



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, November 15, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

Assessment Rolls (City Council Public Hearing 1/4/12)

- 1 [RLH AR 11-117](#) Ratifying Boarding and/or Securing Services in August 2011 (File No. J1201B, Assessment No. 128100)

Sponsors: Lantry

Referred to the City Council due back on 1/4/2012
- 2 [RLH AR 11-114](#) Ratifying Collection of Vacant Building services from August 2011. (File No. VB1201, Asmt No. 128800)

Sponsors: Lantry

Referred to the City Council due back on 1/4/2012
- 3 [RLH AR 11-115](#) Ratifying Demolition services from August 2011 (CDBG Funds) [File No. J1202C, Assessment No. 122001]

Sponsors: Lantry

Referred to the City Council due back on 1/4/2012
- 4 [RLH AR 11-118](#) Ratifying Excessive Inspection services during July 2011. (File No. J1201E, Asmt No. 128300)

Sponsors: Lantry

Referred to the City Council due back on 1/4/2012
- 5 [RLH AR 11-120](#) Ratifying Graffiti Removal services from July 20 to September 15, 2011 (File No. J1202P, Assessment No. 128401)

Sponsors: Lantry

Referred to the City Council due back on 1/4/2012

- 6 [RLH AR 11-116](#) Ratifying Property Clean Up services during August 2011 at 1332 THIRD STREET EAST. (File No. J1202A, Assessment No. 128501)

Sponsors: Lantry

Referred to the City Council due back on 1/4/2012

- 7 [RLH AR 11-119](#) Ratifying Trash Hauling services during September 01 to 28, 2011. (File No. J1202G, Asmt No. 128701)

Sponsors: Lantry

Referred to the City Council due back on 1/4/2012

Assessments being appealed: CPH 1/4/12

- 8 [RLH TA 11-446](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1201, Assessment No. 128800 at 786 AURORA AVENUE.

Sponsors: Carter III

Waive the vacant building fee for three months; change from Category 2 to Category 1.

RE: 786 Aurora Ave (apartments)

Joyce Shelton, owner, and daughter Wolanda Shelton, appeared.

Inspector Joe Yannarely:

- VB fee \$1,110 plus \$150 service chg = \$1,250*
- Certificate of Occupancy Revoked Jul 7, 2011; there was a break-in and damage done - water was running*
- owner requested water shut-off*
- referred to Vacant Bldg Program Jul 11, 2011 as a Cat 2*
- spoke with Inspector Senty who had conversations with Ms. Shelton at the time; he recommended to her that she appeal the VB status*

Ms. Joyce Shelton:

- bldg was vandalized*
- she had gone thru extensive repair in order to get her license for the bldg; in her effort to either rent or sell it, someone had come in, stole all the copper out of her basement; and because it was vandalized, her insurance didn't pay*
- she is trying to secure funds to repair again*
- after the vandalism, she noticed there was significant water leakage so she called Water to have the water shut-off*
- so, the water shut-off triggered the City coming to inspect*
- she received a letter from Mr. Senty a couple weeks later; she spoke with him to explain contractors had come to give estimates*
- no damage had been done to the inside of units during the vandalism; damage was done by water leakage*

- Mr. Eggers told her to start getting it repaired; she said she'd wait for the insurance money
- after she got Senty's ltr, she called Mr. Eggers again and he asked, "Why is it a Cat 2?"
- she's asking that the VB fee be waived; her bldg can fit into a Cat 1 status
- gotten estimate on the plumbing and she has 2 doors to replace (one a security metal door with glass in it-very expensive)
- the total costs for all these repairs is just bleeding her
- she needs time to go thru financing plus get the repairs done, perhaps 9 months
- she needs to pay a mortgage but she has no income

Ms. Wolanda Shelton:

- explained that a contractor from Blaine came to have her mom's water meter exchanged; Ms. Wolanda Shelton accompanied that person to the water meter
- 6-8 wks later, this occurred; up to this point, that bldg had never been touched; she finds that very curious
- copper wires were taken out strategically: the water was turned-off so water damage was not as excessive as it could have been - it was professionally done

Ms. Moermond:

- every water meter in the City is being replaced
- will recommend waiving the VB fee for 3 months after CC ratification (probably about Apr 4, 2012) and change status from Cat 2 to Cat 1 so after you get the repairs done, you can move people in and work on the rest of the repairs
- if Ms. Shelton ends up needing to pay the VB fee, she will recommend dividing it over a period of 5 yrs
- if Ms. Shelton gets the plumbing repairs done and someone moves in the bldg, she's out of the VB Program
- the rest of the list can be worked on over time

Referred to the City Council due back on 1/4/2012

- 9 [RLH TA 11-453](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202P, Assessment No. 128401 at 653 BURR STREET.

Sponsors: Thune

Delete the assessment. (Waiver on file)

Referred to the City Council due back on 1/4/2012

- 10 [RLH TA 11-459](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201B Assessment No. 128100 at 651/653 BURR STREET.

Sponsors: Thune

Layover

RE: 653 Burr St (duplex)

Jeff Worden appeared.

Inspector Joel Yannarely:

- graffiti assessment (will be taken care of right now after he fills out the waiver)
- board by Saint Paul Police Department (SPPD) Aug 10, 2011 at 7 p.m. at a cost of \$295.80 + \$150 ser chg = \$450.80
- RESPRO technician noted that he met with fire inspector on site, nailed from inside

the rear door, clipped the front door, disabled the latch and handle to overhead garage door and clipped service door

Mr. Worden:

- *the house was broken into; it had been secured*
- *based on his neighbors, kids broke into the house and started a fire; the smoke alarms went off; police and fire were called*
- *then, it was secured*
- *the rear door didn't need to be secured; he nailed it from the inside; it was already screwed shut from the inside*
- *an interior door was also nailed shut unnecessarily*
- *Tom Friel knows to call me now if something happens*
- *he signed the graffiti waiver but he was the one who painted over the graffiti (Ms. Moermond: sometimes things get re-tagged)*
- *RESPRO was a little overzealous; they did damage to some doors*
- *just pulled the bldg permit*
- *got a bid on plumbing work; he'll be pulling the permit*
- *is in search of a mechanical contractor*
- *should be done within the next month and ready to be occupied*

Inspector Joel Essling:

- *no photo of graffiti*

Ms. Moermond:

- *the graffiti assessment is deleted*
- *re: the boarding - not much SPPD can do; they can't leave the site if the bldg is unsecured*
- *will layover the boarding assessment in terms of crime victimhood and to read the police report*

Laid Over to the Legislative Hearings due back on 12/6/2011

- 11 [RLH TA 11-440](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201E, Assessment No. 128300 at 980 BUSH AVENUE.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/4/2012

- 13 [RLH TA 11-447](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201E, Assessment No. 128300 at 253 & 255 COLBORNE STREET.

Sponsors: Thune

Delete the assessment.

RE: 253-255 Colborne St

Philip and Marcia Liniewicz, owners, appeared.

Inspector Paula Seeley:

- *Excessive Consumption fee for \$110*
- *SA issued - 4th violation in 12 months*
- *Orders issued Jul 26, 2011; compliance date Jul 31, 2011; done by owner*
- *Inspector Smith goes out about every 3 wks*

- she spoke with Mr. Smith and he's gone back about 5 times since then and it's been clean, so, she thinks it could be taken off the list

Appellants:

- this Notice runs from Jul 5 - Jul 29
- she called Inspector Ed Smith Jul 28 and asked that this be extended and he agreed to come out Aug 8, 2011
- so, why are we being charged?
- basically, it's on the "problem properties" list and they send someone out every week
- are they going to be charged every week?

Ms. Moermond:

- explained that there was a 4th code violation within 12 months (too many times City deployed an inspection within 1 yr)
- will recommend deletion of this assessment, based on the inspector's recommendation

Referred to the City Council due back on 1/4/2012

- 14 [RLH TA 11-401](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201G, Assessment No. 128700 at 612 COOK AVENUE EAST.

Sponsors: Bostrom

Delete the assessment.

RE: 612 Cook Ave E (single family)

Eugene Copeland, owner, appeared.

Mr. Copeland submitted documents

Ms. Moermond:

- she has read thru the Ordinance three times and believes that it is ambiguous as it relates to whether garbage service needs to be provided by the owner or if there can be an agreement to share garbage service with the neighbor
- has spoke with Councilmembers who believe that they did not intend it to be ambiguous; they intended it to be the owner, only; DSI enforces being the owner, only
- she thinks it's ambiguous and CC should delete it but they may not have that legislative intent and may be looking at it again and change the Ordinance
- will recommend CC delete the assessment

Referred to the City Council due back on 1/4/2012

- 15 [RLH TA 11-455](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201E, Assessment No. 128300 at 693 COOK AVENUE EAST.

Sponsors: Bostrom

Check on progress of work.

RE: 693 Cook St E

Arlene Johnson appeared.

Inspector Joel Essling:

- Excessive Consumption fee for \$75 + \$35 ser chg = \$110
- Correction Notice issued Jun 11, 2010 re painting house, garage and trim (Insp Seeley still has an open file on it)
- an EC fee previously 8-13-10 - already been levied
- photo of house in file
- Inspector Seeley was at property Oct 17, 2011 (notes: some work being done on painting trip; will suspend until spring)
- re-inspection set for May 31, 2012
- he recommends deleting the assessment

Ms. Johnson:

- the painting is done
- in process of getting bids for new windows

Ms. Moermond:

- will recommend deleting the assessment

Laid Over to the Legislative Hearings due back on 12/6/2011

- 16 [RLH TA 11-432](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 954 COOK AVENUE.

