



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED 310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102

FEB 17 2015

Telephone: (651) 266-8585

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number Check 18322)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

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|---|
| HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>Feb. 24, 2015</u> |
| Time <u>1:30 PM</u> |
| Location of Hearing: Room 330 City Hall/Courthouse |

e-mail sent on 2-17-15

Address Being Appealed:

Number & Street: 849 7th St E City: St Paul State: MN Zip: 55106

Appellant/Applicant: STEVE SHEA Email: STEVESHEA@MUN.COM

Phone Numbers: Business 651 415-1111 Residence - Cell 651 343-4451

Signature: [Signature] Date: 2.11.15

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: 2200 ARCADE ST ST PAUL 55109

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why?

Attachments Are Acceptable

- Vacate Order/Condemnation/Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

COST PROHIBITIVE REPAIRS SEE ATTACHED

CIRCLED ITEMS



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

February 12, 2015

STEVE SHEA
2200 ARCADE ST
MAPLEWOOD MN 55109-1913

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
849 7TH ST E

Ref. # 16789

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on January 21, 2015. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately.

A re-inspection will be made on March 16, 2015 at 10:30 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 re-inspection fees.

DEFICIENCY LIST

1. BLDG 845 - North Storage Room - MSFC 1028.3 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit way. Remove and clear storage blocking egress path into and out of storage room.
2. BLDG 847 - Laundry Room - MSMC 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 and installed in accordance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266-8989. Attach disconnected dryer vent.
3. BLDG 847 UNIT 1 - Kitchen Sink - SPLC 34.11, MSBC 2902.1, SPLC 34.17, MSPC 415.0220 - Repair or replace and maintain all parts of the plumbing system to an operational condition. Replace missing aerator and screen on kitchen faucet.

4. BLDG 847 UNIT 1 - Kitchen Storage - MSFC 315.2.5 - Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, operator or repaired within a building. Remove and store lighter fluid outside of building.
5. BLDG 847 UNIT 1 - Living Room - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes were missing. Missing cover plate on north wall in living room.
6. BLDG 847 UNIT 3 - Bathroom - SPLC 34.14 (3), MPC 4715.200.T - Provide and maintain a window or approved ventilation system in all bathrooms. Missing vent fan or window.
7. BLDG 849 - Basement Ceilings - MSFC 703.1 - Repair and maintain the required fire resistive construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090. Remove plastic from basement ceiling.
8. BLDG 849 - Kitchen - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Owner is to clean and remove grease around the bakery throughout.
9. BLDG 849 - Kitchen Hood - 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.-Send a copy of last hood inspection to inspector at 651.266.8951.
10. BLDG 849 - Kitchen Hood Extinguisher - NFPA 96 5-3 When the commercial cooking fire extinguishing system discharges, makeup air supplied internally to a hood shall shut off.-Service outdated K-1 fire extinguisher in kitchen.
11. BLDG 849 - Kitchen Walls - MSFC 703 - Provide and maintain fire rated wall construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090. Walls peeling apart. Repair or replace damaged walls inside the bakery.-
12. BLDG 849 - North Corridor - MSFC 1010.17 - Provide and maintain fire rated corridor construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090. The minimum rating must be: 2 hour.-Missing fire protection along corridor walls and ceilings.
13. BLDG 849 - North Corridor/Storage Rooms - MSFC 703 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: 1 hour.-Missing multiple fire rated doors to include closers, latches and framing.
14. 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.

15. 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: (651-266-8585) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at brian.schmidt@ci.stpaul.mn.us or call me at 651-266-8981 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,

Brian Schmidt
Fire Inspector
Ref. # 16789

REQUESTS FOR APPEAL AT 849 E. 7TH ST ATTACHMENT #1 A

I HAVE OWNED THIS PROPERTY SINCE ABOUT 1985. I HAVE AN OUTSTANDING TRACT RECORD WITH THE CITY. IN 2006 OVER 170,000 WAS PUT INTO THIS BUILDING INCLUDING NEW ROOF. SEE ATTACHMENT #2 & 3.

