



APPLICATION FOR APPEAL

RECEIVED

DEC 30 2011

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>JANUARY 10, 2012</u> |
| Time | <u>11:30 pm 11 AM</u> |
| Location of Hearing: | |
| <u>Room 330 City Hall/Courthouse</u> | |

talked to Breuer about 11:00.

Address Being Appealed:

Number & Street: 727 DAYTON AVE City: ST. PAUL State: MN Zip: 55104

Appellant/Applicant: ^(JOE) JOACHIM BREUER Email jbreuer@uisi.com

Phone Numbers: Business _____ Residence _____ Cell (651) 755-6371

Signature: *[Signature]* Date: 12/29/11

Name of Owner (if other than Appellant): _____

Address (if not Appellant's): 698 Dayton Ave, ST. Paul, MN 55104

Phone Numbers: Business _____ Residence _____ Cell (651) 755-6371

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O NEED MORE TIME (SEE ATTACHED DOCS)
- Summary/Vehicle Abatement _____
- Fire C of O Deficiency List _____
- Fire C of O: Only Egress Windows _____
- Code Enforcement Correction Notice _____
- Vacant Building Registration _____
- Other _____

This appeal of the Revocation of Fire Certificate of Occupancy and Order to Vacate notice which my wife, Jada Breuer, and I, Joe Breuer, received on the 12/28/2011 is based on the following needs and requests:

1. More time to complete work requested by Fire Inspector.
 - a. **Items 1 – 2** on the issues list are requested exterior paint improvements. This cannot be completed during the current weather season (winter). We would request to have a completion date of **June 30th, 2012** scheduled to allow for booking of a competitive bid on the enhancements thought by the Fire Inspector and within our temporal budget constraints.
 - b. **Items 3 – 4** both are awaiting completion of the install of the front guard rail. All other issues mentioned in these items have been completed. This hand rail issue was overlooked by the Inspectors when the front porch work was completed in 2010. Bob Hengelfelt, who did the original porch work, is in the process of completing this work and has recently applied for a permit for the work. With timing issues between City Inspectors and the contractor's availability, as well as the weather, I would request a completion date of **April 30th, 2012**.
 - c. **Items 5, 8, 9** are in progress with work being completed by contractor Warren Simmons. These issues are directly related to the on-going kitchen remodeling that has made Unit #2 without a kitchen. Since electrical updates required by the Fire Inspector were just approved, this work can finally move to completion. Work on sheet-rocking and priming is starting next week and we are requesting a completion date of **February 29th, 2012**. This is based on what the contractor estimates in duration of the project due to the length of lead time it takes city inspectors to come out. It also works within our financial constraints.
2. Clarification on other outstanding issues.
 - a. **Items 6, 7, 12, 13, 14, 16** – Based on what I understood the Fire Inspector to state, although these items passed inspection by the city inspector, they are not marked complete in the city computers. Therefore, the Fire Inspector cannot sign off on these items. It is my understanding once the remaining kitchen items are completed, these will be moved to a completed state in the city computers by the city inspector. I cannot estimate a time for completion as these activities are not in my control.
 - b. **Item 10** – This issue relates to water heaters being fixed by reputable St. Paul Company "St. Paul Plumbing and Heating" in 2007. The city computers show "Inactive" as a status and the Fire Inspector relayed to me that this was common practice if a final inspection had not been made. As a non-technical home owner, I hire professional services in good faith to take care of these city-related requirements. I do not have knowledge how to get this issue resolved and removed from my list, or whether I need to have St. Paul Heating and Plumbing come back out. This is a situation where I cannot use my property as an income stream due to being blocked by an item I have little power or knowledge to fix.
3. Occupancy requirements.

- a. **Item 11** – This item claims we have prevented the inspector from accessing all areas of the house. My work requires travel, so I have only been physically present at one inspection and I can attest that all areas were made available to the Fire Inspector. My wife assures me of the same occurring in my absence. This item needlessly prevents us from using our property as an income stream by preventing us from receiving a fire certificate although all safety & code requirements have been/are being met.
- b. **Item 15** – The items states that all furniture needs to be removed from the premises due to Unit #2 being unfit for occupancy. This declaration derives from the kitchen remodeling project in Unit #2 which required updates to plumbing and electrical that have all been completed. The sheet-rocking and painting of the Unit is to happen over the next several weeks with time allotted for inspections (**see items 5, 8, 9 above**). The extra financial burden of having all the furniture removed and stored for this short duration while the kitchen is completed will delay the he completion of the kitchen project as we need to get additional funding. We cannot do the work ourselves as I travel throughout the week and my wife is about to give birth (due date Jan 21st, 2012).

