

RLH SAO 18-53



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

AUG 01 2018

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number #1099)
  - 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, <u>AUG. 7, 2018</u> Time <u>11:00</u> Location of Hearing: Room 330 City Hall/Courthouse
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## Address Being Appealed:

Number & Street: 1094 Marion St. City: St. Paul State: MN Zip: 55117

Appellant/Applicant: Kenneth Rowe Email KRowe@minnesotaathomeinspectors.com

Phone Numbers: Business 651-489-4633 Residence 651-489-4633 Cell 612-220-0630

Signature: [Signature] Date: 7-31-18

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

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.)

Comments:

See Attached



320

CITY OF SAINT PAUL  
DEPARTMENT OF SAFETY AND INSPECTIONS  
DIVISION OF CODE ENFORCEMENT  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101- 1806  
**SUMMARY ABATEMENT ORDER**

July 19, 2018

18 - 085798

Yog hais tias koj hais tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266- 8989. Nws yog pab dawb xwb. Si necessita un traductor, por favor llamanos al (651)266- 8989. No costo.

OCCUPANT  
1094 MARION ST  
ST PAUL MN 55117- 5160

**As owner or person(s) responsible for : 1094 MARION ST you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.**

- 1. Remove improperly stored or accumulated refuse which may include: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from entire property including yard, boulevard, alley, and driveway. PLEASE REMOVE THE TEMPORARY AWNING STRUCTURE FROM THE REAR YARD AGAINST THE BACK OF THE HOUSE. THANK YOU. Comply before August 20, 2018

If you do not correct the nuisance or file an appeal before August 20, 2018 , the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipments, etc. The rate will be approximately \$260 per hour plus expensed for abatement.

**You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times  
FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION**

Issued by: Richard Kedrowski Badge: 320 Phone Number: 651- 266- 9141  
**If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.**

Also Sent To:  
Kenneth Rowe 1094 Marion St St Paul MN 55117- 5160

APPEALS: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, which ever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 in City Hall, 15 W Kellogg Blvd., St. Paul, MN 55102. The telephone number is (651) 266- 8688. You must submit a copy of this Summary Abatement Notice with your appeal application.

\*WARNING Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within said 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

sa.rpt 9/15

Steve 651-266-1928

Max zoning

el 3) Mn Fire Code

## **Summary of Events and Response**

Richard Kedrowski issued a Summary Abatement Order for garbage, refuse etc and the "Temporary Awning Structure from the rear yard. Citing section 45 of the Legislative Code. When I spoke with Richard on the phone he said the garbage, refuse comments were boiler plate and could be disregarded. However, the awning (actually a 10 foot x 20 foot canopy) needed to be removed as it violates section 31 of the MN State Fire Code. I spoke with Mitch (St. Paul Fire Inspector) who stated no permit or approval was needed from his office as the canopy was under 400 square feet, but I should speak with zoning. Mitch stated he would notify Richard via email. I then received an approved site plan from St. Paul Zoning Inspector, Mathew Graybar even though Mr. Graybar informed me no site plan was necessary as I only had one other accessory structure of only 120 square feet.

When I next spoke with Richard Kedrowski he stated I was mistaken, that I needed approval from his department, Safety and Inspections, not zoning or the fire inspector. I called Kari Hilleson, Plan Examiner with St. Paul Safety and Inspections who told me no permits or approvals were necessary since the canopy was 200 square feet or less. She sent an email to Richard informing him of this and copied me on it.

I've made every attempt to simply have the order rescinded as to not waste everyone's time and my money, and lost wages. However, Richard and the other inspectors who would return my calls said my only recourse was to appeal their order.

### **2015 Minnesota Building Code**

#### **SECTION 3102 MEMBRANE STRUCTURES**

##### **3102.1 General.**

The provisions of Sections 3102.1.through 3102.8.shall apply to air-supported, air-inflated, membrane-covered cable and membrane-covered frame structures, collectively

known as membrane structures, erected for a period of 180 days or longer. Those erected for a shorter period of time shall comply with the *International Fire Code*.

## MN State Fire Code

### 3103.2 Approval required

Tents and membrane structures having an area in excess of 400 square feet (37 m<sup>2</sup>) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the *fire code official*.