Sponsors: Bostrom

Delete the assessment.

RE: 954 Cook Ave (duplex)

Sean Moua appeared.

Inspector Joe Yannarely:

- SA Jul 25, 2011 - removal of brush, TV, debris; compliance date Aug 1, 2011
- re-inspection Aug 1, found in noncompliance
- WO sent and work done Aug 4, 2011 for a cost of \$388 + \$145 serv. chg = \$543
- extensive history of Orders
- no records of violations since Jul 25, 2011

Mr. Moua:

- had been just purchased Jul 25, 2011
- they pulled permit to clean up house Jul 29, 2011

Ms. Moermond:

- abatement Order had been addressed to previous owner: New York Melon Trust Home Loans and Paula Lee Yang (foreclosed upon)
- will recommend assessment be deleted

Referred to the City Council due back on 1/4/2012

- 17 [RLH AR 11-133](#) Amending the assessment at 730 EARL STREET for collection of delinquent vacant building fees re-invoiced for August and September 2009. (File No. VB0907, Assessment No. 108747. Approved in 2010)

Sponsors: Lantry

Delete the assessment.

RE: 730 Earl St (duplex)

Anthony Ryan and Patrick Ryan, owner, appeared.

Inspector Yannarely:

- *Mr. Singerhouse and Mr. Seeger could not be here*
- *been a VB since Jul 7, 2006 and at no time has it been off the VB list*
- *apparently, there's some confusion: Mr. Ryan says that Mr. Seeger gave him permission to live there (after \$100,000 of improvements); Mr. Seeger says that he has no recollection of granting Mr. Ryan permission to live there)*
- *Mr. Singerhouse said that he had nothing to add except that it's a closed file as of Dec 10, 2010*

Ms. Moermond:

- *think it's inappropriate that she asked 2 different inspectors to be here today and neither one is here; however, she does want to hear from them and that there's a legitimate bone of contention here*

Mr. Anthony Ryan:

- *appealing VB fees for 2009 and 2010*
- *Pat Ryan bought the property and he underwrote nearly all of this*
- *he dealt with Jim Seeger and all the contractors because this 100 yr old bldg was nearly completely replaced*
- *it's an owner-occupied duplex; per Jim Seeger, they needed to put in a new electrical panel*
- *they did everything on the deficiency list*
- *Pat Ryan bought it Dec 2007; from then thru 2008, they completed all of the work done; they even put in a driveway and built a garage in the back*
- *it was an extensive project*
- *Feb 6, 2009 at 10:30, he met Jim Seeger for the final walk-thru inspection and there were 4 things left on the list: 1) putting a couple of spindles in the traditional handrail; 2) CO detector; and a couple other minor things; they had another appointment 4 days later for him to inspect the last 4 things; they were done; they shook hands; then, Mr. Ryan asked, "Can my son live here, now?" Mr. Seeger answered, "Absolutely! You've got until May 31, 2009 to finish the outside items, but your son can live here now." That's why he's here now*
- *been rehabbed from top to bottom*
- *property tax statement says, "\$1,172.02 for demo vacant building" - obviously, it hasn't been demoed*
- *they have talked with Jim Seeger and Rich Singerhouse numerous times and they are saying that this is "just a bureaucratic snaffoo; it'll get squared away"*
- *Patrick has a Certificate of Code Compliance date Jan 10, 2011, which would suggest that all inspections had been done; all permits had been finalized*
- *there hasn't been anyone from Safety and Inspections in that bldg since Jim Seeger and he shook hands on Feb 10, 2009*
- *he didn't get his paperwork in order but the work had been done at an incredible expense*
- *the VB status is untrue*
- *the VB fees have already been paid; it's a matter of getting them back (Rich Singerhouse and Steve Ubl said, "Go ahead and pay them; this is just a formality of getting the refund." He spoke with Mr. Ubl prior to the first half property tax payment back in May, 2011 and he said, "Don't talk to me; I'll talk to Rich Singerhouse's superior at vacant houses and we'll get it straightened out." (Patrick Ryan added that Steve Ubl told him over the phone, "Absolutely, don't even consider the fee; there's no way you're going to have to pay it; just worry about the strict >>>")*
- *there is no Certificate of Occupancy required on an owner-occupied duplex*

Ms. Moermond:

- when she read the record, it was logical to her that the assessment be decreased by half in some circumstances (right about half way point in the VB yr when the conversation took place with Mr. Seeger)

Mr. Yannarely:

- sees in the file that they waived the fees on Aug 16, 2010 and again on Sep 17, 2010 to get the Code Compliance Certificate from Mr. Seeger
- according to the VB Program, they cannot close the file until a Code Compliance Certificate is issued

Ms. Moermond:

- very disappointed that Mr. Seeger and Mr. Singerhouse are not here today to give a staff report
- because she doesn't have a staff report and she had asked for one, she will recommend that the VB fees be deleted
- thinks there's some legitimate misunderstandings on both parts

Mr. Ryan:

- what is the process by which Patrick gets the fee refunded?

Ms. Moermond:

- the Council will process this resolution and it will be a while before it works it's way thru the system
- not sure whether Patrick Ryan's taxes will be credited or if he'll get a check

Referred to the City Council due back on 1/4/2012

18 [RLH TA 11-436](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1315 FREMONT AVENUE.

Sponsors: Lantry

Approve the assessment.

RE: 1315 Fremont Ave (duplex)

Adam Schmidt, owner, appeared.

Inspector Joe Yannarely:

- SA Order issued Jul 15, 2011 due to overflowing dumpster; compliance Jul 22; re-checked Jul 29 and found noncompliant
- Parks did work Aug 4, 2011
- small history
- no video; no photo
- he got a 90 day extension on VB fee; anniversary date Jul 7
- the Code Compliance Report has expired so Mr. Schmidt will need to work with Jim Seeger on that (no notations of extension)

Mr. Schmidt:

- appealing the SA as well as the VB fee
- they have all the work completed; it's been renovated
- for the last 5-6 weeks, they've been waiting on the final inspections
- clean-up: some things were cleaned up (bldg was under renovation at the time); one thing was tall grass and weeds - but someone broke in and stole their lawn mower
- problem with City's charge is that this property has been assessed at \$164,000 for 2011 but the bare market value at which they purchased the property is only \$30,000

for 2011 (it seems they've already paid the clean-up fee)
- his heating contractor wasn't able to pull a permit

Ms. Moermond:

- there was an appeal process with the county to get the assessed value lowered
- looks as though Mr. Schmidt bought an affordable bldg and he's fixing it up
- she can't step in on the VB fee; Mr. Schmidt already has a waiver
- he can appeal the tax assessment for the VB fee in January 2012 at LH; she will decrease the VB by half in January 2012 and Mr. Schmidt doesn't have to come back to LH at that time but he needs to send in the Gold Card requesting it be decreased by half
- talk with Jim Seeger and get him to extend the Code Compliance Report
- let's allow Mr. Schmidt's heating contractor to pull a permit (by close of business next Fri, Nov 25, 2011)

Referred to the City Council due back on 1/4/2012

- 19 [RLH TA 11-402](#) Reducing the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 717 FRY STREET, AKA 1642 MINNEHAHA AVENUE WEST.

Sponsors: Stark

Reduce the assessment from \$874.00 to \$437.00. (2 summary abatements in one assessment - approve the 8/30/11 clean up)

11/1/11: Forthcoming. Ms. Moermond to review video.

On November 17, 2011, Ms. Moermond reviewed the video for clean up assessment on 8/9/11 and it showed minor trash outside the container, loose and scatter, and a child car seat; therefore, she recommended deleting the assessment because the owner made good faith effort to address the situation.

Referred to the City Council due back on 1/4/2012

- 20 [RLH TA 11-438](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1201, Assessment No. 128800 at 1840 IDAHO AVENUE EAST.

Sponsors: Bostrom

Delete the assessment per DSI. Property was in compliance at the time; VB fee should never have been assessed.

Referred to the City Council due back on 1/4/2012

- 21 [RLH TA 11-448](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1201, Assessment No. 128800 at 569 JEFFERSON AVENUE.

Sponsors: Thune

Approve the assessment. (If by January, 2012, Appellant is done, Ms. Moermond can look at reducing the assessment in half)

RE: 569 Jefferson Ave (single family)

Robert Orth, owner, appeared.

