



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

RECEIVED

OCT 11 2021

We need the following to process your appeal: CITY CLERK

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number Came in the mail 10/11/21)
  - Copy of the City-issued orders/letter being appealed
  - Attachments you may wish to include
  - This appeal form completed
  - Walk-In OR  Mail-In Email ✓
- for abatement orders only:  Email OR  Fax

<p><b>HEARING DATE &amp; TIME</b>          (provided by Legislative Hearing Office)          Tuesday, <u>10-19-21</u></p> <p>Time: you will be called between  <u>11:00 AM</u> &amp; <u>12:30 pm</u></p> <p>Location of Hearing:          Teleconference due to Covid-19 Pandemic</p>
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### Address Being Appealed:

Number & Street: 360 WHEELLOCK PKWY East City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Amy Her Email hera@esp.edu

Phone Numbers: Business \_\_\_\_\_ Residence 651-366-1347 Cell 651-366-1347

Signature: Amy Her Date: \_\_\_\_\_

Name of Owner (if other than Appellant): Amy Her

Mailing Address if Not Appellant's: \_\_\_\_\_

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

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

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



CITY OF SAINT PAUL

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

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

324.0

August 06, 2021

## AMENDED NOTICE OF CONDEMNATION AS UNFIT FOR HUMAN HABITATION & ORDER TO VACATE

Amy Her  
360 Wheelock Pky E  
St Paul MN 55130-3010

Dear Sir or Madam:

The Department of Safety and Inspections, Division of Code Enforcement, has determined that the basement only at **360 WHEELOCK PKWY E** is "Unfit for Human Habitation". In accordance with Saint Paul Legislative Code, Chapter 34, Section 23, the premises will be placarded on **JULY 30<sup>TH</sup> 2021** and ordered vacated no later than **AUGUST 6<sup>TH</sup> 2021**. **ALL OTHER ITEMS MUST BE IN COMPLIANCE BY SEPTEMBER 7<sup>TH</sup> AT 10:00 a.m. 2021.**

Your attention is called to the following provisions of Section 34.23, Subsection 6 entitled, *Vacation of Structure or Unit*:

**“Any dwelling unit, structure or portion thereof which has been condemned or placarded as unfit for occupancy shall be vacated within the time set forth in the placard and/or order. No person shall occupy or let for occupancy any structure which is condemned.”**

**THIS DWELLING SHALL NOT AGAIN BE USED FOR HUMAN HABITATION UNTIL WRITTEN APPROVAL IS SECURED FROM THE CITY OF SAINT PAUL; DEPARTMENT OF SAFETY AND INSPECTIONS, DIVISION OF CODE ENFORCEMENT.**

**Principle Violations:** These deficiencies must be corrected before this condemnation and vacate order will be removed.

1. SPLC 34.23 **CONDEMNATION:** The **basement only** is condemned as unsafe or dangerous. It constitutes a condition of material endangerment to occupants and emergency personnel. The basement has no means of egress where the beds are located. This is also a fire hazard.

PLEASE VACATE AND REMOVE THE UNAPPROVED BASEMENT APARTMENT.

2. SPLC 34.14 **BASEMENT: ILLEGAL DWELLING.** Remove the illegal dwelling unit from the basement.

THE PROPERTY IS CLASSIFIED AS A SINGLE-FAMILY DWELLING. THE BASEMENT HAS NOT BEEN APPROVED FOR OCCUPANCY.

3. SPLC 34.13 **EMERGENCY ESCAPE AND RESCUE OPENING:** At least one window or door opening in every room used for sleeping purposes shall be openable from the inside and maintained in a professional state of maintenance and repair. Provide and maintain an approved opening from each sleeping room or area, or discontinue use of area as a sleeping room. This work may require permit(s). Call DSI at (651) 266-8989.

THIS ILLEGAL DWELLING UNIT DOES NOT HAVE EGRESS WINDOWS IN THE SLEEPING ROOMS AND PLEASE RELOCATE THE BED THAT IS BLOCKING THE EGRESS WINDOW LOCATED IN THE NORTHWEST BEDROOM ON THE MAIN THE FLOOR.

