

City of Saint Paul

*15 West Kellogg Blvd.
Saint Paul, MN 55102*



Minutes - Final - Final

Tuesday, November 30, 2010

9:00 AM

Room 330 City Hall & Court House

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer

Mai Vang, Hearing Coordinator

Jean Birkholz, Hearing Secretary

legislativehearings@ci.stpaul.mn.us

651-266-8560

9:00 a.m. Hearings

Summary Abatement Orders

- 1 [ALH 10-402](#) Appeal of Charles D. Delisi to a Summary Abatement Order at 702 THIRD STREET EAST.

Sponsors: Lantry

Attachments: [702 Third Street East.Appeal.11-30-10.pdf](#)

Per Rich Singerhouse, DSI staff, Appellant indicated he is withdrawing his appeal as everything is now in compliance.

Withdrawn

- 2 [ALH 10-412](#) Appeal of Philip Black and Dan Boler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 256 MARSHALL AVENUE.

Sponsors: Carter III

Attachments: [256 Marshall.appeal.11-30-10.pdf](#)
[256 Marshall Ave.Fire C of O Orders.11-8-10.dot](#)
[256 Marshall Ave.Photos.11-8-10.pdf](#)
[256 Marshall Ave.Photos.10-29-10.pdf](#)
[256 Marshall Ave.Fire C of O Orders.10-29-10.dot](#)
[256 Marshall Ave.Fire C of O Orders.9-20-10.dot](#)

Ms. Moermond recommended that if the following Items on the Deficiency List dated November 8, 2010 are completed by the end of the week, she will grant a two (2) week extension (December 17, 2010) to complete the balance of the items except for the foundation issue. If the work is not complete at that time, the property must be vacated. At that time also, an address must be provided to the City where all documentation regarding 256 Marshall Avenue should be sent.

STAFF PRESENT: Inspector Mike Urmann, Department of Safety and Inspections - Fire; Mai Vang and Jean Birkholz, Council Research.

RE: Revocation of Fire Certificate of Occupancy and Order to Vacate

Philip Black appeared.

Ms. Moermond noted that the first Order to Vacate was issued on September 20, 2010 with an October 19, 2010 date to Vacate. (No one showed up to allow entry into the building.) The current Order is for December 1, 2010. Inspector Urmann stated that they have been trying to accommodate the owner. They have extended the date a couple of times to allow work to be finished. It appears, however, that the owner has not complied. Inspector Martin took pictures on October 29, 2010 and Inspector Urmann has emailed them to Ms. Moermond. It has become necessary to uphold the Revocation because of non-compliance.

Ms. Moermond stated that everything on the Deficiency List needs to be addressed before the building can be re-occupied. Ms. Moermond will make a determination today which will continue to be upheld until it is reviewed by the City Council on

December 15, 2010 at the public hearing. Today, she will first hear the staff report and then hear from the appellant. Inspector Urmann stated that the original orders contained only 15 items which is a tell-tale sign that the inspector was not able to gain access to the entire building at the first appointment. Two (2) letters were sent to gain access for a full Certificate of Occupancy Compliance inspection. They didn't obtain entry until October 29, 2010 (third try). The Revocation was never lifted because when they finally gained entrance into the building, there was such a large number of violations, it was not possible to lift the Revocation. Had the inspector found relatively minor, aesthetic type things, they could have restored the Revocation. In this case, there are thirty-three (33) Orders on the building of ten (10) units. There's a lot of deferred maintenance. The last full Certificate of Occupancy Inspection was done in 2008 (C building) which meant that it was scheduled to be re-done last year, actually.

Ms. Moermond, Inspector Urmann and Mr. Black viewed the photos of:

- stairs
- replaced rotted trim, soffit and fascia
- siding being replaced
- outside stairs
- tagging of out-of-date fire alarm system
- water damage on walls, ceilings
- multi plug
- torn screen
- broken window frames
- dirty smoke detectors
- toilet with no tile
- gap at top of door; bottom of door
- door frame
- electrical issues
- smoking materials on deck

Mr. Black showed photos of progress on exterior work being done - he will email them with descriptions to Ms. Moermond. He added that he is replacing all screens and is doing a lot of painting. He contends that 95 percent of all the work on the windows is done; about 85-90 percent of what's on the list has been completed. He spent \$25,000 on the roof in 2005. There are three (3) items on the list which he doesn't understand, one of them deals with the foundation. He was going to ask Inspector Martin when she came back but Inspector Isabel came instead. Inspector Urmann explained that Inspector Isabel just went out there to check on the smoke and carbon monoxide detectors which were required to be re-checked within 24 hours and Inspector Martin was not available to do it.

Ms. Moermond asked Inspector Urmann which items on the list need to be dealt with immediately besides the smoke and carbon monoxide detectors, which have already been taken care of. Inspector Urmann listed the following: #3 - foundation issues; #7 - stairways, porch, decks, etc; need reports for #15 & #16 - fire alarm system and fire extinguishers; #22 - dryer exhaust ducts; #23 - unsafe heating system report; #24 - damaged electrical fixtures; #27 - exit obstructions; #29 - plumbing leaks in Unit 1 & 5; #30 - bulbs in hallway & lights in Unit 2.

Ms. Moermond stated that it looks as though Mr. Black needs to have a licensed electrician, per state code, to come in. Mr. Black responded that as far as he knew, there were no electrical issues that needed attention. Inspector Urmann added that some of the electrical issues were shown in the photos: broken outlets; open boxes; splices taken place without benefit of a box, etc. Any electrical work needs to be done under permit, per state code.