Inspector Joe Yannarely:

- VB fee for \$1,100 plus serv chg \$150 = \$1,250
- Cat 2 VB; file opened Jul 22, 2009
- there are active permits and an expired Code Compliance Report
- history: 9 WO and an Excessive Consumption in last 2 yrs

Mr. Orth:

- he has bought 3 vacant bldgs; 2 are completely off the VB list
- this house is close to being completed; all permits have been pulled and he's thru his first inspection on all plumbing, electric, front work, etc.
- house had been abandoned for 4-5 yrs
- he is addressing a whole different situation today: that whether the VB fee is valid, period.
- he alleges that this fee exceeds the cost of services rendered and is not valid, whatsoever: he buys a VB; pulls all the necessary permits and pays all those fees; pays for all the improvement inspections; the VB fee is not an earned fee - nothing is done by the City for this \$1,100; does anyone do anything to incur this \$1,100 cost?
- cited Mpls case: Hendricks vs. the City of Mpls which parallels what's going on here with the VB fee - the City of Mpls wanted to add on an extra 5 cents every 1/2 hour for metering (for inspections and regulations, which they didn't do); Hendricks took it to Supreme Court claiming Excessive Charges because the City of Mpls didn't go out to do anything to incur those charges.
- VB fee: the City has a right to tax property values with a general property tax but it does not have the power to tax vacant building properties just to raise revenue without doing anything to earn that revenue
- he will do whatever he can to get this VB fee thing repealed; it is not an earned tax; that's why he's here today
- inspectors have not been inside his property once
- why wasn't there a VB tax until 2008? (Ms. Moermond argued that there was; it just wasn't assessed to the taxes but the fee has been in place for many yrs)
- this property will be finished in 2-3 months; bought it Aug 2010
- thinks that everyone who buys a house in Saint Paul should have to conform to the same standards; that's fair (Ms. Moermond responded that all properties sold in the City of Saint Paul must have disclosure of problems in the Truth in Sale of Housing Inspection or the Code Compliance Inspection Report or a Certificate of Occupancy (any of those documents can be used to disclose the conditions of the bldg); it's not forcing the repair for any bldgs but those that are in the Registered VB Program - it's policy

Mr. Yannarely:

- explained that the VB statute says that the City has an inspector go out there on a fairly frequent basis to make sure that the property is secure and is taken care of (no garbage, rubbish, tall grass and weeds, etc.)
- Mr. Orth is confusing VB inspectors with trade inspectors

Ms. Moermond:

- explained that the VB fee is based on cost of running the VB Program itself; there are approximately 1,500 vacant bldgs in Saint Paul and they are monitored; take that number of properties and divide them into the cost of running the program - that's how the fee is derived
- by and large, inspectors check bldgs every 2 wks; that team of inspectors is distinct from inspectors who go and look at other properties when a complaint comes in
- some VB cost more to monitor than others but the fee is flat based on program budget
- will recommend approval of this assessment; if Appellant is finished and finalized by Jan 2012, she will recommend reducing it by half)
- CCPH Jan 4, 2012

Referred to the City Council due back on 1/4/2012

- 22 [RLH TA 11-452](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1201, Assessment No. 128800 at 530 JENKS AVENUE

Sponsors: Helgen

Delete the assessment. (owner paid by check)

Inspector Yannarely recommends cancelling the assessment.

Referred to the City Council due back on 1/4/2012

- 23 [RLH TA 11-443](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202P, Assessment No. 128401 at 1338 LAFOND AVENUE.

Sponsors: Stark

Delete the assessment. (waiver on file)

Referred to the City Council due back on 1/4/2012

- 24 [RLH TA 11-445](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201B, Assessment No. 128100 at 2006 LARPEN TEUR AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 1/4/2012

- 25 [RLH TA 11-439](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201P, Assessment No. 128400 at 565 PASCAL STREET NORTH.

Sponsors: Stark

Delete the assessment per DSI; sent to wrong address.

Referred to the City Council due back on 1/4/2012

- 26 [RLH TA 11-454](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202G, Assessment No. 128701 at 1615 PINEHURST AVENUE.

Sponsors: Harris

Delete the assessment.

RE: 1615 Pinehurst Ave

Garnet Franklin appeared.

Inspector Joel Essling:

- Summary Abatement issued 8-23-11; compliance 8-30-11; re-inspected and found noncompliant

- at that time, had no contact from owner

- Work Order issued to provide garbage service for 3 weeks for \$150 + \$155 assessment fee = \$305

- subsequently, Ms. Franklin contacted Inspector Essling and he was able to verify that she had garbage service during the time period that the city was providing garbage service (Ms. Franklin submitted copy of bill to verify and photos)
- he recommended some kind of help

Ms. Franklin:

- entered copy of bill and photos of improvements made
- was out of town for a week and she's the only person there

Ms. Moermond:

- Ms. Franklin had garbage service during that time period; probably was a communication problem
- Ms. Franklin has taken steps to stop this from being a problem in the future
- will recommend deletion of the assessment

Referred to the City Council due back on 1/4/2012

- 27 [RLH TA 11-449](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201E, Assessment No. 128300 at 950 SIXTH STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/4/2012

- 28 [RLH TA 11-451](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 2022 STILLWATER AVENUE.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/4/2012

- 29 [RLH TA 11-457](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201E, Assessment No. 128300 at 1424 UPPER AFTON ROAD.

Sponsors: Lantry

Owner missed first hearing which was November 15.

Laid Over to the Legislative Hearings due back on 12/6/2011

- 30 [RLH TA 11-442](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202P, Assessment No. 128401 at 617 WHITALL STREET.

Sponsors: Bostrom

Delete the assessment. (Notice sent to wrong address).

Referred to the City Council due back on 1/4/2012

11:00 a.m. Hearings

Summary Abatement Orders

- 31 [RLH SAO 11-36](#) Appeal of Robert Schilling to a Summary Abatement Order at 864 MARION STREET.

Sponsors: Helgen

Appeal canceled per Supervisor Matt Dornfeld as the violations have been removed.

Withdrawn

- 32 [RLH SAO 11-38](#) Appeal of Scott Gerry to a Vehicle Abatement Order at 1038 PACIFIC STREET.

Sponsors: Lantry

Deny the appeal on the vehicle abatement order and grant an extension to May 31, 2012 for compliance.

RE: 1038 Pacific St (single family)

Scott Gerry, owner, appeared. (CCPH Dec 7, 2011)

Inspector Paula Seeley:

- vehicle abatement

- Inspector sent Orders Nov 1, 2011; compliance date of Nov 15, 2011

- Ms. Seeley received the appeal, went out to inspect and spoke with Mr. Gerry; she told him that she should file a site plan, preferably, before today, for the 2 large boats that are parked on the grass

- think his intentions are to file a site plan, get it approved and put down asphalt in the spring

Mr. Gerry:

- he has 2 licensed boats parked on 3 inches of river rock

- has lived at this property for 10 yrs and had at least 1 boat parked there for 8 yrs

- he spoke with Ryan in zoning who told him to draw up his parking lot plan, showing what needs to be paved; they will review it

- currently, he doesn't have a site plan; will get it in to Ms. Moermond in a couple days

- would like to keep the boats there this winter and do the pkg lot in the spring

Ms. Moermond:

- hard to tell how the parking is organized from the photo; Appellant helped define details to get a broader perspective

- will recommend denying the appeal and granting an extension to May 31, 2012 to come into compliance

Referred to the City Council due back on 12/7/2011

Correction Notice

- 33 [RLH CO 11-24](#) Appeal of Rebecca A. Knittle and Howard J. Vogel to a Correction Order at 1343 ARONA STREET.

Sponsors: Stark

Laid Over to the Legislative Hearings due back on 12/13/2011

Orders To Vacate, Condemnations and Revocations

- 34 [RLH VO 11-110](#) Appeal of Ahti Hujanen and Hillary Hujanen to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 971 CASE AVENUE.

Sponsors: Bostrom

Deny the appeal on all items, including repairing rotted woods, trims, walls and grant an extension to the close of business on November 28, 2011 except for the exterior painting and foundation issue for which an extension is granted to May 18, 2012. If the work is not in compliance by the deadline, the order to vacate is in effect by the close of business on December 9, 2011.

RE: 971 Case Ave (duplex)

Mary Kay and Hillary Hujanen, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection started Aug 2009 followed by a series of inspections
- still have some things not completed: rear stairway is unsafe
- bldg inspector notes are in Amanda
- photos are also in Amanda 10-18-10
- file shows open electrical permit pulled by American Electric Jun 22, 2011 for \$6,860 work; Ms. Hujanen not aware of it, probably Ahti authorized it

Ms. Kay:

- not actually appealing; the work is done
- Ms. Hujanen got the Notice about the Revocation (Ahti and Hillary are the landlords)
- Ms. Hujanen called her and was concerned that things weren't getting done; Ms. Kay said she needed authorization and then, the permits could be pulled (Ahti hadn't authorized); so, Hillary took over the entire property (they got the other one up to code)
- entered name of contractor who will fix the back stairway; permit is pulled; photos were entered; final inspection tomorrow with Todd Sutter, DSI, at 11 am
- walls in basement need to be scraped and painted; they prefer not to have tenants in the basement; they locked it off but are not sure whether they can do that or not (Ms. Shaff responded that since the electrical panels are in the basement, it cannot be locked off)
- if they get an extra week or two now, they can do the basement painting
- they moved down chain lock and a dead bolt upstairs; entered photos
- foundation needs some tuckpointing and they need to replace the skimcoat
- asks for an extension to Apr 2012 to do concrete work
- everything that's wood on the exterior needs to be scraped, primed and painted (would like to do that in Apr of May 2012)
- the exterior painting hasn't been done because Ahti, Hillary's husband, was under the impression that he had appealed an original list, the appeal was granted and it all went away; only, it didn't go away and more lists were sent; so, Hillary chose to take over management of the property because she knew that things weren't being dealt with the way they needed to be; it's her goal to get everything on this list done; she knows what needs to be done
- they intend to cap off the dryer vent and not offer laundry down there

Ms. Moermond:

- Appellant will need to scrape and paint the basement walls
- the C of O should have been Revoked a long time ago; 15-16 Notices went out in 2009 and early on, there was no access to the bldg
- 2 items need warmer weather: 1) painting exterior; and 2) permanent foundation tuckpointing - let's tackle everything except those 2 things now; has until Nov 28, 2011 to do everything else
- exterior repair, temporary tuckpointing (foundation sealed) by Nov 28
- if work isn't completed by Nov 28, 2011, the Order to Vacate will take effect close of business Dec 9, 2011
- painting exterior can wait until May 18, 2012 for completion, along with the permanent foundation tuckpointing
- CCPH Dec 7, 2011

Referred to the City Council due back on 12/7/2011

- 35 [RLH VO 11-100](#) Appeal of Patrice Swaser to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 20 SYCAMORE STREET EAST.

