



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, February 28, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 12-6](#) Ordering the rehabilitation or razing and removal of the structures at 304 EARL STREET within fifteen (15) days after the March 7, 2012, City Council Public Hearing.

Sponsors: Lantry

Remove or repair within 15 days.

RE: 304 Earl St (single family)

No one appeared.

Steve Magner, Vacant Buildings:
- layover from Feb 14, 2012 LH
- read letter sent to Mr. Brabec:

This is to confirm that on February 14, 2012 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer stated that the following conditions must be met by the close of business on Monday, February 27, 2012 if you intend to rehabilitate the building:

- 1. the \$5,000 performance deposit must be posted;*
- 2. the property must be maintained;*
- 3. obtain a Code Compliance Inspection Report as soon as possible;*
- 4. provide a lockbox for inspector to access the building.*

If the aforementioned conditions are met, Ms. Moermond will recommend a couple more weeks for the work plan and financial information of at least \$50,000 for the project.

The matter is laid over to Legislative Hearing on Tuesday, February 28, 2012 at 9:00 a.m. in Room 330 City Hall.

If you have any further questions, you may contact me at 651-266-8563.

Sincerely, Mai Vang, Legislative Hearing Coordinator

cc: Steve Magner (email)
Joe Yannarely (email)
Amy Spong (email)
Vicki Sheffer (email)

- not seeing that a Code Compliance has been done yet; not seeing that the Performance Deposit has been paid

Ms. Moermond:

- when he was at the Feb 14 LH, he said that he was a carpenter and he had friends who could help him out with this and that it was partially done
- Ms. Vang noted that Mr. Brabec sent a letter

Mr. Magner:

- read Mr. Brabec's letter (in Attachments)
- we need a Code Compliance Inspection

Ms. Moermond:

- owner did not meet the starter set of conditions that were established
- concerned about insufficient financing to complete the rehabilitation
- taxes haven't been paid for 2009, 2010 and 2011
- concerned that he said the \$5,000 Performance Deposit can't be posted
- already into \$15,000 - \$17,000 with those 2 things
- the estimated rehab exceeds \$50,000; he may be able to put in some sweat equity (around \$15,000, maybe)
- he has mostly maintained the property; city has done some work
- not confident that he's going to be able to do the work that's required
- this seems to also be the beginning of a foreclosure process with Chase Home Mortgage
- will recommend the building be removed or repaired within 15 days
- we will invite him to come to the City Council Public Hearing on Mar 7, 2012 at 5:30 pm
- Council may want to give him more time; they can send it back to legislative hearings

Referred to the City Council due back on 3/7/2012

- 2 [RLH RR 11-98](#) Ordering the rehabilitation or razing and removal of the structures at 315 LARCH STREET within fifteen (15) days after the February 1, 2012 City Council Public Hearing. (Public hearing continued from February 1)

Sponsors: Carter III

Remove or repair within 15 days.

RE: 315 Larch St (warehouse/transportation)

No one appeared.

Steve Magner, Vacant Buildings:

- read letter dated Jan 26, 2012 into record:

Dear Mr. Duggins:

This is to confirm that on January 24, 2012 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer recommended continuing the above-referenced matter for your client to provide a copy of the code analysis so that site plan staff can review it.

The City Council Public Hearing is scheduled for Wednesday, February 1, 2012 at 5:30 p.m. in Room 300 Council Chambers. At that time, she will ask the City Council to lay over the matter to Legislative Hearing on Tuesday, February 28, 2012 at 9:00 a.m. in Room 330 City Hall and continue the City Council Public Hearing to

Wednesday, March 7, 2012 at 5:30 p.m. in Room 300 Council Chambers.
If you have any further questions, you may contact me at 651-266-8563.

Sincerely,

Mai Vang

Legislative Hearing Coordinator

cc: Steve Magner (email)

Joe Yannarely (email)

Amy Spong (email)

Vicki Sheffer (email)

John Norris Sr, 2218 Doswell Ave, Saint Paul, MN 55108

John Norris, Jr., 9707 Heath Ave S, Cottage Grove MN 55016

Kerry Antrim, District 6 Planning Council, district6ed@dist6pc.com

Larry Zangs (email)

- he has not received any information regarding a code analysis or any reports from the structural engineer that were indicated at the last hearing
- it was our impression that they were going to hire a structural engineering firm to conduct a full site review and then, submit that to the Department of Safety and Inspections (DSI), so that we could start the review process of the structures on this site
- normally, such documentation is provided directly to the Legislative Hearing Officer, Marcia Moermond, to disseminate

Ms. Moermond:

- our office has also not received any documentation
- the contractor, who'd do the code analysis, is L. S. Black Company, forensic engineers
- scheduled at City Council Mar 7, 2012 at 5:30 pm
- have nothing to add to the record
- asked whether DSI had a demo estimate (Mr. Magner: original Summary stated \$50,000 - \$70,000; have not yet bid this project)
- a letter/email will be sent

Mr. Magner:

- have not received a Performance Deposit
- this will go to Project Facilitator, Larry Zangs, DSI

Ms. Moermond:

- they have to come through with a plan
- will recommend remove or repair within 15 days

Referred to the City Council due back on 3/7/2012

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[RLH RR 11-61](#)

Ordering the razing and removal of the structures at 499 LYNNHURST AVENUE WEST within fifteen (15) days after the October 5, 2011 City Council public hearing. (Public hearing continued from January 18)

Sponsors: Stark

Laid over to March 13 for decision on full demo and/or partial demo of the buildings.

RE: 499 Lynnhurst Ave S (duplex)

No one appeared.

Steve Magner, Vacant Buildings:

- at legislative hearing Jan 10, 2012
- at that time, the hearing officer recommended coming back Feb 28, 2012
- in the meantime, the bank was to work on a number of plans
- subsequently, Mr. Wagner was at the property at least twice
- met with contractors to go over partial demolition and the survey submitted by the attorney
- also met with Michael Stevens, representative for the bank and contractors - went through the details and requirements of the city
- has spoken with Mr. Stevens since that; he has submitted his information to Sarah Adams
- they are asking for a 2-week layover to finalize
- they are weighing a decision between doing a full demolition and a partial demolition with rehabilitation of the remaining structure

Ms. Moermond:

- heard from Ann White, yesterday, Union Park District Council; their Executive Committee will be meeting tonight to discuss the matter
- Union Park would like to see the second option pursued (partial demolition and rehab of front structure)
- they will be submitting a letter

Mr. Wagner:

- Mr. Stevens from the bank indicated that the bank doesn't have a problem with proceeding; they just need to verify that the costs work out (if the cost of demo and rehab can't be partially reclaimed, based on the sale of the property, they won't proceed with that option; they will simply remove the whole structure. It seems as though their intent is to remove the rear additions and proceed with the rehab.
- Mr. Stevens flew in from Ohio on that day; he toured the neighborhood and are working with a realtor
- the original cost of demolition of the rear structure was around \$32,000; that's now down to around \$12,000 (frees up \$20,000 for rehab)
- he persuaded Mr. Stevens to look seriously at rehab
- Mr. Stevens recognizes that he needs to reach out to the neighbors regarding demo

Ms. Moermond:

- will lay this over to March 13, 2012 LH for a decision on full demo and/or partial demo of the buildings.

