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APPLICATION FOR APPEAL

RECEIVED

MAY 31 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>6-12-12</u>
Time <u>1:30 P.M.</u>
Location of Hearing:
<u>Room 330 City Hall/Courthouse</u>

e mail Notice 5-31-12 James

Address Being Appealed:

Number & Street: 791 Holton Street City: Saint Paul State: MN Zip: 55104

Appellant/Applicant: Anna + Christopher VanderKoy Email vdkoy@hotmail.com

Phone Numbers: Business _____ Residence _____ Cell 612-501-9653

Signature: Chris VanderKoy Date: May 29, 2012

Name of Owner (if other than Appellant): _____

Address (if not Appellant's): _____

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
- Basement Egress window see attach



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-8989
Saint Paul, MN 55101-1806 Fax: 651-266-8951

May 17, 2012

ANNA & CHRISTOPHER VANDERKOY
791 HOLTON ST
ST PAUL MN 55104

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 791 HOLTON ST
Ref. #

Dear Property Representative:

An inspection was made of your building on May 17, 2012 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately. A reinspection will be made on or after June 18, 2012.

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

DEFICIENCY LIST

1. BASEMENT EGRESS WINDOW - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window lock.-
REPAIR NON-WORKING WINDOW HARDWARE
2. MAIN FLOOR BEDROOMS - 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.

**EXISTING WINDOWS ARE DOUBLE HUNG
20 INCHS W X 24 HIGH OPENABLE
GLAZED AREA 5.52 SQ FT.**

3. UPSTAIRS WEST 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.-

**SIDE BY SIDE DOUBLE HUNG WINDOWS
22 1/2 INCHS W X 15 H OPENABLE
4.08 SQ FT. GLAZED AREA EACH TOTAL OF 8.16 FOR BOTH WINDOWS**

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 the original orders.

If you have any questions, email me at: scott.st.martin@ci.stpaul.mn.us or call me at 651-266-8995 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,

Scott St. Martin
Fire Inspector

Ref. #

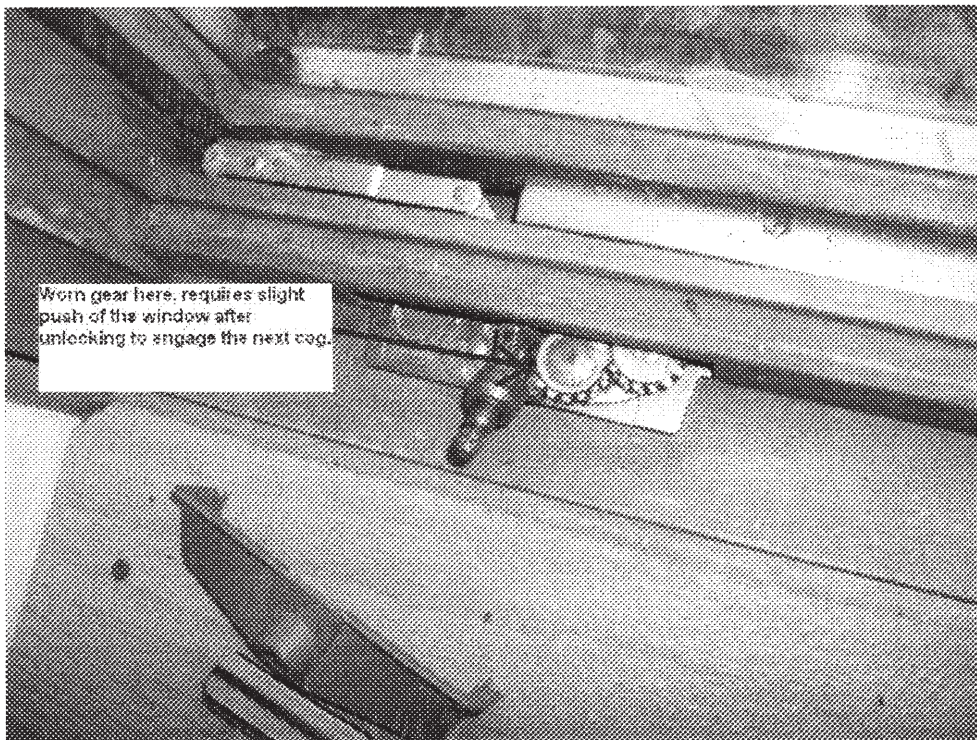
Your Honor(s),

My wife (Anna) and I are applying for foster care and required a fire inspection of our 1936 vintage Saint Paul home at 791 Holton Street in Saint Paul, MN. It appears we have some deficiencies, as outlined in the attached letter, and are appealing this list.