Sponsors: Carter III

Deny the appeal and grant an extension to the close of business on December 2, 2011 to vacate the building.

RE: 20 Sycamore St E (single family)

Patrice Swaser, tenant, appeared.

Ms. Swaser:

- Fannie Mae recently took it over - Apr 2011; started to fix it up in summer, bit by bit
- they will probably have to move if Fannie Mae can't fix it fast enough
- Section 8 inspects every year; they inspected a few days ago and as tenants, they passed so, they now can transfer their Section 8 Certificate somewhere else
- Ms. Swaser isn't working right now and her mom's on Social Security
- Inspector Booker came last Thursday and told her that there was an Order to Vacate; Ms. Swaser said that she had filed an appeal
- she has voice mail from Real Property Management that says they had sent out a guy to do a few items - there's a lot of work that has to be done and we're not really sure at this point when we're going to get out to fix the property completely (she knows that she's welcome to come in and fix it)
- that's my brother's dog; he's licensed and he's good; he just sat on her bed when the Section 8 inspector came
- said the inspector walked in on her mom as she was trying to button her robe 3 days in a row; she walked into the house without announcing herself; Ms Swaser was sleeping at the time when the inspector showed up in their hallway; the front door doesn't close properly so she just walked in; as you walk in the house, you enter a hallway and there's a bedroom and steps to go upstairs; one day, the inspector did have a guy from property mgmt with her
- asking for more time to move
- would love to have property manager and owner come to see the house
- previously, they have had the same landlord for about 9 yrs and they have never had a problem with inspections

Fire Inspector Leanna Shaff:

- Inspector Booker has been out of the office; she was out there last week Thu
- our inspectors don't just walk into peoples' homes (for personal safety sake)

Ms. Moermond:

- Kay Wittgenstein came to last week's LH; Ms. Wittgenstein said she hadn't yet met with Ms. Swaser
- Inspector Urmann said on Nov 8, "Per the inspector, nothing's been done inside the Unit; tenants still refuse to give owner access to do any of the work"
- it says that you have a rather large dog
- property managers and owners do have access rights
- will recommend to Council that this place be vacated by the close of business Dec 2, 2011

Referred to the City Council due back on 12/7/2011

- 36 [RLH VO 11-108](#) Appeal of Willie Earl Thomas, Caretaker, to a Fire Certificate of Occupancy Revocation and Order to Vacate at 437 GOODHUE STREET.

Sponsors: Thune

Deny the appeal on the revocation and grant an extension on the condemnation to December 9, 2011.

RE: 437 Goodhue St (duplex)

Mark Shirley, owner, and Edward Mills, tenant, appeared.

Fire Inspector Leanna Shaff:

- May 31, 2011-received complaint: foundation cracked; ceiling upstairs caving in; using downstairs for a rooming house; many unrelated adults; no trash hauler service;
- Inspector Beumer issued Orders Jun 1, 2011 and transferred them to Fire C of O Program due Jun 3, 2011
- no shows for inspection appointments
- Inspector's comments on Jul 17, 2011: numerous issues - Unit 3 has ceiling collapse from winter's ice dams; Unit 3 has been unoccupied for a while; a work shop in Unit 2 on rear porch; Unit 1 has 5 beds; on-going where owner didn't show and tenants would let him in; no compliance
- numerous issues: 57 items on deficiency list (many of which are life-safety issues); no compliance resulting in Revocation of Fire C of O
- lots of photos in Amanda; provided prints for Ms. Moermond (from Jul and Oct)

Mr. Mills:

- some of the items on list have been done
- Appellants want to remain living there; it's still in good livable condition; can see Condemning the place for some of the minor stuff on the list
- the place used to be a "sober house" - a minister got the guys together, get them off the street - to keep them sober and upright and it had been working (the reason for so many beds) - has been like a transitional home for some of them; things have been working out for the guys
- he had been in a car accident and has been unable to work - he does consultation for money

Mr. Shirley:

- has been at property within last month
- called himself "the reluctant owner"
- 25 yrs ago, his parents loaned money thru a realtor for a couple to buy this place; they quit claimed it back to his parents about 4 yrs later; his parents sold it again; it got quit claimed back to his parents again; then, realtor took it over for about 15 yrs but never filed the actual change of ownership to him - he collected the rent,

however, and Mr. Shirley found out about it 5 yrs ago and filed a lawsuit against the realtor and got the property back into his parents' name; his parents changed the title to Mr. Shirley (that's how he became the owner of this property)

- the minister was living on the main floor and bringing guys in off the street to counsel and sober them and provide them a place to live; it was his responsibility to maintain the place (he paid minimum rent)
- in late March, the minister moved on and left 2 guys in the place; Mr. Shirley has allowed them to stay there rent-free
- his intention is to sell the place
- at first, he wanted to begin fixing the items on the list; however, some of the items on the list are way too costly like fire separation between the basement and first floor (built 1875-pipes going in every direction in basement-can't even get dry wall down there without sawing them into pieces); it's just not manageable; the other option is to put in sprinkler system -that cost is prohibitive at this point
- if he can't get fire approval, he doesn't know where to start
- probably time to de-convert into single family home
- there has been a lot of turmoil in his life this past summer; this place is not his highest priority
- at the same time, he feels for these guys
- he would love to be able to spend the money to fix it up but he can't
- Unit 1 hasn't been occupied for more than a yr
- basement - water heater vents not being fully secured (that's the one with the water heating shut-off)
- Neil, an older gentleman rents upstairs Unit, currently is gone hunting until the season is over (is home maybe only half the time); he doesn't even know what's going on here
- understands if the occupancy needs to be Revoked; he will sell the property
- his main concern is seeing these guys transitioned to somewhere else

Mr. Mills:

- this is his first year out of homeless shelter; his daughter was looking forward to spending holidays with him this year; this is a really bad time for him to move; was hoping to be able to stay there over the winter
- he was finally getting health care and just got a lawyer for his disabilities; moving around a lot will make it difficult for him to keep up on his mail
- read from a list of things that had already been done

Mr. Shirley:

- this place has been this way for 40 yrs; why is all this required now when it hasn't been required for the last 40 yrs?
- he agrees that everything on the list should be done but he just can't
- he liquidated his 2 businesses; broke up with his fiancée; his dad is dying; the company he works for will be bought out in the next 2 wks, so he'll leave his job at a good point - so, there might be a good chunk of cash coming to be able to put into this place; but the question is, "Is it worth it for this particular bldg?"
- only thing keeping him from doing all the repairs is the basement 1-hr fire separation

Ms. Moermond:

- this would be a different story if the owner were willing to do the repairs
- property is derelict; there hasn't been forward motion on the Orders, so the C of O is being Revoked
- doesn't think that things will change even if she grants an extension
- it's a very appropriate candidate for Revocation
- furnace hasn't been checked; no gas service in 3rd unit; so many problems
- will recommend denying the appeal and granting an extension to Dec 9, 2011 to vacate
- CCPH Dec 7, 2011

- advised owner, that becoming a vacant bldg, he can access bldg 8 am - 8 pm to clean, remove items, repairs, etc.; but you can't live there
- once it's a vacant bldg, owner will need to get a Certificate of Occupancy signed off (team inspection)
- if owner wants to de-convert to a single home or duplex, a similar type of inspection happens for that

Ms. Shaff:

- suggested that Mr. Shirley contact a contractor regarding his basement separation issue

Referred to the City Council due back on 12/7/2011

- 37 [RLH VO 11-109](#) Appeal of Bruce Johnson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 415 FINN STREET NORTH.

Sponsors: Stark

Grant a 6-inch variance on the openable height of the egress bedroom windows in Unit 5; deny the appeal on the window well and grant an extension to May 31, 2012 for compliance.

RE: 415 Finn St N (apartments)

Bruce Johnson, C of O responsible party, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection started Jun 21, 2011 by Inspector Mitch Imbertson
- no compliance - has become necessary to Revoke the Fire Certificate of Occupancy
- 18 items of the list; series of "no shows"; still no elect permit
- photos in Amanda

Mr. Johnson:

- didn't know about last appointment
- previous appointment, they went thru list and he hired people to do the work
- soon afterward, he was involved in a car accident and wasn't able to do much
- only remaining issues that he sees are an egress window and the window well for that egress window
- has a re-scheduled appointment on Nov 28, 2011
- window opens 19 x 27 going out into window well
- window well is cement block that's been there for 30-40 yrs; tenant had placed grates on top of it, which have been removed
- an escape ladder is attached to the window well wall and the grates are gone
- are 3 windows on that south side; window well is sectioned off into thirds (are interconnected)
- another window on east side is within the bedroom - may put a egress window/window well there to be compliant (then, this Order would go away, according to Ms. Shaff)

Ms. Moermond:

- there' a note saying that the window appears to have an opening (Ms. Shaff clarified saying that inspector was unable to measure the exact opening at the time of inspection) ? (Mr. Johnson explained that they had just painted it and it was a little stuck because the paint was still drying; inspector couldn't open it all the way, so Mr. Johnson opened it all the way and he measured it as best he could; he didn't want to put the tape directly onto the wet paint)

- will recommend up to a 6 inch variance for egress opening height
- window well is 26.5 inches out from exterior wall; should be 36 inches out (Mr. Johnson said it's 31 1/2 inches from the window to the outer point of the well); Code requires 9 sq ft - 3 ft minimum measured from face of window
- will recommend appeal be denied on window well; grant extension to May 31, 2012 to come into compliance (popping out one area of block would be compliant)

Referred to the City Council due back on 12/7/2011

1:30 p.m. Hearings

Fire Certificates of Occupancy

38 [RLH FCO 11-474](#) Appeal of Tim and Jamie Flynn to a Correction Order at 2055 FAIRMOUNT AVENUE.