Laid Over to the Legislative Hearings due back on 3/13/2012

- 4 [RLH RR 12-8](#) Ordering the rehabilitation or razing and removal of the structures at 391 THOMAS AVENUE within fifteen (15) days after the March 7, 2012, City Council Public Hearing.

Sponsors: Carter III

Remove within 15 days with no option for rehabilitation.

RE: 391 Thomas Ave (single family)

Stephanie Nelson, Bank of America, appeared.

Steve Wagner, Vacant Buildings:

- layover from Feb 14, 2012
- read Feb 17, 2012 letter from Mai Vang into the record
- no performance deposit has been posted

- no Code Compliance Inspection applied for

Ms. Nelson:

- she believes her client did order the Code Compliance Inspection
- last night, her client sent an email which said they decided to let the city demolish the property and have the fees sent to property tax

Ms. Moermond:

- will recommend removal of the building within 15 days with no option for rehabilitation

Referred to the City Council due back on 3/7/2012

- 5 **RLH RR 12-9** Ordering the rehabilitation or razing and removal of the structures at 457 LAWSON AVENUE WEST within fifteen (15) days after the March 21, 2012, City Council Public Hearing.

Sponsors: Brendmoen

No one appeared. Remove within 5 days with no option for repair.

RE: 457 Lawson Ave W (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame single-family dwelling with a 2-stall detached garage on a lot of 4,447 sq ft
- been vacant since Apr 7, 2011
- current property owner is Thang P. Mai per Ramsey County
- Dec 8, 2011, inspection of building conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building posted Dec 13, 2011; compliance date Jan 13, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$19,200 on the land; \$72,900 on the building
- real estate taxes for 2011 are delinquent in the amount of \$983.58 plus penalty and interest
- Vacant Building registration fees were paid by assessment on Aug 29, 2011
- As of Feb 27, 2012, a Code Compliance Inspection has not been done; a \$5,000 Performance Deposit has not been posted
- 3 Summary Abatement Notices since 2011
- 3 Work Orders issued for: garbage/rubbish; grass/weeds
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$12,000
- have had no contact with owner
- there's extensive roof damage; house has been open to elements for a year; now, it's a total loss
- no one has stepped forward

Amy Spong, Heritage Preservation Commission (HPC):

- constructed in 1915 by the Robert P. Lewis Company as a 1 1/2 story worker's cottage with full front porch
- originally built as 2 single family detached houses on one lot that look pretty much identical

- this area was part of the 1983 survey area; this property was not inventoried at that time
- it's near the Union Brass Company built in 1892
- photos of fire damage and newspaper article of fire being put out with photos (Apr 2011)
- demotion would have no adverse effect

Ms. Moermond:

- will recommend removing the building within 5 days with no option for repair

Referred to the City Council due back on 3/21/2012

- 6 **RLH RR 12-10** Ordering the rehabilitation or razing and removal of the structures at 1024 6TH STREET EAST within fifteen (15) days after the March 21, 2012, City Council Public Hearing.

Sponsors: Lantry

No one appeared. Remove within 15 days with no option for repair.

RE: 1024 6th St E (single family)

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single-family dwelling on a lot of 4,792 sq ft
- been vacant since Nov 27, 2007
- current property owner Timothy Abner per Ramsey County
- Nov 28, 2011 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Dec 13, 2011; compliance date Jan 13, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code
- estimated market value \$14,800 on land; \$4,700 on building
- real estate taxes for 2010 and 2011 are delinquent in amount of \$3,656.77 plus penalty and interest (scheduled for tax forfeiture July 2012)
- Vacant Building registration fees were paid by assessment Jan 6, 2012
- Code Compliance Inspection done Mar 19, 2010 and has since expired
- as of Feb 27, 2012, the \$5,000 Performance Deposit has not been posted
- 5 Summary Abatement Notices since 2007
- 11 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice
- estimated cost to repair exceeds \$50,000; estimated cost to demolish between \$12,000 - \$15,000
- Department of Safety and Inspections (DSI) recommends removing the building within 15 days with no option for repair

Amy Spong, Heritage Preservation Commission (HPC):

- has a photo
- a worker's cottage built 1887; Victorian style
- originally, it probably had a lot of additional detailing
- original owner, Oscar Erickson
- footprint is exactly the same except for a small recessed porch which appears to have been removed and the door re-oriented
- a lot of alteration on this property: siding potentially covering up wood siding; cultured stone veneer has put on part of the facade;
- some unique grade characteristics

- the back yards all have large retaining wall - seems as though properties behind them are at a higher level
- does not have historic limestone retaining wall in the front but there is one just adjacent to this property
- there's a continuous row of retaining walls along this whole sidewalk
- doesn't appear to have an alley access
- no off-street access to this property
- not identified as a resource in the 1983 survey and has not been surveyed since; outside Dayton's Bluff Historic District
- demolition would not have an adverse effect

Mr. Magner:

- retaining wall demo: the proposal he has, based on the conditions he saw, would be to take out the front part of the wall at seam and proceed up the hill to remove the dwelling; their big concern is "How do we maintain the site after they are through with the demo?" They will have to do extensive grading, probably. Need to maintain the retaining walls.
- another possibility is to bridge over that part of the wall but since the wall is higher than 2 feet, it would be an extensive amount of fill to bring in and then, excavate the dirt again
- they plan to not disturb any soil in the back
- it's in foreclosure

Ms. Moermond:

- scanned Ms. Spong's photos
- looks abandoned
- property value is \$19,500
- will recommend removing the structure within 15 days with no option for rehab

Referred to the City Council due back on 3/21/2012

- 7 [RLH RR 12-11](#) Ordering the rehabilitation or razing and removal of the structures at 1247 SYLVAN STREET within fifteen (15) days after the March 21, 2012, City Council Public Hearing.

