



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

NOV 10 2020

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

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
- for abatement orders only: Email OR Fax

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>November 17, 2020</u> Time <u>11:30 a.m.</u> Location of Hearing: Room 330 City Hall/Courthouse <u>Teleconference call</u>
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between 11:30 a.m. & 1:00 p.m.

Address Being Appealed:

Number & Street: 777 6th St E City: St Paul State: MN Zip: 55106

Appellant/Applicant: RUBY NGUYEN Email: cat05rat@gmail.com

Phone Numbers: Business _____ Residence _____ Cell 612-801-5179

Signature: *Ruby Nguyen* Date: 11/10/2020

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: Everything is done inside. But outside got stop order by Building inspector (Clint Zane) when contractors was doing siding/windows. We do have permit by city of St Paul.



CITY OF SAINT PAUL

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

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

November 3, 2020

Hank Trung Cu
1215 HAWTHORNE AVE E
ST PAUL MN 55106USA

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 777 6TH ST E
Ref. # 115063

Dear Property Representative:

Your building was inspected on November 2, 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 November 30, 2020 at 1:40 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. Exterior - Back Stairs - SPLC 34.09 (3), 34.33(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) 266-8989.-The back-entry stairs are in disrepair and are unsafe to use. The stringers are cracked and damaged. The area under the back stairs has members and components that are part of the stairs that is rotted, damaged and broken. Bring the stairs up to code. The stairs are loose and unsecured. A permit is required for this work.
2. Exterior - Back Yard - SPLC 34.08 (3) - Provide and maintain suitable ground cover on all exterior areas to control erosion. -The entire back yard is dirt.

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3. Exterior - Building - SPLC 34.09 (1)(2), 34.33 (1) - 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.
All around the house, there are various spots that have multiple damages. There is peeling paint, holes in boards, holes in soffits, holes in fascia, rotted boards, discolored and unprotected surfaces, broken wood panels and missing corner cover panels.
4. Exterior - Parking Surface - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-8989.-The parking surface is no longer maintained and the asphalt surface is damaged.
5. Exterior - Window - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition.
On the back side of the house, there is a window with a rotted and damaged sill. Part of the frame is also damaged.
6. SPLC 40.06 Suspension, revocation and denial. (a) Grounds for revocation. The fire code official may, in writing, issue a notice to the owner(s) and known interested parties of the city's suspension or revocation of a fire certificate of occupancy issued under the provisions of this code, or deny an application therefor: (3) If it is found upon inspections of the fire code official that the building or occupancy is in violation of provisions of this or other applicable safety codes, ordinances, rules and regulations:-**The Fire Certificate of Occupancy has been revoked due to failure to comply with the Legislative Hearing Officer's orders.**

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: Efrayn.Franquiz@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,

Efrayn Franquiz
Fire Safety Inspector

Ref. # 115063



Ruby Nguyen <cat05rat@gmail.com>

777 6th St E

1 message

Zane, Clint (CI-StPaul) <Clint.Zane@ci.stpaul.mn.us>

Fri, Nov 6, 2020 at 3:05 PM

To: Ruby Nguyen <cat05rat@gmail.com>

Cc: "Franquiz, Efrayn (CI-StPaul)" <efrayn.franquiz@ci.stpaul.mn.us>, "Gause, George (CI-StPaul)" <George.Gause@ci.stpaul.mn.us>, Lee Yang <yangsgroupcontractor40@yahoo.com>

Hello Ruby,

I met with Lee Yang on Tuesday and we discussed the repairs that need to be made to this property. The first thing I pointed out was that the rear porch is deteriorated beyond repair and will need to be replaced entirely. As of now this is unsafe for use. The window that was changed on the side of the building from an archtop style window to a rectangle window will need to be replaced with a window that is similar to the window that was there before it was removed without HPC approval. You will need to get approval from George Gause for the windows and siding that you intend to install. You will also need to get approval from him on the replacement of the rear porch. You will need to obtain a separate permit for the rear porch and provide and HPC requirements with your permit application so they can be listed on the permit. You will also need to submit the HPC requirements for the stairs, windows and siding so that those details may be included on your current permit for those items. I have attached the certificate of occupancy revocation orders. You have 10 days from the date of the orders to appeal them.