Sponsors: Stark

RE: 2055 Fairmount Ave (single family)

Tim Flynn, owner, appeared.

Mr. Flynn:

- inspector came back to look at property
- spoke with someone at the Department of Safety and Inspections (DSI) about their situation

Fire Inspector Mike Urmann:

- there's a new set of Orders in the file
- they received the heating system test report
- also received a report thru supervisor from Appellant re: exterior heating
- they investigated the garage heater and it does not meet the minimum code requirements at this time for a bldg that is able to be used as a garage
- they only way that it can come into compliance is that if it is no longer a parking structure and be: 1) separated from the home; and 2) 18 inches off the floor
- the ventilation system must not take air from a space that could be occupied by a flammable liquid or a vehicle that has flammable liquids in it or on it; fire rated assembly could separate the living space or they could do it thru the ducting system; or it could be a space that would not have a garage door in it nor would it allow a vehicle to come into it

Ms. Moermond:

- asked if these buildings were attached?

Mr. Flynn:

- these buildings are not attached to one another
- the heating devices are 18 inches off the floor - elevated on stainless steel platforms
- the bldg is basically a 2-car garage with an apartment on top of it
- no automobiles have been stored in there
- had a contractor out there to look at fire wall separation; he explained that putting up a fire wall would be quite a challenge because of all the plumbing work, etc.
- had long conversation with Leanna Shaff about Mr. Flynn's option for this
- he is trying to sell this house and he doesn't understand why this wasn't discovered 3 yrs ago when this took place and why it's been OK for the last 60 yrs - it's a substantial expense
- he can't afford putting a cement wall in front of the garage door right now

- the heater/furnace is there to heat the apartment above the bldg; the plumbing is running thru the joists so the whole garage is actually heated
- they would never have bought it if they had known; the city blessed the purchase - they thought they were good but now are left holding the bag on this and he doesn't know what to do with it
- as soon as his wife's business moves out of there they won't be able to make the payments on this house (it will be out in 4 months)
- once the office goes, they will winterize the bldg
- would like to know if building a cement wall in front of garage doors would solve this problem?

Ms. Moermond:

- if the bldg isn't being used as a garage and an office space, the decision can be put off
- she needs an affidavit from Mr. Flynn indicating that the bldg won't be used for parking or office space; and it will be winterized (Mr. Urmann asked that if also include no storage of gas powered appliances or gasoline)
- then, that condition can continue
- there should be an addendum within the Purchase Agreement that would disclose the situation with this heater in the garage; ultimately, it will be the new owner who is responsible to remove that system if they want to use the bldg as a garage
- will recommend that Mr. Flynn plan on building the wall and pull the bldg permit to do that (DSI will review it and he should ask if they could confirm that the existing furnace system is going to be OK); they can provide specific guidance about whether or not it would get him to where he wants to be

Mr. Flynn:

- will go forward with the affidavit and if he needs to put up the wall in spring, he will proceed with building the cement wall (he doesn't have the money to build the wall right now; and if he can't get the house sold, he will need to start renting it again)

Referred to the City Council due back on 12/7/2011

39 [RLH FOW](#)
[11-238](#)

Appeal of Yuqi Liu to a Fire Certificate of Occupancy Inspection Correction Notice at 1223 RICE STREET.

Sponsors: Helgen

Deny the appeal and grant an extension for 90 days to bring the window in Unit 1 into compliance either by replacing the window or removing the screens and windows from the enclosed porch.

RE: 1223 Rice St (duplex)

Yuqi Liu and Baiging Liu, owners, appeared.

Fire Inspector Mike Urmann:

- egress window- inspector's notes say they were unable to measure the window due to a pit bull in the occupied space
- inspector has been out ill this week; he has not been able to talk with him
- there has not been safe access provided for the inspector

Mr. Liu:

- it's not a legal egress window because the window faces the porch; porch has windows and screens
- inspector suggested he appeal
- she can definitely continue measurement

- the tenant is handicapped and must have the dog (doctor's documents)
- purchased house from bank; they called City and asked if there were any Orders on the house and they said, "No"
- all inspectors came in and no one talked about egress windows; everything passes
- he is confused
- they will take off the windows and screens

Ms. Moermond:

- Unit 1 has a bedroom that exits into an enclosed 3-season front porch with windows and screens
- will deny the appeal and grant an extension for 90 days to come into compliance
- the inspector will go in and do window measurements to make sure
- the Fire Code is really strict - you have to have a window going immediately outside; it can't be thru another room

Referred to the City Council due back on 12/7/2011

- 40 [RLH WP 11-111](#) Appeal of Derek Tanberg, The Window Store Home Improvements, on behalf of Martin Marrone, to an Egress Window Non-Compliance Determination at 973 WATSON AVENUE.

Sponsors: Thune

Deny the appeal on the replacement egress bedroom window measuring 15.875 inches high by 23.344 inches wide.

RE: 973 Watson Ave

No one appeared.

Referred to the City Council due back on 12/7/2011

- 41 [RLH FCO 11-454](#) Appeal of Paul Magelssen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1577 HOYT AVENUE EAST.

Sponsors: Bostrom

Laid over to get feedback from Inspector Thomas.

RE: 1577 Hoyt Ave E

Paul Magelssen and another appeared.

Ms. Moermond:

- chimney and windows
- will recommend granting a variance on the windows (main floor and attic)

Appellants:

- re chimney - from original letter, he thought it referred to the liner within the chimney; but Inspector Thomas called the morning after they had been at LH and clarified that the Orders were about the outside of the chimney near the top - the bricks are mortar
- they had already established that a liner had been installed when they purchased the house
- they want to make sure they know what they need to do

Ms. Moermond:

- the Orders see to talk about a liner but she doesn't see specific notes on this (Mr.

Urmann has no information on this; the inspector has been out this week; he suggested that the Appellants call the inspector)

Fire Inspector Mike Urmann:

- *it could mean a cap at the top of the chimney liner (maybe it needs to be secured)*
- *he doesn't know if it's the liner or chimney itself by the way it's written*

Ms. Moermond:

- *will lay this over for 3 weeks (LH Dec 6, 2011)*
- *she will ask the inspector to contact her or copy her in writing at the same time that he communicates with the Appellants; if they are clear on the instructions, they will take care of it and a re-inspection will be conducted*

Laid Over to the Legislative Hearings due back on 12/6/2011

42 [RLH FOW
11-200](#)

Appeal of Chao Yang to a Fire Certificate of Occupancy Inspection
Correction Notice at 1075 CASE AVENUE.

Sponsors: Bostrom

Deny the appeal and grant an extension for three months to bring the awning window in the middle bedroom into compliance. She recommended granting a 4-inch variance on the openable width of the egress window in the north bedroom.

RE: 1075 Case Ave (single family)

Chao Yang, owner, appeared.

Fire Inspector Mike Urmann:

- *#4 - awning window in middle bedroom side to side openable measurement at 54 inches*
- *slider window 33.5h x 16w in north bedroom*

Ms. Moermond:

- *will grant a 4 inch variance for slider window in north bedroom*
- *will deny variance for awning type window because it's an awning type window, which is not an acceptable type for egress per code*
- *Appellant should be able to put in sliders there; the space seems large enough*

Mr. Yang:

- *the awning window is very large 38 x 54*
- *you can open it and jump out; it's very safe*
- *it's an old window and it would be hard to modify*

Ms. Moermond:

- *is not willing to look at variance for awning type window*
- *need a casement, a double hung or a slider type window to meet code for egress*
- *if you go to pull a permit to replace this window and the window dimensions aren't quite large enough, you can come back and request an additional variance*
- *will grant a 3-month extension to comply*

Referred to the City Council due back on 11/16/2011

43 [RLH FCO
11-510](#)

Appeal of Jan Gasterland to a Fire Certificate of Occupancy Inspection
Correction Notice at 1020 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Grant a 3-inch variance on the openable height of the egress windows in the 2nd floor, north and west bedrooms and deny the appeal and grant an extension to August 1, 2012 for the painting issue on the garage.

