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APPLICATION FOR APPEAL

RECEIVED
AUG 10 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>8-16-11</u>
Time <u>2:30</u>
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 107 West Ceranium City: St Paul State: MN Zip: 55117

Appellant/Applicant: Katherine Holmquist Burks Email: Katherine.holmquist@sps.org

Phone Numbers: Business: 651-293-8420 Residence: 651-777-7690 Cell: 651-216-3416

Signature: [Handwritten Signature] Date: August 9, 2011

Name of Owner (if other than Appellant): Kathy Holmquist Burks / Erika Berg / Matthew Berg

Address (if not Appellant's): 1600 Laurel Avenue, St Paul MN 55102

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 _____
- Fire C of O: Only Egress Windows _____
- Code Enforcement Correction Notice _____
- Vacant Building Registration _____
- Other _____

August 8, 2011

The Honorable Officer Marcia Moermond
Legislative Hearing Office
310 City Hall, 15 West Kellogg Blvd.
St. Paul, MN 55102

RE: Property at 107 West Geranium, St. Paul, MN 55117
Owners: Kathy Holmquist-Burks, Erika Berg, Matthew Berg
1600 Laurel Ave., St. Paul, MN 55104 651-777-7690

Dear Officer Moermond:

Please accept this letter as an appeal for the following:

Revocation of Fire Certificate of Occupancy
Revocation of Vacant Building Registration
Revocation of \$1,100 fine for Vacant Building Status

I have attached the documents which refer to these issues. Up until August 1, 2011, the property at 107 West Geranium, St. Paul, MN 55117, was rental property. Upon serving of termination of lease papers to the clients of this property, Shannon and Eric Abrego, apparently called the City of St. Paul to request a formal inspection by the City Fire Inspector. This inspection was not reported to me, the owner of the property. The inspection took place July 22, 2011, without my knowledge. On July 29, 2011, my daughter in Stillwater, MN, called to inform me that a letter had been sent to her address regarding this inspection and a list of 43 items were cited as in need of repair. This is the first time we had seen this list. The second inspection was scheduled for August 1, 2011. I immediately called the fire inspector upon news of this inspection.

Since the time of the second inspection, August 1, at which I was present, the tenants have vacated the property at 107 West Geranium. We have been working diligently to improve the property now that we have liberty to be present there and also now that the vast amount of possessions and refuse have been removed, some by the tenants and the rest by us.

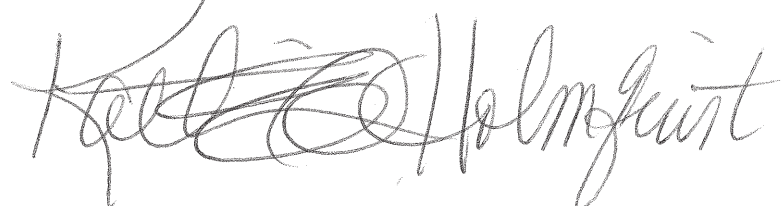
I plead with the Legislative Hearing Board and you, Officer Moremond, that we are allowed to again owner occupy the dwelling (it will be occupied by my daughter, Erika Berg, on the deed and mortgage), and revoke the Certificate of Occupancy, vacant building status, and fines.

I will appear at the hearing on the assigned date to state in person my appeal.

Very sincerely yours,

Katherine Holmquist-Burks

651-777-7690





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

Nuisance Building Code Enforcement
375 Jackson Street, Suite 220 651-266-8989
Saint Paul, MN 55101-1806 651-266-1919
www.stpaul.gov/dsi

August 05, 2011

Erika S Berg
107 Geranium Ave W
St Paul MN 55117-4908

VACANT BUILDING REGISTRATION NOTICE

The premises at **107 GERANIUM AVE W**

has been inspected and found to meet the legal definition of a Vacant Building as described in Saint Paul Legislative Code, Chapter 43. You are required to register this building with the Department of Safety and Inspections, Vacant Buildings Division, by filling out and returning the registration form provided with this letter. You are also required to pay the annual Vacant Building Registration Fee of **\$1,100.00**. The fee is due upon receipt of this letter and must be paid no later than thirty (30) days from the date of this letter, as required in Saint Paul Legislative Code Chapter 43. If this building is vacant due to a fire, complete the enclosed registration form and return it to this office within 30 days.

Please return the enclosed registration form along with your payment by September 05, 2011.

Do not mail cash.

If you wish to pay in person, you may do so from 8:00 a.m. to 4:00 p.m. Monday through Friday at:

DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

You may file an appeal to this fee or registration requirements by contacting the Office of the City Clerk at (651) 266-8688. Any appeal of this fee must be made within ten (10) days of the date of this notice.

If the registration fee is not received in this office within 45 days of the date of this letter the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.

The Code Enforcement Officer has notified the Building Inspection And Design Section that this property meets the legal definition of a registered vacant building and in accordance with Legislative Code Chapter 33, no permits (except demolition, wrecking and removal permits) will be issued until the requirements of all applicable ordinances are fulfilled.

All category 2 and category 3 vacant buildings must be winterized with gas and water services shut off or, alternately, an excess flow gas valve must be installed in the dwelling, within sixty (60) days of the date of this Notice.

WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL IS REQUIRED BEFORE A CATEGORY 2 OR CATEGORY 3 VACANT BUILDING CAN BE OCCUPIED OR SOLD.

Category 2: Requirements include: 1. register/re-register the building, 2. pay outstanding fee(s), 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use.