I must admit, it was alarming to receive a letter that states: 'Failure to comply may result in a criminal citation or the revocation of the Certificate of Occupancy.' I understand that this doesn't mean the city is planning to throw us on the curb next week. But no matter how nice the fire inspector was in person, it still doesn't change the upsetting language of the letter. Both my wife and I felt a little abused as we are trying to do a service to others by offering our home to Foster children just to be later threatened with 'criminal citation' as a result of that offering. Perhaps the city should consider softening the tone of the standard letter in cases such as ours.

Nevertheless, onto the deficiency list:

- 1) In the short term, I have repaired the basement egress window cranking system. There is one tooth in a gear that is worn in the cranking mechanism which requires a slight push after unlocking the window to get it to open, but this is common in casement windows. There is nothing wrong with the window lock. Below is a snapshot of the worn gear:

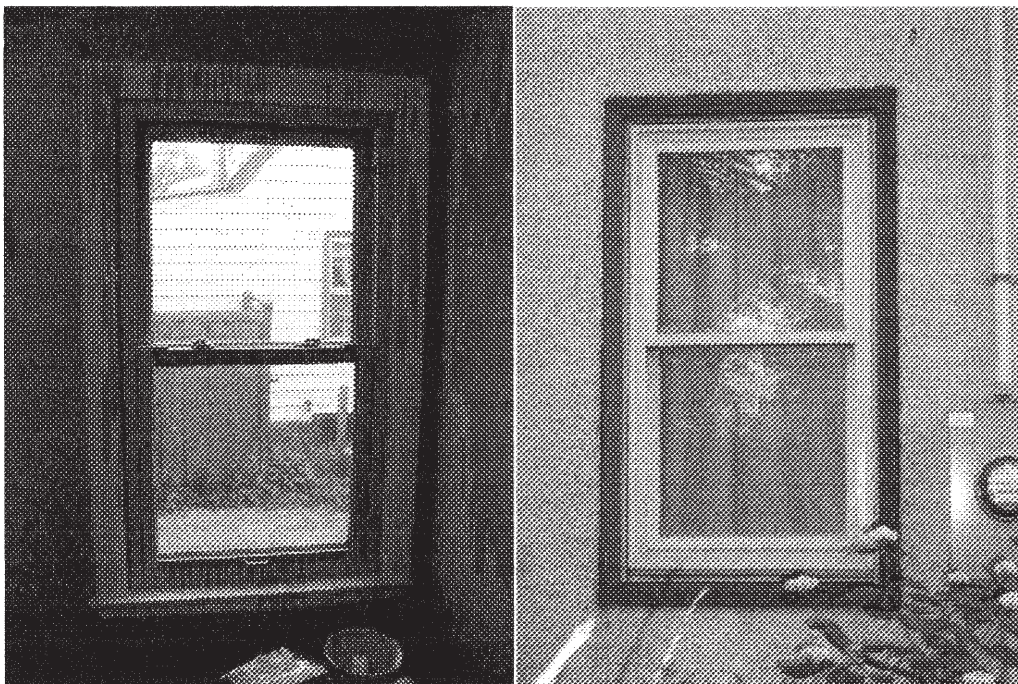


This window is also scheduled for replacement this summer. We discovered in late April a circular hole in the outer pane of glass. Concerned it was criminal activity, we had Saint Paul police investigate. It was the detective's conclusion that there was a flaw in the glass, and it was neither criminal activity nor a rock from the neighbor's lawnmower. In any case, the hole will

require a replacement before winter. Below is a snapshot of the peculiar circular hole in the outside pane of the glass. Also note, we are not planning to have anyone sleep in the basement.



- 2) The windows in the main floor bedrooms are not the original windows of the 1936 house, but it is clear from looking at the stucco, outside framing, plaster, and inside molding that they are the original size and type for this vintage of house. The previous owners reported buying the house in 1996 with these windows already installed. These windows are high quality and were likely replaced to increase energy efficiency in the house. (My heating bills are <\$400/year.) After learning about this requirement, I think I can point out 100's of houses within ¼ mile that do not meet this requirement. Below is a snapshot of the inside and outside of the main floor windows in question:



- 3) The upstairs west bedroom has windows that are slightly smaller than the main floor bedrooms, but there are two windows side by side as shown in the photo's below. Again, the stucco, outer framing and molding inside indicate that this was the original size and type of window in this vintage home.



Thank you for considering our appeal, and we look forward to resolving this issue. Note, the inspection was performed on May 17th, but the correction notice was not received (faxed) until May 29th. If you would like an electronic version of this document, or more pictures, please email me at cvanderkoy@trane.com

Regards,

Chris and Anna VanderKoy

A handwritten signature in cursive script that reads "Chris VanderKoy".