Mr. Black noted that he had hoped that his tenants would not be kicked out today. He has spent \$4,000 within the last week or so, trying to get things shaped-up.

Ms. Moermond asked Mr. Black whether Inspector Martin said anything specific about the foundation. Mr. Black responded that she hadn't explained what she wanted. He is not sure what inspections looks for as far as the foundation is concerned.

Ms. Moermond stated that it sounds as though it would be pretty simple to get the heating reports in. Mr. Black responded that he had them tested and found out that there was a leak; so, the heating contractor came back and rebuilt the boiler. Ms. Moermond asked if he did a new set of readings. Mr. Black said that he didn't know; he will get the contractor back out to test it and then get the report back to the inspectors.

Ms. Moermond said that she thinks Mr. Black has taken a very long time to do these things and let them pile up until the very last minute. Mr. Black responded that he hadn't received a Notice until the end of October, 2010. The owner used to have his mail sent to his 2230 County Road C address but he hasn't been there for over ten (10) months to a year. The owner has moved twice since then. Mr. Black assumed that he had reported his new address. Mr. Black finally got a call from Inspector Martin and then realized that he had missed three (3) appointments. It wasn't on purpose; he just didn't know about them. The owner didn't forward them to Mr. Black. Mr. Black has all of his mail sent to his address on University Avenue. Inspector Urmann stated that the City has not been provided with a change of address as the code requires, that's why the City goes with what Ramsey County taxation has on record, which is legally incumbent upon the City.

Ms. Moermond stated that the items noted must be addressed by the end of this week except for the foundation elements which will need some clarification; and the City will provide that clarification by the end of the week, as well. She reiterated the numbers: #7, #11, #12, #13, #14, #15, #16, #22, #23, #24, #27, #29, #30 and #33. She understands that some are already done and some just need reports. If those items are done by the end of this week on December 3, 2010, Ms. Moermond will recommend a two (2) week extension after that until December 17, 2010. The building must be vacated if those items are not finished.

Inspector Urmann requested that the appellant also provide, in writing, which address that they want the documentation to go to so that the City knows where to send it. Ms. Moermond stated that will also go onto the list of things which need to be done by Friday, December 3, 2010. The City website contains an Application for Fire C od O. She suggested that Mr. Black fill it out and either FAX or mail it in. She suggested, also, that he contact Ramsey County Taxation Records and update the information there.

Referred to the City Council, due back on 12/15/2010

11:00 a.m. Hearings

Orders to Vacate, Condemnations and Revocations

- 3 [ALH 10-366](#) Appeal of Daniel J. Chlebeck to a Fire Certificate of Occupancy Order to Vacate and Vacant Building Registration Notice at **873 KENNARD STREET**.

Sponsors: Bostrom

Attachments: [873 Kennard.appeal.11-5-10.pdf](#)
[873 Kennard St.Fire C of O Order to Vacate.10-12-10.dot](#)
[873 Kennard St.Photos.10-18-10.pdf](#)

The appeal has been withdrawn. VB closed per Rich Singerhouse.

Withdrawn

- 4 [ALH 10-421](#) Appeal of Helen E. Fairbanks to a Notice of Condemnation Unfit for Human Habitation Order to Vacate and Vacant Building Registration Notice at 911 DALE STREET NORTH.

Sponsors: Carter III

Attachments: [911 Dale.appeal. 11-30-10.pdf](#)
[911 Dale St.Photos.11-4-10.pdf](#)
[911 Dale St N.PC ltr.11-30-10.doc](#)
[911 Dale St N.PC ltr.12-10-10.doc](#)

Ms. Moermond recommended granting a four (4) month extension on the Vacant Building fee.

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

*Notice of Condemnation - Order to Vacate
Vacant Building Registration*

Helen Fairbanks, owner; Vicki Schultz, daughter; and Doug Fairbanks, son, appeared.

Ms. Moermond asked whether someone was living in the house. Ms. Fairbanks responded, "No." She needs more time to make a decision as to whether she wants to keep the property and fix it up, sell it or demolish it. Ms. Moermond explained that her decision today will prevail until the City Council has a public hearing on this matter on December 15, 2010 unless the appellant is satisfied with today's outcome, which will mean we won't need to schedule a public hearing on this matter.

Ms. Fairbanks wondered why it had been inspected because the property had never been rented; her grandson had lived in there. Ms. Schultz also stated that when she went by the house, she noticed the Condemnation and the Vacant Building sign on the house. She called both the numbers that were on the signs and no one was able to give her any options or answers because the file contained only pictures of the house but there was no letter. The person she spoke with were also rather confused and frustrated because there was no letter so they couldn't answer any of her questions. But, she was also told that this was very serious and she'd better apply for an appeal.

Inspector Urmann reported that this started out as a Fire C of O for a non-owner occupied building. Inspector Isabell told Mr. Urmann that there was an occupant in the building. That's why it became necessary to issue the Notice of Condemnation and Unfit for Human Habitation. Mr. Urmann directed Ms. Moermond to the photos in the file showing a lot of demolition and construction going on inside the building,

which makes it unsafe for anyone to occupy the building. He explained that there is a letter on file; it went in November 4, 2010.

Ms. Moermond asked the appellants whether they had been in the house recently. They replied that they have.

Inspector Dornfeld reported that Inspector Mike Kalis opened a Category 2 Vacant Building on November 9, 2010 per the Condemnation Order.