RE: 1020 Jessamine Ave E (single family)

Jan Gasterland appeared on behalf of owner (home of Gretchen Gasterland Gustafsson)

Fire Inspector Mike Urmann:

- 2 issues:

- 1) #4 egress window 21h x 25 (glazed 44.5 x 21.5 = 6.64 sq ft)

- 2) garage issue - exterior walls are in rough shape and need to be maintained in a professional manner; exterior walls need to be scraped and painted

Ms. Moermond:

- will recommend a variance on #4 egress window

Mr. Gasterland:

- you would be "gilding a turd" if you were to scrape and paint that garage - it needs new walls, not new paint

- when the garage was built it was at a certain level with wood frame walls; they have regraded the lots adjacent to it and have piled dirt up against the wooden walls and the foundation is in sad shape; garage is unusable as it is; it needs to be totally re-built; it doesn't need to be scraped and painted

- they would like to re-build the garage but they can't do it by Jan 12, 2012 nor could they scrape and paint the garage by Jan 12

Ms. Moermond:

- will grant an extension to Aug 1, 2012 for scraping and painting the garage

- this is a Correction Notice on the property; the next level of enforcement on this would be for them to either Revoke the Certificate of Occupancy for non-compliance or a Criminal Citation; if they choose to Revoke, you can appeal it

Mr. Gasterland:

- question: when was the code changed to require retrofit windows on the part of the Fire Code? The Bldg Code has always been written that once you have a C of O for a house that is legal at the time of it's construction, nothing can make you retroactively re-do that house to bring it into conformance with today's code, with the exception of smoke detectors and Carbon monoxide detectors

- the Bldg Code is meant to be a minimum/maximum code

Ms. Moermond:

- the Fire Code is actually unchanged on that; the problem that the City has encountered is that the Fire Code and the Bldg Code are not consistent on this point, so, the City was faced with the problem of which code to enforce and how. There are also some statements in the Legislative Code (to make it even more complicated), so, the City wrote a policy by which to interpret those two different codes. With the Fire Code, this actually was litigated and it was found that the City was right in writing it's own policy to interpret the differences between the two, pending those codes being straightened out at the state level, which is probably coming in this next round of reviews (MN Builders' Association)

- ideally, when these codes are adopted at the state level, they would be consistent with one another; in this case, they are not

- MN State Fire Code 1026.1

Mr. Urmann:

- if the Appellant's assessment of their garage is true and it becomes a hazard, it could be Condemned prior to Aug 1, 2012

Referred to the City Council due back on 12/7/2011

44 [RLH FCO
11-511](#)

Appeal of William Walters to a Fire Certificate of Occupancy Inspection
Correction Notice at 1027 PORTLAND AVENUE.

Sponsors: Carter III

- 1) Grant a 1-inch variance on the openable height of the egress bedroom window in Unit 1027 ;
- 2) Grant a 6.5-inch variance on the openable height of the egress window in Unit 1029, third floor east bedroom;
- 3) Deny the appeal on the handrail; and
- 4) Deny the appeal on the exterior painting issue and grant an extension to July 1, 2012 for compliance.

The window in Unit 1029, third floor south bedroom is continued to December 6, 2011 at 1:30 p.m. Rm 330 City Hall to get feedback from Christine Boulware, Historical Preservation Commission. If Ms. Boulware and owner can come up with a resolution, the hearing may not be necessary. As to the fire extinguisher, it is now in compliance.

RE: 1027 Portland Ave (duplex)

William Walters, owner, appeared.

Fire Inspector Mike Urmann:

- several issues being appealed
- #6 egress windows:
 - double hung window 23h x 31w
 - at 1029 3rd fl east, double hung window 17.5h x 33w
 - at 1029 3rd fl south, casement window 33h x 15w (3.8 sq ft); in same room, there's double-hung window 14h x 33w
- #7 handrail on front steps
- #8 exterior - scrape and paint
- #10 fire extinguisher was removed

Ms. Moermond:

- will recommend a variance on double-hung egress window 23h x 31w
- will recommend a variance on double-hung egress window 17.5h x 33w
- will deny 1029 3rd fl south windows; one of them will need to be changed to be compliant; this item continued to Dec 6, 2011 LH for feedback from Christine Boulware, HPC

Mr. Walters:

- asking an for an extension until May 31, 2012 for the handrail and painting because of weather
- re: #6 windows - if he changes the exterior of the house, he will need to get HPC permission (as a solution: he can easily change that double-hung on the inside to a French Open Window and it will comply with the requirements of the Fire Code and he won't need to touch the exterior of the house); it's only a partial window replacement; the double-hung window on the inside of the house would be removed and replaced within the same frame a single opening French window like the two windows next to it

Mr. Urmann:

- the French window replacement would still leave the problem of the exterior window frames, storms and screens; they would also be restricted, as far as opening; it would also require permit because it's an egress window

Ms. Moermond:

- will grant extension to Jul 1, 2012 on the exterior painting
- deny appeal on handrail
- HPC staff emailed saying they saw this appeal and wanted to know if she'd like some insight from them regarding the situation; however, they were going to be out of the office this afternoon; she thinks they'd be happy to deal with the French window idea
- will Layover for 2 weeks
- during that time, Appellant will contact Christine Boulware, PED, 266-6715; have her take a look at this and see what her thoughts are
- Ms. Moermond will look to hear for the results of that meeting

Laid Over to the Legislative Hearings due back on 12/6/2011

45 [RLH FCO
11-502](#)

Appeal of Mohamed Sewidan to a Deficiency List at 290 STINSON STREET.

Sponsors: Carter III

Ms. Moermond will recommend denial of this appeal.

RE: 290 Stinson St (single family)

Mohamed Sewidan, owner, appeared.

Fire Inspector Mike Urmann:

- basement ceiling height measures 6 ft 4 in over entire basement
- this is the first round of C of O inspections for this bldg
- occupiable space has to be 7 ft over 50 percent of the area

Mr. Sewidan:

- house was built in 1882
- room has access to back yard and 3 egress windows
- Inspector Martin said she would live there herself; there's plenty of room to get out of
- thinks he had a C of O before; otherwise, how could the C of O be Revoked?
- someone complained because he was painting and someone thought he needed a permit
- has complied with all other issues
- he needs it as a bedroom because the new tenant was supposed to have moved in Nov 1, 2011; she's Section 8 and has a 4-bedroom voucher, which means that if he can't get a variance, he will lose \$150 rent / month from Section 8, which won't even cover the mortgage on the property
- it's a large bedroom with a bathroom; the exit doors are right there along with 3 egress windows
- it's not an illegal bedroom; he just wants to call it a bedroom for Section 8
- he needs this soon; there is a person with 3 children waiting to move in now; her house is being foreclosed; she requested from the bank that she would be able to stay until the end of Nov
- he does not have a penny left; his tenant moved 4 months ago and so he was paying \$1,250 for mortgage plus repairing all the items; he needs this tenant to move

in

Ms. Moermond:

- she has never recommended to the City Council that they go below 6 ft 8 in on a flat ceiling
- the code is clear; only the CC could approve it
- Appellant will need to ask the CC to go lower
- she will ask Councilmember Helgen if he will approve of hearing this case tomorrow at the City Council Public Hearing - 5:30; otherwise, it will go to Dec 7, 2011 CCPH

Referred to the 11/16/11 City Council

46 [RLH FCO
11-513](#)

Appeal of Bergman Page Properties LLC to a Fire Certificate of Occupancy Inspection Correction Notice at 1013 MCLEAN AVENUE.

Sponsors: Lantry

Deny the appeal on the lower unit, southwest egress bedroom window and grant an extension to March 31, 2012 for compliance; and deny the appeal on the exterior driveway and grant an extension to July 1, 2012 to come into compliance by turning the area into green space. If property owner decides to pave the driveway, she will need to submit a site plan for approval with Planning Review at the Department of Safety and Inspections.

RE: 1013 Mclean Ave (duplex)

Ann Bergman, Bergman Page Properties LLC, appeared.

Fire Inspector Mike Urmann:

- recent photos in file under C of O
- exterior area appears to be a parking space (is along a hillside without a retaining wall); it's clear from photos that vehicles have been using it for parking
- egress windows going out to a porch; no measurement but they are large sliders
- guardrail

Ms. Bergman:

- entered photos
- bought house in Sep 2011 and wasn't aware of the egress window issue
- egress windows onto porch are big sliders
- will need an extension of time to put a window into a side wall (people are living there, now)
- there was a C of O inspection in Aug 2010 and there was a long list of deficiencies but that egress window wasn't one of them
- she dropped off the furnace test results at DSI office; then, the inspector somehow didn't get them so, she went back to the DSI office and she emailed her file to the Fire Inspector, who sent back an email saying he got them
- they added a fence along the perimeter where the back yard drops off
- would rather turn used "pkg area" back to green space

Ms. Moermond:

- an egress window needs to go directly outside
- will deny appeal and grant extension to Mar 31, 2012 for compliance of egress window
- will deny appeal and grant extension to Jul 1, 2012 to turn the pkg area back to green space - landscaped with bushes, perhaps
- will need a site plan if using pavers

Mr. Urmann:

- Appellant will need to provide some type of barrier in front of area so that it's not used for parking

Referred to the City Council due back on 12/7/2011

47 [RLH FCO](#)
[11-498](#)

Appeal of Tim and Jamie Flynn to a Fire Certificate of Occupancy Inspection Correction Notice at 93-97 CLEVELAND AVENUE SOUTH.

Sponsors: Stark

Deny the appeal and grant an extension to August 1, 2012 on the exterior painting of the garage and house. She recommended granting a 4.5-inch variance on the openable height of the egress windows in both units, 2 bedrooms per unit. (Burning Testing Report was submitted at hearing)

RE: 93-97 Cleveland Ave S (double dwelling)

Tim Flynn, owner, appeared.

