



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, December 20, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 22-352** Ratifying the Appealed Special Tax Assessment for property at 1079 MARYLAND AVENUE EAST. (File No. VB2301, Assessment No. 238800)

Sponsors: Yang

Reduce assessment from \$2,616 to \$1,308 if building permit is finalized by 1/11/23, otherwise approve in full.

Dani Araya, owner, appeared via phone

Moermond: I'm calling you back about the pending assessment for a Vacant Building fee at 1079 Maryland. We talked October 4 and it was our hope that we would be in a place where you would have permits finalized. Mr. Yannarely, can you update us?

Staff update by Supervisor Joe Yannarely: it appears there are plumbing electric and mechanical permits finalized but no building permit issued as indicated in the Code Compliance Inspection report.

Moermond: so most everything is done. Just not that building permit.

Araya: it was my understanding from the company I hired that the General Contractor said that no building permit was needed because it wasn't structural. No alterations with the structure. It is just cosmetic. I just needed main mechanical permits. That's how we left it. I said sure, that makes sense. We didn't knock down any walls.

Moermond: I think you need a building permit if there is work over a particular value as well.

Yannarely: siding was listed. Things like that for sure need a permit. The Code Compliance Inspection Report specifically listed you need a building permit. You legally shouldn't be occupying until you have the Code Compliance certificate technically.

Moermond: reach out to your contractor. Pick up the phone and if the work is done,

great, it should be straightforward to pull and get an inspector out. Have them get on it right away because if you have that permit pulled and finalized by Council Public Hearing date of January 11 I can recommend they cut the Vacant Building in half. I'm going to be hard-pressed to do that if we still have that permit out there.

Araya: I'll have to hire a new contractor. It is my problem. I'll try and get someone new out and make sure the other person did what is supposed to be done.

Moermond: you could also pull the building permit. I'm assuming because you hired a General Contractor you don't do this work, so any corrections you would need to hire someone.

Araya: oh, ok, I didn't know that.

Moermond: you can pull it once a year under state law.

Araya: that sounds good, I'd go pull that now.

Referred to the City Council due back on 1/11/2023

2 [RLH TA 22-417](#) Ratifying the Appealed Special Tax Assessment for property at 802 MOUND STREET. (File No. J2301A, Assessment No. 238500)

Sponsors: Prince

Approve the assessment.

Sadek Tahirou, owner, appeared

[Moermond gives background of appeals process]

Moermond: we have two assessments, one for work done in June 2022 and one for July 2022. Mr. Yannarely is going to give a staff report and then we'll talk with you about your appeal.

Staff report by Supervisor Joe Yannarely: a Summary Abatement Order was issued May 24. Compliance date of May 31. Rechecked June 1. Grass over 12 inches. Parks did the work June 8 for a total proposed assessment of \$402.

Moermond: tell me why you are appealing.

Tahirou: we acquired the property December of 2021. We were working on it. Usually, I get letters from the City, but I changed addresses in May. I believe that didn't get updated in the system. We do take care of that property. The neighbor actually gave me a call, I'm good with my neighbors. We were trying to take care of it. I got the call from the neighbor May 30 or 31. We set a date of the first or second to take care of. To my utter surprise it was taken care of already. It wasn't that we don't take care of the property, just that I had a change of address.

Moermond: what is the correct address?

Tahirou: 11022 Deer Ridge Lane in Minnetonka, now I'm at 869 Swaps Drive in Shakopee.

Moermond: it was mailed to 5455 Smetana Drive in Minnetonka as well as 869 Swaps

Drive in Shakopee. Ramsey County currently has your address as the one in Minnetonka. That's who the tax folks have. If that isn't right, you need to reach out to them. But it did go to the address you thought it didn't.

Tahirou: I didn't see that mail at Shakopee. The other address I lived at 7 years ago.

Moermond: since you closed in December, you must have given them that address.

Tahirou: I think they got that off the LLC.

Moermond: you are responsible for updated Ramsey County. The title company is going to go with the information you went to. But in any event it did go to Swaps Drive in Shakopee, which you say is the right address. Notice was mailed May 24 and the work wasn't done until June 8. Your neighbor called as well?

Tahirou: yes, I have the call from the neighbor May or June.

Yannarely: how does that factor into this?

Moermond: it looks like you hadn't been there to mow at all?

Yannarely: your neighbor has nothing to do with you taking care of your property sir.