Mr. Doug Fairbanks noted that there was no one living there at the time. Mr. Urmann stated the inspector had reported to him that there was someone at the property while he was there to let him in. Ms. Fairbanks added that at the time of the inspection, she had a doctor's appointment, so her grandson was there to let him in. Ms. Schultz stated that the gentleman who inspected the house asked her nephew if he was living there to which he responded that he wasn't; but the man didn't seem to believe him. Mr. Urmann clarified that the inspector had seen evidence of furnishings and personal belongings there so he may have believed that someone was living there. Normally, when inspectors see furnishings in the house, someone is using it. Inspector Dornfeld added that there was also someone there when Inspector Kalis opened the Vacant Building file; then, he asked to have it put onto the night check list. Ms. Moermond asked if the Vacant Building inspectors send an appointment letter when they go out to the property. Inspector Dornfeld responded that they do not. Inspector Kalis went out there between 10 am and Noon on November 8, 2010. Ms. Fairbanks noted that he didn't realize that his nephew had let two (2) people into the house. Ms. Schultz stated that both inspectors came out the same day, one right after the other. Mr. Dornfeld interjected that the Vacant Building inspector went out there four (4) days later. Ms. Schultz said that she didn't think so because both signs were up on the same day. The Condemnation sign and the Vacant Building sign were up that same Thursday evening that the house was inspected. She had driven by and they were dated. Mr. Dornfeld guaranteed that the inspectors did not do the inspections together. But Inspector Kalis said that he had spoken to someone at the home who appeared to be living there. Ms. Schultz thinks that one inspector came right after the other and her nephew was still there.

Ms. Schultz asked about the Vacant Building fee. Ms. Moermond stated that the reason that this house was inspected was because it was not owner-occupied, so it required a Certificate of Occupancy. The Certificate of Occupancy throws properties into the program to be inspected. There are approximately 13,000 single-family homes and duplexes that need to be in the C of O program. Half of them are already in and have been inspected; now, it's your turn. The inspector condemned the building because they found the demolition and construction going on and they issued an Order to Vacate, just to be on the safe side. Because of the furnishings inside the home, it looked as though someone could have been living there, so they placarded it. When there is a condemned house with no one living there, it is automatically sent into the Vacant Building Program. That means that the house needs to be fixed up in order to make it habitable according to code standards before someone can live there again. It also means that the owner needs to pay an annual fee, which serves to partially cover the City's costs as well as being an incentive to repair it. In this case, Ms. Fairbanks may want to demolish it. She also would like to delay the Vacant Building fee in order to sort through the options of repair, demo/sell and compare the costs. Ms. Schultz asked if the house had been condemned is the inspectors had known that no one was living there. Ms. Moermond responded that it would have been sent into the Vacant Building Program. Mr. Urmann added that they would have issued a Condemnation Order; they would not have posted a 10-day Vacate Order. Then, it would have been referred to the Vacant Building Program even if the inspectors had believed that it was unoccupied to avoid someone moving

in.

Ms. Moermond asked what process the family would use to make their decision. Ms. Fairbanks responded that some have suggested that they have businesses look at it because it's commercial/industrial property. Mr. Fairbanks stated that he has visited a realtor already but he hasn't gotten back to him. Ms. Moermond responded that if the property is zoned residential, they can't sell it; however, if it is zoned commercial, she believes that they might be able to. Mr. Urmann said that it is currently zoned residential but it's in a commercial district. Mr. Fairbanks added that they had found out that if they wanted to tear the house down and put up a new one, they would need to have a survey done. So, it is a residential property with a lot of code violations (Category 2 Vacant Building).

Inspector Dornfeld explained that in order to sell a Category 2 Vacant house in the City of Saint Paul, the prospective buyer must go through a sale review process. He asked Mr. Fairbanks to give him a call and he would explain the necessary steps. The Vacant Building fee will need to be paid; a Code Compliance Inspection will need to be on file; the prospective buy will have to show available financing and he will have to have a contractor who will need to come up with a work plan and a timeline. Getting the Code Compliance Inspection done is the first thing the owner needs to do. This would allow the owner to sell it sooner. Ms. Moermond stated that the Code Compliance Inspection will cost \$436. A seller needs either a Code Compliance Inspection or a Truth in Sale in Housing Inspection. You can substitute the Code Compliance Inspection for the Truth in Sale in Housing Inspection but you cannot substitute the Truth in Sale in Housing Inspection for the Code Compliance Inspection.

Ms. Moermond explained that if they decide to demolish the property, they will need a demolition permit and they will need to hire a licensed demolition contractor to demo it (get 4-5 bids). The contractor will cut utilities, cap sewer and gas lines, etc. The demo will be an easier project before there is deep frost.

Ms. Moermond recommended granting a four (4) month extension on the Vacant Building fee. The Fairbanks have four (4) months to decide after which the Vacant Building fee will kick-in.

Inspector Dornfeld asked Mr. Fairbanks to give him a call and they will work through it.

Ms. Moermond noted that Ms. Fairbanks will receive a letter with a copy of the minutes from this hearing.

Referred to the City Council, due back on 12/15/2010

5 [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.

Sponsors: Thune

Attachments: [676 Rivoli.appeal.11-30-10.pdf](#)
 [676 Rivoli St.PC ltr.12-10-10.doc](#)
 [676 Rivoli St.Revised.PC ltr.12-10-10.doc](#)

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.

