



# 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

SEP 10 2013

CITY CLERK

### We need the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number 351984)
  - 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

<p><b>HEARING DATE &amp; TIME</b>          (provided by Legislative Hearing Office)          Tuesday, <u>9-17-13</u></p> <p>Time <u>1:30 PM</u></p> <p>Location of Hearing:          Room 330 City Hall/Courthouse</p>
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### Address Being Appealed:

Number & Street: 355 Maria City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Mark Albrecht Email mpalbrecht@hotmail.com

Phone Numbers: Business 651-485-9912 Residence 651-459-1433 Cell 651-485-9912

Signature: Mark Albrecht Date: 9-10-2013

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
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

Review of an unrecorded property driveway easement excess behind building 355 Maria for 359 Maria. My family has owned 355 Maria for 35 years. Traffic through this narrow driveway would have a detrimental effect for 355 Maria and 667 East Fifth Street which share the front driveway.



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-8989  
Saint Paul, MN 55101-1806 Fax: 651-266-8951

August 30, 2013

MARK ALBRECHT  
4950 WILD CANYON DR  
WOODBURY MN 55129

**CORRECTION NOTICE - COMPLAINT INSPECTION**

RE: 355 MARIA AVE  
Ref. # 11627

Dear Property Representative:

An inspection was made of your building on August 30, 2013 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately. **A re-inspection will be made on September 30, 2013 after 9:30 am.**

Failure to comply may result in a criminal citation or revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

**DEFICIENCY LIST**

1. Exterior Repairs - HPC Application/Review - HPC Sec. 73.04(4) Review of permits. The commission shall protect the architectural character of heritage preservation sites through review and approval or denial of applications for city permits for exterior work within designated heritage preservation sites. 355 Maria Avenue is located in the Dayton's Bluff Historic District as described in Sec. 74.76 of the Legislative Code.-Contact HPC and DSI Zoning for application and review of properties easement behind building.
2. West Dirt Lot - Sec. 63.201. Off-street parking. Off-street parking spaces shall be provided in all districts, except B4 and B5, at the time of erection, enlargement or expansion of all buildings in accordance with the requirements of this section.
3. West Dirt Lot - Sec. 63.303. Parking location, residential. Residential off-street parking shall consist of an off-street parking facility or parking spaces as defined in this code. Parking spaces for buildings containing three or more dwelling units shall be on the same zoning lot, part of a shared parking arrangement pursuant to section 63.206(d), in a VP vehicular parking district, or in an abutting zoning lot in the same or less restrictive zoning district.-Remove vehicles, trash receptacle and stumps in ground behind building. Allow access for owners of 359 Maria Ave to complete garage repairs.

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 the original orders.**

If you have any questions, email me at: [sean.westenhofer@ci.stpaul.mn.us](mailto:sean.westenhofer@ci.stpaul.mn.us) or call me at 651-266-8982 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Sean Westenhofer  
Fire Inspector  
Ref. # 11627

PARKING ACCESS BEHIND  
359 MARIA, SAINT PAUL,

I am the resident owner of 667 East Fifth Street, Saint Paul, MN. I have lived here since I bought the home on September 21, 1994. I share a drive way with 355/357 Maria. As it is currently laid out now, they own half of the driveway and I own half. At present there is no easement on my half of the driveway.

ISSUE: Apartments with over four units should have off-street parking. To access 359 Maria they have to drive past my house on the shared driveway between 355 Maria and 667 East 5<sup>th</sup> Street.

THE EASEMENT

The city says there is an easement on the 355 Maria property. They haven't said whether there is one on my property, 667 East 5<sup>th</sup> Street. But if the tenants of 359 Maria intend to use my side of the drive, I have no intention of giving an easement.

In the 20 years I have lived here, no one has ever driven through my shared drive to get to 359 Maria. When I came Neal Albrecht placed a series of posts and located the dumpster at the head of the driveway. If there was an easement it surely has been **vacated** by 20 years of non-use.

THE PAST OWNERS OF 359 Maria.

When I purchased my house in 1994, M and M Properties owned 359 Maria. During that time there were numerous police calls to the building. (attached report from that period) The back yard was littered with debris. (attached photos). I personally witnessed many drug purchases from the back door.

When Mr. OH purchased the property, the drug dealing continued which I have witnessed, and there has been an escalation in violence. In fall 2011 my bedroom window was shot at by the group who shortly before were firing pellet guns from the back steps of 359 Maria. I have 6 holes in my windows to show you. The windows are directly above my bed and the shots were at 10:00 or so at night when I was in bed. By the time I looked out the window they were going back into 359 Maria. The police were called and a report was made, but they didn't come until the next morning. By that time Mr. Oh said he didn't know if it was his tenants or their guests, and he was not responsible for the guests. Although there was no legal grounds for arresting the occupants of 359 Maria at that time, the event arose out of that building, and the owner is culpable for a lack of oversight.

On two further occasions January 12, 2012 and January 18, 2012 my kitchen window was shattered and my home was burglarized. A resident of 355 Maria saw two young men in my yard

within two minutes of the burglary. These were people who lived at 359 Maria. When the police talked to the witness, they were not able to enter 359.

The Owner, Mr. OH was called on each occasion and he said it was not his problem. He said he did post a notice on the door as did other landlords. That was the extent of his oversight.

#### HOW IS THE PROPERTY KEPT?

359 Maria has seldom seen the owner Mr. OH. He has asked someone who is not a professional custodian to vacuum the corridors and maintain the lawn, but he doesn't check on them to my knowledge. Often the grass is over the city height limit and the weeds abound. There has been no attempt to create a decent grassed area behind the house for the residents.

