



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

JUL 08 2016

Telephone: (651) 266-8585

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 794692)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME

(provided by Legislative Hearing Office)

Tuesday, July 19

Time 1:30 p.m.

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 151 E 7TH ST City: ST PAUL State: MINN Zip: 55101

Appellant/Applicant: BILL HOSKO Email BILLHOSKO@YAHOO.COM

Phone Numbers: Business 651-822-4767 Residence - Cell -

Signature: [Signature] Date: 7/8/16

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: 400 N ROBERT ST, STE 250 55101

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/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

PLEASE SEE ATTACHED



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

June 20, 2016

PLANNING/ DEVELOPMENT
25 4TH ST W STE 1400
ST PAUL MN 55102

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
145 7TH ST E
Ref. # 100340

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on June 20, 2016. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately.

A re-inspection will be made on July 20, 2016 at 3:00 PM.

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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

DEFICIENCY LIST

1. GENERATOR - DIESEL TANK - MSFC 3404.2.3.2 - Label all tanks greater than 100 gallon capacity with product specific identification.
2. MECHANICAL ROOM - MSFC 315.2.3.5 – No combustibile storage shall be allowed in mechanical rooms.
-Remove snow removal equipment from the room.
3. MUSIC FOREST CAFE - TREES - MSFC 806.1.1.5 - In buildings where more than one tree is located, they shall be separated by at least 20 feet as measured from the tree branches.
-Reduce trees so that they are a minimum of 20 feet from end of branch to end of branch.
4. SECURITY - SPLC 417.07 - Provide and maintain an approved escort service or an approved panic button or phone on each floor in approved locations.
-Provide signage on all call buttons. Review where call buttons are directed after hours.

5. SECURITY - SPLC 417.07 - Post approved, rectangular, durable signs at all entrances indicating the type of security provided on the premises.

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 the original orders.

If you have any questions, email me at kris.skow-fiske@ci.stpaul.mn.us or call me at 651-266-8949 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,

Kris Skow-Fiske
Fire Inspector
Ref. # 100340

July 8, 2016

To: City of Saint Paul Legislative Hearing Officer

Re: Fire Inspection Report, Deficiencies for Music Forest Café, Ref# 100340

Dear Legislative Hearing Officer,

This is my reply to the Application For Appeal question "What is Being Appealed and Why".

- The June 20, 2016 fire inspection report has asked that most of the eleven trees in my business space be removed do to their being in violation of MSFC 806.1.1.5 (I received the report on June 21, but due to my recent workload I made time only yesterday to read the Appeal process form noted in the letter from Ms Skow-Fiske - Fire Inspector (I wrongly assumed the appeal process might allow 30 days to respond rather than 10, which I learned of yesterday. I hope that my appeal at 11 business days since receiving the report will be acceptable.)
- My business name is Music Forest Café. Having a grouping of trees, in a space with twenty-two foot ceilings, is important to the atmosphere of the new business. Code, I now understand, requires twenty feet spacing between branch tips. This would leave perhaps two trees.
- When I approached Gary Grabko – City of Saint Paul in early 2014 about leasing the vacant retail space in the city owned Block 19 parking ramp, installing multiple trees was a very important part of my concept plan.
- My signed lease for the space with city dated April 15, 2014 included my interior concept floor plan and an interior concept elevation that clearly delineated multiple trees, eight were shown on the floor plan.
- These plans were then taken to the city's Plan Review office at 375 Jackson Street. At that point I recall being directed to illustrate another set of drawings that delineated 'construction' concept plans that did not include the details such as the trees and furniture noted in the original plans.
- During this process and later during construction a Fire Inspection review of my illustrated plans was not required.
- The trees were installed during June of 2015.
- I opened the business in September of 2015.
- During my fire inspection (May 2016?) inspector Skow-Fiaske took photos of the trees and said she would need to look into whether they were allowed.

- Respectfully, it appears I fell through a crack in the system. Since April 2014 I have followed all City directions during the planning and construction process. Since September 2015 I have been following all City and State directions regarding the operation of the business, this includes no flame is allowed.

I request a variance is allowed in this instance being having multiple trees in the cavernous space is essential to upholding the business name, Music Forest Café, and the image of the space for customers. To limit the number of trees to two or even three would frankly not look very good.