Laid Over to the Legislative Hearings, due back on 1/4/2011

- 6 [ALH 10-437](#) Appeal of Tovah Flygore, SMRLS (Southern Minnesota Regional Legal Services), on behalf of Angela Porter to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 498 BEAUMONT STREET.

Sponsors: Thune

Attachments: [498 Beaumont.appeal.11-30-10.pdf](#)

SMRLS on behalf of Appellant withdrawn the appeal.

Withdrawn

1:30 p.m. Hearings

Fire Corrections Notice

- 7 [ALH 10-410](#) Appeal of Ray T. Walentiny to a Fire Inspection Correction Notice at 428 WARWICK STREET.

Sponsors: Harris

Attachments: [428 Warwick.appeal.11-30-10.pdf](#)
[428 Warwick St.PC ltr.11-30-10.doc](#)

Grant a 2.5-inch variance on the openable height of the egress window in the first floor west bedroom, and a 6.5-inch variance on the openable height of the egress window in the second floor bedroom. Deny the appeal of the order to replace the front door lock. Deny the appeal of the order to provide a handrail on the front steps and grant an extension to May 1, 2011 for compliance. The front steps must be kept sanded and salted through the winter. (Gavin, 11/10)

Appellant Ray Walentiny (6821 2nd Avenue S., Richfield, MN 55423) appeared.

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy Inspection conducted by Inspector Gavin on November 10, and addressed the deadbolt in the front door, a the handrail for the front steps, and egress windows. She read the window dimensions from the orders.

Ms. Moermond said she would recommend that the Council grant 2.5-inch variance on the openable height of the egress window in the first floor west bedroom, and a 6.5-inch variance on the openable height of the egress window in the second floor bedroom.

Mr. Walentiny said he was replacing the upstairs window anyway and it would meet code. He said the back door lock was a double cylinder and would be replaced; the front door was a heavy duty mortise lock with a ¾ inch throw and was very strong.

Ms. Shaff said the double cylinder deadbolt met code for a single family home or duplex and was not an issue. She described a mortise lock. Mr. Walentiny said a code compliant lock would only extend ¼ further into the jamb. Ms. Shaff said the mortise-type locks were quite simple to pick. Mr. Walentiny said it had a standard Schlage cylinder.

Ms. Moermond said she would recommend that the Council deny the appeal on the lock. Ms. Shaff said removing the mortise lock would compromise the integrity of the door; she asked whether a deadbolt could be added and the mortise just disabled. Ms. Moermond said that would be one way to comply. Ms. Shaff noted that the maximum number of locks allowed was two.

Mr. Walentiny, Ms. Moermond and Ms. Shaff reviewed a photograph of the front steps provided by Mr. Walentiny. Mr. Walentiny said a handrail would either impede or be blocked by the door, and after the first inspection it was decided that it was best not to have a railing.

Ms. Moermond noted that there were four steps. She said the stairs had to have a railing. She said it was a tight set of stairs with no landing. Mr. Walentiny asked whether he could have an extension to spring to install code-compliant steps and a small deck. Ms. Moermond asked whether a grab-bar could be installed in the meantime. Mr. Walentiny said a grab-bar would compromise the stucco. He said the

door itself was currently used like a grab-bar. Ms. Moermond asked what direction the steps faced. Mr. Walentiny said they face south. Ms. Moermond said she would grant an extension to May 1 for compliance as long as the steps were kept salted and sanded.

Referred Under Master Resolution

8 [ALH 10-413](#) Appeal of Neil and Soraya Scott to a Fire Inspection Correction Notice at 475 SUMMIT AVENUE.

Sponsors: Carter III

Attachments: [475 Summit.appeal.11-30-10.pdf](#)
 [475 Summit Ave.PC ltr.11-30-10.doc](#)
 [475 Summit Ave.PC Ltr 1-4-11.doc](#)

Grant a 5-inch variance on the openable height of the egress window in the third floor unit, side bedroom. Grant a 1-inch variance on the openable height of the egress window in the third floor unit, rear bedroom. Grant a 6-inch variance on the openable height of the egress window in the third floor unit, SW side bedroom. Item 3 (deadbolts on third floor bedroom doors) is in compliance. Item 4 (additional means of egress from the third floor unit) is laid over to January 4, 2011 for follow-up from staff and clarification of the code requirement. (Imbertson, 11/5)

Appellant Soraya Scott (475 Summit Avenue, #2, St. Paul, MN 55102) and attorney Andy Dawkins (1700 U.S. Bank Plaza S., 220 S. 6th Street, Minneapolis, MN 55402) appeared.

Ms. Moermond said she had looked at the orders and would recommend that the Council grant a 5-inch variance on the openable height of the egress window in the side bedroom of the third floor unit, a 1-inch variance on the openable height of the egress window in the rear bedroom of the third floor unit, and a 6-inch variance on the openable height of the egress window in the SW side bedroom of the third floor unit.

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Imbertson on November 5 and addressed the a missing smoke detector battery, deadbolts on bedroom doors, and inadequate egress, all in the third floor unit.

Mr. Dawkins said the appeal was focused on Items 1 (egress windows), 3 (deadbolts on bedrooms) and 4 (means of egress); he said everything else had been corrected and he had photographs to document that. Ms. Moermond reiterated that she would recommend variances for the egress windows.

Mr. Dawkins said the deadbolts had been removed from the bedroom doors. With regards to Item 4, he submitted a copy of the DSI pre-inspection checklist and read the item addressing number of exits. He said the door to the third floor was at the second level, so the requirement was met. He said the unit was 1700 ft2 and occupancy load was four; he provided a floor plan of the unit and a copy of the lease. He said he'd called Inspectors Pat Fish and Phil Owens for a clarification of the code, and he provided a copy of an inspection report from 1992 in which Inspector Pat Fish had crossed out the order. He said there had been no changes in the building's structure and a half dozen inspections since then.

