Safety and Inspections

Division of Fire Inspection



This certificate is issued in accordance with SPLC Chapter 40, and other applicable provisions of the Saint Paul Legislative Code.

238 LEXINGTON PKWY N

This building is certified for the following occupancy or use :

Residential 3+ Units

3 Dwelling Units

Reference Number:
116037

Certificate is issued to:

GORDON T MERGENS

238 LEXINGTON PKY N

ST PAUL MN 55104-6431

This Certificate must be posted in a conspicuous location upon the certified building
Please direct questions to DSI - Fire Inspection Division 651-266-8989.

ISSUED

2/13/011



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

July 20, 2012

Gordon T Mergens
238 Lexington Pky N
St Paul MN 55104-6431

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
238 LEXINGTON PKWY N

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on July 19, 2012. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately.

A reinspection will be made on August 20, 2012 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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. 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. -Paint the walls, fascia, and soffit where paint is chipped or peeling.
2. Garage - Ceiling - 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.
3. Unit 1 - Bedrooms - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.
-Repair all non-grounded three prong outlets throughout or provide an approved outlet where appliances require a ground.
4. Unit 1 - Kitchen - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090. -Replace and properly install the non-grounded and improperly working three prong outlet.

5. Unit 1 - 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 **will** require a permit(s). Call DSI at (651) 266-8989.
6. Unit 2 - Kitchen - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet. -The stove is plugged into a non-grounded adapter. Contact a licensed electrician to provide an approved outlet where appliances require a ground.
7. Unit 2 - West Bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090. -Repair loose outlet.
8. Unit 3 - NEC 240.24 - Each occupant shall have ready access to all overcurrent devices protecting the conductors supplying that occupancy. This work will require a permit. Contact DSI at 651-266-8989.
-The electrical panel serving all three units is located in the basement unit 3.
9. Utility Room - Ceiling - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.
-Repair the non-grounded three prong outlet.
10. Utility Room - MSFC 315.2 - Provide and maintain orderly storage of materials.
11. Utility Room - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.
12. Utility Room - UMC 504.6 - Provide, repair or replace the dryer exhaust duct. This work **will** require a permit(s). Call DSI at (651) 266-8989.
13. Utility Room - MFGC Chapter 4 - Provide or maintain fuel equipment piping in compliance with the mechanical code.
-Discontinue hanging clothes or other items from the gas piping.

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 the original orders.

If you have any questions, email me at william.beumer@ci.stpaul.mn.us or call me at 651-266-8991 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,

William Beumer
Fire Inspector