Blessings,



The Most Livable
City in America

Clint Zane

Building Inspector

Department of Safety and Inspections

375 Jackson Street, Suite 300

Saint Paul, MN 55101

P: 651-266-9029

C: 651-248-3860

Clint.Zane@ci.stpaul.mn.us



Making Saint Paul the Most Livable City in America

DSI's Mission: "To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all."



Ruby Nguyen <cat05rat@gmail.com>

FW: Ruby pix 3

1 message

Zane, Clint (CI-StPaul) <Clint.Zane@ci.stpaul.mn.us>

Fri, Oct 2, 2020 at 9:04 AM

To: "Gause, George (CI-StPaul)" <George.Gause@ci.stpaul.mn.us>

Cc: "cat05rat@gmail.com" <cat05rat@gmail.com>, "Franquiz, Efrayn (CI-StPaul)" <efrayn.franquiz@ci.stpaul.mn.us>

Hi George,

Here are the pictures of the window which was changed from an archtop to a rectangle. I don't remember if I mentioned it in my previous email the reason I sent over the pictures of the rear entry porch that the rear steps that are being replaced will be attached to. I sent those because there is extensive rot to the rim joist and sheathing on the exterior of this part of the home. Ruby has indicated that she intends to replace the rotted material and make necessary repairs. It sounds like you will have a hearing soon, hopefully this can be figured out then. I have informed Ruby that I have placed a **stop work order** on this property until there is approval by HPC for the work being done on the home. There are fire orders from Efrayn Franquiz on this property and it is a rental property. I have CC'd Efrayn on this.

Have a blessed day,

**Clint Zane****Building Inspector**

Department of Safety and Inspections

375 Jackson Street, Suite 300

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P: 651-266-9029

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Clint.Zane@ci.stpaul.mn.us



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From: Zane, Clint (CI-StPaul) <Clint.Zane@ci.stpaul.mn.us>**Sent:** Friday, October 2, 2020 8:29 AM

**CITY OF SAINT PAUL
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

ADDRESS: 777 6th Street E.
INVENTORY NUMBER: RA-SPC-2791
APPLICANT: Ruby Nguyen
DATE OF APPLICATION: November 16, 2020
HPC SITE/DISTRICT: Dayton's Bluff Preservation District
DISTRICT PERIOD OF SIGNIFICANCE: 1857-1930
SITE CATEGORY: Contributing **SAINT PAUL WARD:** 7 **DISTRICT COUNCIL:** 4
ZONING: RT1 **PROPOSAL:** Siding, window and rear porch work
STAFF: George Gause

A. SITE DESCRIPTION:

Built in 1889, this house is part of eight houses known as Keller Row. This row along the north side of the block retains integrity of massing. Although many of these houses have been modified with various alterations. Keller Row was built by the Keller family who commissioned 8 houses by Edwin Radcliffe in 1889. This is row house #6, commissioned by the widow of the lumber baron John M. Keller. Their son, Louis S. Keller, was the foreman of the construction. It is a two and one-half story, late Queen Anne style residence with clapboard siding. The front porch has been enclosed and covered with an asphalt veneer prior to designation of Dayton's Bluff historic district. Other structures in Keller Row have been covered with asbestos siding (771 and 765) and vinyl siding (773 and 779). There are no records as to when this work was done.

B. BACKGROUND:

At the October 19, 2020 public hearing, the Commission reviewed a series of restoration projects required to satisfy a Certificate of Occupancy inspection that were began without HPC review or approval. Vinyl siding and replacement windows were unanimously denied by the commission. It was stated that, "*project needs to be assessed and move forward, correctly.*"

C. PROPOSED WORK:

Currently, the wood siding has been removed from the structure. The applicant is proposing smooth cement-fiberboard siding be installed in a 4" reveal to match the original siding.

The round arch window and a multi-window on the east façade have both been altered and replaced. The applicant is proposing to reconstruct these windows back to the original configuration. Both window types exist on other Keller Row houses and are examples for reconstruction dimensions. Applicant proposes using a clad material for durability and maintenance.

A new window is required by code for bedroom egress on the west façade of the house. The drawing submitted by the applicant shows a new window where one currently exists. After clarification from the applicant, the new window will be on the wall just forward of the existing window on the first floor.