Mr. Flynn:

- have a Purchase Agreement on this house
- seeking variance on 2 items: 1) #3 size of windows; 2) #10-#11 looking for extension for scraping and painting the house and garage

Ms. Moermond:

- will recommend a 4.5 inch variance on the openable height of the bedroom egress windows in both units (2 bedrooms per unit)
- will deny the appeal and grant an extension to Aug 1, 2012 for painting exterior house and garage

Referred to the City Council due back on 12/7/2011

48 [RLH FCO](#)
[11-500](#)

Appeal of Kim Kirmeier to a Fire Certificate of Occupancy Correction Notice at 1008 ASHLAND AVENUE.

Sponsors: Carter III

Ms. Moermond recommended the following:

*grant the appeal on the first floor, north porch guardrail issue measuring 32.5 inches high;
deny the appeal on the second floor, north porch guardrail issue measuring 25.5 inches high and grant an extension to July 1, 2012 for compliance;
grant a 7-inch variance on the openable height of the egress window in the third floor south bedroom;
deny the appeal and grant an extension to July 1, 2012 for exterior painting;
Laid over Item 7 to November 22 (Ms. Moermond to review photos)*

RE: 1008 Ashland Ave (three-family dwelling)

Kim Kirmeier, Kirmeier Properties, LLC, owner, appeared.

Ms. Kirmeier:

- entered photos (MM scanned)
- wants to keep the historic look of the house because of the location and eventually she is going to live there
- bought the house 3 yrs ago and the tenant has been there 6 yrs

- re-inspection Nov 30, 2011

Fire Inspector Mike Urmann:

- provided code sections from bldg code
- #2, #6
- 1st fl north porch guardrail is 32.5 inches; 2nd fl north porch guardrail is 25.5 inches (guardrails under bldg code are required to be 34-36 inches high)
- handrail - code cites height 34-36 inches and also a grippable surface around the handrail not greater than 2" in diameter; not sure what's being appealed
- double hung window 17h x 30.5w (glazed 7.9 sq ft)

Ms. Moermond:

- will recommend a variance on the 1st fl guardrail, north porch (32.5")
- will deny the appeal on the 2nd fl guardrail, north porch (25.5"); grant extension to July 1, 2012; in the meantime, don't use the porch
- thinks there may be an architectural solution that would be acceptable appearance wise (may want to get design advice); referred Appellant to Historic Saint Paul; CC may look at things differently- ask them for a variance first

Ms. Kirmeier:

- Unit 3 - handrail - appeal is about the 4 inches that goes around the corner that doesn't have a rail (she bought a handicapped rail to put in so it would be continuous; however, the renter doesn't want it there); she wants to make sure she's in compliance
- #1 exterior painting - we're getting it painted in the spring 2012 with Summit Restoration (Pat Igo)

Ms. Moermond:

- will Layover the handrail issue in Unit 3 for one week to LH Nov 22, 2011 (to take a better look at the photos)
- will deny appeal on exterior painting; grant extension to Jul 1, 2012
- will recommend a variance on the double hung window

Laid over to the 11/22/2011 Legislative Hearings

49 **RLH FCO
11-499**

Appeal of Gary Hoyt to a Fire Certificate of Occupancy Correction Notice at 1564 SEVENTH STREET WEST.

Sponsors: Thune

Laid over for Inspector Gavin to take photos; grant an 8-inch variance on the openable height of the egress windows in the 2nd floor, east and west bedrooms.

RE: 1564 7th St W (commercial/apartment)

Gary Hoyt, responsible party, appeared.

Inspector Mike Urmann:

- bldg is mixed-use: commercial/residential
- came to Fire under referral
- up until that point, there was no C of O for the bldg (it wasn't in the system)
- attempts have been made to do a full inspection of the property but were unsuccessful; Inspector Rick Gavin finally got into the bldg and issued Correction Orders; at this time, there is not compliance
- not sure of what is specifically being appealed, except for asking for more time
- there are some photos in the file

Mr. Hoyt:

- bought property Aug 2010; bought it on a Contract for Deed
- has been a mixed use for over 30 yrs
- it's a house with a barber shop in the walk-out basement
- he had worked there 24 yrs prior to buying it and there never has been any problems with it
- when he bought the place, he wasn't informed of any deficiencies; otherwise, he wouldn't have bought it
- couple weeks after purchasing the house, he ended up sick in the hospital; he has lost 60 lbs since Aug 2010
- he is currently trying to sell the house so he can get back his down payment
- someone is interested in buying it; they have ideas for rehab: they want to put a Dr.'s office in the basement
- he's sick and doesn't have the money to fix things, now
- would like to sell by the end of the year; he lost everything he owned
- inspector said there was no ground for the water but there is

Ms. Moermond:

- will recommend a variance on the windows
- asked to get photos (wants to get a sense of the severity of these problems)
- will Layover for 1 month to get photos from inspector

Laid Over to the Legislative Hearings due back on 12/13/2011

50 [RLH FCO
11-496](#)

Appeal of Juley Viger to a Fire Certificate of Occupancy Correction Notice at 730 COMO AVENUE.

Sponsors: Helgen

Ms. Moermond's Recommendations and Conditions:

- will deny appeal on the triplex and grant a 1-month to deal with the de-conversion issue
- will deny appeal on exterior painting; grant extension to Jul 1, 2012 to come into compliance
- will deny appeal on repairs soffit and fascia; grant extension to Jan 1, 2012 to come into compliance
- will deny appeal on shingles repair / replace and grant extension to Jul 1, 2012 to come into compliance
- will deny appeal on repairing screen door and grant an extension to Jan 1, 2012
- will deny appeal on retaining wall and grant extension to Jul 1, 2012 on the condition that an engineer's report, saying the core fill will be acceptable (an assurance that this fix will work); and that, as is, the wall will remain structural stable until last spring / early summer, be on her desk within the next month
- will deny appeal and grant and extension to Jul 1, 2012 to either pave the parking space or return it to green space; in the meantime, it's an unapproved surface so it can't be used for parking; if it is used for pkg, the vehicles there would be subject to a Vehicle Abatement Order
- will deny appeal on stairway and grant extension to Jan 1, 2012 to replace it under permit to meet code
- will deny appeal and grant extension to Jul 1, 2012 on steps and sidewalks with the caveat that if it's getting worse by Jan 1, 2012, the inspector can call it out for a shorter fix
- will recommend a 5-inch variance on openable height of double hung bedroom window

RE: 730 Como Ave (duplex)

Juley Viger, owner, appeared.

Inspector Mike Urmann:

- photos in file
- lots of issues; not sure why each item is being appealed
- inspector on record for the property

Ms. Viger:

- #3 - basement unit - repair and maintain the ceiling in an approved manner; needs clarification on what "approved manner" means (MM - that it be done with the right materials in a professional manner); the issue is that there are pipes running thru the joists in small section of the ceiling

Mr. Urmann:

- #3 issue is that they need a fire separation ceiling in the basement because they have 3 units (if it's a basement for non-occupancy, it would not require the installation of fire separation); currently, there's a dropped ceiling of pressed board acoustical tile which is not acceptable; the entire basement ceiling needs to be replaced if it's a rental unit or used as common space
- there is an illegal unit in the basement; he issued Orders to de-convert the unit in the basement
- there are exterior issues: exit ways are in terrible shape; cannot fine any permits pulled or plan approved for construction of the exit
- the basement unit was added without benefit of permit or zoning approval - it's an illegal unit
- most major final issue is that the retaining wall is retaining nothing anymore; it's collapsing and starting to separate: the back yard may go into the wall or someone may get hurt
- the garage is in bad shape - needs roof repair, paint, etc.
- window frames need repair
- biggest issue is that of the illegal basement unit; zoning says this can be only a duplex but it's being used as a triplex and they have not applied for a variance; if it gets approval for a triplex, it must have the fire separation; if it's used as common space, it must have the fire separation
- checked and the only permit pulled on this property was a bldg permit for roof in 2000 that was closed for inactivity after a yr - not signed off
- entered a cluster of photos of the garage and the parking space next to the garage; retaining wall
- #8 foundation element of garage as well as the exterior walls and soffit, fascia and roof all need repair; someone has been parking on the flat space next to the garage
- #9 retaining wall is pretty straightforward - structural defect along the stairs along the back wall; looks like eminent collapse - holding back quite a bit of earth - may not hold up during winter; it is bowing approx. 3 feet and starting to collapse out; the cap is completely gone allowing moisture to get in; Mr. Urmann thinks the core fill repair can be done now, it would just be more costly; he's concerned about the structural integrity of it
- #10, #11, #12 - this stairwell is a fire egress stair way so it is a required exit (the only exit from the 3rd fl); it was not installed with a permit and therefore, not installed with footings or supports - it's sitting on dirt; pillars are beginning to turn, split and disintegrate which is an unsafe structure; the main support pillars have no way of holding up the weight it's subjected to (he saw no footings above the ground as required by code); the handrail, guardrail is part of that Order - there is no grippable handrail; there is no guardrail with ballustrades along that stair (Mr. Urmann emphasized that staff cannot design plans for Appellants; they need a licensed contractor to draw up plans, submit them and get them approved; it must meet code)
- 14, #15, #16 - have talked about the windows, sashes, etc. - Appellant is going to

have them replace; existing windows; currently, the windows open and stay open, they're just in pretty rough shape