I signed a ten-year lease with the city for a very unusual retail space that had been vacant for some time. I have invested a great deal of money and a massive amount of time to date in creating it. The image it is projecting not only inside, but outside as well, is very positive and it is making a great visual improvement to what was generally regarded as a very unattractive situation.

I understand the importance of Fire Inspections and upholding codes, but it would have been better for all involved if my original plans had been inspected by Fire Inspections initially.

I have researched applying a clear fire retardant to the trees, in their entirety, this can be successfully done. I offer to do this as a way find a compromise in this unique situation.

Thank you for your consideration.

Best regards,
William (Bill) L. Hosko



151 E 7th St
Saint Paul, MN 55101
651-222-4767
billhosko@yahoo.com

EXHIBIT A

(Outline of Premises and Site Plan)

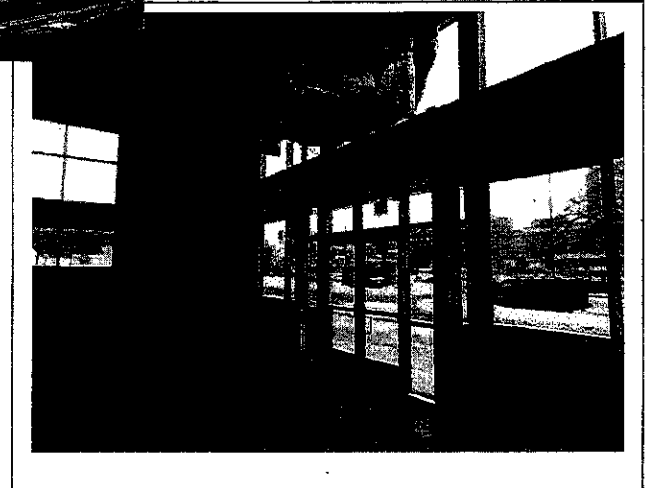
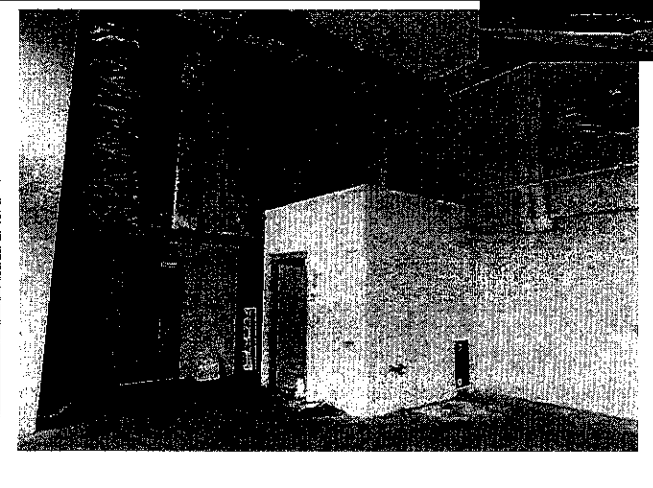
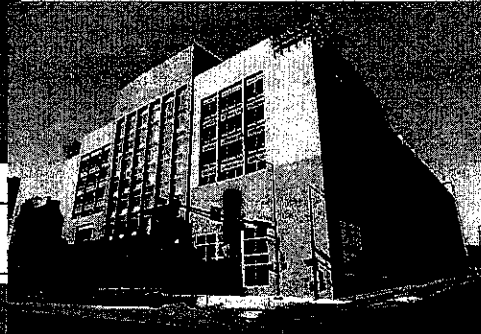
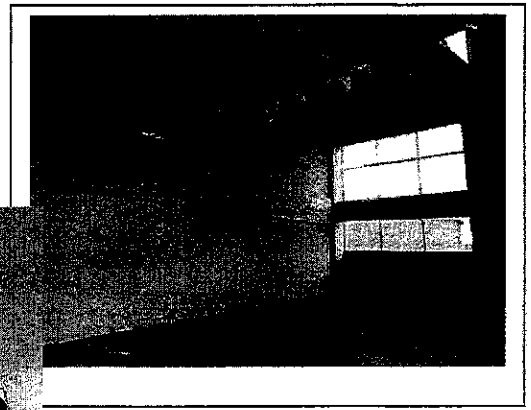
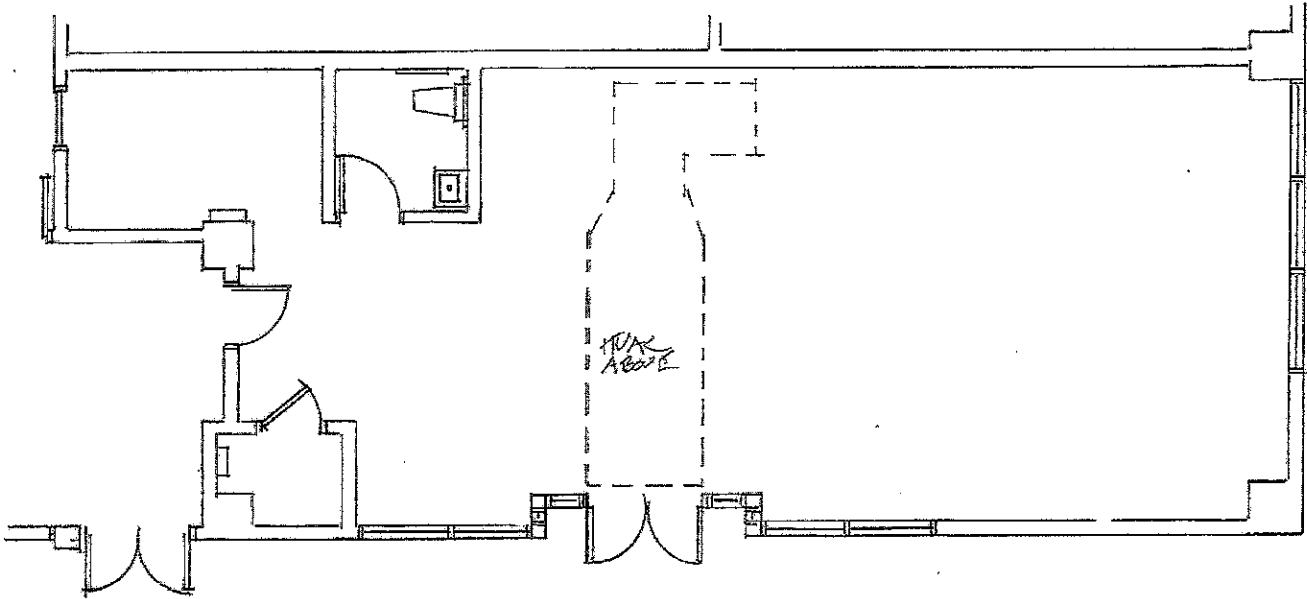
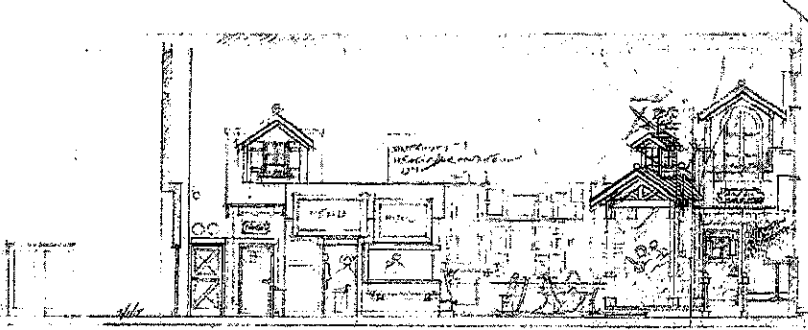