Sponsors: Brendmoen

Layover for conditions to be met by March 13:

- 1) post the \$5,000 performance deposit;
- 2) outstanding real estate taxes must be paid with Ramsey County;
- 3) provide contractor bids;
- 4) obtain a code compliance inspection immediately; and
- 5) maintain the property

If the above conditions are met, Ms. Moermond will recommend that the City Council lay the matter to Legislative Hearing on March 27, 2012 and City Council Public Hearing on April 4, 2012, during which owner must provide the following:

- 1) financial plan (a line of credit, sworn construction or a bank statement) dedicating the funds of at \$50,000 available to do the project;
- 2) a work plan, including timelines for the rehabilitation of the building; and
- 3) provide affidavit stating you are willing to spend the fund for the project if a bank statement is submitted

RE: 1247 Sylvan St (duplex)

Peter Hinrichs, owner, appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling with 2-stall detached garage on lot of 7,841 sq ft (nonconforming duplex)
- been a vacant building since Jun 29, 2006
- current property owner is Peter E. Hinrichs and Amy L.D. Hinrichs per Ramsey County
- Nov 17, 2011, inspection was conducted; a list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building was posted Nov 29, 2011; compliance date Dec 29, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$28,000 on the land; \$79,400 on building
- taxes for 2011 are delinquent in the amount of \$3,439.83 plus penalty and interest
- Vacant Building registration fees were paid by assessment Jul 22, 2011
- as of Feb 27, 2012, a Code Compliance Inspection Report has not been done (Application made on 12/23/11; inspector could not gain entry to perform the inspection)
- as of Feb 27, 2012, the \$5,000 Performance Deposit has not been posted
- 15 Summary Abatement Notices since 2006
- 8 Work Orders issued for: garbage/rubbish; boarding/securing/ grass/weeds
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$12,000
- it's a legal nonconforming duplex which means that in order for the property to be rehabilitated, the zoning department would have to insure that status could stay in place (nonconforming uses go away after 1 year of being vacant); and they would have to make that determination at the time of the Code Compliance Inspection Report (can answer as we go forward); the zoning administrator will make a final decision. If the applicant wants to rehabilitate the property and there is a requirement that the nonconforming use be re-established, they would need to bring it in front of the Planning Commission.

Amy Spong, Heritage Preservation Commission (HPC):

- built 1958 - don't have a lot of historical research available
- Sanborn Insurance maps were no longer being used
- was not even looked at in 1983 survey because it wasn't 50+ yrs old at that time
- no index card
- demolition would have an adverse effect, given the historic context of the neighborhood

Mr. Hinrichs:

- would like to rehab the building
- he talked with the Department of Safety and Inspections (DSI) and was informed he can't get any permits because it a nonconforming duplex
- it was built as a duplex in 1958
- the duplex is consistent with the other buildings in the area
- someone kicked in the door and no one called him about it; instead it was boarded and consequently, there's no access for the inspectors or him to get in
- has owner the property for the past 25+ yrs
- he was holding it vacant because his brother was looking to buy it but he didn't
- the building hadn't needed rehabbing; he's been trying to sell it and, actually, was getting close to selling it when all this took place
- he will need to get neighbors' signatures for it to remain a duplex

- the code compliance he's having done is for a duplex, not a single family
- the way it's built, it would not be hard to switch to a single family if that's what they need to do (remove the kitchen upstairs)
- has an internal access to the upstairs
- will hire a professional contractor
- doesn't think the rehab will exceed \$50,000

Ms. Moermond:

- checked out photos: ceiling hole from a roof leak
- it could still have been a duplex today had it been occupied

Mr. Magner:

- the owner needs to take the board off; fix hinges to the board and a hasp to the board and use the board as a door and put the lock box on the hasp (generally what people do in this situation)

Ms. Moermond:

- will have to arrange getting the inspectors in the bldg
- need to maintain the property
- City Council Public Hearing is Mar 21, 2012
- the Code Compliance Inspection needs to be done (call Jim Seeger directly and tell him that access has been re-established to the bldg); ask him to bump it ahead
- develop a Work Plan with bids and a timeline (sworn construction statement done by the general contractor)
- need to have \$50,000 available to do the rehab; perhaps, an affidavit dedicated toward this
- taxes need to be paid
- \$5,000 Performance Deposit needs to be paid
- need to see by Mar 13, 2012:
 - 1) post performance deposit
 - 2) paid taxes
 - 3) get bids
- then, she will ask the City Council for a couple weeks layover to get the other stuff done
- will sent a letter confirming today's discussion
- if Appellant wants to change the zoning, he needs to get started
- converting to a single family will be cheaper in the long run

Laid over to the 3/13/2012 Legislative Hearings

- 8 **RLH OA 12-28** Making recommendation to Ramsey County on the application of Patricia Starks Fagge'tt, on behalf of the estate of Artis W. Starks, for repurchase of tax forfeited property at 1027 IGLEHART AVENUE.

Sponsors: Carter III

Deny the application for repurchase.

RE: 1027 Iglehart Ave (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- this has been submitted to the city by Ramsey County
- looks like applicant's father died Jul 11, 2010
- he had not been paying property taxes and the estate is insolvent
- applicant wants to commence payment of the taxes (?)

- currently, this is a Category 2 Vacant Building
- there's been a file on this since Jun 17, 2011
- read letter from attorney
- maybe the state at some point would reclaim this property anyway for payment of medical assistance
- property is currently in probate and has gone tax forfeit
- has been no police activity
- entered photos of house
- condemned to water shut off, so, currently, it's declared unfit for human habitation
- have opened a Vacant Building file on this property
- history of code enforcement issues: city is spending money monitoring the property because its not in compliance
- the estate cannot pay the taxes
- the property would need to come into compliance prior to that
- he has a question as to who will ultimately end up with the property

Ms. Moermond:

- daughter wants to re-purchase the property but the mom left the house (?)
- so, his wife, presumably gets the property
- will recommend the city not allow repurchase of the property at this time

Referred to the City Council due back on 3/21/2012

Orders To Vacate, Condemnations and Revocations

11:00 a.m. Hearings

- 9 [RLH VO 12-16](#) Appeal of David Goldman to an Amended Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 641 LINCOLN AVENUE.

Sponsors: Thune

Deny the appeal on the condemnation and order to vacate and the building must be vacated by March 1, 2012.

RE: 641 Lincoln Ave (up-down duplex)

Leonard Bailey, tenant, appeared on behalf of himself and also owner, David Goldman.

