RLH FCO 16-121

APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

RECEIVED
JUL 28 2016
CITY CLERK

We need 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/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, August 16
Time 1:30 p.m.
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 690 Cleveland Ave S City: St. Paul State: MN Zip: 55116

Appellant/Applicant: Joseph Fine / Robert Fine Email joebfine@gmail.com

Phone Numbers: Business _____ Residence _____ Cell 612-790-0520

Signature: _____ Date: 7/28/16

Name of Owner (if other than Appellant): Robert Fine

Mailing Address if Not Appellant's: 3932 York Ave S, Minneapolis, MN 55410

Phone Numbers: Business 612-532-8042 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 — Ramp safety and is in good condition. Letter attached.
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☐ Other

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

July 20, 2016

EDYTH BUSH THEATRE LLC
3932 YORK AVE S
MINNEAPOLIS MN 55410-1163

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
690 CLEVELAND AVE S

Ref. # 123921

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on July 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 reinspection will be made on or after August 22, 2016.

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 reinspection fees.

DEFICIENCY LIST

1. EXTERIOR - NEAR THE AC UNI - MSFC 304.1 - Remove excessive combustible storage and/or vegetation from exterior property areas.

   -Remove the weeds that are near the AC unit as this poses a potential fire hazard.

2. EXTERIOR - WHEELCHAIR RAMP - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.

   -Repair or replace the wheelchair ramp in an approved manner. When walking on the ramp at the time of inspection the ramps was spongy.

   07/20/2016: Ramp is still spongy in several locations. Rotted out boards were also observed. Have the ramp repaired or replaced by a qualified contractor under permit prior to the re-inspection deadline.

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 Sebastian.Migdal@ci.stpaul.mn.us or call me at 651-266-8985 between 8:00 a.m - 9:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Sebastian Migdal
Fire Inspector
Ref. # 123921

Robert B. Fine
Attorney at Law
3992 York Ave. South
Minneapolis, Minnesota 55410

(612) 532-8042

July 22, 2016

Mr. Sebastian Migdal
Fire Inspector
1577 Germain Landing
St. Paul, MN 55106

Re: #123921
690 South Cleveland

To the City of St. Paul:

Please be advised that this letter is written on behalf of the owner of the above building, Edyth Bush Theatre LLC, with regards to your letter of July 20th.

You first make reference in your Deficiency List the need for removal of weeds near the air conditioning unit. This was not part of your June 10th letter and will be taken care of immediately by the lawn service. The management quickly took care of the matters in your previous letter with addressing the annual maintenance of the fire extinguishers and power to the emergency lighting system. This was in addition to putting the building number in the alley for some unknown reason on a building lying on a corner lot.

What you have continued to address is the arbitrary references to the exterior Wheelchair Ramp in the rear of the building, which is rarely used. You cite two Ordinances, 34.09 & 34.32(2) requesting repair or replacement, claiming it is spongy (?) and has rotted out boards, without further description on the location in the large ramp. You are aware the management had contracted since last Fall to add boards to provide additional support to the ramp.

As you are aware, the wood ramp could have been merely painted last Fall, but instead management chose to add large plywood boards to the underlayment to provide additional strength, to a ramp that was solid. They also previously replaced an adjacent broken step. The ramp clearly supported a load and was in sound condition prior to adding plywood and is still structurally sound and able to support a load, none of which was spelled out in your letter.

Spongy is not part of any ordinance and is defined as light, soft and porous. None of this applies to any surface of the ramp. In a couple of locations, the underlayment wood may have slightly bowed so there is a slight air space between the underlayment and new plywood. But the ramp fully supports any wheelchair, is not incapable of supporting any load. None of this is cited as violating an ordinance. There is no rot identified in your letter. If anything, there may be some tiny visible pieces of wood under the railing area, not having anything to do with support, which look a little weathered and could be painted. Besides, you cite an ordinance of insect or rodent infestation of which there is none.

Your letter threatens action on a very well maintained building for which at least $60,000 has been put into improvements since just last year. You will not supply management with information of the complaint. There is no real reference to railings or stairs and no reference to testing load or support. You apparently found issue with multiple paint colors the contractor used on the plywood, for some unknown reason.

Since your letter has no real Order it is unclear how to proceed to a determination. An appeal could be made from an actual Order. If there is some deficiency under the ordinance, it should be described. I would be happy to discuss this with your supervisor to attempt to resolve but am out of town on Tuesday. If you desire resolving this short of any action, please have your supervisor contact me.

Sincerely,

Bob Fine

Robert B. Fine

RBF/sl
Cc: Hon. Christopher Coleman, Mayor