4. SPLC 34.15 **CARBON MONOXIDE ALARM:** 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.

PLEASE IMMEDIATELY INSTALL A CARBON MONOXIDE DETECTOR WITHIN TEN FEET OF ALL BEDROOMS. FOR ASSISTANCE OBTAINING A CARBON MONOXIDE DETECTOR PLEASE CALL PROJECT SAFE HAVEN AT 651 228-6273.

5. SPLC 34.10 **CEILINGS:** All ceilings must be maintained in a sound condition and in a professional state of maintenance and repair.

PLEASE REPAIR THE HOLE IN THE CEILING LOCATED IN THE BASEMENT.

6. SPLC 33.03 (c) **DRYER VENTING:** Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work requires a permit(s). Call DSI at (651) 266-8989.

7. SPLC 45.03 **MECHANICAL CLEARANCE:** Provide 30 inches clearance around all mechanical equipment including the furnace and water heater.
  
8. SPLC 33.03 **PLUMBING:** Repair or replace and maintain all parts of the plumbing system to an operational condition. Permits may be required.

PLEASE REMOVE, REPAIR OR REPLACE THE IMPROPERLY SUPPORTED LAUNDRY TRAY, IN THE BASEMENT.

9. SPLC 34.12 **SUPPLIED EQUIPMENT:** Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.

THE BASEMENT IS AN ILLEGAL DWELLING. PLEASE REMOVE AND PROPERLY DISPOSE OF THE GAS STOVE FROM THE BASEMENT. PROPERLY CAP THE GAS LINE TO MEET CODE AND PERMIT IS REQUIRED.

Authorization to reoccupy this/these dwelling unit(s) will not be given until it is demonstrated that all principal violations have been corrected and that no new conditions exist which could constitute material endangerment or which threaten the peace, health, safety or welfare of the occupants of this building.

All repairs and new installations must be made in accordance with the appropriate codes. Permit information may be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989.

You may file an appeal to this notice by contacting the City Clerk's Office at (651) 266-8585. Any appeal must be made in writing within 10 days of the date of this notice.

It is the responsibility of the property owner to keep all buildings secured and to properly maintain the premises at all times.

**If you have any questions concerning this matter, please contact the Inspector, Willie Williams, at 651-266-1942. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to the inspector.**

Sincerely,

**Willie Williams**  
Enforcement Officer

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cc: Posted to ENS

October 6, 2021

Saint Paul City Council – Legislative Hearings  
310 City Hall 15 W. Kellogg Blvd.  
St. Paul, MN 55102

RE: 360 Wheelock Parkway East  
St. Paul, MN 55130

To whom it may concern:

This letter is to appeal the Notice of Condemnation received on August 06, 2021 for:

*Violation #2 SPLC 34.14 Basement: Illegal Dwelling.*

*The property is classified as a single-family dwelling. The basement has not been approved for occupancy.*

*Violation #9 SPLC 34.12 Equipment*

*The Basement is an illegal dwelling. Please remove and properly dispose of the gas stove from the basement. Properly cap the gas line to meet code and permit is required.*

The house is a legal multiunit as the use of the property as a multiunit was prior to current zoning, and the lower unit is conforming due to the fact that the building structure was conforming to the building codes. The house was grandfathered as a multiunit and granted status as a legal non-conforming duplex. Below are the supporting facts for the use of a multiunit:

**Article 1:** Photo evidence from Tom & Darlene Myers from the 1960s showing the finished kitchen in the lower unit.

**Article 2 & 3:** Witness letters from Tom and Darlene Myers (former owners of the house) and notarized letter from Sharon Benson (friend of the Myers family) stating that the kitchen was "finished and used" in 1960s

**Article 4:** Board of Zoning appeal staff report (file # 16-056641),

- B. Site and Area Condition: *"This is a 75 by 160-foot lot with legal nonconforming duplex located on a corner of Wheelock Parkway East and Edgemont."*

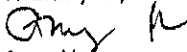
**Article 5:** Building Permit # 20 16 054387: 360 Wheelock PKWY E - Sub Type: 2-Family/Duplex, Work Type: Repair, # of existing dwelling unit – 2, # of dwelling units worked on: 1, Existing Primary Use (2-R-Duplex Family)

**Article 6:** Screen from Permits & Licensing confirming 360 Wheelock PKWY E is a R-Duplex with a legality of existing use as a "Legal Non-Conforming"

**Article 7:** Email from zoning stating 360 Wheelock Pwky E, is zoned R3 (single-family residential). This property is a Legal non-conforming Duplex in a R3 zone. This Duplex can exist due to the fact that it is a grandfathered in use which can continue to be used as a duplex" (Artifact 7).