D. GUIDELINE CITATIONS:

Sec. 74.89. Restoration and rehabilitation

Guideline	Meets Guideline?	Comments
<p><i>(b) Exterior surfaces—Walls: Wood sided.</i> <i>(1) Repair. Wooden siding should be maintained with paint or stain. Deteriorated wooden siding should be replaced with new material resembling the original in width, thickness and profile, and texture. New siding should be installed with the weather (exposed surface) identical to the original. Appropriate corner boards, frieze boards, drip caps and other features should be included with replacement siding.</i></p>	<p>No</p>	<p>Wood siding was removed without a permit. Applicant is proposing cement fiberboard configured to match the original siding.</p>
<p><i>(b) Exterior surfaces—Walls: Wood sided.</i> <i>(2) Vinyl and aluminum siding; other manufacture products. Buildings originally clad in wooden siding should not be resurfaced with brick, stucco, artificial stone or brick veneer, hardboard, or vinyl or aluminum siding. The commission may consider the following exceptions to the installation of vinyl ...on a case-by-case basis:</i></p> <p><i>a. In cases where existing asphalt, asbestos, aluminum or vinyl siding is to be removed and where the underlying original siding and decorative features are found to be significantly deteriorated.</i></p>	<p>Yes/No</p>	<p>The spirit of the guideline is that wood siding should be retained and repaired, where possible. If not, new siding should match the original, but does not necessarily need to be the same material.</p>
<p><i>(d) Windows and entries:</i></p> <p><i>(1) Windows: Many of the historic windows of Dayton's Bluff have double-hung sash and vertical orientation. Windows are important design elements and establish the visual rhythm, balance and general character of the facade. Any alteration, including removal of moldings or changes in window size or type, can have a significant and often detrimental effect on the appearance of the building as well as on the surrounding streetscape.</i></p> <p><i>a. Size and shape. Existing window openings should be retained. Window openings should not be enlarged or reduced to fit new units. New window openings should not be introduced into principal elevations.</i></p> <p><i>b. Sash. The size and number of panes of glass in each sash should not be altered. New sash, if installed, should duplicate the existing or other appropriate historic models. Crank-out or sliding units are not appropriate replacement for double-hung sash.</i></p> <p><i>c. Trim. Historic window casings should be retained wherever possible; if replacement is necessary, the original profile should be replicated.</i></p>	<p>Yes</p> <p>Yes</p>	<p>The owner has agreed to replicate the altered windows back to the original configuration.</p> <p>New egress window should match the other existing windows and it will not be on a primary façade.</p>

E. STAFF COMMENTS:

Work on the property has occurred. The altered or removed components are not available to be reinstalled or restored. The City has some punitive actions that can be taken for work without a permit and will discuss those actions.

Materials

On siding, the Dayton's Bluff guidelines are inconsistent. Guideline B1 says if the house was wood sided originally, then deteriorated wood siding should be replaced with wood. Guideline B2 says that if artificial siding is currently on the house and the wood siding underneath is deteriorated or gone, then the commission could consider an alternative material. The spirit of the guidelines seems to be that when the wood siding is gone a matching material, which is not necessarily wood, could be considered.

Wood is preferred, but cement fiberboard has been used in the districts and is a sustainable material. Individual clapboard material in a 4" reveal would be necessary to result in replicating the original siding material.

An aluminum wrap is proposed for trim. This should be cement fiberboard material that replicates the appropriate trim size/style for the structure. Again, the other seven structures along Keller Row can be used for examples.

Dayton's Bluff guidelines for windows discuss the overall look of windows, but nothing about materials. The only discussion of materials is for storm windows "*should have a baked-enamel finish*". Clad materials are not addressed by the guidelines and it is assumed that was to be equitable to the community. The replacement window would need to have an appropriate profile and proportions as the original windows.

The two windows that were altered, still exist on sister houses along the block. Those window configurations could be used for dimension and style standards in reconstructing the two window sets along the east façade.

Code Requirements

In order to achieve a Certificate of Occupancy on the residence, the deficiencies with siding and windows need to be addressed. Most issues are amendable to our guidelines and restrictions, except bedroom egress. The new window proposed for egress should match the other side windows in size, style and trim. It is not a primary façade and there are limited visual opportunities due to the proximity of the neighboring structure.

