

RLH VO 20-11



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

FEB 13 2020

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 # 1019)
- 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, FEB. 18, 2020
 Time 11:30 A.M.
Location of Hearing:
 Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1108 Payne Ave City: St Paul State: MN Zip: 55130

Appellant/Applicant: Oulman-Payne, LLC Email jon@jonoulman.com

Phone Numbers: Business _____ Residence _____ Cell 612.669.9616

Signature: [Handwritten Signature] Date: 02/13/2020

Name of Owner (if other than Appellant): Jon Oulman

Mailing Address if Not Appellant's: 297 Irvine Ave, St Paul MN 55102

Phone Numbers: Business _____ Residence _____ Cell 612.669.9616

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.)

Comments:

See attached response to Order to Vacate Ref. # 12887



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

February 7, 2020

Jon Oulman
297 IRVINE ST
ST PAUL MN 55102USA

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1108 PAYNE AVE
Ref. # 12887

Dear Property Representative:

Your building was inspected on February 7, 2020, 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 March 2, 2020 at 2:30 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. 1108 Payne - Commercial / Residential - SPLC 40.06 - Uncertified portions of the building must not be occupied until inspected and approved by this office.-Business and residential occupancy's to remain unoccupied until zoning and all required plans and permits have been approved and finalized, and final inspection by the Fire Safety Inspector has been performed.
2. 1108 Payne - Residential - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office.-Residential units condemned due to, but not limited to changes made to residential occupancy. Changes made to structural, electrical, and plumbing by a unlicensed contractor without permits or approval. Residential units to be vacated by 2-28-2020 at 12:00 PM. With a inspection of units to be performed on 3-2-2020.

3. Interior - Added apartment - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-Opening in wall behind sink in front apartment. Once plumbing permit is finalized, patch wall with approved materials.

4. Interior - Existing Apartment - MMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266-8989.-Dryer in existing apartment is not vented to the outside.

5. Residential - Change of use - MSBC 1300.022 Subp. 3 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use, or contact the Building Official at 651-266-8989 with your code analysis and to comply with requirements for approved occupancy.-There are now two residential units, prior approval for one residential unit.

6. Residential - Throughout - MSBC -Section 105.1 - Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Work being done requires a permit.
-Second studio unit added to upper level. Electrical was split from original unit, florescent lighting was removed from living room with track lighting added, kitchen light was removed with a new one added, and a GCFI outlet was added in kitchen. The drain line was moved, and a new kitchen sink was added using a flexible plastic line. New plumbing to the tub in the bathroom also has flexible plastic line. A wall was added to split the sleeping area in the added apartment from the living room in the existing apartment. All work performed was done without plan approval and without required building, electrical, or plumbing permits.

7. 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: Isaiah.Schoeman@ci.stpaul.mn.us or call me at 651-266-8964 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Isaiah Schoeman
Fire Inspector

Ref. # 12887

Re: Revocation of Fire Certificate of Occupancy and Order to Vacate

1108 Payne Avenue
Ref. # 12887

We are seeking to appeal the above order, please see our point by point response below.

Item 1. Our main concern is for our current tenant in the front unit. We would like to find a solution that would inconvenience them the least. As such we would like to suspend this order for 30 days. Failing that, we ask that the tenants be allowed to temporarily move into the unoccupied unit located at 644 Jessamine (referred to in the order as "Existing Apartment"). Requested changes to the dryer exhaust duct are being made by a permitted licensed contractor, listed below in item 2.

Item 2. We have engaged the following licensed contractors to perform the requested work. Appropriate permits will be acquired, before work commences. They are each conferring with their respective city inspectors, to make certain that all work being performed will be satisfactory and to code.

Gunnar Electric Inc
14850 Martin Drive
Eden Prarie, MN 55344
(952) 937-9262 ext. 108

Breski Plumbing
1241 Guthrie Ave N.
Oakdale, MN 55128
(651) 491-0467

Air Conditioning and Associates
55 West Ivy Ave
Saint Paul, MN 55117
(651)488-0291

Additionally, we have contacted inspector Clint Zane, who signed off on framing for the project downstairs at 1110 Payne Avenue, for approval of the new wall between the added apartment and the existing apartment.