Tahirou: yes, but he called me to tell me this is what was going on. I don't know if we could come to an agreement to settle.

Moermond: do you want to put a specific ask on the record?

Tahirou: a specific what?

Moermond: what are you looking for exactly?

Tahirou: you are charging me \$400 for it. That's what I'm saying. I can't pay \$400. I don't have that money. So, what can we do?

Moermond: orders were issued to the correct party and mailing address in spite of them not being up to date with Ramsey County. The work didn't happen until 2 weeks after the letters went out. The grass was over a foot tall. I'm hard pressed to see how I can decrease the assessment when those are the conditions. I'm going to recommend they approve this assessment. You can bring any information or additional testimony about decreasing it and they will hear you out. That's January 4 and that information is in the letter for the information originally scheduled in September and rescheduled to today. If they approve the assessment you would get an invoice within a week or 2 of that approval and you could choose to pay that invoice in whole or in part. Whatever isn't paid by the end of November 2023 would be put on 2024's property taxes.

Tahirou: ok

Referred to the City Council due back on 1/4/2023

- 3 RLH TA 22-418** Ratifying the Appealed Special Tax Assessment for property at 802 MOUND STREET. (File No. J2304A, Assessment No. 238503)

Sponsors: Prince

Approve the assessment.

Sadek Tahirou, owner, appeared

Staff report by Supervisor Joe Yannarely: July 15 a Summary Abatement Order was issued to remove a small kiddie pool on the boulevard and tall grass and weeds again. Orders were sent July 15 with a compliance date of July 21. Rechecked on July 20, a day early. Work was done on July 22. Total proposed assessment of \$610. This was the 17th Summary Abatement Order at that time with 10 work orders issued since it has been a Category 2 Vacant Building.

Moermond: a lot of the problems before December 2021 were before this owner, but we still have some issued.

Yannarely: there was just a snow-walk issued last week on that. Summary Abatement in August, work order August, it is still ongoing.

Moermond: so we have an assessment for 2 things in the month of July and it looks like they picked up that kiddie pool and mowed the lawn again.

Tahirou: where was this kiddie pool?

Moermond: on the boulevard.

Tahirou: this is the first I'm hearing about it

Moermond: they're both listed on the order. It is item 1 in the order.

Tahirou: and he did mention the snow Summary Abatement Order was issued last week?

Yannarely: yes, a snow walk letter was generated December 8.

Tahirou: I'm going to check my mailbox. I haven't seen it yet. That went to 869, the Shakopee address?

Yannarely: that's automated, so let me bring it up. Yes, 869 Swaps. If a neighbor has called in the complaint, they are sent out. If it has been taken care of, you can ignore. Otherwise, you have 48 hours to take care of it.

Moermond: in the computer system it looks like on December 12 a Vacant Building inspector went out to check the snow and said he was going to allow another 24 hours for removal and went back the following day. He said it was mostly melted so he wasn't sending a work order. So, it wasn't taken care of but had melted by the 13th. That wasn't discovered by the Vacant Building inspector on their normal checks. It was called in by a neighbor.

Back to the work that happened July 22. What are you looking for on that?

Tahirou: same thing as the previous one.

Moermond: I'll treat it the same way. I'm seeing that the City has issued a lot of orders to the property. Another order was in August. I don't see a work order so in that case presumably you took care of it. That was again a tall grass and weeds in August

Tahirou: yes, I remember that one. Can I ask you a question?

Moermond: of course.

Tahirou: I took over in December 2021. We had some orders previous to that were added to the taxes for 2022. Up to \$12,000. How am I responsible or orders on a property I didn't own?

Moermond: when you buy a property you buy its debts. Your title company should be doing a search of pending assessments. The seller is also responsible for disclosing any pending orders that may result in an assessment. So, if they initialed the closing documents indicating there were no pending orders you'd take that up with the seller. The work connects to a benefit to the particular property, it isn't a fine connected to an individual.

Tahirou: so where do I go to work on that? The same department? I was told Ramsey County, a district manager.

Moermond: you're talking about your 2022 tax bill?

Tahirou: yes, it includes assessment from prior to December 2021.

Moermond: it sure does. The timeline for appeals of your 2022 taxes has long since expired. But I would refer you to Ramsey county taxation to answer those questions.

Tahirou: their number?

Moermond: it is on your tax statement, but it is 651-266-2000.

Tahirou: ok.