Ms. Shaff said she had only spoken briefly with Inspector Fish, but the fire code was clear that two exits were required.

Mr. Dawkins suggested that the hearing be continued to allow time for a report from Inspector Owens and clarification of the code.

Ms. Moermond laid the matter over to January 4, 2011 at 1:30 p.m. Mr. Dawkins asked that he be copied on correspondence from DSI.

Laid Over to the Legislative Hearings, due back on 1/4/2011

- 9 [ALH 10-416](#) Appeal of Pergola Trust to a Fire Inspection Correction Notice at 178 SUMMIT AVENUE.

Sponsors: Thune

Attachments: [178 Summit.appeal.11-30-10.pdf](#)
[178 Summit Ave.Fire C of O Orders.11-17-10.dot](#)
[178 Summit Ave.PC ltr.12-7-10.doc](#)

No one appeared. Appellant called, missed hearing. Rescheduled to December 7, 2010 at 1:30 p.m.

Laid Over to the Legislative Hearings, due back on 12/14/2010

- 10 [ALH 10-423](#) Appeal of Lisa Hertle on behalf of Crocus Hill Real Estate to a Fire Certificate of Occupancy Correction Order at 429 FRY STREET.

Sponsors: Stark

Attachments: [429 Fry.appeal.11-30-10.pdf](#)
[429 Fry St.PC ltr.11-30-10.doc](#)

Deny the appeal and grant an extension to December 31, 2010 for compliance on Items 1 and 5 (window frames, sills and glass), Item 2 (adequate hot water), and Item 4 (electrical service panel labelling). (Beumer, 11/3)

Appellant Lisa Hertle (2271 Valley View, Maplewood, MN 55119) appeared.

Inspector Shaff said a Fire Certificate of Occupancy inspection had been conducted by Inspector Beumer on November 3; she said she wasn't sure what was being appealed. Ms. Moermond said it appeared that only Item 1 (exterior painting) was being appealed.

Ms. Hertle said there'd been a long list initially. She said she'd appeared at an earlier hearing with her property manager who had since been let go for not completing the work. She said financing had been obtained, and \$20,000 had been invested in complying with the orders. She said the contractor had had a death in the family and Items 1 and 5 (window glass) had not been completed. She said they'd treated for roaches (Item 3) and had sent documentation to the inspector, and she wasn't sure why it was still on the list. She said they had filled holes and baited for rats. She said they could only treat for roaches once every 45 days. Ms. Moermond asked whether re-treatment was necessary. Ms. Hertle said the exterminator had said it wasn't. Ms. Shaff said many apartments were treated monthly.

Ms. Moermond asked how many units there were. Ms. Hertle said there were seven.

Ms. Moermond and Ms. Hertle reviewed the situation involving the contractor. Ms. Moermond said she would recommend an extension to December 31 for Items 1 (window frames) and 5 (window glass).

Ms. Hertle said she would also like to talk about Item 2 (adequate hot water). Ms. Moermond read from the orders that the water temperature had been 111 degrees rather than between 120 and 130. Ms. Hertle said the inspector had come at 9:00 a.m., and the temperature fluctuated based on use. She said there were two people working on maintenance and both may have turned it down. Ms. Moermond said she would recommend that the Council deny the appeal on that item and grant an extension to December 31 for compliance.

Ms. Hertle said Item 4 (locate and label electrical service panels for Units 5 and 7) was new to the current list. She said there were no electrical panels in the units; there was a house panel and they paid the electric for the house. Ms. Shaff asked whether the house panel was labeled. Ms. Hertle said there were seven panels. Ms. Shaff asked whether the circuits were labeled. Ms. Hertle said there was some labeling. Ms. Moermond said she would recommend that the Council deny the appeal and require the additional labeling.

Ms. Moermond asked about the heating issue in Unit 6 (Item 8). Ms. Hertle said Unit 6 was next to the boiler room, and a steam pipe went through the apartment. She said the tenant had been there for four years and would send a letter saying the heat was adequate.

Ms. Moermond asked whether the issue had been discussed at an earlier hearing. Ms. Hertle said it had. Ms. Shaff noted that there was no permit for a new heating unit installation. Ms. Hertle said the same order had been appealed for another unit and they'd sent photographs for Ms. Moermond to review with an HVAC person. She said they had decided to install a heater in that unit so the tenant could qualify for VA assistance, but the unit currently being appealed didn't need a heater in addition to the steam pipe.

Ms. Moermond said she would request a staff report on the order in six weeks after the December 31 deadline and the reinspection. Ms. Hertle offered to have the tenant send a letter stating that the heating was adequate.

Ms. Moermond asked whether there was a permit for the work done across the hall. Ms. Hertle said the work was already done and the permit was not open.

Ms. Hertle said Item 9 (fire rated door closer in Unit 6) was also new to the list and would be addressed.

Ms. Moermond said she would not do a six week layover, but would just close out the appeal after receiving the letter from the tenant.

Referred Under Master Resolution

11 [ALH 10-431](#)

Appeal of Susan Sweeney to a Fire Inspection Correction Notice at 128 CASE AVENUE.