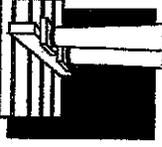
Item 3. All work is scheduled to be completed no later than February 21, 2020. pending any delays in the permit process or unexpected delays beyond our control.

Item 4. Air Conditioning and Associates has looked at the required work and will complete ASAP, no later than February 21, 2020, pending any delays in the permit process or unexpected delays beyond our control.

Item 5. Drawings are currently in plan review – permit #19-111417. SAC determination has been applied for. A zoning variance for 1 parking space (attached) has been applied for with a hearing date of March 9, 2020.

Item 6. See above. All requested work is being done by licensed contactors who will acquire the appropriate permits prior to commencement of any changes being made. Work is, as of today, scheduled to be completed by February 21, 2020, pending any delays in the permit process or unexpected delays beyond our control.

Item 7. New smoke detectors have been installed and inspected, and are in working order. The smoke detector affidavit has been completed, signed and submitted.



ARCHOS
ARCHITECTURE
& DESIGN P.A.

TEL 651.859.8500
CELL 651.284.3200
MKCKECKARDI@COMCAST.NET

809 NERRASKA AVE WEST
ST. PAUL, MINNESOTA
55117

MICHAEL ECKHARDT
OWNER/ARCHITECT

2019

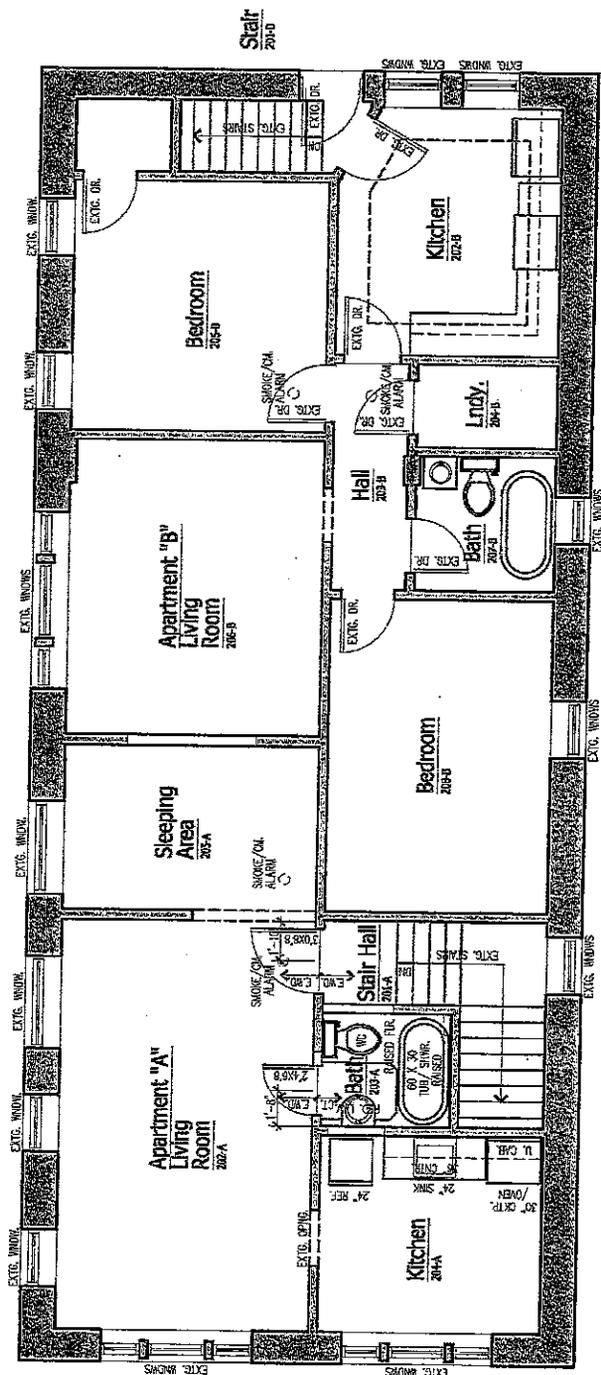
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FROM ARCHOS ARCHITECTURE & DESIGN P.A.