## ST Paul Legislative Code

**Sec. 55.04. - Permit for erecting and occupying temporary membrane structures, tents and canopies.**

(a) As required by and in compliance with the Minnesota State Fire Code, no person may erect or allow to be erected any air-supported temporary membrane structure or individual tents having a total foot print area in excess of two hundred (200) square feet or any individual canopy having a total foot print area in excess of four hundred (400) square feet without a tent permit.

## Timeline of Events

July 19<sup>th</sup>, Richard Kedrowski issued Summery Abatement Order

24<sup>th</sup>, Received the order via mail, called Richard, left message

26<sup>th</sup>. Richard returned my call. He stated it was a fire code violation

26<sup>th</sup> I called Mitch, Fire Inspector. He stated there was no violation and to call zoning

27<sup>th</sup>, I called Mathew Graybar, St. Paul Zoning. He stated there was no violation, but offered approval of Site Plan.

30<sup>th</sup>, Site Plan Approval received from Zoning

30<sup>th</sup> Left message with Supervisor Steve

30<sup>th</sup> Spoke with Richard in person. Stated it was a fire code violation, but needed approval through City Safety and Inspections.

30<sup>th</sup> Spoke with Kari Hilleson, Plan Examiner for St. Paul Safety and Inspections. She stated no approval or permit was necessary. She would email Richard to let him know.

30<sup>th</sup> Received copy of email of Kari Hilleson to Richard Kedrowski stating no approval or permit was necessary.

31<sup>st</sup> 8:53am Received call from Lisa, calling for Steve. She stated the canopy was a temporary structure and I would have to file an appeal.

31<sup>st</sup> 8:57am I returned Lisa's call and received her voicemail. I asked her to return my call that day.

31<sup>st</sup> 9:21am I called Steve, the apparent Supervisor for Richard Kedrowski. I received his voicemail and I asked him to return my call that day.

31<sup>st</sup> 5:30pm I photographed 6 other temporary structures (tent or canopy) within 1 block of 1094 Marion St. I also photographed my yard, front and back, showing no garbage, refuse etc. sited by Richard Kedrowski in the Abatement Order.

31<sup>st</sup> 6:16pm Neither Lisa nor Steve from the Safety and Inspection division have returned my phone call.

## **Narrative**

On Tuesday, July 24<sup>th</sup> I received a Summary Abatement Order in the mail. The Order was dated July 19<sup>th</sup> and issued by Richard Kedrowski. The order referenced Chapter 45 of the Saint Paul Legislative Code and order removal of refuse, rubble, car part, etc from my property. It also

order the removal of the "Temporary Awning Structure from the rear yard against the back of the house".

The "Awning Structure" referenced is actually a free standing canopy. There are no sides and it does not attach to the house. The canopy is metal framed with a vinyl roof. It is over 10 feet from my side lot lines and over 50 feet from the alley. It sits at the entrance of my tuck under garage and is 9 ½ feet tall.

I had researched the city ordinances before it was erected and found nothing to be in violation. However, I did know that the State Fire Code sec 31 did state that temporary tents, awnings and canopies cannot be in place more than 180 days out of a 12 month period. This canopy was erected for the summer months, to protect a vintage motorcycle and side car.

After receiving the Abatement order on the 24<sup>th</sup> I telephoned Richard Kedrowski and left a voice mail.

On the 26<sup>th</sup>, at 8:16am Richard returned my phone call. I asked him what refuse, rubble, etc he was speaking about in the abatement order. He stated that was just "boiler plate comments" and I could disregard it. I then pointed out the "awning" he referred to was actually a canopy, as it was not connected to the building. He stated they were the same thing. I then pointed out the canopy was not addressed by section 45 of the Legislative Code, and he did not reference any other code in his abatement order. Richard stated he spoke with his supervisor, that's why it took him two days to call me back, and they agreed the canopy violated the State Fire Code, section 31. He stated I needed approval from the city fire inspector for the canopy. I stated that since the canopy was only 200 square feet a permit wasn't needed...that it was only required for canopies over 400 square feet. He stated a permit wasn't needed, but approval by the fire inspector was.

