

RLH FCO 20-66



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

JUN 30 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 _____)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
- Walk-In OR Mail-In Dropped off
 for abatement orders only: Email OR Fax

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>July 7, 2020</u>
Time <u>1:30 p.m.</u>
Location of Hearings: <u>Room 330 City Hall/Courthouse</u> <u>Teleconference</u>

Call between 1:30 p.m. + 3:00 p.m. Use res. phone*

Address Being Appealed:

Number & Street: 1814 Marshall Ave City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Ken + Kathleen Schoenfelder Email schoenfelderkk@tds.net

Phone Numbers: Business _____ Residence 320485 4448 Cell 612 501 7680

Signature: K. Schoenfelder Ken Schoenfelder Date: June 30, 2020

Name of Owner (if other than Appellant): _____

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

Comments:

Inspector said the apartments on 1st + 2nd floor can only be 2 bedroom not 3 bedroom, a serious change from the past 21 years. See attachment:

June 30, 2020

To whom this may concern:

We received a letter from new inspector, Jack Toeller, sent June 25, relating to his fire safety inspection of our St. Paul triplex, located at 1814 Marshall Ave. He stated that we can no longer allow tenants to use a third bedroom in either the first or second floor apartments.

We have owned this building since 1999. In the 21 years we have owned it, the St. Paul Fire inspection division has inspected it seven different times, each time by a different inspector. In 21 years, the first and second floor renters have all used three bedrooms. No one has ever had a problem with there being three bedrooms. Each of these bedrooms has adequate floor space, between one and seven windows and a closet. They each have a radiator, electricity and light. (The floor plan on first and second floor is almost identical.)

Mr. Toeller sees a safety issue insofar as the two larger bedrooms are connected. However the door between the bedrooms does not lock, and the door to the dining room also does not lock. See diagram below. In all these years, renters valued their separate bedrooms despite the slight inconvenience of walking through one bedroom to get to the other, possibly because these two bedrooms are rather large.

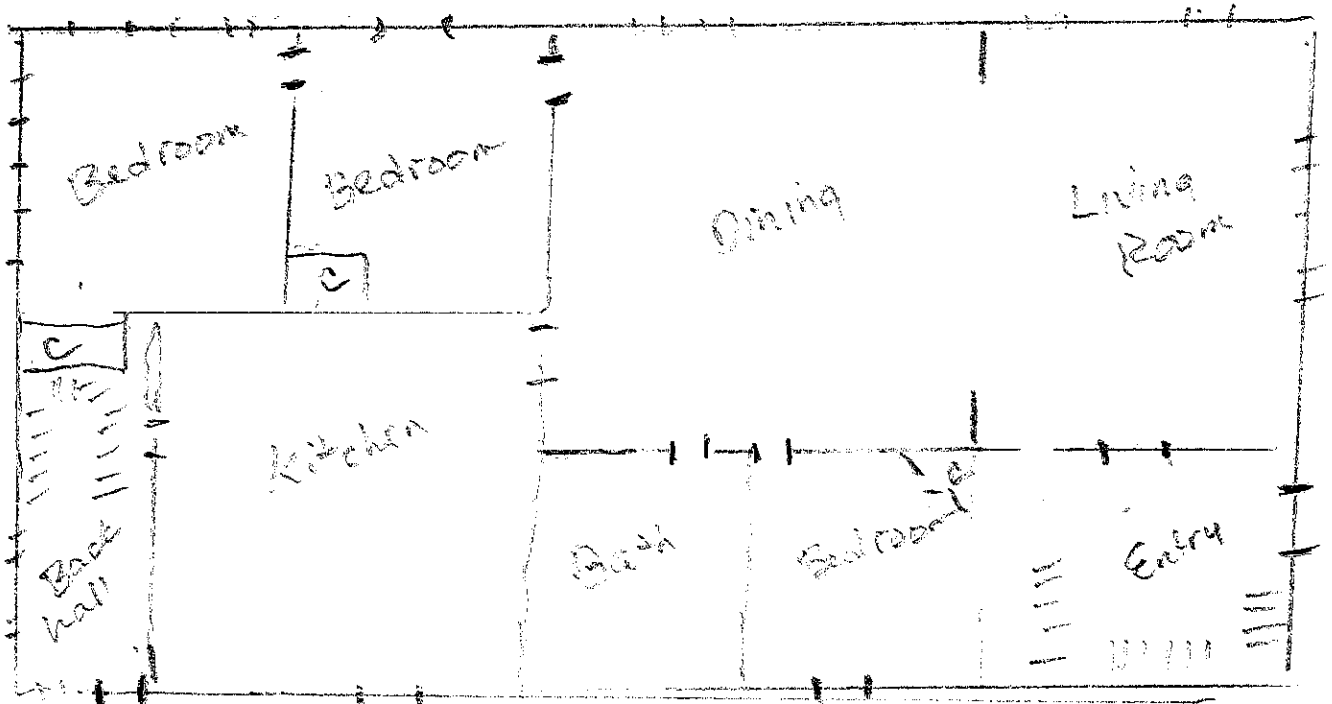
Finding renters in these days of riot and pandemic is not easy. We have renters in the first floor, and replacements signed to replace them in August. We also have a group of three young women in the application process for the second floor. Mr. Toeller's recommendation pulls the rug out of these arrangements, and we really don't see a safety issue justifying it.