I have lived in this residence since 7/20/2010. The residence has been legally used as a multiunit grandfathered in from previous years. These are my reasons why there is a need to appeal Violation #2 and #9 of the Notice of Condemnation.

Thank you,

  
Amy Her

1968



ARTICLE  
#1

May 4, 2001

To Whom It May Concern,

This letter is to verify that the kitchen in the lower level at 360 E. Wheelock PKwy, was finished and usable in the 1960's when we lived in the house.

We are sending pictures of our oldest sons birthday (his 7<sup>th</sup>) in 1968. The date is printed on the side of the pictures.

We would like the pictures back. You can mail them in the self addressed envelope. If you have any further questions, you can call us at 651-432-2374.

ARTICLE  
#2

Tom + Darlene Myers

1247 W. 14th Street  
Hastings, MN 55033  
May 4, 2001

To Whom It May Concern:

I have been a friend of the Myers families who own the home at 360 E. Wheelock Parkway in St. Paul since the late 1960's. Ever since I began visiting this home in the 1960's, it has had a kitchen in the finished lower level.

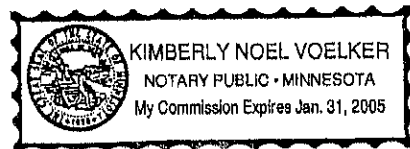
If you need any additional information from me, please call me at 651-437-2022 or email me at shabenson@earthlink.net.

Yours truly,

*Sharon Benson*

Sharon Benson

*Kimberly Noel Voelker* 5/4/01  
Notary Public



ARTICLE  
3



**BOARD OF ZONING APPEALS STAFF REPORT**

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**TYPE OF APPLICATION:** Major Variance **FILE #**16-056641  
**APPLICANT:** Amy Her  
**HEARING DATE:** August 1, 2016  
**LOCATION:** 360 WHEELLOCK PARKWAY EAST  
**LEGAL DESCRIPTION:** Dawsons Fifth Addition Subj To Pkwy & Vac Idaho Ave  
Accruing Ex Wly 49 7/10 Ft Lots 4 Thru Lot 7 Blk 2  
**PLANNING DISTRICT:** 5  
**PRESENT ZONING:** R3  
**ZONING CODE REFERENCE:** 63.501 (b) (2)  
**REPORT DATE:** July 26, 2016 **BY:** Jerome Benner II  
**DEADLINE FOR ACTION:** September 5, 2016  
**DATE RECEIVED:** July 8, 2016

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A. **PURPOSE:** A variance in conjunction with the Wheelock Ground Round Project in order to allow the curb cut to remain for access to the existing front yard parking.

B. **SITE AND AREA CONDITIONS:** This is a 75 by 160-foot lot with a legal nonconforming duplex located on a corner of Wheelock Parkway East and Edgemont. There is on-street parking along the side street on Edgemont and off-street parking located in the rear yard of the property.

**Surrounding Land Use:** The surrounding land use consists of single family dwellings with some m

ARTICLE

uses are predominately single family the south and east of the subject property.

C. **BACKGROUND:** The subject property was accessed from Wheelock Parkway East prior to the applicant purchase of the property. The subject property is a nonconforming duplex located on a corner of Wheelock Parkway East and Edgemont. The applicant is requesting a variance in order to allow the curb cut to remain for access to the existing front yard parking.

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The subject property previously had an attached garage that was converted into additional living space. In conjunction with the Wheelock Ground Round Project, the subject property was determined to have a nonconforming duplex. The applicant is requesting a variance in order to allow the curb cut to remain for access to the existing front yard parking.