At 9:21am that same day I called the City of St. Paul Fire Inspectors office and spoke with Mitch. I explained my situation and he questioned why Richard Kedrowski was trying to enforce fire codes. Apparently the building officials normally forward any fire code complaints to the fire inspector. Mitch stated since the canopy was only 200 square feet no permit or approval was required by the fire inspector. Mitch stated he would email Richard to let him know. Mitch also stated that I may need approval from zoning and I should contact them also.

On Friday, the 27<sup>th</sup> of July I telephone the St. Paul Zoning Department and spoke with Mathew Graybar. I explained the situation to him and he stated that I was allowed three accessory structure totaling 1,000 square feet. Since I only had a 120 square ft shed and the canopy was only 200 square feet and didn't violate any set back requirements, nothing was needed from zoning. He did, however, offer to look over and approve a proper site plan if one were

submitted. Mathew also recommended I call Steve (Richard's supervisor) at 651-266-1928 to discuss the issue with him.

Over the weekend I made and submitted a site plan, via email, to Mathew Graybar. On Monday, July 30<sup>th</sup>, at 8:21am I received approval of my site plan via email.

At approximately 9 am I telephoned Steve (supervisor of Richard's) at 651-266-1928. I left him a voice mail requesting he call me regarding this Summary Abatement Order.

At approximately 10:30am I noticed a blue pickup taking pictures of a house across the street and figured it was a code enforcement official. I went out to the pickup and introduced myself to the driver. The driver stated he was Richard Kedrowski. We spoke about the canopy and he stated he's emailed back and forth with Mitch (Fire Inspector). He stated I was mistaken about what he had said over the phone. He stated I was in violation of Fire Code section 31, but I needed approval for wind load, etc through the city of St. Paul. I told him I had a Site Plan approved by zoning. He asked if I had went to their office and got it this morning. I told him I had done it via email. He then stated that I didn't need Zoning approval, but approval through the City Safety and Inspections department. I asked if he would rescind his Abatement Order. He stated if I didn't like it, I could appeal it to the Legislative Hearing Officer. I told him I was trying to avoid wasting everyone's time, but would if I had to.

Upon finishing the conversation I telephoned the City Safety and Inspections department and spoke with Kari Hilleson. This conversation was recorded by myself. Kari stated that since the square footage was 200 square feet or less, no building permit or approval was necessary by the building permits department. She stated she would email Richard to let him know.

At 12:19 pm on July 30<sup>th</sup> I received a copy of the email Kari Hilleson sent to Richard Kedrowski. This is that email:

***Following up on a phone discussion about the 10' x 20' canopy at this address. For building code, it does not require a building permit as it is not more than 200 SF. Also, as it is exempted from a building permit there are also no requirements for fire-resistant construction. However, note that exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances.***

***Structures that do not require building permit still must meet zoning requirements for setbacks and lot coverage. Zoning has approved the location of this structure and I have attached their approved plan.***

***I see in the summary abatement letter that Chapter 45 of the Saint Paul Legislative Code was referenced. That is a Code Enforcement section and would need to be addressed with Richard.***

On July 31 at 8:53am I received a call from Lisa, unknown last name and assumed from the St. Paul Safety and Inspections office. She left me a voice mail stating she was calling for Steve. She apparently looked at a picture on file and said she saw a temporary structure with a Jeep parked under it. That in fact, this was a temporary structure and I would have to file an appeal.

At 8:57am I attempted to call her back at the number she left. I received her voicemail. I explained that there is no question that this is a temporary structure and that the fire inspector, zoning, and the plans examiner have told me and Richard Kedrowski that there was no issue with the structure. I explained to her I was trying to get the Abatement Order rescinded without appealing, as appealing would cost money and time at work which I would need to be reimbursed for, through litigation if necessary. I asked her to call me back that day.

At 9:21am I called Steve, the supervisor and got his voicemail. I left Steve the approximate same message, explaining my want to avoid appeals and potential litigation.

As of 6:16pm July 31<sup>st</sup> neither Lisa or Steve have returned my phone call.



