



# APPLICATION FOR APPEAL

**Saint Paul City Clerk**

RECEIVED City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

JAN 17 2012 Telephone: (651) 266-8560

CITY CLERK

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, 1-24-12

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

*Emailed 1-17-12 James*

## Address Being Appealed:

Number & Street: 497 OTIS AVE City: ST PAUL State: MN Zip: 55104

Appellant/Applicant: JAMES L. SWIFT Email: JAMESSWIFT@COMCAST.NET

Phone Numbers: Business 651-646-9060 Residence 651-646-9060 Cell 612-210-0664

Signature: *James L. Swift* Date: 1-13-12

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

GUARD RAILINGS - SEE ATTACHED # 5 ON LIST  
WINDOWS - SEE ATTACHED # 3 ON LIST



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](http://www.stpaul.gov/dsi)

January 5, 2012

JAMES L SWIFT  
420 MISSISSIPPI RIVER BL  
ST PAUL MN 55104-4927

### FIRE INSPECTION CORRECTION NOTICE

RE: 497 OTIS AVE  
Residential Class: C

Dear Property Representative:

Your building was inspected on January 5, 2012 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 February 28, 2012 at 10:00 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. Basement - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue: Use of basement as a separate unit.
2. Basement living room - MSFC 605.4 - Discontinue use of all multi-plug adapters.
3. Double hung windows - 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.-Upper unit second floor northeast

An Equal Opportunity Employer

21.5 h x 33 w Glazed 10.4 sq ft  
Upper unit second floor north  
22 h x 29 w Glazed 8.3 sq ft  
Upper unit second floor northwest  
22.5 h x 31 w Glazed 9.0 sq ft  
Upper unit third floor  
23 h x 23 w Glazed 6.4 sq ft

4. Garage and behind gas range - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
5. Second and third floor stairways - 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.-Current guardrails are 29.5 inches.
6. Throughout - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Maintain hard wired smoke detectors in an approved manner.

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: [rick.gavin@ci.stpaul.mn.us](mailto:rick.gavin@ci.stpaul.mn.us) or call me at 651-266-8994. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Rick Gavin  
Fire Inspector

January 13, 2012

### **Items for Appeal on the Fire Inspection Correction Notice "Deficiency List"**

The inspectors have an admirable grasp of the details of the building codes. For historic well-maintained buildings, however, some minor deviations from modern day codes (where there are not significant risks to fire safety) are probably appropriate. Inspectors have told me that because of my ongoing maintenance program this is one of the best maintained buildings they have been in. I intend to move into this building when I retire.

#### **Fire Inspection Deficiency List Item 5....2<sup>nd</sup> and 3<sup>rd</sup> Floor Stairways**

Sec. 34.10 (3) a. states, "Every stairwell must be maintained in accordance with the building code which was in effect when the stairs were originally constructed." This building is approximately 90 years old and has been very well maintained including the stairways.

The building has a flowing coherent architecture wherein the guardrail matches the stairwell window in style and finish. The decorative period guardrail is 30.5" above the hardwood floor deck. It is located in a very wide hallway brightly lit by a chandelier directly over the guardrail plus a huge window on the landing. (See Photo)

I have not had a problem for 25 years of ownership. My building attracts only responsible intelligent people (e.g., many professors over the years from the University due to the proximity); they would not fall over this railing. I was raised on a farm; I have faith that we are all self-sufficient responsible people that take reasonable care to not fall down a stairway or get hit crossing a street. If someone is going to fall over a 30 1/2" railing, they will fall over a 34" railing.

To tear out this guardrail and replace it with a custom crafted taller duplicate of it would be prohibitively expensive and not in proportion to the small risk; to replace it with a cheap "Menards" style rail that modifies it in a manner that violates the architectural integrity of the building would be a remedy that would destroy some of the history of craftsmanship that is treasured in vintage St Paul buildings.

I respectfully request that the railing be allowed to remain "as is" to function effectively as it has for the last 90 years and I will continue to maintain it in a sound condition.

The third floor stairway guardrail is 29 ½ " above the hardwood floor in a very low traffic area where essentially no activity takes place and thus presents very limited exposure to anyone being careless enough to fall over the rail. (see photo)

I would request that this rail also be allowed "as is" with continued maintenance to maintain its current sound condition.