Sponsors: Helgen

Attachments: [128 Case.appeal.11-30-10.pdf](#)
[128 Case Ave.PC ltr.11-30-10.doc](#)

Deny the appeal of the sill height requirement and grant an extension to March 1 for installing code compliant step units and remaining items on list. (Cassidy, 10/26)

Appellant Susan Sweeney (1698 E. Sims Avenue, Saint Paul, MN 55106) appeared.

Inspector Shaff gave a staff report. She said the order being appealed was from a Fire Certificate of Occupancy inspection conducted by Inspector Cassidy on October 26 and addressed a 52-inch sill height for a basement bedroom egress window.

Ms. Sweeney provided photographs of the window and reviewed them with Ms. Moermond and Ms. Shaff. She said she would like a variance, or an extension to install steps if required. She said the reinspection had already been changed from November 29 to December 3 or 4.

Ms. Moermond said there should be at least one and preferably two steps with standard rise and run, and extending the full width of the window. Ms. Shaff said they should be permanently affixed. Ms. Moermond asked how much time was needed. Ms. Sweeney said she planned to have everything completed by the end of January.

Ms. Moermond said she would grant an extension to March 1 for the balance of the list.

Referred Under Master Resolution

- 12 [ALH 10-367](#) Appeal of Selby Dale Co-Op to a Correction Notice Re-Inspection Complaint at **651 SELBY AVENUE**.

Sponsors: Carter III

Attachments: [651Selby.appeal.11-5-10.pdf](#)
[651 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)
[637 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)

Referred to Council with a recommendation to send the matter back to Legislative Hearings for a May 10, 2011 hearing. (Westenhofer, 11/1)

Referred Under Master Resolution

- 13 [ALH 10-368](#) Appeal of Patrick Lamb on behalf of Selby Dale Co-Op to a Correction-Notice Re-Inspection Complaint at **671 SELBY AVENUE**.

Sponsors: Carter III

Attachments: [671Selby.appeal.11-5-10.pdf](#)
[671 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)
[671 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)

Referred to Council with a recommendation to send the matter back to Legislative Hearings for a May 10, 2011 hearing. (Westenhofer, 11/1)

Appellant Patrick Lamb (7151 York Avenue S., Edina, MN 55435), Selby Dale Co-op property manager Heather Matias, and Legacy property supervisor Vicki Saete appeared.

Inspector Shaff gave a staff report. She referred Ms. Moermond to the photographs on file and said the issue had started with Fire Certificate of Occupancy inspections.

She said all items other than the exteriors had been completed; the exteriors needed wood repair and paint. She said the compliance date had passed and the appellant had a compelling argument for the appeal.

Ms. Moermond asked what kind of siding it was. Mr. Lamb said it was Texture 1-11. He provided correspondence going back to June 30, 2009 documenting exterior problems. He said it was a 78-unit, low income, limited equity co-op built in 1980 using very low quality materials. He said they agreed with Fire that there was substantial deferred maintenance including sagging roofs, rotted decks, railings, window sills and trim, and deteriorating cement and stucco. He estimated at least \$6 to \$8 million in repairs was needed; he reiterated that it was a low income, limited equity co-op and said there were only seventeen co-op members. He said they had appealed to the Minnesota Housing Finance Agency and to the City of St. Paul for financial assistance beginning two years before, had had an architect take a look, and gotten pricing from a general contractor. He said the co-op members could not afford to do the work and they were looking to the city and to the state for help. He said applications for city and state assistance were accepted in March or April and awards announced in November, and they were asking for additional time to seek financial assistance and complete the exterior work.

Ms. Moermond asked what the property value was. Mr. Lamb said the appraised value was \$2.1 to \$2.2 million on the street and the mortgage was \$3.2 to \$3.3 million. Ms. Moermond asked for a description of the configuration of the buildings. Mr. Lamb said the buildings were fourplexes with a variety of different looks, spreading over about one and three-quarters blocks.

Ms. Moermond asked about the condition of the interiors. Mr. Lamb said he hadn't addressed the interior with Ms. Moermond that day, but at least 30% to 40 % of the project cost was for interior updates. Ms. Shaff said the interior was minimally code compliant at the last inspection. Ms. Moermond referred to photographs of the window trim and said it didn't appear the windows fit tight in the opening. Mr. Lamb said he could put his hand through the trim in some spots. He said they had been addressing the problem for two years and had recently gotten city staff to tour the buildings. He said the property would not be rehabilitated without help from the city, state and federal government. He said they had done this type of project before but it took time.

Ms. Moermond said that she had to weigh how long the repairs could wait given the conditions, continuing deterioration, and potential hazards to residents. She asked what the occupancy level was. Mr. Lamb said it was 90% to 93% occupied with about 200 residents, including a lot of families with children.

Dan Bayers, Planning and Economic Development, said there had been no formal application from the co-op or management company but there had been meetings. He said the property was important for Saint Paul because it provided housing and because of the number of children living there. He said the City of St. Paul couldn't afford to do the work and was hoping to partner with another agency. He said there had been no approval from the HRA or City Council.

Ms. Moermond asked how much time was needed to complete and submit an application. Mr. Lamb said MHFA applications were accepted in April or May and awards granted in November. Mr. Bayers said an application could be submitted to the city earlier but he reiterated that any award from the city would be inadequate on its own for the repairs.

Ms. Moermond asked what percentage of the city's pool the project would amount to.

Mr. Lamb said assuming it was a \$10 million project, his HUD first mortgage would cover about 33% of it, low income housing tax credits would cover another 35% to 40%, and the balance would be coming from other funding sources including city, county and state agencies. He said a similar project in Minneapolis had involved nine funding sources, and projects of this kind generally took three to four years from initial planning to resident reoccupation.

