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APPLICATION FOR APPEAL

JUL 05 2012

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
- Walk-In OR Mail-In

YOUR HEARING Date and Time:
Tuesday, <u>7-17-12</u>
Time <u>11:30 a.m.</u>
Location of Hearing:
Room 330 City Hall/Courthouse

emailed 7-5-12 jame

Address Being Appealed:

Number & Street: 1607 Hewitt Ave City: St. Paul State: MN Zip: 55014

Appellant/Applicant: Robert Bayer Email rbayer@cbegriffin.com

Phone Numbers: Business 612-904-7841 Residence _____ Cell 651-895-3943

Signature: Robert Bayer Date: 7-3-2012

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

Address (if not Appellant's): 60 Wall Street, New York, NY 10005-2836

Phone Numbers: Business 212-294-1359 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

See email attachment

Bob Bayer

From: Imbertson, Mitchell (CI-StPaul) <mitchell.imbertson@ci.stpaul.mn.us>
Sent: Tuesday, July 03, 2012 9:02 AM
To: Bob Bayer
Cc: Cindy McLean; Emily Sommer; Wes Johnson
Subject: RE: 1607 Hewitt Avenue, St. Paul, MN Ref#10525
Attachments: Change_of_ownership.pdf; 1607 Hewitt.doc

Mr. Bayer,

Hello, thank you for contacting me in regard to this property. I have attached a copy of the change of ownership/management form to the email as well as the most recent correction notice. We show "Nckr Llc, 60 Wall St, New York NY 10005-2836" as the current building owner through the Ramsey County ownership information and we were not provided information for any local management by the LLC. If you or an owners representative could submit the form we can update this file immediately to a local mailing address as preferred. We have been attempting to access the property for inspection for some time now.

Based on the situation you are explaining, I believe your best option is to file an appeal for extension of the revocation vacate order of the property. The information for this is included in the attached letter, near the end.

Thank you,

Mitchell Imbertson
Fire Inspector
Dept. of Safety and Inspections

phone 651.266.8986
fax 651.266.8951
mitchell.imbertson@ci.stpaul.mn.us

From: Bob Bayer [<mailto:rbayer@cbcgriffin.com>]
Sent: Monday, July 02, 2012 4:12 PM
To: Imbertson, Mitchell (CI-StPaul)
Cc: Cindy McLean; Emily Sommer; Wes Johnson
Subject: 1607 Hewitt Avenue, St. Paul, MN Ref#10525

Inspector Imbertson:

I am the manager of the property in the subject line and respectfully request an extension of time to complete the repairs in accordance with your June 15, 2012 letter citing 33 deficiencies.

My request is based upon the following facts:

1. I was unaware of the initial inspection, so I did not have first hand knowledge of the problems.
2. I only received a copy of the deficiency list today, when a tenant called after seeing the posting.
3. The sheer volume of the deficiencies will take several weeks to correct.

Please consider my request and let me know as soon as possible if an extension is possible. There are two apartments with four individuals that will need to be vacated, and I want to let them know as soon as possible.

Thank you,

Bob

Robert P. Bayer, MBA & CPA

Vice President - Special Asset Solutions

Coldwell Banker Commercial Griffin Companies

1221 Nicollet Avenue S., Suite 300

Minneapolis, MN 55403

Direct: 612.904.7852

Email: rbayer@cbcgriffin.com

Fax: 612.338.5288

Web: www.cbcgriffin.com

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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

July 3, 2012

Nckr Llc
60 Wall St
New York NY 10005-2836

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1607 HEWITT AVE
Ref. # 10525

Dear Property Representative:

Your building was inspected on July 2, 2012, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code. **A reinspection will be made on July 16, 2012 at 11:00 am. or the property vacated.**

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. All Units - Throughout - SPLC 34.19 - Provide access to the inspector to all areas of the building.-Inspector was not met for previous appointments. Provide access for full Fire Certificate of Occupancy inspection of the building.
2. Basement - Dryer - UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work may require a permit(s). Call DSI at (651) 266-8989.
3. Basement - Throughout - SPC 4715.1430, & 1440 - Provide approved support for all plumbing piping.
4. Basement - Throughout - UMC 2213 (f) - Install proper hangers and support for the gas piping in compliance with the mechanical code.

5. Basement - Throughout - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.
6. Exterior - Front Stairway - Along Driveway - SPLC 34.09 (2) 34.32 (2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.
7. Exterior - Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair unsound garage under permit. Structure has significant damage to walls, roof, siding, soffit and doors. This work will require a permit. Contact DSI at (651)266-8989.
8. Exterior - Throughout - 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.
9. Exterior - Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window frame.
10. Exterior - Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass.
11. Exterior - Throughout - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screen.
12. Exterior - West Side - UMC 1104 - Provide exhaust ducts to terminate outside of the building and be equipped with back draft dampers.
13. Exterior - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-9090.-Repair deteriorated parking area under plan approved by DSI Zoning. Driveway and parking area are part Class V and part paved, both showing deteriorated and also washing out into the sidewalk and street.
14. Rear Stairway - Entry Door - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.
15. Rear Stairway - Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
16. Rear Stairway - Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.

17. Rear Stairway - Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.-Repair or replace the carpeting.
18. Rear Stairway - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair exposed wiring at light fixture.
19. Unit 3 - Bathroom - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.
20. Unit 3 - Bathroom - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition.-Repair dripping faucet and clogged aerator on sink faucet.
21. Unit 3 - Front Bedroom - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)- 266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information.-Double-hung window has an openable area of 21 inches high by 21 inches wide and a glazed area of 6.7 square feet.
22. Unit 3 - Front Bedroom - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Properly locate smoke detector on wall between 6 and 12 inches down from ceiling. Smoke detector is mounted too low.
23. Unit 3 - Kitchen - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.-Repair non-working burners on stove.
24. Unit 3 - Living Room - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair non-working outlet. Tested as having no power at time of inspection.
25. Unit 3 - Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
26. Unit 3 - Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.
27. Unit 3 - Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.
28. Unit 3 - Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door latch.- Repair damaged door knobs and latches.

29. Unit 3 - Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.-Repair windows that aren't full closing or fitting securely in the frames. Repair window sash cords/hardware so that all openable windows are able to hold in the open position.
Repair or replace damaged/ missing window locks.
30. Unit 3 - MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.
31. Unit 3 - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.
32. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
33. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

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

If you have any questions, email me at: mitchell.imbertson@ci.stpaul.mn.us or call me at 651-266-8986 between 7:30 - 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. # 10525