REVISED
CONSTRUCTION SET
06-17-2019

1110 PAYNE WINE BAR
STOREFRONT TENANT REMODEL

ION OULMAN
297 HRYVING AVENUE
ST. PAUL, MN 55105

SHEET:
A2.1



SECOND FLOOR FOOTPRINT: APARTMENT UNITS
EXISTING AREA 26' X 60' = 1,560 SF
TOTAL 1,560 SF

Second Floor Plan: Proposed
1/4" = 1'-0"

1





ZONING VARIANCE APPLICATION

To Board of Zoning Appeals

Dept. of Safety & Inspections
Zoning Section
375 Jackson St., Suite 220
Saint Paul, MN 55101-1806
(651) 266-9008

To Planning Commission

Dept. of Planning & Econ. Devt.
Zoning Section
1400 City Hall Annex, 25 W 4th St.
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only	
File #	_____
Fee Paid \$	_____
Received By / Date	_____
Tentative Hearing Date	_____

APPLICANT

Name Oulman- Payne LLC
(must have ownership or leasehold interest in the property, contingent included)

Address 297 Irvine Ave City St Paul State MN Zip 55102

Email jon@jonoulman.com Phone 612.669.9616

Name of Owner (if different) Jon Oulman Email _____

Contact Person (if different) _____ Email _____

Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address / Location 1108 Payne Ave

PIN(s) & Legal Description 292922120062
(attach additional sheet if necessary)

_____ Lot Area _____ Current Zoning _____

VARIANCE REQUEST: Application is hereby made to the Board of Zoning Appeals (or to the Planning Commission with another zoning application) for variance from the following section(s) of the Zoning Code _____

