



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

**RECEIVED** 310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102

**DEC 13 2022**

Telephone: (651) 266-8585

**CITY CLERK**

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 345831)
- 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, December 20, 2022

Time: you will be called between  
2:00 p.m. & 4:00 p.m.

Location of Hearing:  
Teleconference due to Covid-19 Pandemic

## Address Being Appealed:

Number & Street: 884 Laurel Ave City: Saint Paul State: MN Zip: 55104

Appellant/Applicant: Matthew Byrne Email mfb651@gmail.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell (651) 505-3756,

Signature: Matthew Byrne Date: 12/13/22

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: 185 Center Hill Road, Plymouth, MA 02360

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

## What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O Narrative attached
- Summary/Vehicle Abatement \_\_\_\_\_
- Fire C of O Deficiency List/Correction  
Code Enforcement Correction Notice \_\_\_\_\_
- Vacant Building Registration \_\_\_\_\_
- Other (Fence Variance, Code Compliance, etc.) \_\_\_\_\_

December 8, 2022

To whom it may concern,

I received the attached correction notice from Safety & Inspections regarding 884 Laurel Ave Ref. # 123192 saying that the house is not conforming to the correct zoning ordinance and is therefore also out of compliance with occupancy allowance. It says that the house is approved as a duplex and has been for the last two inspections. It also includes at least one narrow detail error that the inspector has said they will correct. The order says there are 3 rooming units in the basement and there are 2.

The house at 884 Laurel Ave, St. Paul has been a rental property for over 25 years. Before renting, my Mother, Margaret Byrne, successfully applied for a permit from the Summit University Planning Council converting the loft into a livable space and was told that the home was grandfathered in and designated as a legally non-compliant triplex since then. Unfortunately, I do not have records from that designation and when I asked the inspector to look in city records, they were unable to find any. The best I have been able to do is find neighbors who went to the hearing and can attest that the process happened and that Margaret won her permit. Over 6 years ago the title was transferred to me via quit claim deed. We have complied with, made any changes if necessary, and ultimately passed every inspection since then with no changes to the current occupancy arrangement, until now.

This inspection came about due to a complaint from one of two renters who are both in eviction proceedings (our 3rd and 4th in 25 years) due to not paying rent for over 3 months now - their next court dates are in early January. The complaint was based on missing fire alarms and carbon monoxide detectors. It's unclear how the previously installed and reported alarms were lost since the last inspection, but in any case we have corrected these issues.

I am appealing the duplex certification on the grounds that the property has been operating as a legally non-compliant triplex, after following relevant procedures, for over 25 years. In those 25 years, we have operated in good faith - with positive reviews from renters and neighbors, complying with all city requirements.

If this inspection order goes through as is, it would result in: significant harm to our livelihood, an unnecessary loss of quality housing for the community, and substantial rent increases to other occupants to make up for lost revenue.

Additionally, it would be an unfair result in terms of due process given our lack of notice from previous inspections that it was apparently being incorrectly run as a triplex while somehow passing inspections as a duplex.

Please allow the current rental arrangement that has been in place for over 25 years and preventing this unfair and harmful result. I would be more than happy to make any required changes to ensure it is operating safely.

Thank you,

Matthew Byrne



December 5, 2022

MARGARET M BYRNE  
MATTHEW T BYRNE  
2235 ROCKWOOD AVE  
ST PAUL MN 55116

### **CORRECTION NOTICE - RE-INSPECTION COMPLAINT**

RE: 884 LAUREL AVE  
Ref. # 123192

Dear Property Representative:

A re-inspection was made on your building on December 2, 2022, in response to a complaint. You are hereby notified that the following deficiencies must be corrected prior to re-inspection date. **A reinspection will be made on January 3, 2023 at 11:00 AM.**

Failure to comply may result in a criminal citation or the revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

#### DEFICIENCY LIST

1. Occupancy - MSBC 1300.022 Subp. 3 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use or contact the Building Official at 651-266-8989 with your code analysis and to comply with requirements for approved occupancy. - Discontinue use of the property as more than two dwelling units or obtain Zoning and Building code approval for the modified use of the property. The current approved use of this building is R-3 Residential, 2 dwelling units. 1st floor, 2nd floor and basement are approved as one continuous dwelling unit and may not be separated in additional rooming units without approval. At time of inspection, the lower unit appeared to have been converted from single dwelling unit to use as 3 rooming units and 1 dwelling unit.
2. Zoning - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. - Discontinue use of the property as more than two dwelling units or obtain Zoning and Building code approval for the modified use of the property.
3. MN Stat. 299F.51 - Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturer's instructions. - Carbon monoxide alarm missing in basement and on third floor.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: 651-266-8585 and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at [Kirsten.Jacobse@ci.stpaul.mn.us](mailto:Kirsten.Jacobse@ci.stpaul.mn.us) or call me at 651-266-8989 between 7:30 a.m - 9:00 a.m.

Please help to make Saint Paul a safer city in which to live and work.

Sincerely,

Kirsten Jacobse  
Fire Safety Inspector  
Ref. # 123192