Moermond: I hope the price of the property reflects these pending assessments. I do wish you well in rehabbing the property.

Referred to the City Council due back on 1/18/2023

- 4 RLH TA 22-439** Ratifying the Appealed Special Tax Assessment for property at 1664 NEBRASKA AVENUE EAST. (File No. J2307A, Assessment No. 238506)

Sponsors: Yang

Continue PH to September 1, 2023. If no same or similar violations reduce assessment from \$378 to \$50. If there are violations reduce from \$378 to \$189.

Cynthia Brockway, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: a Summary Abatement Order was issued August 17 to cut back overhanging vegetation into the alley right-of-way. Compliance date of August 29. Rechecked August 31. Work was done on September 1, 2022 for total assessment of \$378

Moermond: why are you appealing?

Brockway: I'm an older woman who needs help in getting these things done. I don't use the alley so seeing what is going on isn't on the top of my list. I contacted a tree company right away when I got the order. They came out in a couple days and gave me a bid. I agreed to that, but they couldn't give me a specific date but they would put me on a short list since it was a City issued. I contacted Nhia Thao as soon as I could. We did calls back and forth and I explained the situation. He needed a specific date, which I found out August 25. I contacted them and they got me the date August 29 and said they couldn't do it before October 4. I contacted the inspector again, left a voicemail with that information. As far as I knew that is all I needed to do. I tried to comply and cooperate. He was aware of that. Next thing I knew someone hacked the trees off since it was such a horrible job, I didn't know it was the City. I also got a notice of \$125 for Excessive Consumption and they'd be back out to recheck September 14. Finally, I got ahold of the inspector who said that notice was in error. He said the City had done the work so I had to pay that bill. I was surprised because I left the information he requested. I was doing the best I could. I'd really like a reduction; I did everything I was able to do.

Yannarely: how much was the contractor going to charge?

Brockway: \$500 plus tax, but it included some trees over the sidewalk and repair work for what the City had done, which I did do.

Moermond: are there notes about Ms. Brockway's conversation?

Yannarely: there are notes that he talked to her and contractor is backed up. Will recheck in a week. And he didn't give the full week.

Moermond: did you pay the contractor that \$500?

Brockway: yes.

Moermond: I see tall grass and weeds letters that you did take care of.

Brockway: I did do that. I was trying to do no-mow may. I was going to mow June 1. So, I mowed before I even got the notice. I am trying to help the pollinators. I do mow when it gets bad. Unless someone is out there with a tape measure, the grass wasn't even high enough to complain about. If you look at my history there was some snow things. I always try to follow the rules.

Moermond: right, I was just saying you take care of business on occasions there is a call. But that those calls did happen.

Brockway: they are dandelions.

Moermond: we're talking about height here. Mr. Yannarely, what is that height?

Yannarely: 8 inches. And these are generated automatically. Hundreds a day.

Moermond: I think you made a good-faith effort to talk to a contractor and reaching out. I think there was a breakdown in the communication with the inspector. I hear you are trying to take care of business. All of that is good. I would like to see you go for a certain period of time without the City having a founded complaint on your property. That means anything automatically generated like snow or grass, that isn't held against

you if the inspector goes out and finds nothing. If by September 1, 2023 there are no founded complaints on the property I will recommend the Council decrease this to \$50. If there is a founded complaint, then I'll recommend they decrease it from \$378 to \$189. We'll reduce no matter what, but a more dramatic reduction with no founded complaints. Hopefully that is helpful. That means at your Public Hearing on February 15 they will continue it and consider it September 6, 2023.

Brockway: that would be perfect. By founded complaint you mean they came out and I haven't complied?

Moermond: if someone calls in something that generates an automatic letter it isn't counted. If someone calls and says you have mattresses, the City won't issue orders without eyes on, so they go out and see them and that does count. Automatic letters don't count, but other orders require eyes on it, which would be founded.

Brockway: I do have a problem with dumping along-side my garage. I don't have control. There's a chair there now, I called the hauler to use my free bulk-pickup.

Moermond: if that situation happens make sure to call the inspector to let them know you're working on it and you have a plan, so that wouldn't be founded.

Referred to the City Council due back on 2/15/2023

5 RLH TA 22-428 Ratifying the Appealed Special Tax Assessment for property at 1179 SHERBURNE AVENUE. (File No. VB2303, Assessment No. 238802)

Sponsors: Jalali

Reduce assessment from \$2,616 to \$654.