City Permit

The City permit #20-067591 issued on August 31, 2020, describes the approved work as '*remove and reconstruct rear entry stair*', but in the details area of the permit it states 'yes' to siding and window work. No other details are provided. It is assumed that this was just a mistake, but this language is confusing and could be misconstrued as being approved with this permit.

Stewardship

Keller Row is an important architectural feature to Dayton's Bluff, but only retains integrity in mass and scale. Most structures have been altered over the years but do maintain integrity of massing and scale. While a full restoration of the structure to return the detail like 767 6th Street East is ideal, it is not practical for all property owners. Moving a property closer to original status while maintaining the structure until a restoration can occur should be the focus.

F. SUGGESTED MOTION:

I move to approve the application for replacement of siding and windows at 777 6th Street East as per the findings of fact and condition in the draft resolution, presented testimony, submitted documentation and information provided in the staff report.

CITY OF SAINT PAUL HERITAGE PRESERVATION COMMISSION RESOLUTION

ADDRESS: 777 6th Street East
DATE: November 16, 2020

Memorializing the Saint Paul Heritage Preservation Commission's November 16, 2020 decision to deny the application for replacement of siding and windows began without review or a permit.

1. On July 23, 1992, the Dayton's Bluff Heritage Preservation District was established under Ordinance No. 17942 (Council File #92-900). The City of Saint Paul shall protect the architectural character of heritage preservation sites through review and authorization or denial of applications for city permits for exterior work within designated heritage preservation sites §73.04.(4).
2. Work has occurred without required review or approval as per *Saint Paul Legislative Code Chapter 73 §73.06(e) Review of Permits*.
3. The building permit #20-067591 issued on August 31, 2020 describes the approved work as 'remove and reconstruct rear entry stair', but also states 'yes' to siding and window work.
4. The work of this approval is to correct areas of historic material that have been previously removed or altered. Any disturbance of historic/original materials will require a new application.

NOW, THEREFORE, BE IT RESOLVED, the Heritage Preservation Commission approves the application for installation of siding and windows.

1. Any changes or additions to the work scope will require further review by Heritage Preservation (HP) staff. Changes should be sent to applyHPC@stpaul.gov or (651) 266-9078.
2. Wood or cement fiberboard shall be a smooth face material void of any simulated wood grain pattern or rough, unfinished appearance. All exposed exterior siding should be smooth and free of knots, rough, unfinished appearance and other imperfections. Siding shall be painted within 6 months.
3. T-111, MDF, Masonite materials and panel siding are not approved siding types for use.
4. Exterior siding must match the style, rhythm, and color of the existing.
5. Exterior siding material shall have a reveal of a maximum of 4 inches of exposure.
6. Only windows that have been previously replaced shall be replaced.
7. There shall be no changes made to the existing window opening size.
8. Windows should not have brick mold casings.
9. Only factory installed exterior glass muntins shall be used. Interior muntins are not allowed.
10. Glass shall be clear, void of tint, color, or reflection.
11. The replacement windows shall match the size, style, profile, and configuration of the existing windows.
12. The one new egress window shall match the size, style, profile, and configuration of the existing windows.
13. Authorization is written in conjunction with and referencing submitted application and plans. Conditions of this authorization MAY supersede any contradictory notes or schedules found on project description or drawings. This authorization is VOID if the approved description or plans are altered.
14. Work to be accomplished in accordance with all applicable zoning regulations and building codes, or Board of Zoning Appeals decision. This authorization does not constitute or recommend a hardship.
15. Further permits and authorizations may be required. This authorization signifies review and issuance based on the Heritage Preservation regulations and guidelines. No other city, state, or federal review and approval should be assumed or implied by this authorization.
16. HPC staff shall be contacted for a site visit at the 10 % completion stage to review the work and results. Work shall not progress beyond the 10% stage without staff sign-off.
Staff _____ Date _____
17. HPC staff shall review and approve final new replacement windows prior to installation.
Staff _____ Date _____

MOVED BY:

SECONDED BY:

IN FAVOR

AGAINST

ABSTAIN

Decisions of the Heritage Preservation Commission are final, subject to appeal to the City Council within 14 days by anyone affected by the decision. This resolution does not obviate the need for meeting applicable building and zoning code requirements.