## Ken Rowe

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**From:** Hilleson, Kari (CI-StPaul) [Kari.Hilleson@ci.stpaul.mn.us]  
**Sent:** Monday, July 30, 2018 12:19 PM  
**To:** Kedrowski, Richard (CI-StPaul)  
**Cc:** krowe@minnesotahomeinspectors.com  
**Subject:** 1094 Marion St  
**Attachments:** Temporary Carport Plan 1094 Marion.pdf

Following up on a phone discussion about the 10' x 20' canopy at this address. For building code, it does not require a building permit as it is not more than 200 SF. Also, as it is exempted from a building permit there are also no requirements for fire-resistant construction. However, note that exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances.

Structures that do not require building permit still must meet zoning requirements for setbacks and lot coverage. Zoning has approved the location of this structure and I have attached their approved plan.

I see in the summary abatement letter that Chapter 45 of the Saint Paul Legislative Code was referenced. That is a Code Enforcement section and would need to be addressed with Richard.



### **Kari Hilleson**

#### ***Plans Examiner I***

Department of Safety and Inspections

375 Jackson St, Suite 220

Saint Paul, MN 55101-1806

**P:** 651-266-9074

[kari.hilleson@ci.stpaul.mn.us](mailto:kari.hilleson@ci.stpaul.mn.us)

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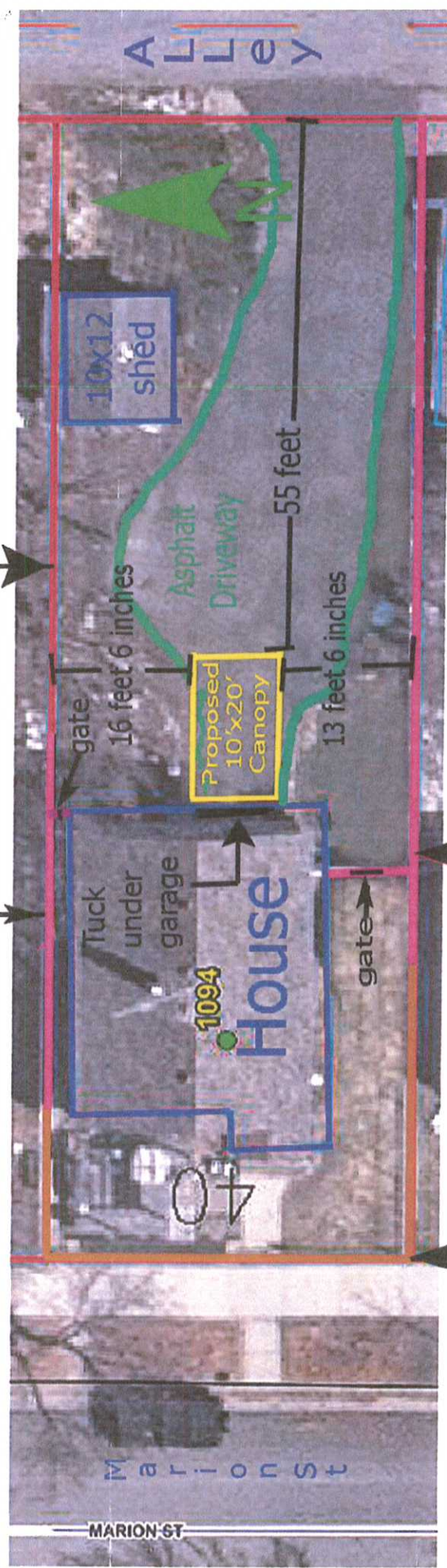
***“DSI’s Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.”***

1094 Marion Street  
 Site Plan For Temporary 10'x20' Canopy

Canopy is not connected to the house. Canopy is metal framed with vinyl roof, no sides. Height is 9.5 feet to the peak. Unit is anchored with ropes to ground anchors To be used no more than 180 days each year. Removed by November 1st each year.

6 foot tall privacy fence

Lot line  
 no fence



40 inch chain link fence

6 foot tall privacy fence

**PARKING PLAN APPROVED**  
**CITY OF ST PAUL**  
**Department of Safety and Inspections**

BY MG      Date 07/30/18  
 FILE# 18-08883

Any alterations from this plan must be approved by the Zoning Administrator.

