

RLH VO 18-63



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

310 City Hall, 15 W. Kellogg Blvd.

DEC 12 2018

Saint Paul, Minnesota 55102

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 # 6949)
  - 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, DEC 18, 2018

Time 11:30

Location of Hearing:

Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 752 Carroll Ave. City: St. Paul State: MN Zip: 55104

Appellant/Applicant: James Cannon, Jr. Email: j.f.cannonjr@gmail.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 612-670-7322

Signature: James Cannon Date: 12/12/2018

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

Mailing Address if Not Appellant's: Shulman & Buske, 126 N. 3rd St., #402, Minneapolis, MN 55401

Phone Numbers: Business 612-870-7410 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:**

The revocation was improper because the only specific safety issue identified, exposed electrical components, has been corrected. The building is in a safe and habitable condition. There are thus no grounds for a revocation.

# Shulman & Buske PLLC

126 North Third Street, Suite 402  
Minneapolis, MN 55401  
Tel: 612-870-7410 Fax: 612-870-7462

December 12, 2018

## VIA COURIER

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

Re: Appeal of Revocation of Fire C of O  
752 Carroll Ave.

Dear Sir or Madam:

Enclosed for filing are an Application for Appeal of the Revocation of Fire Certificate of Occupancy and Order to Vacate for 752 Carroll Ave., dated December 4, 2018, and a check for \$25.00 for the filing fee. My firm represents James Cannon, Jr., the owner, on this appeal. Please direct all communications concerning the appeal to my office.

Sincerely,



David L. Shulman  
david@shulmanbuske.com



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)

December 4, 2018

James Cannon  
2900 4th Street SE  
Apt. 639 Minneapolis, MN 55414

## **Revocation of Fire Certificate of Occupancy and Order to Vacate**

RE: 752 CARROLL AVE  
Ref. # 118974

Dear Property Representative:

Your building was inspected on November 29, 2018, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

**A reinspection will be made on December 20, 2018 at 11:30 AM or the property vacated.**

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

### DEFICIENCY LIST

1. Interior - Basement of Dwelling - 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 work on the basement of the dwelling until zoning use as a triplex has been reviewed and approved
2. Interior - Dwelling - SPLC 40.09(a)(1) - The owner of a building for which a fire certificate of occupancy has been issued is under a continuing obligation to give written notice to the fire marshal of any changes in the information supplied as part of the application for the certificate. This includes any changes or modifications of ownership of the building, and any change in use or occupancy status of the building. Current use as duplex with one unit upstairs and one unit occupying the main floor and basement. Basement has unpermitted work to convert to a third dwelling unit. No application to zoning for the conversion or obtaining of a building permit by a licensed contractor has been obtained for the dwelling.

3. Basement - SPLC 34.11 (9) All residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the residential structures and dwelling units in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Any illegal or electrical devices shall be removed, repaired or replaced. All electrical components shall be maintained in an approved manner and free of defects.  
11/29/18: wiring is in rough-in stage with multiple open junction, outlet and switch boxes, see photos.  
Have a Licensed Electrical contractor remove or install wiring in the basement to code.
4. Interior - Basement Electrical - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.

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 this order.

If you have any questions, email me at: [Laura.Huseby@ci.stpaul.mn.us](mailto:Laura.Huseby@ci.stpaul.mn.us) or call me at 651-266-8998 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Laura Huseby  
Fire Inspector

Ref. # 118974