- #17 sidewalk in front and alongside the bldg - there are significant trip hazards
- #20 fuel burning equipment test - all licensed mechanical contractors in Saint Paul have this report at their disposal; also on website; you have to ask the contractor to do the test (ORSAT TEST) and they submit the paperwork
- needs also a smoke detector affidavit
- re-spection will be pushed back to Jan 1, 2012 if Appellant will grant access to get the smoke detector and carbon monoxide detector signed off and get in the ORSAT Test

Ms. Viger:

- wants to keep the unit in the basement
- purchased the property in 2004; Ramsey County's record showed that this was a 2-3 unit homestead, so she wasn't aware that she needed to apply for an additional variance to use it as a triplex (MM - the county's classification is simply for tax purposes, it's not for zoning purposes)
- the basement was finished when she bought the property - there were people sleeping down there - 2 bedrooms, a family room and 3/4 bath; she installed the kitchen (no permits); doesn't know if the plumbing was there or not
- would like to seek zoning approval for 3 units (staff told her that it would be denied by them)
- met Inspector Urmann at the site on Sep 30, 2011; didn't get Orders until Oct 5; she got married Oct 6; honeymoon; when they got back, she tried to contact Inspector Urmann, who was out of the office so, she didn't get to speak to anyone until Oct 24; she wasn't aware that she had only 10 days to file an appeal; she wasn't aware of a 30-day requirement to complete a very extensive list of deficiencies (Insp Urmann mentioned 45 days)
- she completed the items on the list that she did not need clarification on today; those are ready for re-inspection ASAP
- all 3 units are currently rented
- needs more time on exterior painting (weather and she is pursuing the window replacement grant thru the Greater Frogtown CDC) - then, they'd have all new window sills and trim
- #5 states repair and maintain the door in good condition: screen doors and frames (Mr. Urmann wasn't sure as to what had been cited); the only screen door on the property is the one that enters into the second fl unit and that screen door has some minor scratches on it from her tenant's dog but it functions fine - entered photos - the screen is bent from his dog; would be mute point to do it while he is still living there
- #8 entered photos of retaining wall; she had 2 contractors out to give their opinion on this and they didn't say that collapse was eminent - it hasn't changed in yrs; their advice was to core fill the block to help secure the retaining wall (core filling requires concrete curing - needs warmer weather)
- the parking space - if she gets approval for a triplex, she understands that she will need to have that paved; however, her alley way is dirt
- #10, #11, #12 the handrail and the ballustrade requirements are clear but what is being sought with "repair/replace the unsafe stairways"? (just need clarification on how to deal with it)
- questioned whether the new stairway would need a different configuration
- sidewalks - she did have the front entry steps replaced in an approved manner; had them done by a professional concrete person (has invoice); looking for an extension for the sidewalk because of weather; contractor said that in order for concrete to cure most effectively need, we need 28 straight days of weather above 55 degrees so he didn't have any more time for the sidewalk (he patched the steps)
- #19 double hung window in bedroom; at time of inspection, it was 1 inch shy of approved area - (19h x 27w openable)

- #20 - not sure what the fuel burning equip test is; contractors did test the boiler (Priority Mechanical)
- thru this process, she feels as though she's been treated like a criminal and it's really disturbing
- carbon monoxide detectors have been installed but not re-inspected

Ms. Moermond:

- doesn't appear that permits were pulled for constructing a third unit in basement; kitchen was installed without a permit
- it needs to be de-converted to a duplex and that will require a permit and it will influence how the fire separation is dealt with (talked about in the permitting process)
- forms to begin process for zoning approval for 3 units are online - file out and send to DSI; the issue would be considered by the Planning Commission; their decision would be appealable to the City Council
- she will give Appellant a month to deal with the de-conversion issue
- will deny appeal on exterior painting; grant extension to Jul 1, 2012
- will deny appeal on repairs soffit and fascia; grant extension to Jan 1, 2012 to get thru the winter; Appellant may want to replace the shingles because all of the shingles are starting to show weather (Mr. Urmann added that some areas are not weather protected)
- will deny appeal on shingles repair / replace and grant extension to Jul 1, 2012
- #5 can be fixed easily
- #8 email retaining wall photos to MM; repair / replace the wall; she would also like an engineer's report saying that the core fill will be acceptable - assurance that this fix will work (because of the height of the wall, that work needs to be done under permit to ensure structural stability per Mr. Urmann); engineer's findings regarding core filling must be on her desk within the next month, and must say that the core fill repair is fine to do late spring / early summer - the wall has structural stability until then in order to grant an extension to Jul 1, 2012
- parking space: in the meantime, it's an unapproved surface so it can't be used for parking; if it is used for pkg, the vehicles there would be subject to a Vehicle Abatement Order
- #10, #11, #12 stairway - without footings, it's needs to be removed and rebuilt quickly (this is a life-safety issues); thinks that a landing is a code requirement here; the pitch may also be too steep; it's immediately on the property line, which also needs to be dealt with
- will deny appeal and grant extension to Jan 1, 2012 to replace stairway under permit to meet code (#10, #11, #12)
- #17 steps and sidewalks - will deny appeal and grant extension to Jul 1, 2012 with the caveat that if it's getting worse by Jan 1, 2012, the inspector can call it out for a shorter fix
- #19 will recommend a 5-inch variance on openable height of double hung bedroom window
- #20 call Priority Mechanical to find out if they did enough testing to be able to send in the paperwork or come out again (Mr. Urmann doesn't recognize them as a licensed contractor in Saint Paul so, they may not have the form or be licensed to work in the city)
- Mai Vang will send a detailed letter confirming the discussion today
- CCPH Dec 7, 2011
- re-inspection shortly after Jan 1, 2012

Referred to the City Council due back on 12/7/2011

2:30 p.m. Hearings

Vacant Building Registrations (None)**Window Variances: No Hearing Necessary**

- 51 [RLH WP 11-106](#) Appeal of Derek Faraberg, The Window Store Home Improvements, on behalf of Rosemary Casello, to an Egress Window Non-Compliance Determination at 1320 CLARENCE STREET.
- Sponsors: Bostrom
- No hearing necessary; grant a 4-inch variance on the openable height of one double hung replacement egress bedroom window measuring 20 inches high by 31.344 inches wide.*
- Referred to the City Council due back on 12/7/2011**
- 52 [RLH WP 11-109](#) Appeal of Derek Faraberg, The Window Store Home Improvement, on behalf of Jessalyn Hines, to an Egress Window Non-Compliance Determination at 1242 SARGENT AVENUE.
- Sponsors: Harris
- No hearing necessary; grant an 8-inch variance on one double hung replacement egress bedroom window measuring 16 inches high by 35.344 inches wide.*
- Referred to the City Council due back on 12/7/2011**
- 53 [RLH WP 11-110](#) Appeal of Derek Faraberg, The Window Store Home Improvements, on behalf of Jason Stahl, to an Egress Window Non-Compliance Determination at 2161 SIXTH STREET EAST.
- Sponsors: Lantry
- No hearing necessary; grant an 8-inch variance on one double hung replacement egress bedroom window measuring 16 inches high by 35.344 inches wide and an 8-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 16 inches high by 27.344 inches wide.*
- Referred to the City Council due back on 12/7/2011**
- 54 [RLH FOW
11-231](#) Appeal of Gwynne Evans to a Fire Certificate of Occupancy Inspection Correction Notice at 25 ALBERT STREET NORTH, AKA 1405 SUMMIT AVENUE.
- Sponsors: Carter III
- No hearing necessary; grant a 1-inch variance on the openable width of the egress windows in the front and middle bedrooms.*
- Referred to the City Council due back on 12/7/2011**
- 55 [RLH WP 11-112](#) Appeal of Midwest Roofing, on behalf of Marianna Skarda, to an Egress Window Non-Compliance Determination at 1255 EDMUND AVENUE.
- Sponsors: Stark

No hearing necessary; grant a 4-inch variance on the openable height of two insert/double hung replacement egress bedroom windows measuring 20.06 inches high by 25.34 inches wide.

Referred to the City Council due back on 12/7/2011

- 56 [RLH WP 11-105](#) Appeal of Vicki Osterkamp to an Egress Window Non-Compliance Determination at 1402 FURNESS PARKWAY.

Sponsors: Bostrom

No hearing necessary; grant a 2-inch variance on the openable height of one double hung replacement egress bedroom window measuring 22 inches high by 26 inches wide.

Referred to the City Council due back on 12/7/2011

- 57 [RLH FCO 11-487](#) Appeal of James Becker to a Fire Certificate of Occupancy Correction Notice at 701/703 SHERWOOD AVENUE.

Sponsors: Bostrom

No hearing necessary; grant a 2-inch variance on the openable height of the egress window in the first floor southeast bedroom and a 3-inch variance on the openable height of the egress window in the 2nd floor bedroom.

Referred to the City Council due back on 12/7/2011

- 58 [RLH FOW 11-230](#) Appeal of Keith Collins to a Fire Certificate of Occupancy Correction Notice at 329/331 WILDER STREET NORTH.

Sponsors: Stark

No hearing necessary; grant a 3-inch variance on the openable height of the egress windows in the front bedrooms, both units on the 3rd floor.

Referred to the City Council due back on 12/7/2011

- 59 [RLH FOW 11-236](#) Appeal of Kim Mai and John Le to a Fire Certificate of Occupancy Inspection Correction Notice at 1604 WILSON AVENUE.

Sponsors: Lantry

No hearing necessary; grant a 5-inch variance on the openable height of the egress windows in the upper floor southeast, northwest and southwest bedrooms.

Referred to the City Council due back on 12/7/2011