Gafurjon Azimov, owner, appeared via phone
Language line interpreter appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: this is the Vacant Building fee that covers August 13, 2022 to August 13, 2023. We're 4 months into the program when it was rehabbed and closed. The total fee is \$2,616.

Moermond: we have a case where we've only got a part of the year in the program. The work got done. I'm assuming you're looking for a reduction?

Azimov: I'd like it deleted so I'm not paying this much money.

Moermond: could you speak to that?

Azimov: who do I speak to?

Moermond: me, the hearing officer.

Azimov: I'd like some help with this fee.

Moermond: the building was in the program for one-third of the billable year. I'm thinking I will ask the Council to reduce the assessment to one-fourth of the billable year, from \$2,616 to \$654. That's a dramatic decrease. You could definitely ask for

more but I feel that is a fair recommendation. Any questions?

Azimov: can I have my friend help me with this conversation?

Moermond: what language do you speak?

Azimov: Russian.

Moermond: we'll hang up and call back in 2 minutes with an interpreter.

[Interpreter was called in at 10:20 am with Language Line]

Moermond: [explains the background of the assessment and recommendation of reduction again]. I'll recommend you pay for 4 out of 12 months, for a total of \$654, \$2,000 less than the current bill. I know you are representing Mr. Shirzad Raimi, but do you have any questions?

Azimov: no.

Moermond: so, no questions?

Azimov: can the bill be reduced and returned back to me?

Moermond: no money has been paid to the best of my knowledge; this is all proposed for the property taxes. We just confirmed that it hasn't been paid. Any other questions?

Azimov: I've sold the house. My bank hasn't transferred any money, are they going to return the money to me?

Moermond: I wasn't involved in the transaction but typically these fees are put into escrow and once it is resolved money is released from escrow back to the person. The Council Public Hearing isn't until February 4, so the bill wouldn't be coming until then. Then you would have current information to get money out of escrow.

Referred to the City Council due back on 2/8/2023

- 6 RLH TA 22-319** Ratifying the Appealed Special Tax Assessment for property at 820 WHITE BEAR AVENUE NORTH. (File No. VB2301, Assessment No. 238800)

Sponsors: Prince

Approve the assessment.

Shirzad Raimi, owner, appeared via phone

[Moermond gives background of appeals process]

Staff update by Supervisor Joe Yannarely: from what I understand it doesn't look like the Certificate of Occupancy has been issued and this is still for the prospective fee of \$2,616. Mr. Dornfeld notes said he is unable to confirm if it is occupied at the moment.

Raimi: we are a week away at most. With the holiday probably it will be pushed to the first week of January. We have all our rough-ins, but we are updating the bathroom. We just have trim and doors and painting to finish. Shouldn't take more than 10 days.

Vacant Building Registrations

- 10 RLH VBR
22-59** Appeal of Lee Yan to a Vacant Building Registration Notice at 1093 EUCLID STREET.
- Sponsors: Prince
- Grant the appeal of the condemnation, make property a Cat 1 VB and give a 90 day waiver (to Feb 8, 2023) and allow permits to be pulled.*
- Lee Yan, owner, appeared via phone*
- Moermond: we left things last week looking at whether this should be a Category 1 or Category 2 and the sidewalk maintenance and electrical restoration. Mr. Dornfeld, how is the property maintenance?*
- Dornfeld: I was by there today and we certainly can use another shoveling attempt. It did look like someone had been out, but definitely not in the last 48 hours.*
- Yan: yes sir.*
- Moermond: has the electric been restored?*
- Yan: yes, everything is on.*
- Moermond: Ms. Shaff, we have a condemnation because of lack of electrical service. Was there anything else in previous orders that would inform us about the condition? We're just dealing with just this one thing?*
- Shaff: yes, this one thing at this point.*
- Moermond: did you issue orders on the sidewalk?*
- Dornfeld: there is an outstanding Summary Abatement Order on the sidewalk.*
- Moermond: there should be a work order going out on that. Mr. Yan?*
- Yan: we did engage a snow service company to come out after 1 and a half inches. I'll call them.*
- Moermond: you are trying to sell. The electric is back on. I will recommend the condemnation is lifted because that condition is resolved. We do have an empty property. I'm going to ask them to make this a Category 1 Vacant Building and give a 90-day waiver. To February 8. If you can get your Certificate of Occupancy reinstated and someone in, there's no problem with getting out of the Vacant Building program. Does that work?*
- Yan: absolutely. Thank you so much.*
- Referred to the City Council due back on 1/11/2023**
- 11 RLH VBR
22-61** Appeal of Lorn Ross McDowell to a Vacant Building Registration Notice at 1219 FIFTH STREET EAST.