Mr. Bailey:

- lives in upstairs unit with his girlfriend and her adopted brother
- Mr. Goldman has been calling the police and fire depts to help him; hadn't gotten help for the county

Joel Essling:

- he was called to this location Feb 6, 2012 by the Saint Paul Police Dept (SPPD); he wasn't sure what the call was for (Mr. Bailey explained that one of the neighbors call about the materials in the backyard)
- SPPD was concerned about the condition of the lower unit; they met him at the property
- he found conditions in the lower unit to be grossly unsanitary (human feces, urine, garbage, discarded food, soiled bedding and mattress, feces and urine on the floor)
- the unit was Condemned immediately within an immediate Vacate date
- at that time, he also observed that the bathroom plumbing was being worked on; there were no permits pulled (walls and ceiling were torn open; appeared to be some

problem with the water supply piping)

- he advised Mr. Goldman, property owner, that he had to Vacate and get permits and a licensed contractor in there for work being done
- Feb 10, 2012 he checked for permits and none had been pulled for the plumbing
- at that time, he issued a Condemnation for the upper unit because he could not verify whether the upper unit had basic facilities, specifically, a water supply for toilet, shower, etc.
- he met with Mr. Bailey in the upper unit; Mr. Bailey verified that he now had working plumbing
- he found that unit to also be grossly unsanitary mainly from animal feces and urine, but also just not kept clean, generally
- noted a couple other deficiencies throughout the dwelling and issued another Condemnation with a Vacate date of Mar 1, 2012, in order to give Mr. Goldman time to try again to get permits for the plumbing and clean up both units, the common areas and the exterior
- subsequently, a Work Order was issued and the crew cleaned up the property
- re-inspection today of the exterior showed that more cleaning had been done, at least the front porch and other work
- he is still concerned about the plumbing work without permits and the general maintenance of the house - it's dilapidated with a broken window and a lot of exterior problems
- he is also concerned about both units having working smoke detectors and carbon monoxide detectors
- before he makes a recommendation, he wants to hear from Mr. Bailey what all has been done

Mr. Bailey:

- Mr. Goldman said he couldn't come today; asked Mr. Bailey to come instead
- slowly, he is fixing things: replacing the front door; already purchased a smoke detector and installed it; will buy the CO detector Fri when he gets paid
- pretty much everything in his unit, he paid for himself
- he fixed all the broken windows in the upper unit
- he paid for all the plumbing to be fixed in his unit
- Mr. Goldman hasn't paid for any of the repairs in the upper unit
- he also has helped Mr. Goldman pay for some of the repairs in his own unit
- the plumbing was pulled out to replace the piping that brings hot water up to his unit (he had no shower for a whole year)
- he paid for all that plumbing but he didn't know anything about permits and a contractor needing a license; he just needed a shower
- Mr. Goldman found this guy, John, on Craig's List - appeared to be a legit plumber, so Mr. Bailey paid for the work to be done and the work was done prior to Mr. Essling coming in to inspect
- Mr. Goldman paid the sanitation company to come in and remove all the materials in the yard but they didn't get there until after the city crew had come in to remove the stuff (same day); the company returned Mr. Goldman's money
- after that, Mr. Bailey tried to help get things cleaned up
- Mr. Bailey's girlfriend is starting to clean up Mr. Goldman's apartment for him
- he used to be Mr. Goldman's PCA when Mr. Goldman lived with his mom but now, Mr. Bailey can't do any work for Mr. Goldman unless Mr. Goldman goes thru Mr. Bailey's company because if anything happens to Mr. Goldman, it's a liability on Mr. Bailey
- the officers asked Mr. Bailey to come down and help Mr. Goldman that day, so he did it for that day
- the officers said they were going to call the city for an inspection
- when Mr. Essling came to inspect, he told Mr. Goldman to get some help
- Mr. Goldman stayed at the hospital for a while and Mr. Bailey's girlfriend tried to

straighten up but he has a lot of things and needs to get rid of some of it

- finally, Mr. Goldman agreed to part with some of his stuff to make it easier for him to move around more easily
- they will also strip and wax the floors for him; bathroom has been put back together, he thinks
- in the upper unit, Mr. Bailey just needs to finish licensing their 2 dogs and get kennels for them
- he is trying to make sure that everything is taken care of
- he and his girlfriend's brother now take out their dogs more frequently
- his floors had been replaced about a year before Mr. Bailey moved in
- all the plumbing in his unit now works
- the front porch is now clean; no one sleeps on the front porch unless he just happens to fall asleep there; the TV is out there because his girlfriend's brother uses the living room as his bedroom
- when Inspector Essling comes back to inspect, he will see a huge change in his unit
- he and his girlfriend are trying very hard to also get Mr. Goldman's unit cleaned out
- he has withheld 3 months rent because Mr. Goldman wasn't fixing anything in the upper unit; he used that money to pay for the repairs
- he had the plumber who Mr. Goldman hired to come up and fix the bathroom sink's leak
- he had a friend of his come to help him clean up the unit before he moved in
- he paid for someone to remove debris from the property that was left by the previous tenants and he paid for the windows to be repaired also
- his unit does have a stove, refrigerator, working kitchen sink, counter tops, he put shelving in himself, bathroom works - now have hot water (plumber changed all of the galvanized piping from the basement to the upper floor)
- the plumber also fixed things in Mr. Goldman's unit: sink, shower works, etc
- his unit still has a little hole in the wall
- they have garbage service (Waste Management)

Mr. Essling:

- concerned about plumbing being done without permits
- believes that this building needs a Code Compliance Inspection Report
- work has been done here under permit: 1) 2008 - something for oven; and 2) 2004
- put in new boiler
- doesn't see how the lower unit can be occupied at this time
- how do we go about doing a Code Compliance Inspection with the upper unit occupied?
- asked Mr. Bailey where he was at with the rent with Mr. Goldman

Mr. Bailey:

- he thinks that since he has been paying for all the repairs, he is current with the rent (he has receipts and statements)

Mr. Essling:

- if Mr. Goldman can get the permit pulled and get all the plumbing done with 15 days (and everything else), he would recommend the Condemnation be lifted; if Mr. Goldman can't get that done, then, he would recommend both units be Vacated. That way, Mr. Bailey could use whatever he'd pay for rent to find another place
- all this hinges on Mr. Goldman, who didn't show up today and he doesn't get permits

Mr. Bailey:

- Mr. Goldman did have a plumber come out to look at the plumbing about week after Mr. Essling was there to inspect upper unit; Mr. Bailey provided him access - he looked around in basement and both units; he was supposed to call Mr. Goldman at

the hospital

- *it would be hard for them to move now with his girlfriend's brother just getting settled in at school, etc., and getting a 4.0; Mr. Bailey's job is right up the street; and it's a good area, but if they have to move, they will*
- *after Mr. Goldman came back from the hospital, he was going back and forth between his mother's house and his house (Mr. Essling: he was permitted to be back in the house when the amended condemnation was issued)*
- *Mr. Goldman asked Mr. Bailey to ask for more time to get a loan*
- *would like Mr. Essling to come out and inspect the upper unit because he has been working hard and spending money to make sure the unit was up to par when Mr. Essling did come back*

