APPLICATION FOR APPEAL

RECEIVED
APR 27 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:

- [x] $25 filing fee payable to the City of Saint Paul (if cash: receipt number_____)
- [x] Copy of the City-issued orders or letter which are being appealed
- [x] Attachments you may wish to include
- [x] This appeal form completed
- [x] Walk-In *OR* [x] Mail-In

YOUR HEARING Date and Time:
Tuesday, 5-1-12
Time 11:00 a.m.
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 104 DALE STREET City: ST. PAUL State: MN Zip: 55102

Appellant/Applicant: JOEL ASHBACHER Email ASHJOEL1980@GMAIL.COM

Phone Numbers: Business _____ Residence _____ Cell 651.675.6008

Signature: Joel Ashbacher Date: 4/26/12

Name of Owner (if other than Appellant): JAMES RYAN

Address (if not Appellant's): 1200 WEST AVE APT 631, MIAMI BEACH FL 33139-4316

Phone Numbers: Business _____ Residence _____ Cell 954.873.7223

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

- [x] 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
- [x] Other SEE E-MAIL LIST FOR DEFERRAL REQUESTS

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

April 12, 2012

JAMES M RYAN
1200 WEST AVE APT 631
MIAMI BEACH FL 33139-4316

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 104 DALE ST N
Ref. # 100615

Dear Property Representative:

Your building was inspected on April 12, 2012, 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 40.06 of the Saint Paul Legislative Code.

A reinspection will be made on April 30, 2012 at 1:30 PM and 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 - Fence - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair the damaged and leaning fence.

2. Exterior - Rear - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.

3. Exterior - West - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.-Replace the missing exterior door closer.

4. Exterior - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screen.

5. Exterior - SPLC 34.08 (3) - Provide and maintain suitable ground cover on all exterior areas to control erosion.

6. Front Entry - SPLC 34.10 (2), 34.33 - Repair and maintain the damaged structural member. This repair may require a building permit, call DSI at (651) 266-9090.-The floor in the front entry is sagging and is not properly supported.

7. Garage - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.

8. Garage - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Properly install outlet for garage door opener to code.

9. Garage - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide reflective numbers or background or illuminate at night.

10. Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.--Repair damaged siding and fascia.

11. Garage - SPLC 34.10 (2), 34.33 - Repair and maintain the damaged structural member. This repair may require a building permit, call DSI at (651) 266-9090.-Repair damaged rafter in an approved manner.

12. Garage - 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.-Repair and paint the trim.

13. Interior - SPLC 34.19 - Provide access to the inspector to all areas of the building. -Provide access on 4/30/2012 at 1:30 PM for a full Certificate of Occupancy inspection.

14. Roof - MFGC 503 - Provide, repair or replace the fuel equipment vent or vent liner to develop a positive flow adequate to convey all products of combustion to the outside. This work may require a permit(s). Call DSI at (651) 266-8989. -Repair vent to be properly sealed per code.

15. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit an approved completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.

16. 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: (651-266-8688) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: william.beumer@ci.stpaul.mn.us or call me at 651-266-8991 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

William Beumer
Fire Inspector

Ref. # 100615

Print | Close Window

Subject: 104 DALE ST. N, ST. PAUL
From: "Kelli @ The Fleetham Group, RE/Max Results" <kelli@thefleethamgroup.com>
Date: Fri, Apr 27, 2012 8:37 am
To: william.beumer@ci.stpaul.mn.us, Janie.LaFrenz@ci.stpaul.mn.us
Cc: "Joel Ashbacher" <joel@thefleethamgroup.com>, "Ron" <ron@thefleethamgroup.com>, "Tom Fleetham" <tom.fleetham@results.net>, "James Ryan" <ryanj90@hotmail.com>
Attach: icon_sm_facebook.gif
icon_sm_twitter.gif
SMOKE Affidavit.pdf
CO2 Affidavit.pdf
Appeal.pdf
104 Dale St Deficiency Checklist.pdf

Hi, Bill & Janie - Good Morning!!!!

Hope this finds you well, and off to a great start to your day!