Sponsors: Prince

If electrical permit is finalized by January 11, 2023 recommend granting the appeal and releasing the property from the VB program. Balance of orders to be converted to Correction orders and grant to June 1, 2023 for compliance.

Lorn Ross McDowell, owner, appeared via phone

Moermond: calling about your property at 1219 East Fifth. I understand you met Mr. Kedrowski out at the property. He indicated you had a furnace replaced and the electrical service was restored by Xcel and you had a new panel.

Ross McDowell: furnace was not replaced; it was just turned back on.

Moermond: got it. Mr. Kedrowski's thinking was that he could be comfortable doing orders on this and getting you out of the Vacant Building program. The only hiccup is the electrical permit the contractor pulled. The permit is only for restoring power to the house, we can tell that because it is an \$80 permit. The service panel work is \$135 permit. I don't know if it was just the contractor pulling permit for a smaller amount of work than they did, or if only part of the work was done. It is hard to tell. The permit said the work was for \$4,900 so it sounds like but it doesn't cost like both. I'd want your contractor to reach out to the Department and modify that permit and get it finalized. Then the balance of the orders could be converted to regular correction orders. Does that sound like something you can tackle?

Ross McDowell: I think so. He just needs to reach out and switch something on the permit?

Moermond: modify the permit. It didn't look like any service panel work had a permit pulled. So that I know that work is done. He can modify that permit. You'll need to call the electrical inspector to do that inspection. If that's done by the Council Public Hearing January 11, I'll recommend you're out of the Vacant Building program. Because the rest is exterior work, I'm thinking June 1?

Ross McDowell: that sounds doable. We're trying to find the right contractor to work on the roof in this weather.

Moermond: let's go with that then. You'll work with your contractor and the electrical inspector.

Referred to the City Council due back on 1/11/2023

**12 RLH VBR
22-63**

Appeal of Scott Beck to a Vacant Building Registration Notice at 707 JENKS AVENUE.

Sponsors: Yang

Grant the appeal of the VB registration and grant an extension on the Fire C of O orders to June 1, 2023 noting noncompliance by that deadline will result in Certificate of Occupancy being revoked and being sent back to Vacant Building program.

Scott Beck, o/b/o Rent Progress FKA HavenBrook Homes, appeared via phone

Moermond: looks like we have a Certificate of Occupancy revocation and a Vacant Building registration.

[Moermond gives background of appeals process]

Moermond: I have you at rent progress.com, an owner that is an LLC and then on the Fire Certificate of Occupancy the contact is Progressive Residential Management out of Scottsdale. Can you tell me what is going on?

Beck: FSR LLC is the owner. Rent Progress is the property management company I work for. I'm representing them. It was formerly Havenbrook Homes.

Moermond: and you are their local representative if they are out of Scottsdale?

Beck: correct.

Staff report by Supervisor Leanna Shaff: this started last June of 2022 when a Certificate of Occupancy was approved with deficiencies with some stairs that needed repair. No progress made ins summer and fall. There is patching, which is substandard and not even close to a professional state of repair. Because we couldn't get compliance we revoked the Certificate of Occupancy for long-term noncompliance. We referred it to the Vacant Building program.

Supervisor Matt Dornfeld: Inspector Hoffman opened a Category 1 Vacant Building November 18, 2022 per that report.

Moermond: we're down to the stairs. What are you looking for today Mr. Beck, an extension?

Beck: the inspector we are working with signed off after it was sent to Vacant Building.

Shaff: which inspector was that?

Beck: Hector Caballero. I have it right here, we spoke to him and there is nothing else we need to do.

Shaff: when was this?

Moermond: that was the day the appeal was filed.

Beck: I wanted to verify all the work was done before I wanted to file the appeal.

Moermond: Ms. Vang has no communication on this. Neither does Ms. Shaff.

Beck: I'm forwarding the email and I have Maia Yang here too.

Yang: My name is Maia Yang and I'm the maintenance coordinator.

Moermond: so, you indicated had a conversation with Mr. Caballero but you didn't have anything written?

