



# APPLICATION FOR APPEAL

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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, November 12, 2013

Time 11:30

*Location of Hearing:*

Room 330 City Hall/Courthouse

*E-mailed 11-4-13*

## Address Being Appealed:

Number & Street: 1240 Beech City: St Paul State: MN Zip: 55106

Appellant/Applicant: Julie Van Mersbergen Email julie@betweenstations.com

Phone Numbers: Business 651 253 2493 Residence 651 253 2493 Cell \_\_\_\_\_

Signature: [Handwritten Signature] Date: 10/29/2013

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

Requirement to have house inspected for fire certificate of occupancy.  
Propose of home is as owner-occupied single family. It cannot, based on age, be brought to reasonable modern code without expense in excess of resale value given its Underwater mortgage status.

To whom it may concern:

I would like to request exemption from the Fire Certificate of Occupancy program for my property located at 1240 Beech Street.

The program is intended to ensure that properties are safe for their intended use, particularly for rental and commercial properties. In my past dealings with the program, they have requested to inspect my house based on its alleged use as a rental; I established that it is not a rental. There was an apparent misunderstanding of the relationship of Julie VanMersbergen and Julie Kosbab – same person. Until this week, I was unaware that the program was required for any property not used as **principal** residence of owner. Important adjective that is not mentioned on the city page about fire inspections (<http://www.stpaul.gov/index.aspx?NID=211>) and is apparently hidden in actual city code – which I had never read, because my understanding based on the above web page and its abundant documentation for landlords, as well as my interactions with the fire inspections office, was that it was for landlords.

My home's intended use – its design and features – are those of an owner-occupied residence, which is a use not requiring a fire certificate of occupancy. I am not a landlord. I have no desire to be a landlord. I have had multiple real estate agents tell me that my home would make a lousy rental property, which limits my sales market for the home.

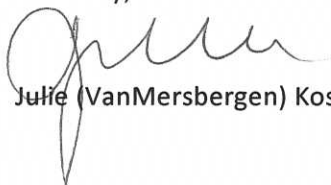
I have made several good faith efforts to sell the home. I purchased it in 2002 on a low down payment program, and as a result of subsequent economic events it is so far underwater right now you need a submarine to get there. My bank has been unwilling to accept short sale offers, because I can afford the current payments. Banks are also unwilling to finance an unsecured personal loan to bridge what the house can sell for and the mortgage owed, due to the percentage of my income that comes from self-employment. And, like most people, I can't just write a 5-figure check on the fly. I have been working on putting myself in position to cover the shortfall, including taking on a second job. But the process is not fast, and banks and the government do not support someone like me in this scenario.

Investing money to bring the home to a standard required for a rental, which is not an intended or probable use of the property, delays the point at which I can afford to sell the home, and will not be cheap. Moving back into the home would separate me from my two young children.

I have been trying to do the right thing with the home. It is clean and maintained – anyone driving up Beech would not call it derelict, especially compared to other nearby homes. It is not a nuisance. It is not an illegal rental or house of ill-repute. I'm not a slumlord, just a woman caught in the present economy trying to navigate as best I can.

I would appreciate the support of the city in my effort to get a family living there again by exempting the home from the Fire Certificate Program.

Sincerely,



Julie (VanMersbergen) Kosbab



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)

October 29, 2013

JULIE L KOSBAB  
9825 FILLMORE ST NE  
BLAINE MN 55434-3507

### **Revocation of Fire Certificate of Occupancy and Order to Vacate**

RE: 1240 BEECH ST  
Ref. # 114877

Dear Property Representative:

Your building was inspected on October 29, 2013, 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 November 12, 2013 at 2:00 PM or 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. Allow Access - SPLC 34.19 - Provide access to the inspector to all areas of the building.**
- Garage - SPLC 34.09 (1) b,c, 34.33 (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.  
-Scrape and paint.
- 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.

4. 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: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: [brian.tonnancour@ci.stpaul.mn.us](mailto:brian.tonnancour@ci.stpaul.mn.us) or call me at 651-266-8955 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Brian Tonnancour  
Fire Inspector

Ref. # 114877