Ms. Moermond said she would refer the matter to the City Council with a recommendation to refer it back for a Legislative Hearing on May 10, 2011, after the grant cycle was complete.

Referred Under Master Resolution

14 [ALH 10-369](#)

Appeal of Patrick Lamb on behalf of Selby Dale Co-Ops to a Correction Notice Re-Inspection Complaint at **675 SELBY AVENUE**.

Sponsors: Carter III

Attachments: [675 Selby.appeal.11-5-10.pdf](#)
[675 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)
[675 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)

Referred to Council with a recommendation to send the matter back to Legislative Hearings for a May 10, 2011 hearing. (Westenhofer, 11/1)

Appellant Patrick Lamb (7151 York Avenue S., Edina, MN 55435), Selby Dale Co-op property manager Heather Matias, and Legacy property supervisor Vicki Saete appeared.

Inspector Shaff gave a staff report. She referred Ms. Moermond to the photographs on file and said the issue had started with Fire Certificate of Occupancy inspections. She said all items other than the exteriors had been completed; the exteriors needed wood repair and paint. She said the compliance date had passed and the appellant had a compelling argument for the appeal.

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Ms. Moermond said that she had to weigh how long the repairs could wait given the conditions, continuing deterioration, and potential hazards to residents. She asked what the occupancy level was. Mr. Lamb said it was 90% to 93% occupied with about 200 residents, including a lot of families with children.

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Ms. Moermond said she would refer the matter to the City Council with a recommendation to refer it back for a Legislative Hearing on May 10, 2011, after the grant cycle was complete.

Referred Under Master Resolution

15 [ALH 10-370](#)

Appeal of Patrick Lamb on behalf of Selby Dale Cooperative to a Correction Notice Re-Inspection Complaint at **637 SELBY AVENUE**.

Sponsors: Carter III

Attachments: [637 Selby.appeal.11-5-10.pdf](#)
[637 Selby Ave.10-6-10.dot](#)
[637 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)
[637 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)

Referred to Council with a recommendation to send the matter back to Legislative Hearings for a May 10, 2011 hearing. (Westenhofer, 11/1)

Appellant Patrick Lamb (7151 York Avenue S., Edina, MN 55435), Selby Dale Co-op property manager Heather Matias, and Legacy property supervisor Vicki Saete appeared.

Inspector Shaff gave a staff report. She referred Ms. Moermond to the photographs on file and said the issue had started with Fire Certificate of Occupancy inspections. She said all items other than the exteriors had been completed; the exteriors needed wood repair and paint. She said the compliance date had passed and the appellant had a compelling argument for the appeal.

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Ms. Moermond asked what the property value was. Mr. Lamb said the appraised value was \$2.1 to \$2.2 million on the street and the mortgage was \$3.2 to \$3.3 million. Ms. Moermond asked for a description of the configuration of the buildings. Mr. Lamb said the buildings were fourplexes with a variety of different looks, spreading over about one and three-quarters blocks.

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Ms. Moermond said that she had to weigh how long the repairs could wait given the conditions, continuing deterioration, and potential hazards to residents. She asked what the occupancy level was. Mr. Lamb said it was 90% to 93% occupied with

about 200 residents, including a lot of families with children.

Dan Bayers, Planning and Economic Development, said there had been no formal application from the co-op or management company but there had been meetings. He said the property was important for Saint Paul because it provided housing and because of the number of children living there. He said the City of St. Paul couldn't afford to do the work and was hoping to partner with another agency. He said there had been no approval from the HRA or City Council.

Ms. Moermond asked how much time was needed to complete and submit an application. Mr. Lamb said MHFA applications were accepted in April or May and awards granted in November. Mr. Bayers said an application could be submitted to the city earlier but he reiterated that any award from the city would be inadequate on its own for the repairs.

Ms. Moermond asked what percentage of the city's pool the project would amount to. Mr. Lamb said assuming it was a \$10 million project, his HUD first mortgage would cover about 33% of it, low income housing tax credits would cover another 35% to 40%, and the balance would be coming from other funding sources including city, county and state agencies. He said a similar project in Minneapolis had involved nine funding sources, and projects of this kind generally took three to four years from initial planning to resident reoccupation.

Ms. Moermond said she would refer the matter to the City Council with a recommendation to refer it back for a Legislative Hearing on May 10, 2011, after the grant cycle was complete.

Referred Under Master Resolution

- 16 [ALH 10-439](#) Appeal of Hope and Jeff Austin-Phillips to a Fire Inspection Correction Notice at 567 ASBURY STREET.

Sponsors: Stark

Attachments: [567 Asbury.appeal.11-30-10.pdf](#)
 [567 Asbury St.PC ltr.12-7-10.doc](#)

No one appeared. Appellant called to reschedule. Matter is rescheduled to December 7 at 1:30 per owner's request.

- 17 [ALH 10-440](#) Appeal of Bill Walker to a Fire Inspection Correction Notice at 475 DAYTON AVENUE.

Sponsors: Carter III

Attachments: [475 Dayton.appeal.11-30-10.pdf](#)
 [475 Dayton Ave.PC ltr.11-30-10.doc](#)

Grant a 5-inch variance on the openable height of the egress window in the front bedroom of Unit 1. Deny the appeal on the egress window in the child's bedroom of Unit 1 and grant 90 days for compliance. (Martin, 10/19)

Referred Under Master Resolution

2:30 p.m. Hearings

Vacant Building Registrations

- 18 [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.