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AIR TOOLS

HAND TOOLS

TOOL STORAGE

TOOL & MOTORCYCLE

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MATERIAL HANDLING

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Carofy  
Showing my June 15, 2018  
photo elsewhere  
WAS



**Kenny Rowe**

June 15

Add a description **3** Attending VJMC / AMCA Motorcycle Show and Swap Meet at Eco Experience, Minnesota State Fair.

Tag Photo Edit

Jackie Moorew, George AR and Lisa Rowe 6 Comments

Like Comment Share



**Tyler Smiler Kolbeck** I want one of those



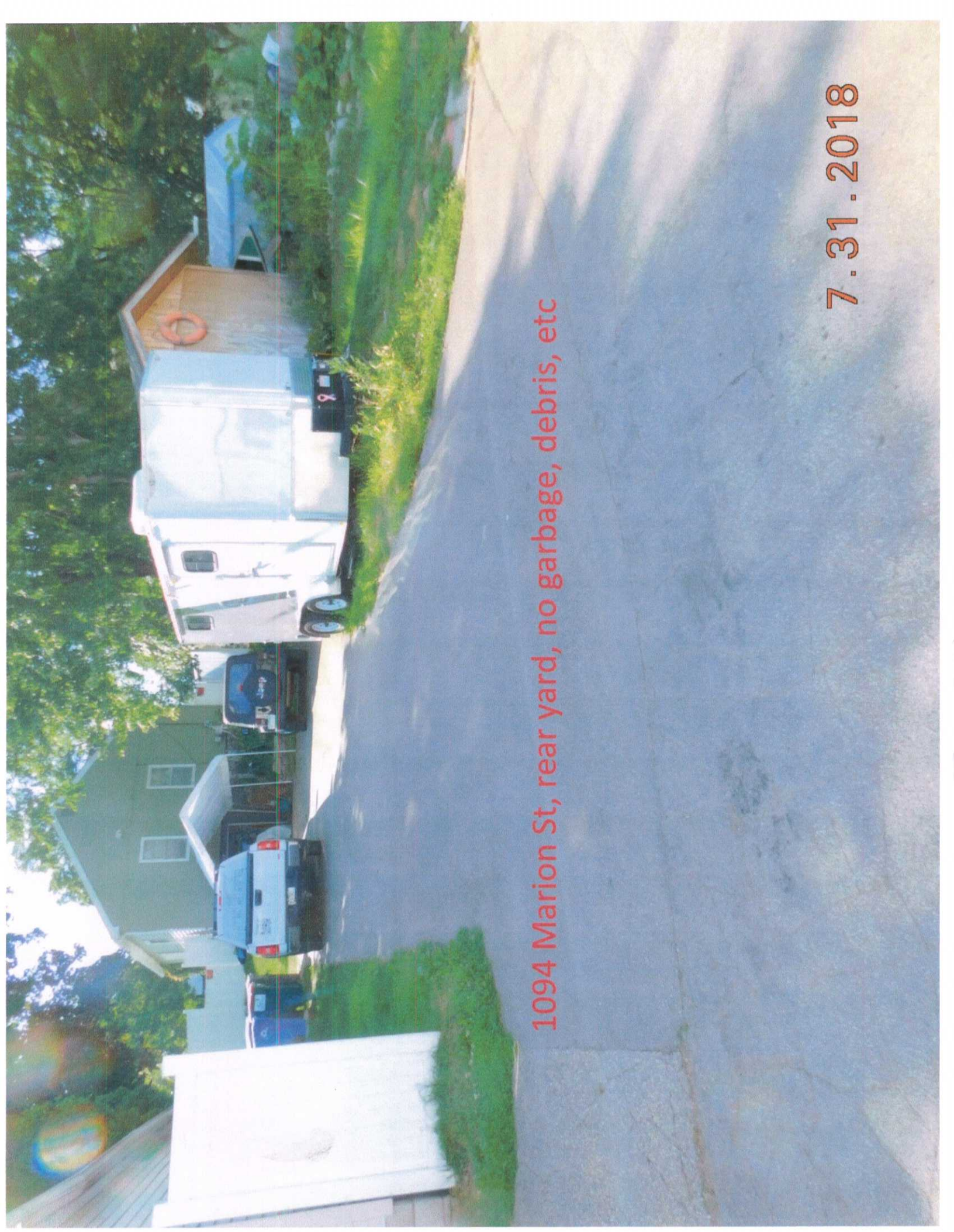
1094 Marion St. Front yard, no debris, garbage, etc.