Further, the claim of occupation is incorrect. The furniture belong to a guest staying with us at our home address. She will eventually inhabit this space, but is not, while construction is on-going. The guest does not pay us any rent on Unit #2 and the furniture has been arranged as to allow her an occasional private retreat. The evacuation of these furniture by paid professionals would have no safety impact, but does incur a greater cost to myself.

Finally, the revoking the Fire Certificate of Occupancy also threatens me with the continuing of renting Unit #1 to its current tenant, a U.S. Veteran, who resides there at reduced Market Rates. His expulsion will require him to find a new affordable place as well as leaving with no income on my property.

Thanks You.

Sincerely,

Joe Breuer



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

December 28, 2011

FAT CAT RENTALS, LLC
698 DAYTON AVE
ST PAUL MN 55104-6634

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 727 DAYTON AVE

Dear Property Representative:

Your building was inspected on December 28, 2011, 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 33.05 of the Saint Paul Legislative Code.

A re-inspection will be made on January 31, 2012 at 1 pm 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. Exterior - 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.
2. Exterior - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window frames that are deteriorated.
3. Exterior - SPLC 34.09 (2) 34.32 (2) - Provide an approved guardrail with intermediate ballustrade or rails 4 inches or less apart. This work may require a permit(s). Call DSI at (651) 266-9090.-Provide guardrails to meet code on front and rear.
4. Exterior - 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.-Provide a handrail on the front and rear to meet code.

STP to schedule work with fire on 1/31

waiting on Bob

5. Interior-Basement Throughout - SPLC 34.10 (3), 34.33(2) - Repair or replace the damaged handrail in an approved manner. Permit may be required.-Replace the missing handrail to the basement to meet code.

6. Interior-Throughout - SPLC 34.14 (2), 34.34 (5) - Provide an approved electrical service adequate to meet the buildings needs. This work requires a permit(s), call DSI at (651) 266-9090.-Hire a licensed electrician to certify that all electrical throughout meets code under permit.

7. Interior-Throughout - 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 requires a permit(s). Call DSI at (651) 266-8989.- Provide a dryer vent to meet code throughout or remove the dryers from the property.

8. Interior-Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-Patch and paint ceilings that are deteriorated or missing to meet code under permit and have the ceilings inspected that have been re-done without permits throughout.

9. Interior-Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Patch and paint the holes and/or cracks in the walls throughout that are deteriorated or missing to meet code, under permit.

10. Interior-Throughout - SPLC 34.11 (5), 34.34 (2) - Contact a licensed contractor to repair or replace the water heater. This work may require a permit(s). Call DSI at (651) 266-9090.

11. Interior-Throughout - SPLC 34.19 - Provide access to the inspector to all areas of the building.

12. Interior-Throughout - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 4715.0200.C - Provide an approved number and type of plumbing fixtures. Permit Required.-Hire a licensed plumber to certify that all work meets code under permit throughout including the water heater and venting.

13. Interior-Throughout - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Hire a licensed electrician to provide the hard wired detectors to meet code. Battery back ups will be needed throughout.

14. Interior-Throughout - 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.

15. Unit 2 - SPLC 34.23, MSFC 110.1 - Unit 2 occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office and all permits approved.-Unit 2 is condemned based on major renovation without

*Disapproved
Dave &
E.G. Geller
Approved -
but not in
system*

*A. Paul
Heating
& Plumbing
2007
Instructor*

*W. Alden
Dave Geller
Approved*

*Occupancy
Issue*

permits. There should be no storage, or personal possessions stored in the unit.
Immediately remove all personal items in this unit to avoid further enforcement action.

16. SPLC 39.02(c) - Complete and sign the provided 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: lisa.martin@ci.stpaul.mn.us or call me at 651-266-8988 between 6:30 - 8:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Lisa Martin
Fire Inspector

st paul. gov / GOVERN