Ms. Moermond:

- *what bothers her most are the unsanitary conditions and the fire hazard issues (Mr. Essling thinks the combustible materials have been taken care of)*
- *there are no functioning smoke detectors (Mr. Bailey - he has his installed; it's brand new)*

Mr. Essling:

- *doesn't see that Mr. Goldman will be able to do these items, physically, mentally or financially (if he were able to do the immediate items, there is still a whole host of other items that need to be taken care of)*
- *Mr. Goldman talked to him about getting a PED loan*
- *his personal opinion is that Mr. Goldman should be in an assisted living home; the next option would be for him to go into an assisted living home, get a loan and get the house repaired up to code - then, he could go back there*
- *it will take about 3 months to get a PED loan and another 3 months to get the work done*

Ms. Moermond:

- *based on the conditions right now, she doesn't have a lot of confidence that this will be addressed adequately*
- *she is concerned about both units: plumbing situation, sanitation*
- *will recommend the appeal be denied*
- *the Condemnation Order to Vacate means that the City Council Public Hearing will be set for Mar 7, 2012 at 5:30 pm and, currently, her decision is in place until that time*
- *the City Council can decide whatever they think is appropriate*
- *Mr. Essling's Orders say Mar 1, 2012 is the Vacate date; she will uphold that Vacate date*
- *she believes the conditions warrant her recommendation; if conditions change with a re-inspection, Mr. Essling can lift the Condemnation based on his judgment in the field*
- *a letter of confirmation of today's hearing will be mailed to Mr. Goldman and to Mr. Bailey*

Mr. Bailey asked Mr. Essling if he could come out to inspect the upper unit before Mar 1, 2012. Mr. Essling replied that he could come out to inspect but he advised Mr. Bailey that he would be better off spending whatever money he had to find another place to live.

Referred to the City Council due back on 3/7/2012

Correction Orders

10 RLH CO 12-5 Appeal of Robert Metzler to a Correction Notice at 737 VAN BUREN

AVENUE.

Sponsors: Carter III

Deny the appeal per DSI order. Owner should provide access to inside building for confirmation that Items 13, 14, 15, 17 & 18 have been addressed. Inspector can use the January 25th orders to follow up on exterior items for Items 6, 7, 8 & 11; grant an extension to May 1, 2012 for all items to be in compliance.

RE: 737 Van Buren Ave (single family)

Robert Metzler, homesteader, appeared.

Inspector Joel Essling:

- owner occupied single family dwelling*
- this Order originates from an Order issued Oct 10, 2010 by Fire Certificate of Occupancy*
- at that time, listed owner was Steven Metzler, Golden Valley; subsequently, that Order was appealed to this body and determined that property was not subject to a Certificate of Occupancy inspection because Mr. Robert Metzler was the occupant and homesteader. Tax records reflect that now, Mr. Robert Metzler is the homesteader and Mr. Steven Metzler is still listed as the owner.*
- that file was transferred to Mr. Essling for follow-up*
- Mr. Essling sent Mr. Metzler a copy of the original Order, Oct 10, 2010, pointing out the safety issues, and advised that he had to follow-up on most of the items on that list*
- when it came back for re-inspection, Mr. Metzler raised the issue that he was not subject to re-inspection because the property was now owner-occupied and not subject to C of O*
- Mr. Essling agreed to re-issue that Correction Notice with the same deficiencies on it for the sole purpose of allowing Mr. Metzler to appeal*
- permit pulled Dec 20, 2010 to repair the roof and footings for the porch*
- there's really not much to do*
- it's been a year since; and he would be looking only at glaring safety issues when he re-inspects*
- can't close the file without either getting an affidavit about a smoke detectors or verifying they're operable*
- there's also an issue about getting clearance in front of the electrical service panel*
- has photos -looks like a lot has been done*
- examples of high hazards of an inspection: hole in floor; lacking smoke detector; sparking electricals; electric cover places; etc.....*
- will send Mr. Metzler the Smoke Detector Affidavit to fill out and send back*

Mr. Metzler:

- while he was under the assumption that he was not obligated to do anything - that he had been alleviated of the Fire Safety Program - he wasn't under any Correction Orders, he painted his house; he fixed his porch; he put an impact barrier in for the meter; fixed windows, amongst other things*
- he's not coming here saying "the city can't tell me what to do;" he is hoping to achieve having this Correction Order alleviated because the house is owner-occupied*
- this stems from a Fire safety inspection, one that, it appears, shouldn't have been done; however, now, he still needs to meet conditions of an inspection that he shouldn't have been subject to in the first place*
- considering that, he hopes that Ms. Moermond agrees that he should not be subject to this new Correction Order*

Mr. Magner:

- asked if the chapter of the code that deals with the Certificate of Occupancy also speaks about relative homestead
- since the original Orders were written; they need to be completed
- homestead property law is specifically about taxes; it doesn't talk about minimum maintenance standards of the city; a city of first class is allowed to establish standards (this has been litigated numerous times, ad nauseum); the city is allowed to have a housing code and establish minimum housing standards and nowhere in Chap 34 does it say that these housing standards are only for one class of citizens, i.e., rental class - they are for all minimum standards
- if there is something in the Fire Code that's not relevant to an owner-occupant, then the city wouldn't require it to be done
- the majority of these items: 1-10 are items specifically out of Chap 34
- he assumes that 90% + of these items have been completed or signed-off; on the items that may be left, Mr. Essling, upon re-inspection, could just simply issue a time frame to comply with it and we'd be done with this
- is not clear why Mr. Metzler thinks he's immune or exempt from Chap 34, which clearly states it's to provide basic maintenance, minimum standards in all housing in the city of Saint Paul; when all these items are completed, DSI will close the file; there's no attempt to inspect to find other violations
- DSI can't just close a file without seeing whether or not the items have been taken care of
- Mr. Essling could clarify things when he comes out there; maybe a plumber needs to be hired
- has been out at the property

Ms. Moermond:

- actually, it was appealed before whether or not he needs to be in the C of O Program
- it is her recollection, that it did end up that he could get out of the C of O Program if there was some way he had an ownership interest in the property (his brother granted him a Quit Claim Deed) - so, it was appropriate for Mr. Metzler to be beholden for the C of O Program and he appealed, got the ownership interest and then, it's natural to be let out of the program. That is not the same as saying you should not have been in the Program to begin with.
- believes these Order were rightly issued - you were a non-owner occupant when they were issued originally
- the fact that the Orders exist; that they were appealed; that he was let out of the C of O Program because of the Quit Claim deed - doesn't mean that the existing Orders were dismissed with that (those findings were made and needed to be addressed; subsequent new inspections wouldn't be occurring creating new lists of Orders
- we still need to close out the original list of Orders; they are still problems

Mr. Metzler:

- disagrees: state statute clearly states that a relative homesteader should have all the rights as an occupying owner (Ms. Moermond said that's for tax purposes; not for the purposes of the Fire C of O Program)
- he will get everything done but feels he should be treated in accordance to state statutes
- city ordinance should give way to state statute when in conflict with state statute (homestead property law)
- in his research of state statute re: relative homesteader should be granted all same rights as home owner - he went to the revisor's office at the legislation building and asked for anything about homesteaded properties and anything relative to owner-occupied properties.....
- he remembers Ms. Lantry saying, "Do the quit claim deed; it'll be over." By "over" he assumed that he would not be getting a duplicate copy of the Correction Orders a

year later (Ms. Moermond doesn't think that's the way it went.)
- he believed that he was being granted a full exemption from that Correction Order; he had no reason to believe otherwise except for Ms. Moermond saying, "You'll see me again."

Ms. Moermond:

- Mr. Metzler had the right to go to Appeals Court on this matter if he wanted to talk about that further; there was no need to do that because the Council granted his appeal once he got the quit claim
- it is not fruitful to debate this anymore
- Feb 2, 2004, CC decided to deny his appeal on the Orders but grant that he be exempt from the Fire C of O Program
- she also has a Work Plan developed by Mr. Metzler showing how he'd finish the work by the end of Jun 2011
- asked Mr. Metzler if he had any intention of completing the items
- read the CC recommendation: "Deny the appeal on the exemption from the Fire C of O Program (which we went back and granted); and Grant an Extension on the items in the Metzler Work Plan except for the painting, roof and foundation, which shall be completed by Jun 30, 2011."
- we had sent Mr. Metzler a letter..... "this is to confirm that on Mar 15, the Legislative Hearing Officer reviewed the quit claim deed provided by Mr. Metzler and recommended that the above referenced matter be removed from the Fire C of O Program. You may want to contact Inspector Lisa Martin to see if she still needs to inspect; and upon compliance....."

Mr. Metzler:

- decided he did not want to contact Lisa Martin for re-inspection
- has done many of the items
- is not willing to have a re-inspection at this time
- he fears that the inspector will just find more things when he comes back to re-inspect (that's what people are saying on the Internet)
- he doesn't want 1/10 of 1/10 of what Sharon Anderson claims happened to her to happen to him
- it's not just Sharon who complains about that on the Internet
- also, the federal lawsuit talks about what happens when the inspector comes back
- Ms. Martin was not clear about the foundation (?)
- everything in the basement drains; everything works
- in his opinion, he wasn't obligated to do anything, although, he took his summer off to fix up the house

Ms. Moermond:

- she asked for a Work Plan to be executed
- code violations transcend the Fire C of O Program; Code Enforcement could also issue that list
- install basement fixtures to meet code or remove and cap the toilet, tub and sink is also in Orders (Mr. Metzler said Ms. Martin wasn't clear about that)
- sees that he has an open permit for working on the roof - not closed out (Mr. Metzler: permit was for repairing the roof and it doesn't leak) - call an inspector and get a sign-off and permit is closed
- she can live with replacing a faucet on his own
- she would really like to close this out but doesn't know how to get from here to there

Mr. Metzler:

- had hoped that under the simple idea of fair play, that the city would alleviate him of this Correction Order based on the fact that it's from a Fire Safety Inspection; he was taken out of that program but now, because of that, he now must do this

- just hates to give up on this issue when he thinks he's right; he thinks it's the right thing for him to do; he doesn't think he's wrong or being unreasonable

Ms. Moermond:

- Mr. Metzler was not excused from doing the work on the list
- thinks that he is obliged to let the inspector in to close out the list
- feels confident that he has these issues addressed
- set up for City Council Public Hearing Mar 21, 2012
- will recommend denying the appeal in part (she sees that Mr. Essling could take a number of things off the list; Mr. Essling sent Mr. Metzler a copy of original list with items highlighted that would need to be re-inspected: #6, #7, #8, #11, #13, #14, #15, #17, #18)
- will give Mr. Metzler a by on the smoke detector affidavit and service of heating facility (peculiar to Fire C of O)
- will recommend granting 45 day extension to come into compliance (after Council meets)

Referred to the City Council due back on 3/21/2012

11:30 Hearing

- 11 **RLH VO 12-14** Appeal of Kelly & Lemmons, Attorneys at Law, on behalf of Jeremiah J. Hurley, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Correction Notice at 1152 WILSON AVENUE.

Sponsors: Lantry

Deny the appeal for Items 1, 3 and 4 and grant the appeal for Item 2.

RE: 1152 Wilson Ave (single family)

Attorney Patrick Kelly, Kelly & Lemmons, appeared on behalf of Jeremiah J. Hurley

Steve Magner, Vacant Buildings:

- first week in February 2012, we received complaints in regard to this property about someone living in an accessory structure
- staff from zoning went out and issued an Order
- Fire Supervisor Leanna Shaff re-inspected
- the issue is that Jeremy Hurley lists an address in Woodbury and also lists that he resides at this house
- there are other residents in the house, also, and garage (not clear who's residing where)
- subsequently, he and Inspector Paula Seeley met with Mr. Hurley early in Feb to discuss the occupancy of the garage
- Mr. Hurley said he wasn't living in the garage
- Mr. Magner responded that based on photographs and documentation he was given, it appears the garage is clearly set-up for residency: there's a bed, TVs, couch, refrigerator, numerous clothing items, food stuffs, medicines (all tell-tale signs of occupancy clearly displayed in garage)
- Mr. Hurley said he simply only hangs out in the garage parts of the day and night; goes back and forth
- although there's nothing saying he can't hang out in his garage, they indicated that some of the things would need to be removed from the garage to alleviate the issue of occupancy, primarily the bed, clothing, microwave (microwave may be allowed once the electrical has been brought up to code)
- no car is parked in the garage