Yang: I don't know what he did. I know that Scott asked me to make sure I follow up with the Inspector to make sure we don't need to do anything else before this hearing. I called him and he picked up and said everything should be fine. He knew about this hearing. He said once that is done he would reach out if he had any additional questions. I proceeded to reach out to Scott and told him I spoke with the Inspector

and this is what he advised. He is aware of the court date and if he needs anything else from us after this court session he will reach out to me.

Shaff: it sounds very far off from where things are or that he signed off on things. It sounds like he was aware of the actions and he was to "stand down" until after the hearing. That doesn't equate to the work being done.

Moermond: once we receive an email we let DSI know so that they don't inspect between the appeal and the hearing since we're going to sort it out. We can check with Mr. Caballero about his intention of communication but it sounds like maybe there was some misunderstanding between folks. Before we land the plane I'd like a chance for him to confirm his comments. We have a vacate date and you didn't file an appeal on the previous orders.

Beck: it isn't vacated.

Moermond: so, it is occupied against the Certificate of Occupancy orders and you didn't get any change that would allow for continued occupancy. Being sent to the Vacant Building is basically sending it off to have them empty the building. If it isn't it will be empty and secured. I assume you aren't collecting rent since your Certificate of Occupancy is revoked?

Beck: this is the first I'm hearing about this.

Moermond: letter was addressed to Progress residential management services in Scottsdale AZ as well as HavenBrook homes at 550 Co Rd D suite 11. Is that you?

Beck: yes.

Moermond: it went to HavenBrook as the previous owner. Prior to October 28 what kind of orders are we looking at?

Shaff: We have orders from last June when it was approved with corrections. Letters under referral August 18, September 22, and October 28. The newest one was the revocation letter from 10/28. That was sent to progress residential management at property owner box 4090 in Scottsdale AZ.

Moermond: there's a note in the system that "front steps damaged and deteriorating – deficiency abated incorrectly."

Shaff: yes. Because of long-term noncompliance he transferred it to Certificate of Occupancy for enforcement where he revoked the Certificate of Occupancy.

Moermond: July the inspector said they sent an email to Responsible Party for timeline and copy of contract to consider extension. Then August 18 sent email to Responsible Party for update on stairs. A month later, Sept 20, sent email stating 90 days with no progress. Need a signed contract for extension. September 23 advised 90 days is up, any extension must be in writing and approved by supervisor. Need that by September 30. October 19 he followed up saying he got ahold of the Responsible Party stating the old contact is no longer with the company and she needed a copy of orders for her supervisor. October 28 he did an exterior inspection, the stairs were not abated. Per Supervisor Shaff revoking for long-term noncompliance. Transferred to Vacant Building program and here we are today. To give you the benefit of the doubt we could ask the inspector to follow up. I think we did have a misunderstanding. Was a written plan ever

sent to the inspector?

Yang: I received a bid from a vendor which I gave to my manager.

Moermond: did it go to the inspector?

Yang: I am sure I did.

Beck: all summer we had issues all summer with vendors and supplies and labor shortages. We have had delays in all of our concrete work all summer. They were delayed and delayed so we tried to handle it in house before winter house. That's what we did here. They couldn't complete the work.

Moermond: I want to push back on that because I see photos from August 2021 of the stairs. I get you had problem maybe this year. But that was 14 months before your certificate was actually revoked. That is when it was originally documented. That's a long time to find a contractor.

Beck: what happened with June?

Moermond: August 2021 is when it was originally documented.

Shaff: Inspector Caballero forwarded me an email dated October 19, 2022 to Maia Yang at 10:27 am and he says "thanks for talking with me today, attached is the latest letter which explains the deficiencies related to the stairs. I cannot advise on repairs; however, repairs must be made in a professional and approved manner. Please submit a plan that includes a timeline of when the deficiency will be corrected and a signed contract by Monday, October 24. The 90-day extension has passed and any extensions must be approved by my Supervisor per our conversation on September 23, 2022."

Moermond: you as a Supervisor approved the revocation. Would he have to go back to ask about reinstating the certificate?

Shaff: yes.

