



# APPLICATION FOR APPEAL

RECEIVED  
OCT 29 2010  
CITY CLERK

Saint Paul City Clerk  
310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8560

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

YOUR HEARING Date and Time:

Tuesday, Nov. 2, 2010

Time 10:00 a.m.

Location of Hearing:

Room 330 City Hall/Courthouse

*Faxed to Alton  
Alton <sup>was</sup> called about hearing*

## Address Being Appealed:

Number & Street: 929 Summit Avenue City: St. Paul State: MN Zip: 55105

Appellant/Applicant: Brian D. Alton Email brian@mcclay-alton.com

Phone Numbers: Business 651-290-0301 Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: *Bo* Date: October 28, 2010

Name of Owner (if other than Appellant): LHB Properties, LLC

Address (if not Appellant): c/o Halverson & Blaiser, 7800 Metro Parkway, No. 300, Bloomington, MN 55425

Phone Numbers: Business 952-851-3194 Residence \_\_\_\_\_ Cell \_\_\_\_\_

## What Is Being appealed and why?

*Attachments Are Acceptable*

- Vacate Order/Condemnation/
- Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other
- Other
- Other

See Attachment

MCCLAY · ALTON, P.L.L.P.  
ATTORNEYS

ROBERT M. MCCLAY  
BRIAN D. ALTON\*

951 GRAND AVENUE  
ST. PAUL, MN 55105  
FAX: 651-290-2502  
651-290-0301

\*Also Licensed in Wisconsin

October 28, 2010

St. Paul City Clerk  
310 City Hall  
15 W. Kellogg Boulevard  
St. Paul, MN 55102

RE: 929 Summit Avenue

Dear Madam or Sir:

Enclosed for filing please find Application for Appeal regarding the above referenced property.

The filing of the Appeal stays the Action for Revocation or Condemnation. The unit is not in an unsafe condition and dangerous to life and limb.

Please inform our office of the date and time of the hearing of the Appeal.

In conjunction with this Appeal, the owner is in the process of having plans prepared for potential construction necessary to add another means of egress, which may be submitted before November 8, 2010.

Very truly yours,



Brian D. Alton  
[brian@mcclay-alton.com](mailto:brian@mcclay-alton.com)

BDA: mm

Enc.

cc: Mitchell Imbertson  
Pat Fish  
Greg Ertz  
Norlin Boyum  
Tom Blanck

**Attachment to application for appeal regarding 929 Summit Avenue.**

The property owner appeals the revocation of the certificate of occupancy of Unit 6 of the property located at 929 Summit Avenue. The basis for the appeal is that:

1. The means of egress conforms to the requirements of the building code in existence when the use was established and therefore should be considered as complying.
2. The construction and design of the structure was legally existing when the code was adopted and should be permitted to continue.
3. The means of egress was specifically dealt with in the past in prior inspections of the property. In 1991 and again in 2002 the means of egress was specifically addressed and approved. The means of egress has not been the subject of any other correction orders in regular inspections.
4. There is no distinct hazard to life with the existing condition. Adequate safety measures are present to protect the occupants. The third floor unit at the property has been occupied in the existing condition of the means of egress for at least 34 years.
5. At least three specific measures have been taken to ensure the unit is safe for occupancy. A fire door was installed in accordance with city specifications. An egress window onto a flat roof was installed in accordance with city specifications. Fire alarms and smoke detectors were installed.
6. Modification of the structure should not be required because the property is located within an historic preservation district of the City of St. Paul and the property is identified as historic.
7. If the modification to add an additional means of egress is required, additional time should be granted in order to determine the best way to make the modification. If the exterior staircase is required, it will require approval by the city Historic Preservation Commission and additional time to construct the staircase. If interior structural modification is required, it will require substantial work which will result in disruption for the tenants and take several months.

McCly • Alton, PLLP  
951 Grand Avenue  
St. Paul, MN 55105  
651-290-0301



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989  
Facsimile: 651-266-8951  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

October 26, 2010

HALVERSON & BLAISER, ATTN: Greg Ertz  
7800 METRO PKWY #300  
BLOOMINGTON MN 55425

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES  
929 SUMMIT AVE

Ref. # 11880

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on October 25, 2010. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately. **A reinspection will be made on November 8, 2010 at 11:30 am.**

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

#### DEFICIENCY LIST

1. Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window frame. - Repair or replace all chipped, missing and deteriorated glazing putty throughout as necessary.
2. Unit 6 - MSFC 1019.2 - Provide an approved additional means of egress due to an inadequate number of exits. - This unit requires two (2) exits, and was noted to only have one means of egress at time of inspection.  
Per result of appeal, this must be completed and approved under permit by October 12, 2010
3. Unit 6 - SPLC 34.23, MSFC 110.1 - **This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office. - This unit is condemned as unsafe due to an inadequate number of exits. This unit must be vacated no later than November 8, 2010 at 11:30 am.**

4. SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at [mitchell.imbertson@ci.stpaul.mn.us](mailto:mitchell.imbertson@ci.stpaul.mn.us) or call me at 651-266-8986 between 7:30 a.m - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Mitchell Imbertson  
Fire Inspection  
Ref. # 11880

City of Saint Paul

FIRE INSPECTION DIVISION - DSI

**CONDEMNED**

This Structure is Declared Unsafe  
For Human Occupancy or Use.

It is Unlawful For Any Person To  
Use or Occupy This Building

After November 8, 2010 at 11:30am

Any Unauthorized Person Removing This Sign

**WILL BE PROSECUTED**

929 Summit Ave - Unit 6 - 3rd Floor Inhabitant

Address of Building

DATE 10/25/10 CODE SPLC

Fire Inspector 34 ART. 23 SEC. 23

Any person affected by this Order to Vacate may file an appeal at the Office of the City Clerk, Room 310 City Hall, 15 Kellogg Blvd. West, (651)266-8688 within 10 days of the date of the original notice. The cost to file an appeal is \$25.00 and must include a copy of the letter of condemnation. This letter is available at: Department of Safety and Inspections, Division of Fire Inspections, 375 Jackson Street, Suite 220.

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO 3314  
RECIPIENT ADDRESS 6512902502  
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CITY OF SAINT PAUL  
OFFICE OF THE CITY COUNCIL

FACSIMILE TRANSMISSION  
COVER SHEET

TO: Brian Alton  
FROM: Racquel 651-266-8573  
FAX #: \_\_\_\_\_  
RE: \_\_\_\_\_  
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DATE: \_\_\_\_\_

Note: Facsimile operator, please deliver this transmission to the above