



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Minutes - Action Only - Draft

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
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Tuesday, May 10, 2011

9:00 AM

Room 330 City Hall & Court House

- 13 RLH FCO 11-40 Appeal of Loni Labrocca to a Fire Certificate of Occupancy Correction Notice at 1131 LINCOLN AVENUE.

Sponsors: Thune

Deny the appeal on bedroom in Unit 3, Lower Level and grant an extension for 90 days to come into compliance.

RE: 1131 Lincoln Avenue (duplex)

Loni LaBrocca, property manager, appeared.

Inspector Shaff, Fire, reported that this was an Order from a Fire Certificate of Occupancy inspection. The latest letter, dated April 14, 2011 from Inspector Rick Gavin stated that for years (going back to the 50s according to Karen Zacho), this is listed as a duplex. Upon inspection, Mr. Gavin found it to be a tri-plex. The window in question is located in the third unit. Ms. Shaff has spoken with the appellant and it sounds as though she will need some time to meet with the owner to decide what their next steps will be. They may keep the third unit or not. The window in this third unit is an awning style that opens only to 15 inches high x 25 inches out and it is parallel to the ground. Code requires a minimum of 24 inches opening height, and awning style windows haven't been code compliant for a long time.

Ms. LaBrocca explained that for the owner, she also manages a house in Circle Pines, MN. She stated that this third unit was not recently added. This property has been in the owner's family for 40+ years and according to him, this third unit has always been there. The owner, actually, lived in the third unit for ten (10) years after he was divorced. They are trying to decide if it makes sense for them to rezone it as a triplex, since everything is up to code. If so, they will be more than happy to fix that window. If it doesn't make sense to rezone, they will evict the tenant in the third unit and the window would be a mute point. When Rick Gavin came to inspect, he said that, obviously, this structure had been zoned incorrectly. Ms. Shaff researched STAMP and found this property to be zoned RT-1. She checked to see whether a tri-plex is allowed in an RT-1 zone and found that RT-1 does not allow a tri-plex. Ms. Moermond noted that it sounds as though the owner would need to seek a rezoning from the Planning Commission. She suggested that Ms. LaBrocca contact the Department of Safety and Inspections (DSI) to find out a little more about the zoning and what they would look for in a situation like this. First of all, is it zoned correctly? If it is, Ms. LaBrocca should contact Planning and Economic Development (PED) to go through the Planning Commission for a rezoning.

Ms. Moermond said that she is not too happy with this window. Ms. LaBrocca

suggested an option: because it is a 2-level unit, she can switch the living room and the bedroom so that the living room would be downstairs with that window until the zoning can be figured out. Ms. Moermond said, "Let's do it because this window is not acceptable." In the future, if this room can again be used as a bedroom, the window will need to be replaced. Ms. LaBrocca agreed.

Ms. Moermond will recommend denying the appeal and granting a 90-day extension to decide about the rezoning.

Referred to the City Council due back on 6/1/2011