### **Fire Inspection Deficiency List Item 3....Window sizes in sleeping rooms**

The windows all meet the requirement of at least 5 square feet of glazed area. As to the other dimensions, I am sure the current guidelines are what might be considered "ideal" dimensions for new construction. As vintage houses go in St Paul the windows in this building are probably larger than average. It is clear that these windows are adequate for anyone, even obese people to exit in case of an emergency.

Tearing a window out of each room and replacing it with a larger one would again destroy the exterior architecture of the structure thus degrading the value of St Paul housing stock for very little gained in terms of risk abatement.

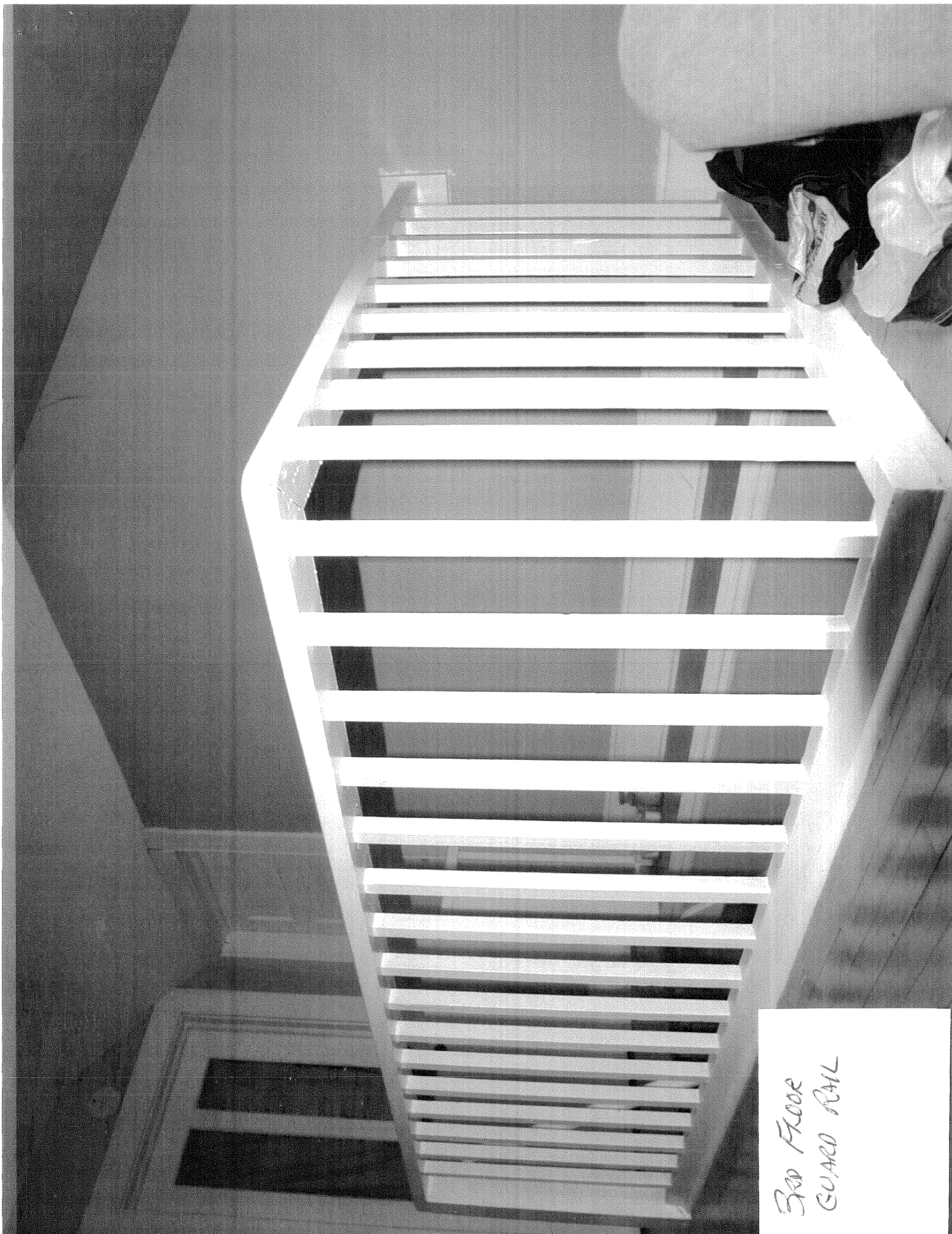
I request that the windows be allowed to remain "as is" based on all of them having met the code in effect at the time the house was built.