I'm e-mailing you on behalf of the subject property (104 Dale Street N), as I spoke with Janie LaFrenz yesterday (thank you, Janie, for your help) who forwarded me the appeal in effort to request more time to satisfy the definiciency checklist (attached), as the property will not be ready by the inspection date (4/30/12 @ 1:30 P.M.), due to the following items, highlighted in yellow, below. Please note, the following list identifies ALL deficiencies, along with a progress report, as identified in red print. You'll notice we have made positive head-way in satisfying a majority of the issues!!!

Given we are requesting a deferral and are under a tight timeline, the current tenant, Joel Ashbacher, will be hand-delivering the appeal to your office TODAY, along with the $25 filing fee, as Joel will be representing the owner, James Ryan, since James resides in Florida. Due to this tenant-owner relationship, we, The Fleetham Group, RE/Max Results will NOT BE INVOLVED and request our name, etc., to be removed from ANY/ALL correspondence. James hired us to find a tenant to rent the property; but, then had his previous tenants occupy, again, which elminated the need for our services.

In summary, I want to identify the following points to outline the importance of this e-mail:

a. **104 Dale St. N., Deficiency Checklist APPEALED TODAY, 4/27/12**
b. **Appeal to be Hand-Delivered by Tenant, Joel Ashbacher, with Filing Fee of $25.00**
c. **16 Point Deficiency Checklist Attached and Outlined, below, with Progress Report for your File**
d. **The Fleetham Group, RE/Max Results IS NOT INVOLVED IN THIS PROPERTY**
e. **Smoke & CO Affidavits are Completed & Attached to this E-Mail!**
f. **The Scheduled Inspection Date of 4/30/12 @ 1:30 P.M. will be Deferred Upon Request**

1. Exterior - Fence - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair the damaged and leaning fence.
   IN PROGRESS - Took down leaning/broken sections of fence. Removed all broken/cracked fence pieces on removed sections. pulled all nails and prepared for repair.
   Removed all broken/cracked fence pieces & pulled screws & nails from rest of all fence areas.

2. Exterior - Rear - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.
   DONE!

3. Exterior - West - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.-Replace the missing exterior door closer.
   DEFERRAL REQUESTED!

4. Exterior - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screen.
   DONE!

5. Exterior - SPLC 34.08 (3) - Provide and maintain suitable ground cover on all exterior areas to control erosion.
   DEFERRAL REQUESTED!

6. Front Entry - SPLC 34.10 (2), 34.33 - Repair and maintain the damaged structural member. This repair may require a building permit, call DSI at (651) 266-9090.-The floor in the front entry is sagging and is not properly supported.
   DONE!

7. Garage - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
   DONE!

8. Garage - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Properly install outlet for garage door opener to code.
   DONE!

9. Garage - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide reflective numbers or background or illuminate at night.
   DONE!

10. Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.--Repair damaged siding and fascia.
    IN PROGRESS - All loose house paint scraped, west side of house needed areas scraped/primed, & painted. No holes yet filled.

11. Garage - SPLC 34.10 (2), 34.33 - Repair and maintain the damaged structural member. This repair may require a building permit, call DSI at (651) 266-9090.-Repair damaged rafter in an approved manner.

DEFERRAL REQUESTED!

12. Garage - 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.- Repair and paint the trim.
IN PROGRESS - Only wood trim around garage door opening was scraped (only wood area) & broken/damaged pieces were removed.

13. Interior - SPLC 34.19 - Provide access to the inspector to all areas of the building. Provide access on 4/30/2012 at 1:30 PM for a full Certificate of Occupancy inspection
DEFERRAL REQUESTED!

14. Roof - MFGC 503 - Provide, repair or replace the fuel equipment vent or vent liner to develop a positive flow adequate to convey all products of combustion to the outside. This work may require a permit(s). Call DSI at (651) 266-8989. -Repair vent to be properly sealed per code.
DEFERRAL REQUESTED!

15. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit an approved completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
DONE - **ATTACHED!**

16. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.
DONE - **ATTACHED!**

Thank you for your time, consideration, and attention to this request. Going forward, James Ryan will be your point-of-contact via e-mail at: ryanj90@hotmail.com OR cell at: 954.873.7223.

Kelli Fleetham
Realtor/Property Management
The Fleetham Group, RE/Max Results
15451 Founders Lane
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