I AM APPEALING # 6 REQUEST FOR EXHAUST FANS IN BATHROOMS AS ANY PENETRATION IN THE ROOF VOIDS A WARRANTY - SEE ATT #2 AND IS COSTS PROHIBITIVE BASED ON THE AGE AND LOCATION OF THE BATH ROOMS BEING NO WHERE NEAR WINDOWS. FURTHER I HAVE ALWAYS DONE ALL REQUESTED REPAIRS IN THE PAST 30 YEARS WITH THIS BUILDING AND HE EXHAUST FANS WERE NOT EVER REQUIRED AND SHOULD BE GRANDFATHERED IN.

I AM APPEALING #7 AND 12 AS THE BACK OF THE BUILDING IS COLD STORAGE AND HAS BEEN FIRE RATED APPROVED WITH VERY RIGID REQUIREMENTS IN 2006. THE FRONT TWO STORY HEATED AREAS ARE FIRE ROCKED AS REQUIRED. THE COLD WARE HOUSE SPACE HAS MET CODE IN COMPLETE REBUILDING IN 2006.

THANK YOU FOR THE CONSIDERATION.

STEVE SHEA
PROPERTY OWNER.

ATTACHMENT #1 B

DEPARTMENT OF SAFETY AND INSPECTIONS
Fire Inspection Division
Ricardo X. Cervantes, Director



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

SEE ITEM # 6
7
8

January 21, 2015

STEVE SHEA
2200 ARCADE ST
MAPLEWOOD MN 55109-1913

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849 7TH ST E

Ref. # 16789

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If you have any questions, email me at brian.schmidt@ci.stpaul.mn.us or call me at 651-266-8981 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,

Brian Schmidt
Fire Inspector
Ref. # 16789

ATT # 2

CONDITIONAL GUARANTEE

Whereas WALKER ROOFING COMPANY, INC

At 2274 Capp Road, St. Paul, MN 55114 herein called "the Contractor," has completed application of the following roof:

Owner: VIKING CONSTRUCTION

Address: 871 JEFFERSON AVE, ST PAUL, MN 55102

Location: 847 E 7TH ST, ST PAUL, MN

Area of Roof: AS PER CONTRACT

Date of Completion: 03/15/2006

Date of Guarantee: 03/15/2016

REC'D MAR 16 2006

Whereas, at the inception of such work, Contractor agreed to guarantee the aforesaid roof for a limited period and subject to the conditions herein set forth,

Now, Therefore, the Contractor hereby Guarantees, subject to the conditions herein set forth, that during the period described above from the date of completion of said roof, it will, at its own cost and expense, make or cause to be made such repairs to said roof resulting solely from faults or defects in materials or workmanship applied by or through the Contractor as may be necessary to maintain said roof in watertight condition.

This guarantee is made subject to the following conditions:

1. Specifically excluded from this guarantee is any and all damage to said roof, the building or contents caused by the acts or omissions of other trades or contractors; lightning, windstorm, hailstorm, flood, earthquake or other unusual phenomena of the elements; foundation settlement; failure or cracking of the roof deck; defects or failure of material used as a roof base over which the roof is applied; faulty construction of parapet walls, copings, chimneys, skylights, vents, supports, or other parts of the building; vapor condensation beneath the roof; **ice and water back up caused from ice dams**, penetrations for pitch boxes; water leakage due to erosion and porosity of mortar and brick; dry rot; stoppage of roof drains and gutters; penetration of the roofing from beneath by rising nails; inadequate drainage, slope, or other conditions beyond the control of Contractor which cause ponding or standing of water; termites or other insects; rodents or other animals; or fire. **Due to Minnesota weather, Walker Roofing Company cannot guarantee against ice back up and ice dams that may cause leakage.** If the roof is damaged by reason of any of the foregoing, this guarantee shall thereupon become null and void for the balance of the guarantee period unless such damage is repaired by Contractor at the expense of the party requesting such repairs.
2. Contractor is not liable for consequential damages to the building or contents resulting from any defects in said roof, including, but without limitation, any interruption of business experienced by Owner or occupants of the building. Specifically excluded from this guarantee is any and all damage to property or bodily injury caused directly or indirectly by any fungus or spore, any substance, vapor or gas produced by or arising out of any fungus spore, or any actual, alleged or threatened discharge, dispersal, seepage, migration, release or escape of fungus or spore.
3. This guarantee shall become null and void unless the Contractor is promptly notified in writing of any alleged defects in materials or workmanship and provided an opportunity to inspect and, if required by the terms of this Guarantee, to repair the roof. Specifically excluded from this guarantee is any cost or expense arising out of any demand or statutory requirement that requires testing for, monitoring, clean up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to or assessing fungus or spores or the effects of same, including, but not limited to, any form or type of mold, mildew, mushroom, toadstool, smut or rust.
4. No work shall be done on said roof, including, but not without limitation, work in connection with flues, vents, drains, sign braces, railings, platforms or other equipment fastened to or set on the roof, and no repairs or alterations shall be made to said roof, unless Contractor shall first be notified in writing, shall be given the opportunity to make the necessary roofing application recommendations with respect thereto, and such recommendations are complied with. Failure to observe this condition shall render this guarantee null and void. Contractor shall be paid for time and materials expended in making recommendations or repairs occasioned by the work of others on said roof.
5. This guarantee shall become null and void if the roof is used as a promenade or work deck or is sprayed or flooded, unless such use was originally specified and the specification is noted in paragraph 9, below.
6. This guarantee shall not be or become effective unless and until Contractor has been paid in full for said roof in accordance with the agreement pursuant to which such roof was applied.
7. This guarantee shall accrue only to the benefit of the original Owner named above. It is not transferable to any other person, except with the prior written consent of Contractor.
8. This Guarantee is in lieu of other guarantees or warranties, express or implied. **ALL IMPLIED GUARANTEES AND WARRANTIES, AND SPECIFICALLY THE IMPLIED Warranties OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ARE EXPRESSLY EXCLUDED AND DISCLAIMED.**
9. If Walker Roofing investigation of any claim under this warranty reveals that Walker Roofing is not responsible under the terms of this warranty for owner's claim, owner shall promptly reimburse Walker Roofing Co. for the investigation and repair costs incurred by Walker Roofing. Walker reserves the right to suspend its obligation under this warranty if, the owner fails to reimburse Walker Roofing for claim investigation costs as provided above.
10. Roof drainage must be cleared bi-annually to avoid water back-up. Remove leaves, twigs, plant debris and any other garbage that may have been thrown on roof area.
11. Additional conditions or exclusions: N/A

In witness Whereof this instrument has been duly executed this 15TH DAY OF MARCH, 2006

WALKER ROOFING COMPANY, INC.



Michael J. Kohler, President

~~123~~

3



VIKING
CONSTRUCTION
INC.
GENERAL CONTRACTORS

Invoice No: 123

Date: 03/01/06

Bill To: STEVE SHEA
2411 MAPLEWOOD DR
MAPLEWOOD MN 55109

Job: 847 EAST 7TH WAREHOUSE
847 EAST 7TH ST.
ST. PAUL, MN 55101

Job No.: 06025

| | |
|--------------------------------|------------|
| Original Contract Amount | 148,986.00 |
| Approved Change Orders | 21,534.00 |
| Total Contract To Date | 170,520.00 |
| | |
| Total Completed To Date | 170,520.00 |
| Total Retainage | 6,662.00 |
| Previous Total Completed | 37,246.50 |
| | |
| Current Invoice Amount | 133,273.50 |
| Current Retainage | 6,662.00 |
| | |
| Current Amount Due | 126,611.50 |

871 JEFFERSON AVE.
ST. PAUL, MN 55102
651-222-3065
FAX: 651-222-0089

Foss, Katie (CI-StPaul)

From: Foss, Katie (CI-StPaul)
Sent: Tuesday, February 17, 2015 8:30 AM
To: 'steveshea1@msn.com'
Subject: 849 7th St. E. - Application for Appeal

Mr. Shea –

This e-mail serves to notify you that we have received your Application for Appeal of a Re-Inspection Fire Certificate of Occupancy with Deficiencies at **849 Seventh Street East**, and that a legislative hearing has been scheduled for you to attend to address this matter.

The hearing will take place on **Tuesday, February 24, 2015 at 1:30 p.m. in Room 330 City Hall, at 15 Kellogg Blvd. W., St. Paul, MN 55102.**

Please feel free to contact the Appeals Line with any questions, at (651) 266-8585.

Thank you.

Katie Foss
Receptionist
City Council Offices
310 City Hall
15 West Kellogg Blvd.
St. Paul, MN 55102-1615
(651) 266-8560