_____ State the requirement and variance requested. _____

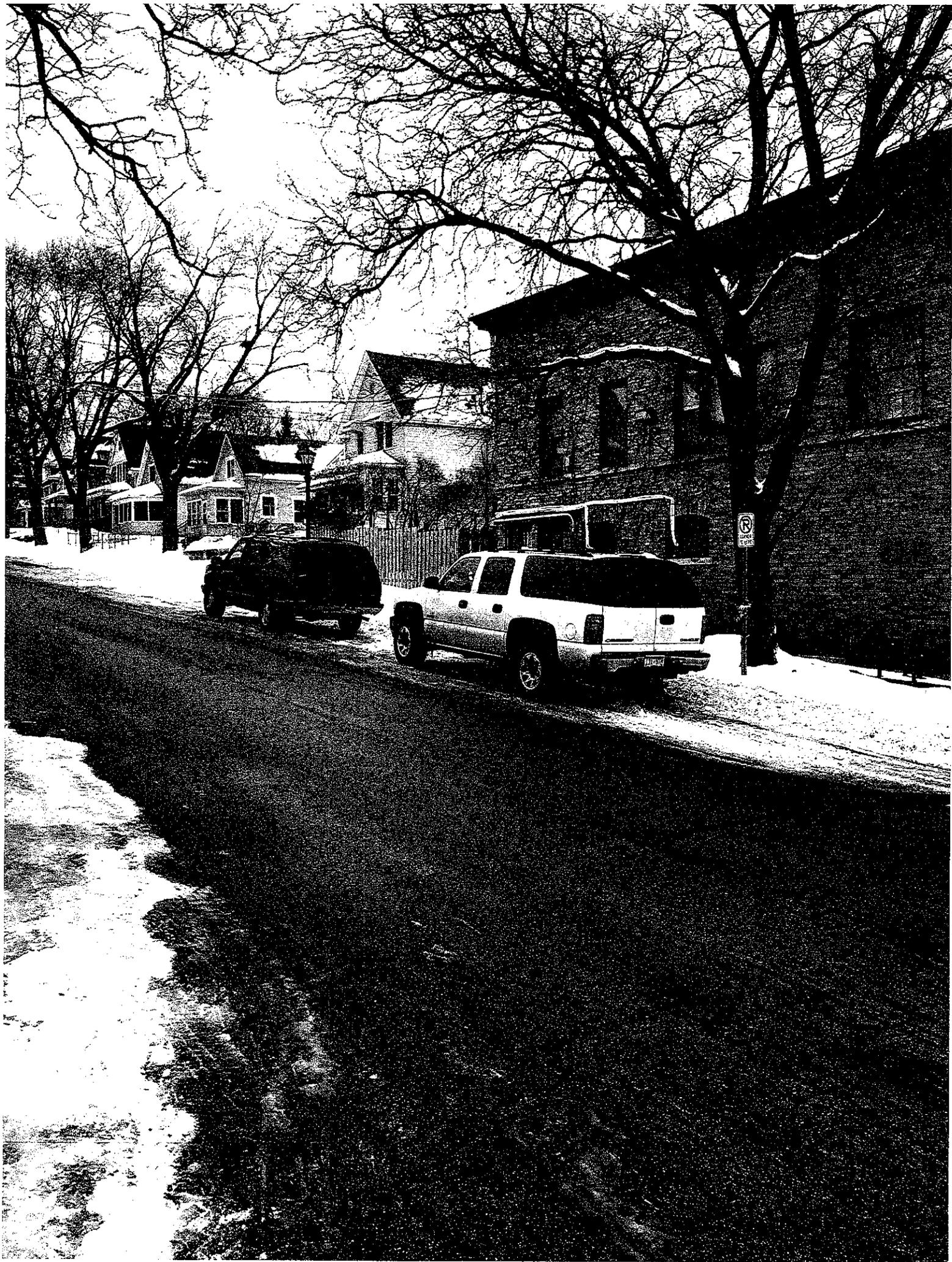
one on street parking place

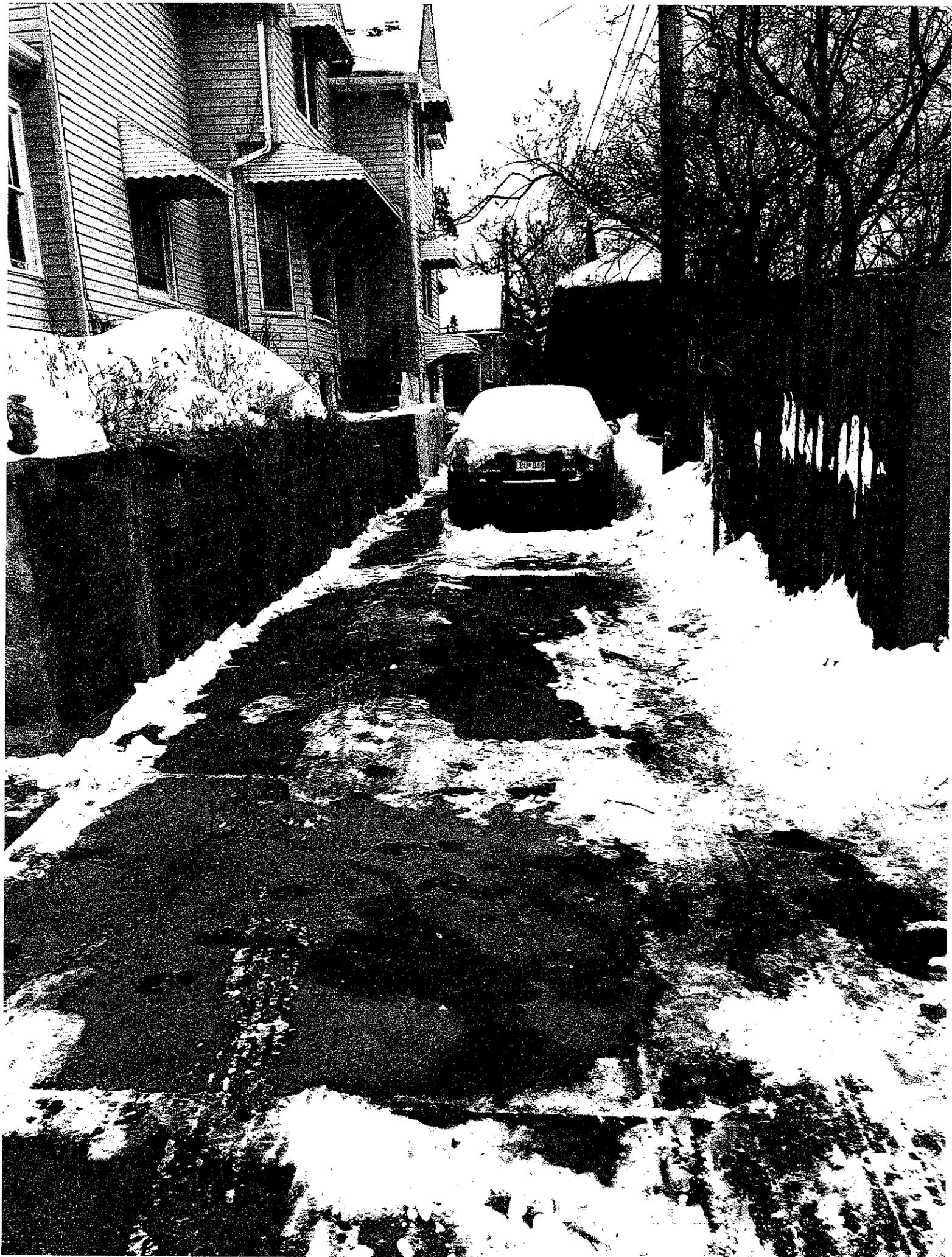
SUPPORTING INFORMATION: Explain or demonstrate the following. Attach additional sheets if necessary.

- Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision.
The building, is located on the northeast corner of Payne and Jessamine. We are seeking to add (restore) a second apartment to the 2nd floor. There is no off street parking for the building, as such, we request a variance for 1 parking space. Jessamine street, next to the building is on a steep grade. Adding parking behind the building would be extremely difficult, if even possible.
 - The plight of the landowner is due to circumstances unique to the property not created by the landowner.
The alley behind the building is unimproved and, in fact, little more than a driveway that quickly devolves into a walkway. (Photos attached) Due to the steep grade and rudimentary retaining walls behind this property and adjacent properties south on Payne, it seems unlikely that the alley could be upgraded.
 - The variance will not permit any use that is not allowed in the zoning district in which the property is located.

Payne Avenue is a thriving commercial neighborhood. There are many mixed use commercial/residential buildings.
 - The variance will not alter the essential character of the surrounding area.
Many of the mixed use buildings appear to not have off street parking for their tenants. There is ample parking in the area, as most buildings located on the east/west side streets have driveways. The addition of a studio apartment and a one space variance are unlikely to have any noticeable effect, or in any way alter, the character of the neighborhood.
- Required site plan is attached
- If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature _____ Date _____









CITY OF ST. PAUL
 DEPARTMENT OF SAFETY AND INSPECTIONS
 375 JACKSON STREET, SUITE 220
 SAINT PAUL, MINNESOTA 55101-1806
 Phone: 651-266-8989 Fax: 651-266-8951
 Visit our Web Site at www.stpaul.gov/dsi

**THREE OR MORE UNITS
 SMOKE & CARBON
 MONOXIDE DETECTOR
 INSPECTION AFFIDAVIT**

Revised 1/2018

This affidavit must be completed and returned to the fire inspector upon inspection of the property. A certificate of occupancy cannot be issued/renewed without this completed affidavit. If all the units were not inspected by one person, signatures of all persons inspecting units are required. More than one sheet may be used.

1108 Payne Ave / 644 Jessamine
 Address

2
 # of Units

I affirm that I, the owner, or responsible party has given the occupant of each dwelling unit or guest room in the building at the above address a written explanation of the following:

1. The location and operation of each smoke detector and carbon monoxide detector.
2. Instructions describing the action to be taken when an alarm sounds.
3. The procedures for testing the detectors.
4. Who to contact when a low-battery tone sounds or power light fails.
5. The penalties for disabling smoke detection or carbon monoxide detection. Tampering with alarms may result in a criminal citation.

Signature: _____ Date: _____

I affirm that I, the owner, or responsible party has inspected the smoke detectors and carbon monoxide detectors in the dwelling units or guest rooms in the building at the above address and that all required detectors were in place and in good working order.

APT. # 1108	APT. # 644	APT. #	APT. #	APT. #	APT. #
livingroom	rear bedroom	_____	_____	_____	_____
_____	front bedroom	_____	_____	_____	_____
_____	hallway	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Signature: _____ Date: _____

Minnesota State Statute 299F.362 requires smoke detectors and Minnesota State Statute 299F.50 requires carbon monoxide detectors. Saint Paul Ordinance 39.02(c) requires that an affidavit stating that "all detectors are inspected and serviced when needed and are operational be filed before a Certificate of Occupancy can be issued or renewed."