Therefore, we are appealing his recommendation that denies us the use of one of the rooms on each floor as a bedroom. (It is unclear which room he dislikes...) The seven other inspectors from previous years didn't have a problem with the safety of our arrangement. Please accept this appeal.

Sincerely,

Ken and Kathy Schoenfelder

Ken Schoenfelder *Kathleen Schoenfelder*



1814 Marshall Ave St. Paul

Purchased June 1999

Inspection June 2000 John Wilking inspector

July 2002 Kevin Chapdelaine

Oct. 2004 Michael Urmann

Dec. 2006 A.J. Neis

Sept. 2009 Kelly Booker
Steve Zaccard

June 2014 Jay Bohan

Sept. 2017 Joe Brown



CITY OF SAINT PAUL

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

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

June 25, 2020

KENNETH SCHOENFELDER
137 LINDEN AVE E
WINSTED MN 55395

FIRE INSPECTION CORRECTION NOTICE

RE: 1814 MARSHALL AVE
Ref. #89526
Residential Class: B

Dear Property Representative:

Your building was inspected on June 25, 2020 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. **A re-inspection will be made on July 22, 2020 at 10:00 am.**

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

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Interior - Throughout - MSFC 1103.8.1 Replacement of smoke alarms. Single- and multiple station smoke alarms shall be replaced when: They exceed 10 years from the date of manufacture. Smoke alarms shall be replaced with smoke alarms having the same type of power supply. -Replace detectors that are over 10 years old. Ensure detector brackets have the detector or if no longer needed remove the bracket.
2. Interior - Unit 1 and 2 - Interior - Main Floor Unit - MNFSC 1014.2(1) Egress through intervening spaces. Egress through intervening space shall comply with this section. (1) Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except

where such adjoining rooms or areas are accessory to the area served, are not a high-hazard occupancy and provide a discernible path of egress travel to an exit. (2) An exit access shall not pass through a room that can be locked to prevent egress. (3) Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms. (4) Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes. -Remove the bed from the space off the big room in both units.

3. Unit 1 - Bathroom - SPLC 34.14 (2) c - Repair or replace the duplex convenience outlet with ground fault protection within 3 feet of the basin on an adjacent wall in all bathrooms. This work may require a permit(s). Call DSI at (651) 266-8989. -Repair the GFCI outlet in the bathroom.

4. Unit 1 - Big Bedroom. - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path. -Move dresser and TV from being in front of the bedroom window.

5. Unit 1 - Living room - NEC 440.13 - For cord-connected equipment such as: room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug, and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet. - Remove plug from the surge protector window A/C unit into the wall outlet

6. Unit 3 - Living room - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring. -Remove extension cord.

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: Jack.Toeller@ci.stpaul.mn.us or call me at 651-266-8950 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,

Jack Toeller
Fire Inspector