All other items on the list have already been corrected.



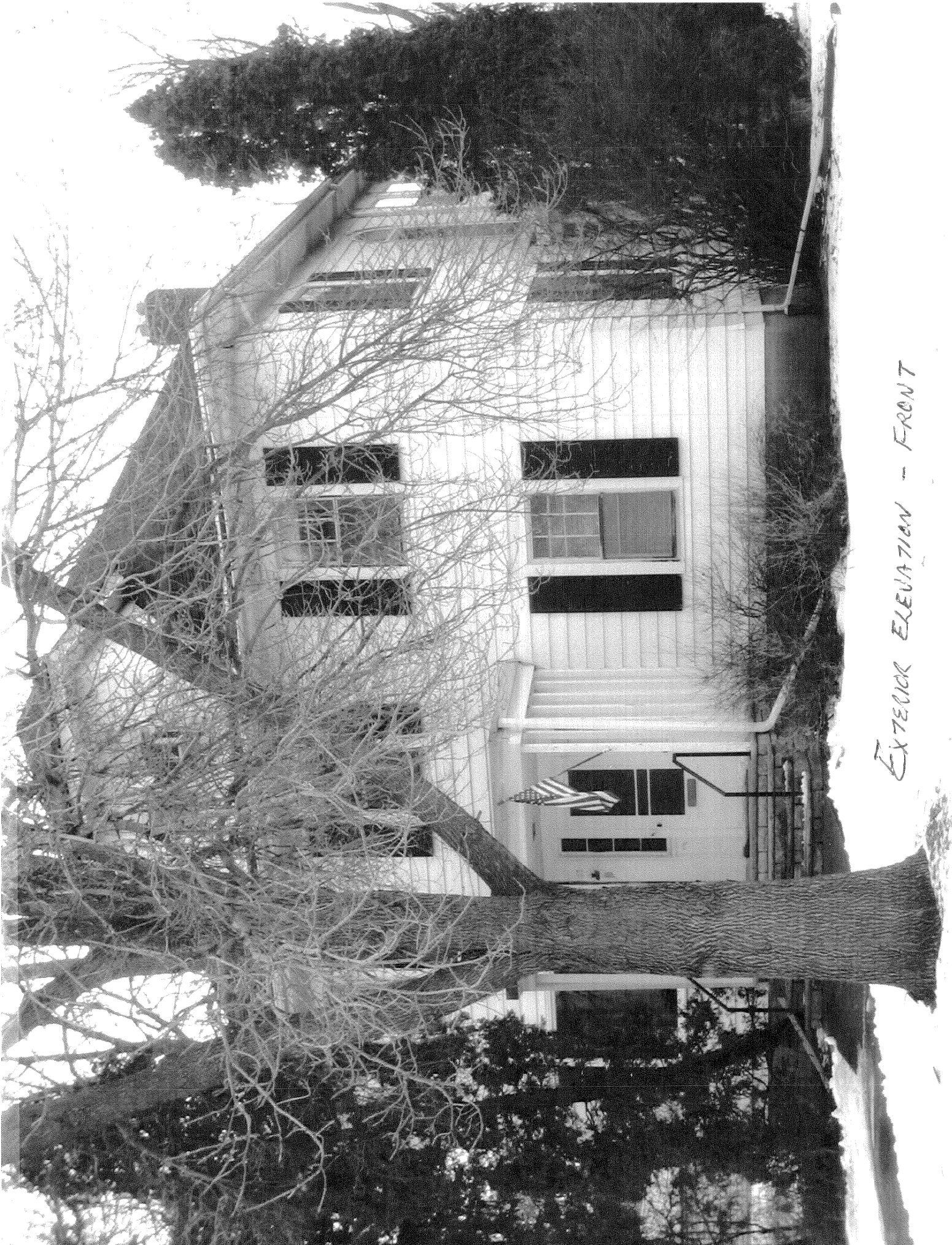
2ND FLOOR  
GUARD RAIL





Bed Frame  
Guard Rail





EXTERIOR ELEVATION - FRONT