Moermond: I'm hesitant to get this building vacated for an exterior issue. I do think it is an important issue, though it is important in an emergency. It is also a big deal displacing people. I'm concerned when I see the history here and it took 9 appointments to get the first set of orders done and that was with grace for the stairs. So, if I'm giving grace on those stairs and allowing occupancy and getting you out of the Vacant Building program I want to have assurance you'll have it done on time. On time I'm going to say June 1, 2023. That seems more than reasonable. If it is not done, and that means the inspector signs off it was done in a professional matter, the certificate will be revoked again, you will be in the Vacant Building program again and I won't be making this type of recommendation to the City Council a second time. I'm not liking having to pound the pavement so much to get minimal compliance.

Referred to the City Council due back on 1/11/2023

13 RLH VBR
22-60

Appeal of Sarah Nelson to a Vacant Building Registration Requirement at 578 SARATOGA STREET S.

Sponsors: Tolbert

Waive the Vacant Building fee through March 21, 2023.

Sarah Nelson, o/b/o Renovation Inc, appeared via phone

Wally Nelson, o/b/o Renovation Inc, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: been in the Vacant Building program since 2012. This past July 2022 the appellants received Sale review approval and do have permits and a Code Compliance Inspection on file. We haven't received any nuisance complaints. I assume we are here to discuss the Vacant Building fee.

Moermond: the anniversary date December 21, 2022 through December 20 2023. Sounds like you're working on it. What's your timeline?

Wally Nelson: Sarah is my daughter. We're just getting windows in due to supply chain issues. We want it done by end of March, though I can't guarantee that. We are kind of hoping you can waive that fee. We're doing the work, paid the permits. It will be a nice project when we're done. It has been 2 years to get the former owners to sell. It is a major project, we're down to studs.

Moermond: I'm happy to recommend the Council waive the Vacant Building fee through March 21, 2023. Mr. Dornfeld, can you make a note in the file so they can continue to pull permits without having that fee paid? If we go beyond March 21 before the Code Compliance certificate is issued we can talk about prorating the fee when it comes forward as an assessment.

Referred to the City Council due back on 1/11/2023

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy (None)

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 14 RLH FCO** Appeal of Matthew Byrne to a Correction Notice-Reinspection Complaint
22-127 at 884 LAUREL AVENUE.

Sponsors: Balenger

Grant to January 3, 2023 for compliance with item 3 (to be verified by inspector), and grant to June 1, 2023 for balance of orders.

Matthew Byrne, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Mitch Imbertson: the property is a 2-unit duplex in the Certificate of Occupancy program. It has a current Certificate of Occupancy due for renewal in 2023. We received a complaint to our office with reports of no fire

extinguisher in home and basement bedroom being rented with no egress windows. Our inspection department went out to try to access the basement and was unable to do so, so an inspection was scheduled. There was also some information that wasn't included in the initial complaint, which was possible missing smokes and carbons, so we needed access to the entire house. December 1 we were out there to look into that. The basement had proper egress window and no concern with lack of fire extinguisher as they aren't required. We did find missing smoke and carbon monoxide alarms as well as concerns as how the house was leased.

It appeared to have been split into additional units than what we were aware of. It is best described as 3 rooming units and 2 dwelling units. 2 rooming units in basement with shared kitchen and bathroom. One unit first floor in rear with separate door. One larger unit in the first and second floor with a full kitchen and 4 bedrooms, and then a separate dwelling unit on the 3rd floor. It was approved as a duplex, the first, second and basement were one unit and the third floor was the second. Looks like on reinspection on December 5 to confirm the smokes were put back up in basement and third floor, which was done. Updated orders were sent out for zoning changes and additional occupancy. We did some research on how this building was set up. It is well documented as a duplex. It started as a single-family home and moved to this site from down the block at 853 Laurel in 1980. 1992 there was a zoning variance given to add a second unit which was the third-floor apartment. It was approved as a duplex on a nonconforming lot size. A variety of permits over the years list the house as a duplex and at least one has the owner affidavit signed saying it was a duplex. It seems clear it was intended and used as a duplex. There was a zoning complaint in 1992 about possible use as a triplex which was closed as unfounded at that time. Additional complaints in 1996 and 2001 with limited notes but it appears each time they found it legal as a duplex.

Moermond: the rooming units themselves have shared bathroom? Any other shared facilities? And how are they separated from the other 2 units?

Imbertson: in the basement, I'm not sure how it is leased out, but based on comments by tenants and our observations there are 2 basement units with locked doors. The tenant present at the inspection explained he didn't have access to the first or second floor and he only leased in the basement. There was a shared bathroom and kitchen in the basement.