- in the garage, you can have refrigerator, TV, couch, all kinds of different things but sleeping in the garage, which he admitted he does, and clothing indicates primary occupancy in the garage
- there is lawn mower or other items, which are normally stored in a garage; those are stored in the shed
- the garage is set-up with a furnace, central air conditioning, wiring - one big room (no permits for these installations)
- also, there were a number of violations identified in the house (given documentation and photos); work done not in compliance; asking that this work be inspected and repaired under permit - get licensed contractor(s) or have the work certified
- there is no ordinance that says someone can't spend 24 hours in his own garage but there are limitations (issue with the bed)
- the Hearing Officer / Council may see things differently
- re #2 - a letter has been sent
- the city has the responsibility to make sure that someone doesn't harm himself by allowing him to sleep in a garage that's been built out without permits (safety)

Mr. Kelly:

- agrees; they will permit out the work (5 items on the Feb 10, 2012 Correction Notice) and have it inspected
- Mr. Lemmons indicated that in his letter
- he wasn't aware of prior compliances
- the property has a single family home, 1 garage and 2 sheds
- house is currently occupied by Mr. Hurley; his daughter and her 2 children reside there for economic reasons
- Mr. Hurley has just recently been reunited with his daughter
- house is a split level with the entire rear/south wall exposed
- Mr. Hurley's bedroom is in the rear of the basement and has a proper egress window
- the detached garage is a standard 2-car garage; presently, the inspector indicated there's a couch, 2 chairs, a bed, a medical bed, a refrigerator, heater, television and a computer located in the garage; does not have a car in it
- Mr. Hurley was storing his clothes there; he will remove them
- situation is that he has a medical issue: colon cancer, 2 bad knees and a bad back
- because of his health, he sleeps intermittently during the day; at night, to take his mind off the pain, he goes to the garage and watches TV so he doesn't disturb the mother and 2 children
- his daughter works and the children go to school
- paragraph 1 - he has taken care of the extension cords and wiring
- paragraph 3 involves a closing, which he's taken care of
- paragraph 2 deals with whether or not he resides in the garage - he does have a bedroom in the house but he does use the garage, as well
- he is trying to get a medical release; the Dr.'s letter indicates Mr. Hurley is in a lot of pain and has a lot of pain medication; he has had colon surgery and he is not very mobile
- it was confirmed by the Dr. that Mr. Hurley does go to the garage at night to watch TV until the late hours; then, goes back to his bedroom
- the double garage has no car, lawn mower, etc.
- Mr. Hurley will work with the city to get the right permits for the garage
- because of his medical problems, he has difficulty sitting in chairs but he will remove the bed from the garage (Dr.'s may have a solution)
- he has owned the house for 20 years and would like to get this resolved
- their contention is that this is not a separate living unit according to the definition of 60.20 - "One or more rooms designed to occupy or intended for occupancy as a separate living quarter with a single complete kitchen facility (stove - oven refrigerator and sink), sleeping area and bathroom provided within the unit for the exclusive use

of a single household."

Ms. Moermond:

- zoning's concern - a second dwelling unit not allowed zoning wise
- secondly, what is needed for that garage space to be occupied a lot of the time
- concerned about his safety - dosing off in the garage and spending the night
- would like to see a smoke and CO detectors there for his own safety
- however, she doesn't want to concede that this is a dwelling unit
- he should not have any gas or oil operated machinery or other flammable materials there
- zoning could force the vacate of the garage and write a criminal tag as could code enforcement
- will recommend that the appeal on items #1, #3 and #4 be denied (work has already been taken care of); will grant appeal on item #2
- since Mr. Hurley may use the garage for napping, let's make sure there is a smoke and CO detector

Referred to the City Council due back on 3/21/2012

1:30 p.m. Hearings

Window Variances: Hearing Required

- 12 [RLH FOW 12-79](#) Appeal of Pete Lehner to a Fire Certificate of Occupancy Inspection Correction Notice at 2040 ASHLAND AVENUE.

Sponsors: Stark

Follow up housekeeping item on the egress window hardware.

RE: 2040 Ashland Ave (single family)

Pete Lehner appeared.

Fire Inspector Mike Urmann:

- Fire Certificate of Occupancy inspection conducted
- egress window in back bedroom; we've called it before
- the window, even with the 4-inch variance that was granted, did not open wide enough for egress
- 60h x 13.5w openable inches
- the hardware draws the window back into the openable space, doesn't open at an exact 90 degrees; it comes back into the window frame a bit
- this is the same window and same hardware; not egress window hardware
- perhaps the hardware is jamming

Ms. Vang:

- read recommendation on this window from 2010: "Grant a 4-inch variance on the openable width of the egress window in the southeast room on the main floor. The owner will repair the window so that it can be opened fully and will make sure the tenants are able to open the windows. The window dimensions will be re-measured at the re-inspection."

Mr. Lehner:

- nothing has changed regarding that window since the last inspection Nov 2010
- when the inspector came to re-measure, he said, "OK, this window is fine."
- doesn't think this is egress window hardware

- there's a second window that he's appealing
- inspector Mitch Imbertson is scheduled to come back Mar 20, 2012

Ms. Moermond:

- let's get some egress hardware for the window in the southeast room on mail floor to see if that does the trick (needs to get to 16 inches)
- on the second window, she will recommend a 5-inch variance be granted in egress opening height
- will look at this again Mar 27, 2012 as a housekeeping issue
- explain history to Inspector Imbertson

Laid Over to the Legislative Hearings due back on 3/27/2012

- 13 **RLH FOW 12-77** Appeal of Brad Leventhal to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 441 GRAND AVENUE.

Sponsors: Thune

Grant a 6.5-inch variance on the openable height of the egress windows in Unit 1, south bedroom, Units 3 and 5 south bedrooms; grant the sill height issue for Unit 1, north bedroom and Unit 2 bedroom on the condition that four handholds are installed on each side of the ladders.

Referred to the City Council due back on 4/4/2012

- 14 **RLH FOW 12-75** Appeal of Ying Vang, on behalf of Johanna Lee, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 754 SIXTH STREET EAST.

Sponsors: Lantry

Grant a 2-inch variance on the openable height and a 1-inch variance on the openable width of the main floor second window; grant a variance on the sill height issue in the main floor second window provided three permanently fixed steps are installed below the egress window (5"-7" in height and full width) - tread must be a minimum of 10" in depth; grant a 2-inch variance on the openable height of the upper floor west bedroom egress window, grant on the permit; and grant a 4.5-inch variance on the openable height of the stairway landing egress window provided that the window remain obstructed. As for the upper floor north bedroom, the window must open to 16 inches in width for the hearing office to grant a variance. If not, she will grant 90 days for compliance.

Referred to the City Council due back on 4/4/2012

Fire Certificates of Occupancy (CPH 4/4/12)

- 15 **RLH FCO 12-117** Appeal of Sudani Xiong, on behalf of Dean Lindstrom, to a Fire Certificate of Occupancy Inspection Correction Notice (Revised) at 350 HOPE STREET.

