

1696 Juliet Ave

Appeal Statement, 6/7/2022

On May 25, we received a Summary Abatement Notice dated May 18, regarding conditions in our yard in violation of city nuisance code. We were in the middle of building an alley garden and setting up a rain catchment system.

The citation made the following request:

"Please remove and properly dispose of all industrial goods including large plastic tanks and black steel barrels, and remove child's car seat, scrap wood, pile of dirt, tarps and miscellaneous debris from the side of the house, entire rear yard and driveway area."

Specifics of request:

"industrial goods" is not a clear term, and implies that there are waste products or other debris, when in reality we are using items that were manufactured for this specific purpose (the rain barrels) or were safely repurposed (the black steel barrels)

"child's car seat" was on the curb clearly labeled with a "free" sign, which is common in our neighborhood. It is now gone.

The "dirt" is garden soil by the yard, delivered from Gertens, a local gardening store. We had already been careful to ensure it stayed exclusively in our driveway, keeping the sidewalk and street clear. It is now gone.

The "tarps" and "scrap wood" were protecting the garden soil from being washed away by the weather. They are now gone.

There is no "miscellaneous debris" in our yard. All of the listed items are quite clearly part of a project that was in progress and not a permanent feature of our yard.

We received another notice over Memorial Day weekend, this a fine for not complying with the original citation. It referenced an inspection done on the day we received the first citation, May 25th, before we had an opportunity to act.

Since receiving the initial citation on the afternoon of May 25th I called the inspector 6 times with no reply.

I also sent emails, and a representative did respond to some of these but declined my repeated requests to speak to someone in person.

On Tuesday, May 30, we came in person in an attempt to speak with someone. We met Inspector Richard Kebrowsky at this time. The following is a synopsis of our conversation:

We had brought a printed copy of Chapter 45 and asked Mr Kebrowsky to show us what we were violating, as it was not clear to us, and once understood, help us to find a solution.

Mr Kebrowsky informed us that there was no solution other than "getting rid" of "the industrial items" in our yard.

We asked him if he could help us understand his definition of industrial, as all manufactured goods essentially are-- including the other, more traditional appearing garden beds that we had just installed.

Mr Kebrowsky then stated "you can't have drums labeled Petroleum"

We responded that the drums aren't labeled Petroleum, they are labeled "non-toxic" and previously held food-safe packaging material, one of its uses being the edible coating on apples or other fruit.

On hearing this Mr Kebrowski shook his head and said the use of the drums for gardening is not consistent with "lore" that determines what's acceptable.

Mr Kebrowski noted that he had spoken with his supervisor, who confirmed his perspective. Not noted was the fact that he had reported we were using petroleum barrels, which it would be completely understandable to condemn.

In regards to our rain barrels, Mr Kebrowski stated: "55 gallons. That's sufficient. But bigger like that, we just don't do that in residential zones."

He went on to state that we were on a "high profile corner." (We are on a residential street, the speed limit is 20.) When we offered to move the barrel out of view he repeated "we just don't do things like this in residential zones" but declined to cite where this was stated or how we could learn what options for rain barrels *did* exist.

At one point in the conversation, Mr Kebrowski mentioned that it appeared to him that we were hoping to "ask forgiveness rather than permission", to which we replied that we were surprised by the citation and confused to be in a situation that *required* us to "ask forgiveness". We asked again if Mr Kebrowski could articulate what we were in violation of and how we could fix the situation, which he declined to answer.

Throughout the interview Mr Kebrowski stated multiple times that he couldn't get more specific, stating that we'd need to talk to someone at the hearing. We welcome the opportunity to learn more, but it is a little confusing how we came to be cited at *all* without an inspector's clear knowledge of what we are being cited *for*.

Mr Kebrowski ended the interview by stating that he was "obligated to do something" when someone complains, and that "no one is happy," no matter what. I understand this is an uncomfortable position, but I am concerned by the implication that the wishes of a single complainant appear to hold priority rather than an objective evaluation of the situation in its entirety.

Further, "doing something" could have a broader scope. Doing something could mean talking with us about the concern reported. It could mean asking questions and getting the correct information about the steel drums. There is every sign that

the work our family is doing on our property is intentional, responsive to the community, and environmentally aware. "Doing something" should include the ability to discern yard projects from urban blight.

My intuition is that because some of the work that we are doing is somewhat novel or unconventional Mr Kebrowski did not recognize it and made a knee jerk conclusion that he was not willing or able to reevaluate. He was certainly right that our yard looked messy— two weeks of long hours on a project will do that. However, unfinished work and unconventional projects do not add up to "industrial debris".

On a personal note, I am a nurse, and public health is part of my professional commitment. I *also* have the education and experience necessary to avoid growing food I feed my children in a barrel that formerly housed toxic substances like petroleum.

Because I work in mental health, I see the urgent importance of vibrant and healthy communities where people grow their own food, share vegetables with neighbors, and know each other's names. Our communities face many urgent issues right now, but the specifics of our garden is not one of them— in fact, I'm hoping that in a small way, we might make a difference.

Finally, I want to note that we have received overwhelming encouragement for "brightening up" and otherwise improving our yard. We have brought a petition signed by representatives of the majority of homes in proximity to ours.

In sum, I believe this citation is based on the unconventional appearance of the project rather than on a safety or code violation. It reflects a subjective evaluation by a minority party, and was a judgment passed before we even had an opportunity to complete the project. The drums are safe *and* they look quite good now that they are painted. Our rain barrels are being used for their manufactured purpose *and also* provide a service to our community by conserving water and keeping run-off out of the Mississippi. This project is the opposite of a nuisance, it is *contributing* to the community where we live.