7.31.2018



1094 Marion St, front yard, no debris, garbage, etc

7.31.2018



1094 Marion St, rear yard, no garbage, debris, etc

7.31.2018



7.31.2018

Neighbor to 1094  
Marion St





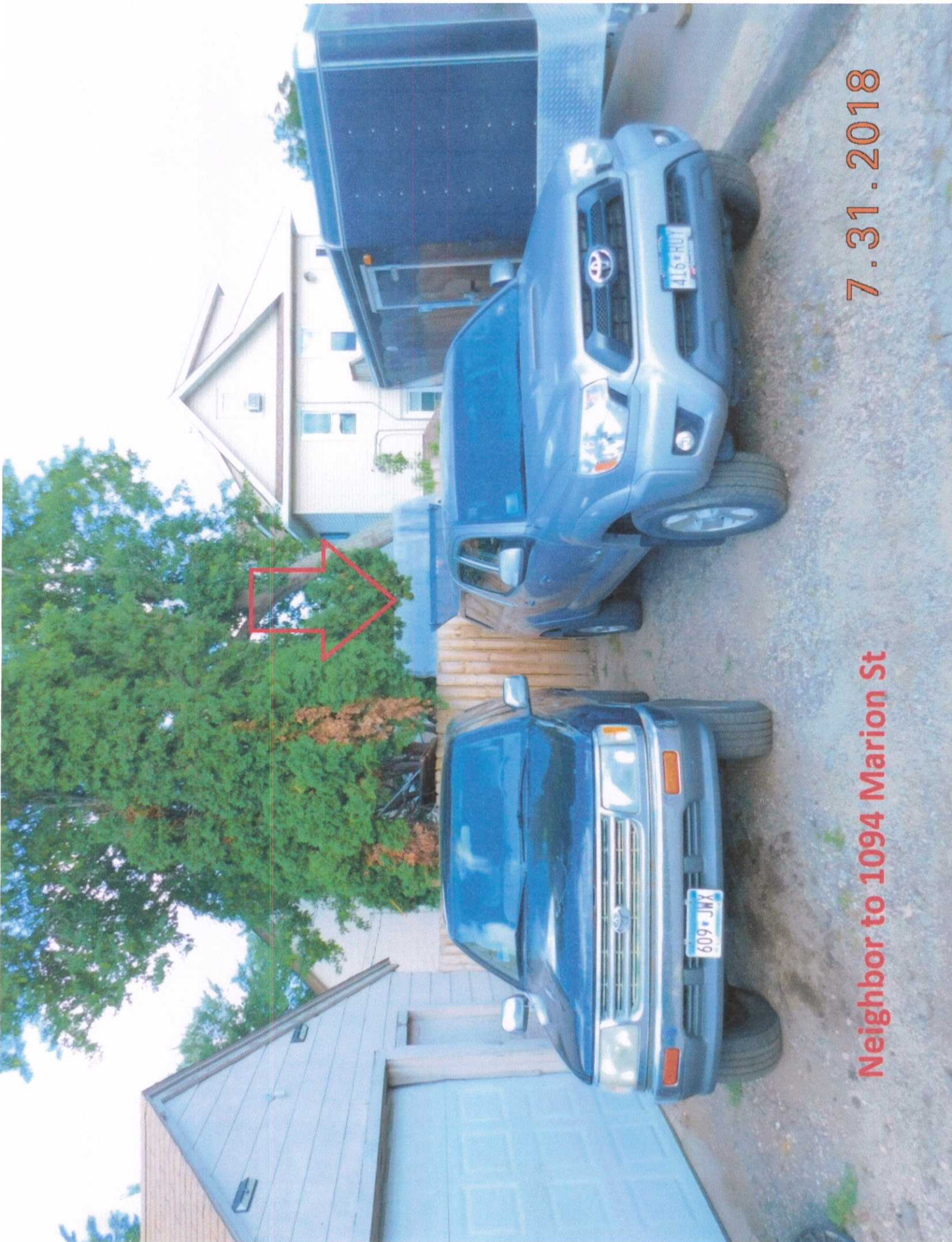
