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# APPLICATION FOR APPEAL

RECEIVED  
JUN 28 2011  
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

**YOUR HEARING Date and Time:**

Tuesday, 7-12-11

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

*mailed 6-28-11*

## Address Being Appealed:

Number & Street: 1647 Middleton City: ST PAUL State: MN Zip: \_\_\_\_\_

Appellant/Applicant: Michael J. Ubi Email mjub1007@charter.net

Phone Numbers: Business 952-967-6740 Residence 952-435-8436 Cell 651-238-7832

Signature: *Michael Ubi* Date: \_\_\_\_\_

Name of Owner (if other than Appellant): \_\_\_\_\_

Address (if not Appellant's): 17810 Iten Ct Sg Lakeville MN 55044  
(SEE ABOVE)

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
- Other
- Other

WINDOW SIZE FOR ESCAPE (See Attached)

To: Office of City Clerk (St Paul)

From: Michael Ubl

Date: June 21, 2011

Subject: Fire Inspection Correction Notice (1647 Middleton Ave.)

On June 13, 2011, a home that is owned by my wife and me (Michael and Laura Ubl) was inspected by Peter Gavin, a fire inspector for the city of St. Paul. A copy of the Fire Inspection Correction Notice is included for your reference.

I do not necessarily know the specific protocols, but I would like to appeal issue # 2 in the letter with regard to 'Escape Windows for Residential Properties'.

1. Windows on first floor – It would appear that the glazed surface area on these windows is 8.0 square feet. While the total surface area exceeds the 5 square foot minimum, the minimum depth is one inch short of the required 24 inches. The problem can and will be corrected by removing the window treatments (roll-up shade) that are positioned inside the frame of the window sill. This will result in the window being able to open to a height of 24 inches.
2. Window on second floor – The glazed window surface is 6.5 square feet. The issue is that the window opening is only 21.5 inches high. While the height is below the city ordinance requirement, the overall surface requirement still exceeds the 5 square foot minimum requirement.

I believe that the overall square footage in the window openings is reasonable for escape if the need arises. I would request consideration from the city of St. Paul to waive the minimum height requirement for the window on the second floor since the overall square footage opening does meet city ordinance MSFC1026.1.

Please advise me as to when you would like my presence for a hearing to further discuss this matter.

Again, thank you for your consideration.

I can be reached at the following:

Phone: 651-238-7832 (Cell)

Email: [mjubl007@charter.net](mailto:mjubl007@charter.net)



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)

June 13, 2011

MIKE UBL  
17810 ITEN COURT S.  
LAKEVILLE MN 55044

### **FIRE INSPECTION CORRECTION NOTICE**

RE: 1647 MIDDLETON AVE  
Residential Class: C

Dear Property Representative:

Your building was inspected on June 13, 2011 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 11, 2011 at 11:30 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. Back door - MSFC 1003.3.1.8 - The maximum number of locks on unit doors is two. Remove all locks in excess of two.

2. Double hung windows - 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.-

Second floor

21.5 h x 26 w Glazed 6.5 sq ft

First floor North

23 h x 26 w Glazed 8.0 sq ft

First floor South

23 h x 26 w Glazed 8.0 sq ft

\$25

Excellent case for appeal

3. Garage - Facing west - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide reflective numbers or background or illuminate at night.

4. 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.

Licensed Fuel Burning Contractor

5. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

6. MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.

7. MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.

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: [rick.gavin@ci.stpaul.mn.us](mailto:rick.gavin@ci.stpaul.mn.us) or call me at 651-266-8994 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,

Rick Gavin  
Fire Inspector



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-9090  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

April 28, 2009

To: Saint Paul Housing Owners and Interested Citizens

Fr: Bob Kessler, Director  
Department of Safety and Inspections

**Re: Uniform Egress Window Policy**

The Department of Safety and Inspections recognizes that the various code requirements for egress windows are confusing and need clarity so that property owners will know what the requirements are when we inspect their properties.

An egress window is very important because it is a life safety means of escape from smoke and/or fire and other potential hazardous conditions. The Department of Safety and Inspections wants to emphasize the public safety of all residents by establishing the following uniform policy for the size of egress windows for residential housing.

### **Department of Safety and Inspection Egress Window Policy**

The Minnesota State Fire Code, which has been adopted by the City of Saint Paul, applies to existing buildings when: 1) identified in specific sections of the fire code; and 2) when, in the opinion of the code official, a structure, facility or condition constitutes a distinct hazard to life and property. Minn. R. 7511.0102 (IFC 102.1).

Under the Minnesota State Fire Code, escape windows in existing buildings that were installed prior to April 11, 1983 must have a clear opening be at least 20 inches in width, 24 inches in height and 5 square feet of entire glazed opening area, with a finished sill height of no more than 48 inches. Minn. R. 7511.1026 (IFC 1026.1). Windows not meeting this requirement must be upgraded in order to satisfy the Minnesota State Fire Code.

## DSI Egress Window Policy—Page 2

In addition, the Fire Marshal has declared that all escape windows with openings less than 20 inches in width, 24 inches in height and 5 square feet of entire glazed area with a finished sill height of no more than 48 inches to be a distinct hazard to life and property. (See Fire Marshal Steve Zaccard's Policy Memo, April 2009).

### Window Policy:

Based on the Minnesota State Fire Code, windows in existing structures must have a clear opening be at least 20 inches in width, 24 inches in height **and** at least 5 square feet of entire clear glazed area, with a finished sill height of no more than 48 inches. In addition, replacement windows cannot be smaller than the originally approved windows, unless the originally approved windows exceed the current building code,

### Exceptions:

The only exception to the above policy that may be granted by the Department of Safety and Inspections is for previously installed replacement windows that were installed under permit, inspected, and approved by the Department of Safety and Inspections prior to April 28, 2009.

### Appeals:

Any window not meeting these specific requirements can appeal to the City Council via the City's Legislative Hearing Officer. The Council will consider the benefit to be obtained by complying with the fire marshal's orders and the effect on affordable housing, provided that the spirit of the code is complied with and public safety is secured. (Minn. Stat. § 299F.011, subd. 5b).

Please direct any questions regarding this policy to Mr. James Bloom, Building Code Official for the Department of Safety and Inspections. 651-266-9071