Sponsors: Lantry

Deny the appeal on the water meter and grant an extension for 4 months to come into compliance; grant a 2-inch variance on the openable height of the upper floor southwest bedroom egress window; and deny the appeal on the window glass in the main floor living room (Item 17).

Referred to the City Council due back on 4/4/2012

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- 16 **RLH FCO
12-100** Appeal of Ryan Marvin to a Fire Certificate of Occupancy Inspection
Correction Notice at 876 JUNO AVENUE.

Sponsors: Thune

*Grant a variance on the second floor east bedroom during the current tenancy and
only for 2 years.*

RE: 876 Juno (single family)

Ryan Marvin, owner, appeared.

Fire Inspector Mike Urmann:
-

Referred to the City Council due back on 4/4/2012
- 17 **RLH FCO
12-101** Appeal of The Markham Co. to a Fire Certificate of Occupancy Inspection
Correction Notice at 408 SAINT PETER STREET.

Sponsors: Thune

Deny the appeal and grant an extension for 60 days to come into compliance.

Referred to the City Council due back on 4/4/2012
- 18 **RLH FCO 12-95** Appeal of Attorney MaManee Moua, on behalf of Henry K. Her, to a Fire
Certificate of Occupancy Inspection Correction Notice at 899 THIRD
STREET EAST.

Sponsors: Lantry

*Deny the appeal on the basement and main floor plumbing issue and grant an
extension to June 1, 2012; grant the painting issue on the garage; grant for up to
one year on the driveway issue; and grant an extension to June 1, 2012 for the
foundation issue.*

Referred to the City Council due back on 4/4/2012
- 19 **RLH FCO
12-120** Appeal of Patrick Moore to a Correction Notice-Reinspection Complaint at
227 WINIFRED STREET EAST.

Sponsors: Thune

Deny the appeal.

Referred to the City Council due back on 4/4/2012

2:30 p.m. Hearings

Vacant Building Registrations

- 20 **RLH VBR 12-15** Appeal of Marlene Raitor to a Vacant Building Registration Notice at 595
ORANGE AVENUE WEST.

Sponsors: Brendmoen

Appeal withdrawn by Dept. VB file has been closed.

Withdrawn

- 21 [RLH OA 12-18](#) Appeal of Kristina Beedle to a Code Compliance Report at 23 ISABEL STREET WEST.

Sponsors: Thune

Laid over. Set up time for 10:00 a.m.

Laid Over to the Legislative Hearings due back on 3/13/2012

Other

Staff Reports

- 22 [RLH FOW 12-34](#) Appeal of Judd Andrews to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1810 MARSHALL AVENUE.

Sponsors: Stark

Forthcoming on window. MM to review photos by Rick Gavin.

Inspector Rick Gavin described the south bedroom window opens as follow: On February February 24, 2012 - Reinspected property with owner present. Owner wanted to show me that there is a compartment underneath the window well that the lower window sash slides into. The owner lifted up the lower sash with his right hand and then opened the compartment lid with his left hand and once he opened the compartment he slid the lower window sash down into the compartment with his right hand. Once this was done the window was open 30.25 inches high and 32 inches wide .RG

On March 6, 2012, Ms. Moermond reviewed the video provided by Inspector Urmann and recommended that the City Council grant a variance on the openable height of the egress window in the south bedroom provided that owner put signages directing tenants how to operate the window.

Referred to the City Council due back on 3/21/2012

Window Variances: No Hearing Necessary

- 23 [RLH FOW 12-76](#) Appeal of Mai Song Vang to a Fire Certificate of Occupancy Inspection Correction Notice at 1338 BIRMINGHAM STREET.

Sponsors: Bostrom

No hearing necessary; grant a 4-inch variance on the openable height of the egress windows in the upstairs unit both bedrooms.

Referred to the City Council due back on 4/4/2012

- 24 [RLH FOW 12-68](#) Appeal of Grand Avenue Holdings, LLC to a Re-inspection Fire Certificate of Occupancy With Deficiencies at 54 CHATSWORTH STREET SOUTH.

Sponsors: Thune

No hearing necessary; grant a 3.5-inch variance on the openable height of the bedroom egress window in Unit 2.

Referred to the City Council due back on 4/4/2012

- 25 **RLH FOW 12-73** Appeal of Heron Lopez to a Fire Certificate of Occupancy Inspection Correction Notice at 1008 FIFTH STREET EAST.

Sponsors: Lantry

No hearing necessary; grant a 2-inch variance on the openable height of the egress window in the upper floor north bedroom; grant a 6.5-inch variance on the openable height of the egress window in the south bedroom; and grant a 1-inch variance on the openable height of the egress window in the west bedroom.

Referred to the City Council due back on 4/4/2012

- 26 **RLH FOW 12-80** Appeal of Ronald D. Juelfs to a Fire Certificate of Occupancy Correction Notice at 1142 FOREST STREET.

Sponsors: Bostrom

No hearing necessary; grant a 7-inch variance on the openable height of the egress window in the north bedroom; and grant a 3-inch variance on the openable height of the egress window in the south bedroom.

Referred to the City Council due back on 4/4/2012

- 27 **RLH FOW 12-69** Appeal of Urban Enterprises, on behalf of Paul and Rebecca Nickerson, to a Fire Certificate of Occupancy Inspection Correction Notice at 604 HYACINTH AVENUE EAST.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of the egress windows in the northwest and southwest bedrooms. Appellant indicated that the basement is not being used as a bedroom. Inspector will need to confirm at next re-inspection.

Referred to the City Council due back on 4/4/2012

- 28 **RLH FOW 12-70** Appeal of Brad Forester to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 54 PASCAL STREET SOUTH.

Sponsors: Tolbert

No hearing necessary; grant a 4-inch variance on the openable height and a 2-inch variance on the openable width of the egress window in the upper unit bedroom.

Referred to the City Council due back on 4/4/2012

- 29 **RLH FOW 12-72** Appeal of Ira Kipp to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1083 RANDOLPH AVENUE.

Sponsors: Tolbert

No hearing necessary; grant a 3.7-inch variance on the openable height of the on the first floor bedroom and grant a 3.5-inch variance on the openable height of the egress

window in the second floor east bedroom.

Referred to the City Council due back on 4/4/2012

- 30** **RLH FOW 12-74** Appeal of Thao Vang to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1109 SIXTH STREET EAST.

Sponsors: Lantry

No hearing necessary; grant a 4-inch variance on the openable height of the egress window in the upper floor bedroom.

Referred to the City Council due back on 4/4/2012