Neighbor to 1094  
Marion St

7.31.2018

Neighbor to 1094  
Marion St

7.31.2018





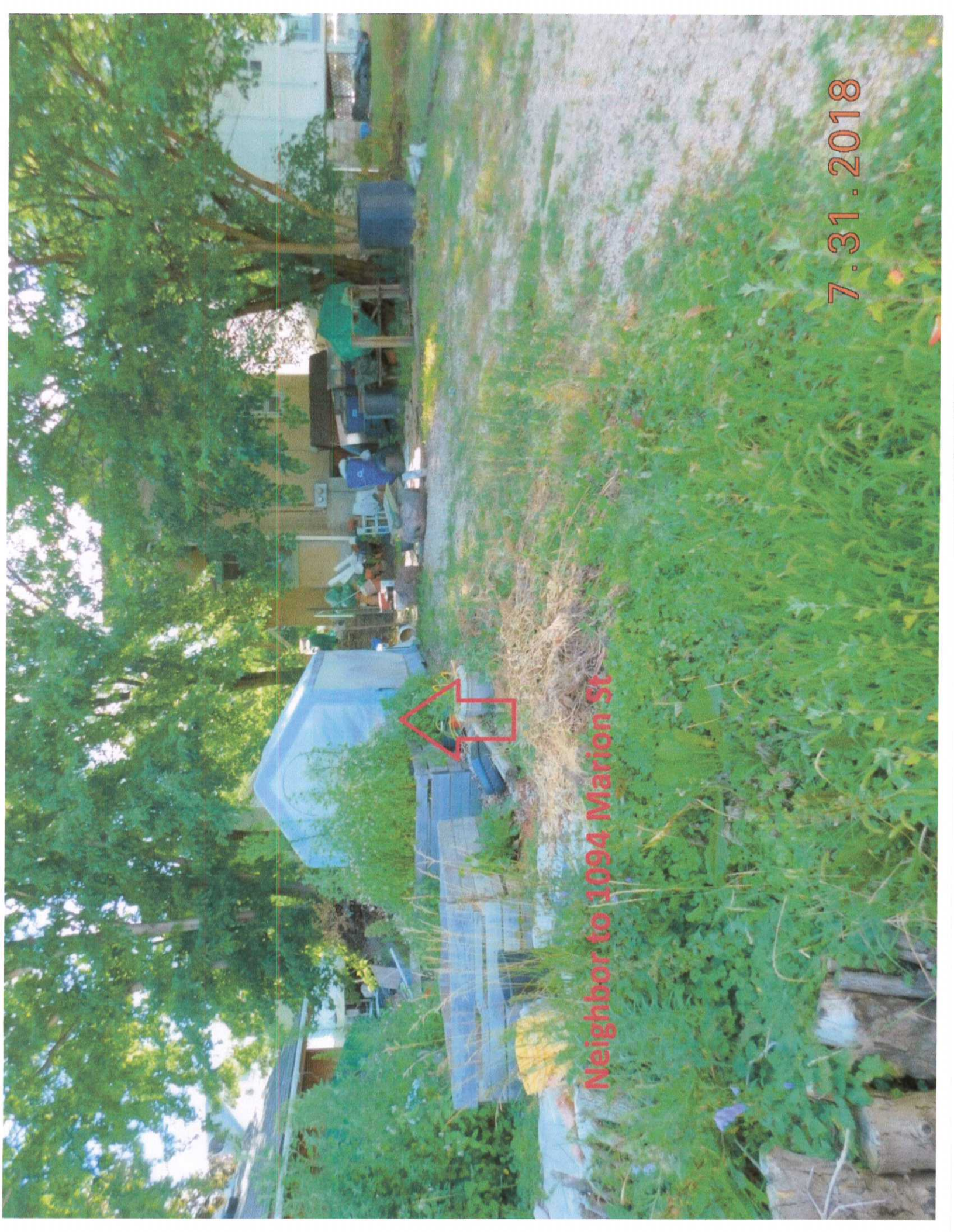
Neighbor to 1094 Marion St

7.31.2018



Neighbor to 1094 Marion St

7.31.2018



Neighbor to 1094 Marion St

7:31:2018