Sponsors: Lantry

Attachments: [330 Maple.appeal.11-30-10.pdf](#)
[330 Maple St.Vacant Building Registration.11-2-10.DOC](#)
[330 Maple St.Photos.11-2-10.pdf](#)
[330 Maple St.Order to Vacate.10-26-10.dot](#)
[330 Maple St.Summary Abatement Order.11-2-10.DOC](#)
[330 Maple St.Vehicle Abatement Order.11-2-10.DOC](#)
[330 Maple St.PC ltr.11-30-10.doc](#)
[330 Maple St.PC ltr.12-7-10.doc](#)
[330 Maple St.Power of Atty Affidavit.12-3-10.pdf](#)

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.

Laid Over to the Legislative Hearings, due back on 12/7/2010

Window Variances

- 19 [ALH 10-406](#) Appeal of Thuy Hang Vu to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 721 JACKSON STRET.
- Sponsors: Carter III
- Attachments: [721 Jackson.appeal.11.30.10.pdf](#)
- Grant a 3-inch variance on the openable height of the apartment bedroom egress windows. (Skow-Fiske, 7/23)*
- Referred Under Master Resolution**
- 20 [ALH 10-407](#) Appeal of Dan Bydlon to an Egress Window Non-Compliance Determination at 1361 ST. ALBANS STREET NORTH.
- Sponsors: Helgen
- Attachments: [1361 St Albans.appeal.11-30-10.pdf](#)
- Grant a 3-inch variance on the openable height of three double-hung replacement bedroom egress windows measuring 21 inches high by 32 inches (windows 1 & 2) and 24 inches (window 3) wide.*
- Referred Under Master Resolution**
- 21 [ALH 10-408](#) Appeal of Stephen G. Krambeer to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1038 RANDOLPH AVENUE.
- Sponsors: Thune
- Attachments: [1038 Randolph.appeal.11-30-10.pdf](#)
- Grant a 3-inch variance on the openable height of the bedroom egress windows. (Gavin, 11/4)*
- Referred Under Master Resolution**
- 22 [ALH 10-409](#) Appeal of John Costello to a Fire Inspection Correction Notice at 1349 ASBURY STREET.
- Sponsors: Stark
- Attachments: [1349 Asbury.appeal.11-30-10.pdf](#)
- Grant a 6-inch variance on the openable height of the bedroom egress window in the second floor unit. (Isabell, 11/9)*
- Referred Under Master Resolution**
- 23 [ALH 10-411](#) Appeal of Kyle Roberts to a Fire Inspection Correction Order at 346 GERANIUM AVENUE EAST.

Sponsors: Helgen

Attachments: [346 Geranium.appeal.11-30-10.pdf](#)

Grant a 7-inch variance on the openable height of the egress window in the second floor master bedroom. (Girling, 11/5)

Referred Under Master Resolution

- 24 [ALH 10-415](#) Appeal of Harmony Homes to an Egress Window Non-Compliance Determination at 2196 HIGHLAND PARKWAY.

Sponsors: Harris

Attachments: [2196 Highland Pkwy.appeal.11-30-10.pdf](#)

Grant a 7-inch variance on the openable height and a 1.3 ft2 variance on the glazed area of one double-hung replacement bedroom egress window.

Referred Under Master Resolution

- 25 [ALH 10-418](#) Appeal of David Trepanier to a Fire Inspection Correction Notice at 1525 PACIFIC STREET.

Sponsors: Lantry

Attachments: [1525 Pacific.appeal.11-30-10.pdf](#)

Grant a 6-inch variance on the openable height of the egress windows in the main floor southeast, southwest and northwest bedrooms. (Spiering, 10/25)

Referred Under Master Resolution

- 26 [ALH 10-419](#) Appeal of Toumoua Lee to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 629 CAPITOL BOULEVARD.

Sponsors: Carter III

Attachments: [629 Capital.appeal.11-30-10.pdf](#)

Grant a 2.5-inch variance on the openable width of the bedroom egress window. (Cassidy, 10/19)

Referred Under Master Resolution

- 27 [ALH 10-420](#) Appeal of Marie Plourde on behalf of 33rd Company to a Fire Inspection Correction Notice at 776 SYNDICATE STREET SOUTH.

Sponsors: Harris

Attachments: [776 Syndicate.appeal.11-30-10.pdf](#)

Grant a 3-inch variance on the openable height of the egress window in the second floor bedroom. (Gavin, 11/2)

Referred Under Master Resolution

- 28 [ALH 10-433](#) Appeal of Progressive Construction Homebuilding on behalf of Bob and Lynn Connolly to an Egress Window Non-Compliance Determination at 105 ROSE AVENUE WEST.

Sponsors: Helgen

Attachments: [105 Rose.appeal.11-30-10.pdf](#)

Grant a 3-inch variance on the openable height of three double-hung replacement bedroom egress windows measuring 21 inches high by 27 3/4 inches wide.

Referred Under Master Resolution

- 29 [ALH 10-438](#) Appeal of Yulia Oparista, Invest Your Best LLC, to an Egress Window Non-Compliance Determination at 984 WAKEFIELD AVENUE.

Sponsors: Lantry

Attachments: [984 Wakefield.appeal.11-30-10.pdf](#)

Grant a 2-inch variance on the openable height of one double-hung replacement bedroom egress window measuring 22 inches high by 31 inches wide.

Referred Under Master Resolution