

MINUTES OF THE LEGISLATIVE HEARING
ON APPEALS OF LETTERS OF DEFICIENCY
AND CORRECTION ORDERS
Tuesday, August 25, 2009
Room 330 City Hall, 15 Kellogg Blvd. West
Marcia Moermond, Legislative Hearing Officer

The hearing was called to order at 1:30 p.m.

STAFF PRESENT: Leanna Shaff, Department of Safety and Inspections (DSI) – Fire Prevention; Joel Essling, DSI – Code Enforcement; David Palm, City Attorney’s Office; and Mai Vang, City Council Offices

REGARDING:

7. Appeal of John Moris to a Certificate of Occupancy Deficiency List for property at 955 Barclay Street.

Appellant John Moris (1156 Nolan Avenue N., Stillwater 55082) and Kay Moris appeared.

Ms. Moermond requested a staff report. Ms. Shaff stated that Inspector Thomas had conducted an inspection for the Fire C of O on August 10 and reported that the openable dimensions of the egress windows in all upstairs bedrooms were 18 inches high by 29 inches wide. She said the inspector had also ordered that all parking spaces be paved with asphalt, concrete or a durable dustless surfacing.

Ms. Moermond reviewed the window dimensions and recommended granting a 6-inch variance on the openable height of the egress windows in all upstairs bedrooms. She asked about the driveway.

Mr. Moris said the house was on a corner lot which they had purchased in 1976 and had lived there. He said the driveway had always been there and was Class 5. It had never been an issue in the past and was the only off-street parking available for the house. He didn’t want to incur the estimated \$2,500 to \$3,000 cost for paving; the surface was in good condition and didn’t wash into the street.

Ms. Moermond noted that the order asked for “durable dustless surfacing.” She asked Ms. Shaff whether that meant Class 5. Ms. Shaff said she assumed so. Ms Moermond said the order hadn’t kept pace with the code. Ms. Shaff agreed and said it was a recent change.

Ms. Moermond referred to the history of the property and asked whether the garbage issue from 2008 was under control. Mr. and Mrs. Moris said the current renter had trouble figuring out when the pick up date was after she moved in but the issue was taken care of.

Ms. Moermond said the orders were written incorrectly; she recommended DSI withhold enforcement action on the parking surface for two years.