D. **FINDINGS:**

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# BUILDING PERMIT

PERMIT#: 20 16 054387  
 Issued Date: August 29, 2016

**CITY OF SAINT PAUL**  
 Department of Safety & Inspections  
 375 Jackson Street, Suite 220  
 Saint Paul, MN 55101-1806  
 www.stpaul.gov/dsi  
 Phone: 651-266-8989  
 Fax: 651-266-9124

CONTRACTOR: \_\_\_\_\_ OWNER: \_\_\_\_\_

AMY HER  
 360 WHEELOCK PKY E  
 SAINT PAUL MN 55130-3010

AMY HER  
 360 WHEELOCK PKY E  
 SAINT PAUL MN 55130-3010

PERMIT ADDRESS:  
 360 WHEELOCK PKWY E  
 ST PAUL MN 55130-3010

Inspector: Nathan B.  
 Phone: 651-266-9033  
 Schedule Inspection:  
 7:30- 9:00 AM Monday - Friday

SUB TYPE: 2- Family/Duplex

WORK TYPE: Repair

INSTALL NEW 9x7 GARAGE DOOR. PREVIOUS OWNER CONVERTED ATTACHED GARAGE TO LIVING SPACE IN 2002 AND IT IS NOW BEING CONVERTED BACK TO A GARAGE. The following "Trade" Permits are required for this project: Electrical,

State Valuation	\$300.00	Application Method	Walk-in
Date Received	Jul 06, 2016	Scope of Repair Work	Minor Repair
Interior/Exterior?	Both Int. and Ext.	Structural Work?	No Structural Work
Change/Expansion of Use?	No	Additional Description	install garage door in old opening. converting living space to garage
Plan Number	V-2016-1610	Valuation Override	No
# of Existing Dwelling Units	2	Existing Primary Use (2-Family)	R-Duplex
# of Dwelling Units Worked On	1		

FEES	
Permit Fee	30.34
Surcharge B	0.50
<b>TOTAL</b>	<b>\$30.84</b>

ARTICLE

5

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Description	Value
Ungrouped Info Fields (25)	
<b>Police Grid</b>	013
Police District	EASTERN
Existing Primary Use	R-Duplex
Legality of Existing Use	Legal Non-Conforming
Parkway	<input checked="" type="radio"/> Yes <input type="radio"/> No
# of Dwelling Units	2
Building Total Sq. Ft.	2232
Year Built	1960
Mechanical Inspection Area	33
Electrical Inspection Area	56
Warm Air Inspection Area	2
Building Inspection Area	3
Plumbing Inspection Area	28
Environmental Health Inspection Area	43
MDH Environmental Health Inspection Area	2
MDA Environmental Health Inspection Area	2
Hauler Company	Waste Managemen
RC Land Market Value	21500
RC Building Market Value	112400
RC Loan Company Code	10
RC Loan Company Name	HOME COMING
RC Use Code	510
RC Usage	SINGLE FAMILY DWELLING, PLATTED LOT
Fire Prevention Inspection Area	64
Fire District	3

ARTICLE  
6

360 WHEELOCK PKWY E External

Omar, Farhan (Cl-StPaul)

Amy

360 WHEELOCK PKWY E is zoned R3 (single-family residential). This property is a Legal non-conforming Duplex in a R3 Zone. This Duplex can exist due to the fact that its is a Grandfathered in use which can continue to be used as a Duplex. See attached image.

Best,  
Farhan



**Farhan Omar**

President, MUSA LLC  
US Department of  
Department of Safety and Inspection  
375 Jackson Street Suite 203

Saint Paul MN 55101

**SAINT PAUL**  
MINNESOTA

P. 651 299-5829

F. 651 295-0884

614 W. WHEELOCK PKWY E

ARTICLE  
7

## Detailed Information About Permit: Building Permit

### Current Permit / File

**Status:**

Closed without Approval

**Permit / File #:**

20 02 067541 REM 00 B

**Permit / File Type:**

Building Permit

**Sub Type:**

2-Family/Duplex

**Work Type:**

Remodel

**Issued:**

2002-01-08

**Address:**

360 WHEELLOCK PKWY ST PAUL

**Status:**

History

**Permit / File #:**

20 06 110339 000 00 TH

**Permit / File Type:**

Truth In Sale of Housing Inspection

**Sub Type:**

Duplex

**Work Type:**

0

**Issued:**

2006-07-06

**Address:**

360 WHEELLOCK PKWY ST PAUL

Additional Information