EXHIBIT C-2

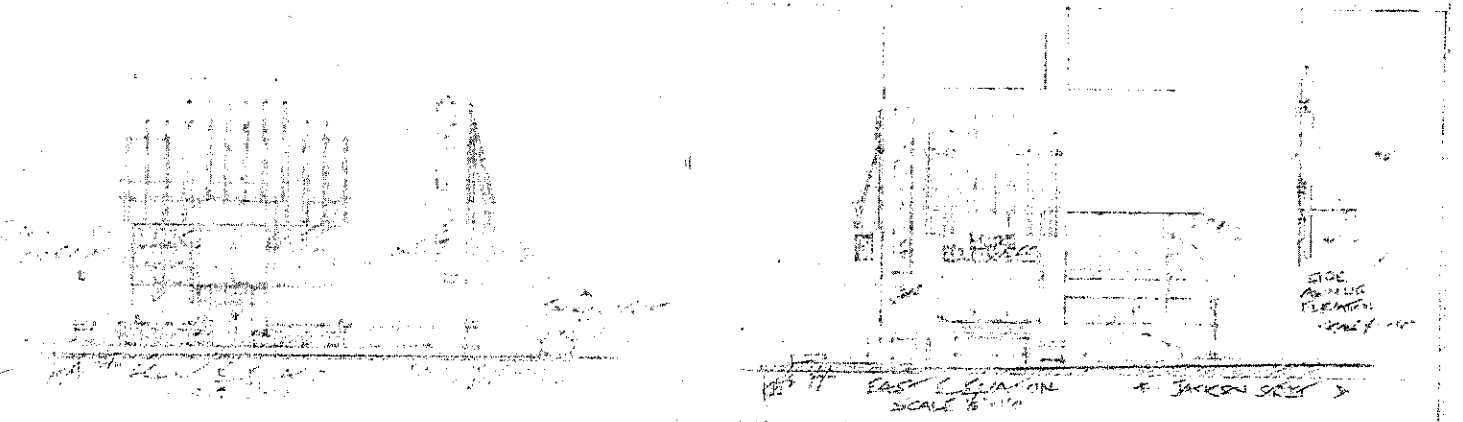
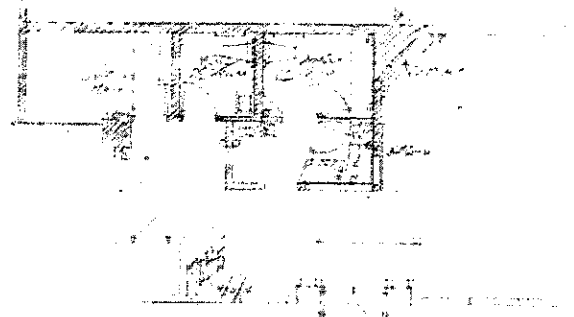
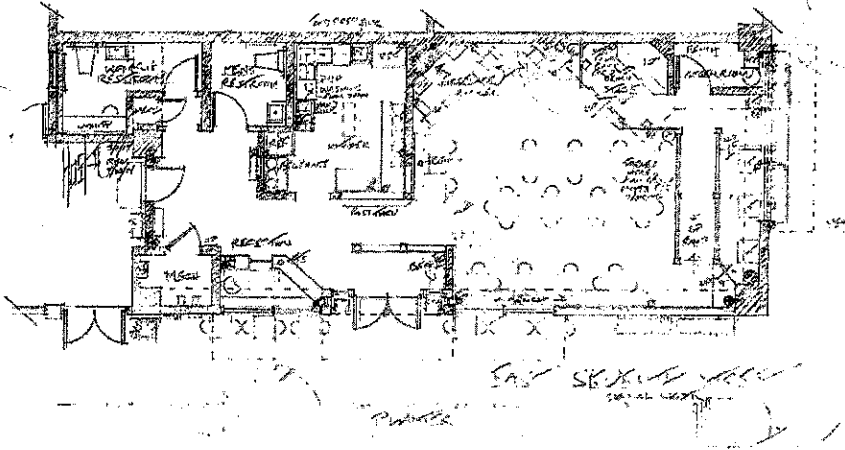
From *Forist*
MUSIC FORIST
CAFE CASE
4/15/14

(Description of Tenant's Construction)

Construction: Second restroom, reception desk, service counter, store room door, roof with dormer over men's restroom, electric fireplace, stage, 'green room' with roof and dormer, ramp, elevated seating area, partial walls near entry, exterior awnings and signage.



Below left, proposed floor plan includes (phase two) kitchen and women's restroom. Proposed floor plan below illustrates initial location of women's restroom.



Proposed 'awnings' above entry and exterior windows replicate the cornice features at the top of the ramp.