Category 3: All requirements listed for Category 2 vacant buildings, AND obtain a **Certificate of Occupancy OR Certificate of Code Compliance** prior to the sale of the building.

If the use of this building meets the definition of a nonconforming use by the Zoning Code then the use will lose its nonconforming status 365 days from the date the building was declared vacant.

**You must contact the Enforcement officer, Mike Kalis,
at 651-266-1929 to find out what must be done before this
building can be legally reoccupied.**

The Enforcement Officer may declare this building(s) to constitute a Nuisance Building subject to demolition and issue an Order to Abate under authority of Legislative Code Chapter 45. In the event this building is declared a Nuisance Building subject to demolition, the Enforcement Officer will notify all owners and interested parties of the Order to Abate, as provided in the Legislative Code Chapter 45.

If you have questions about this annual registration fee or other vacant building requirements, please contact the Enforcement Officer, Mike Kalis, at 651-266-1929.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Thank You,

Steve Magner
Vacant Buildings Program Manager
Department of Safety and Inspections

Enclosures: Regulations Requirements Information
Vacant Building Registration Form

SM: mk
vb_registration_notice 06/10



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.sipaul.gov/dsi

July 22, 2011

MATTHEW C BERG
KATHERINE E.O. HOLMQUIST
928 -- 6TH AVE S
STILLWATER MN 55082-5841

FIRE INSPECTION CORRECTION NOTICE

RE: 107 GERANIUM AVE W

Dear Property Representative:

Your building was inspected on July 22, 2011 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date.

A re-inspection will be made on August 1, 2011 at 9 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 shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Exterior - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.
2. Exterior - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-Roof leaks. Repair or replace.
3. Exterior - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.
4. 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.

5. Exterior - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-Patch the foundation to eliminate moisture issues.
6. Exterior - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.- Repair or replace storm doors that are in disrepair.
7. Exterior - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens throughout.
8. Exterior - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the windows in good condition.
9. Exterior - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work requires a permit(s). Call DSI at (651) 266-9090.
10. Exterior - SPLC 163.03, 163.01 (2), (3) - Currently license (tags) all vehicles on the property and return the vehicles to an operative mechanical condition or remove vehicles from the property.
11. Exterior - SPLC 34.08 (10) - Repair, replace and maintain exterior sidewalks, walkways and stairs.-Repair or replace the damaged front cement stairs under permit.
12. Exterior - SPLC 34.08 (2) - Provide and maintain the property grade to slope away from the building to minimize the accumulation of water near the building. This work may require a permit(s). Call DSI at (651) 266-9090.
13. Exterior - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide reflective numbers or background or illuminate at night.
14. Interior - 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. Interior - SPLC 34.10 (1) - Abate and maintain the basement reasonably free from dampness and free of mold and mildew.
16. Interior - SPLC 34.19 - Provide access to the inspector to all areas of the building.
17. Interior - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 4715.0200.C - Provide an approved number and type of plumbing fixtures.-Repair or replace damaged tub.
18. Interior - 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 require a permit(s). Call DSI at (651) 266-8989.-Replace the dryer vent to meet code. Permit required.
19. Interior - 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.
20. Interior - 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.
21. Interior- Attic - 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.-Immediately discontinue use of the attic for sleeping use. The main floor bedroom windows measure 18H x 27W double hung.
22. Interior-Attic - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area.-Immediately discontinue use of the attic.

23. Interior-Attic - SPLC 34.23, MSFC 110.1 - The attic is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.
24. Interior-Basement - SPLC 34.10 (3) 34.33(2) - Provide an approved guardrail. Intermediate ballustrade must not be more than 4 inches apart. Intermediate rails must be provided if the height of the platform is more than 30 inches.
25. Interior-Basement - SPLC 34.10 (3), 34.33(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.
26. Interior-Throughout - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
27. Interior-Throughout - MSFC 605.5.3 - Immediately, discontinue use of frayed, deteriorated, damaged or spliced electrical cords.
28. Interior-Throughout - MSFC 605.4 - Discontinue use of all multi-plug adapters.
29. Interior-Throughout - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
30. Interior-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.
31. Interior-Throughout - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.
32. Interior-Throughout - NEC 110-26 - Provide and maintain a minimum of 36 inches clearance in front of all electrical panels.
33. 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.
34. Interior-Throughout - MSFC 1003.3.1.8 - Remove unapproved locks from the unit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.
35. Interior-Throughout - SPLC 34.13 (3), SPLC 34.17 (2) - Reduce and maintain the number of occupants in the sleeping rooms to: 2 occupants.
36. Interior-Throughout - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-The smoke detectors are beeping and need new batteries.
37. Interior-Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-The ceilings have water damage throughout.
38. Interior-Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-The walls have water damage throughout.
39. Interior-Throughout - SPLC 34.10 (7), 34.33 (6) - Repair or replace and maintain the woodwork in an approved manner.
40. Interior-Throughout - SPLC 34.10 (3), 34.33(2) - Repair or replace the damaged guardrail in an approved manner.
41. Interior-Throughout - SPLC 34.10 (3), 34.33(2) - Repair or replace the damaged handrail in an approved manner.
42. Interior-Throughout Basement - SPLC 34.10 (1) - Abate and maintain the basement reasonably free from dampness and free of mold and mildew.
43. Interior-Throughout Basement - SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock.

44. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

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 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 a.m. - 8:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Lisa Martin
Fire Inspector