Moermond: I looked at the zoning records yesterday and in there it looks like in 1992 Ms. Margaret Byrne applied for a zoning variance to go from a single-family home to a triplex but the BZA only approved as a duplex.

Imbertson: I may have read that a bit differently. Sometimes we have limited records but I believed it to be saying it was a complaint it was allegedly being used as a triplex. It was only approved ever as a duplex.

Moermond: Mr. Byrne, did you get the email with those historic documents?

Byrne: I did, thank you.

Moermond: you are appealing, what are you looking for today?

Byrne: I've been learning a lot the last week. The inspectors have done a great job and I'm not complaining in any way about the findings. What I am hoping for, it has been operating this way as the last 25 years and I'm just finding out it may not have been

appropriate. I didn't know that when my mom sold me this place 7 years. There are separate leases for each of the rooms through June. First is, even if this is correct it is a duplex and incorrectly zoned, how can I get it to where it supposed to be legally? Additionally, how that impacts people currently in their homes with the agreement as we have it set up now. I'm looking for time and options. I'm not looking to dispute zoning per se. I've always been told was she was operating it as it was grandfathered in, that's how it came to be this way. I'm not disputing anything. Guidance and time, especially with the extra context in the letters about the evictions. One of them is what prompted this inspection in the first place. I'm not sure how these proceedings play into those.

Moermond: was it your mother who was living in the lower unit and she rented the attic?

Byrne: for a number of years we lived in the first and second floor. Then she lived in the loft. It hasn't been owner-occupied for over 7 years. In the two inspections I had to do as the owner, I know there was a lack of clarity of how it was approved as it was. I just wanted to note that they had access to every unit and knew they were rentals during both of those inspections. I just want it clear there was no bait and switch around that.

Moermond: and sometimes if it is owner occupied and you're renting a bedroom or two there isn't anything wrong zoning-wise. You can totally rent out a bedroom, even several. Up to six unrelated adults. They could have though it was one unit and renting out bedrooms and how things are divided. Different inspectors have different eyes. I think you have leases consistent with it being used.

Byrne: the second floor there are four bedrooms with a shared bathroom and kitchen. They have all had separate leases. I've done it both ways, sometimes a family does lease it.

Moermond: right now, Mr. Imbertson, have you worked with the inspector to have a diagram of the spaces with those rooms?

Imbertson: not sure I was picturing it well enough from memory I was comfortable drawing it. In that packet there is an appraisers report with the number of bedrooms and rooms by floor.

Moermond: compliance would require those bedrooms with the kitchen and shared facilities would be one large unit. No barrier between the rooming units and the dwelling units. Am I thinking of that correctly?

Imbertson: that is correct. It would be difficult to connect any additional bedrooms to the upper unit because the third floor has separate access in the rear. That leaves one very large 7-bedroom unit. I believe that was how it was viewed on previous inspections. It looked like it would take very little in the way of physical changes to convert it back to a single dwelling unit. Just a couple of locks being removed and leasing it in a different way.

Byrne: can I ask a clarifying question? Right now, the only thing separating the first floor from basement is a door at the end of the stairway. The whole house has access to the basement because they share laundry. So, we're making sure the people in the basement have access to the first and second floor. Does that mean they can't have an additional fridge and stove in the basement? Do I have to get rid of that?

Moermond: as a general rule I don't have an issue with additional cooking and fridge space as long as it is installed under permit and you aren't doing a bait and switch with

duplex triplex situation. Then we would require the kitchen to be pulled. It would be all within one unit. That is one means of achieving compliance. The other means is to look for Zoning to give you permission to operate in the fashion you are. It sounds like if you do want to do this you need to have an architect or designer develop plans to make sure it is code complaint how its configured. Things as basic as furnace and ventilations system. Fire separations. That would be something you could put together to ask for a zoning change. That would be another way to get compliance. I feel like you should have a decent extension to have those conversations. Or have additional time to work with people to find alternative places if necessary.

Byrne: that makes sense. All of those options are doable with the only caveat being one of the basement tenant is being evicted and has behavioral issues with the other tenants. It is unlikely they'd be happy with them having access to the first and second floor. My hope is that is resolved in early January, then all this would be a lot easier.

Moermond: we can work with that. Compliance by converting the space via code analysis. Let's put a couple of months on that, and then a couple of months on the BZA so we have code compliance by one means or another by June 1, 2023.

Byrne: this is a real relief, thank you.

Referred to the City Council due back on 1/11/2023