#### WHAT WILL BE THE EFFECT OF A PARKING LOT BEHIND 359 MARIA?

1. There will be no green space for the tenants who are Section 8 and therefore often have small children.
2. It will continue to degrade the residential character of the neighborhood where there is ample street parking.
3. Because of the remoteness it will create a fertile ground for concealed drug dealing. The police are aware this property is a hot spot for drugs. I have talked with Officers Thor Johnson, Townsend, Louis Ferraro and Captain McCray about the activity.
4. The drug activity will encourage people to drive all night long past my house and 355 Maria.

#### WHAT IS BEST FOR THE NEIGHBORHOOD?

This is a stressed neighborhood that hasn't changed much in the time I have lived here. There is a movement along 4<sup>th</sup> and Maria to improve houses, but between 5<sup>th</sup> and 6<sup>th</sup> there are abandoned houses and no improvement. To encourage owner occupied housing should be a value through which you access City regulations. What will improve the quality of housing in our neighborhood? Which ordinances will enable better environments to flourish? By imposing the off-street parking nothing is gained; it is a step backward given the present ownership.

1. I think that we should demand that the landlord keep up his property by providing adequate well maintained green space and an hospitable exterior that has a landscape plan suitable for multiple apartments. Children have little or no space to play. In the 20 years I have been here there has been nothing done to improve the back yard at 359 Maria...not a single blade of grass planted, not a single flower. This is a perfect example of absenteeism and lack of oversight.
2. Providing off-street parking will perpetuate the "Inner City" character of this house by its industrial impact.
3. Given that the owner will probably not have a hard surface parking, there is a significant issue of contamination of the soil. Class 5 simply perpetuates the slum like conditions.

4. When there is already more than adequate street parking, I ask, what is the benefit to the neighborhood of pursuing the 4 unit rule for off street parking?
5. Why create another attractive nuisance for drug dealing which is rife in this neighborhood, and provide one more secluded place to deal.

I have spoken frequently over the years with the various owners. The building, however, is perceived simply as a source of income, not a place where people want to live, but have to given their economic situation.

Please feel free to contact me at 651-776-7988

JAMES NOTEBAART  
667 EAST FIFTH STREET  
SAINT PAUL, MN 55106

Attachments: photos, police report. (I do not have a current police report) One is available to you if you request it.

cc. Mark Albrecht

st w b p



93-078-720 06/08/93 2350 WARRANT ARREST PCN  
 93-076-136 06/04/93 1553 DOMESTICS ADV 1  
 93-075-107 06/02/93 1609 INVESTIGATE SNR 8  
 93-075-121 06/02/93 1631 PREVIOUS CN PCN  
 93-073-717 05/30/93 2137 DETOX RCV 1  
 07/24/95 ST. PAUL POLICE SINGLE INCIDENT TRACKING SYSTEM 10:04:  
 QADR - PUBLIC HISTORY OF 359 MARIA AV  
 202500 SECTOR: 3 GRID: 94  
 01/01/93 - 07/24/95

CN	DATE	TIME	INCIDENT	DISP	APT
93-072-823	05/29/93	0106	NARCOTICS DRUGS	RCV	
93-070-979	05/25/93	1935	DOMESTICS	GOA	1
93-064-363	05/13/93	1548	DOMESTICS	ADV	
93-064-040	05/12/93	2139	DOMESTICS	ADV	1
93-061-682	05/08/93	2027	DISTURB CALLS	ADV	
93-059-728	05/05/93	1827	DOMESTICS	GOA	1
93-058-409	05/03/93	0926	RUNAWAY	ADV	5
93-054-976	04/26/93	2116	DRUNK	SNR	1
93-053-784	04/24/93	1803	LANDLORD NEIGHB	ADV	5
93-053-795	04/24/93	1823	LANDLORD NEIGHB	ADV	5
93-052-835	04/23/93	0135	OTHER ASSAULT	RCV	
93-053-216	04/23/93	1938	OTHER ASSAULT	RCV	5
93-053-327	04/23/93	2223	DOMESTICS	ADV	5
93-052-094	04/21/93	1616	DISTURB CALLS	ADV	5
93-051-732	04/20/93	2134	LOCKOUT (AUTO)	ADV	5
93-051-742	04/20/93	2204	DISTURB CALLS	ADV	UPR

07/24/95 ST. PAUL POLICE SINGLE INCIDENT TRACKING SYSTEM 10:04:  
 QADR - PUBLIC HISTORY OF 359 MARIA AV  
 202500 SECTOR: 3 GRID: 94  
 01/01/93 - 07/24/95

CN	DATE	TIME	INCIDENT	DISP	APT
93-050-584	04/18/93	2032	DISTURB CALLS	CAN	UPPE
93-050-124	04/17/93	2038	LANDLORD NEIGHB	ADV	5
93-048-288	04/14/93	1336	LANDLORD NEIGHB	ADV	5
93-047-524	04/12/93	2135	DOMESTICS	ADV	1
93-047-377	04/12/93	2345	DOMESTICS	ADV	1
93-042-487	04/03/93	0055	DOMESTICS	ADV	5
93-042-520	04/03/93	0135	DOMESTICS	ADV	1
93-042-324	04/02/93	2031	DOMESTICS	GOA	5
93-042-339	04/02/93	2100	DOMESTICS	ADV	1
93-040-919	03/31/93	0113	DOMESTICS	ADV	1
93-040-821	03/30/93	2000	DOMESTICS	ADV	1
93-040-428	03/29/93	2240	NARCOTICS DRUGS	ADV	6
93-020-645	02/15/93	0900	BURGLARY	RCV	4
93-020-128	02/13/93	2058	OTHER VIOLATION	RCV	4
93-015-879	02/04/93	1815	ASSIST FIRE AMB	ADV	7
93-015-440	02/03/93	2004	THEFT	ADV	7

07/24/95 ST. PAUL POLICE SINGLE INCIDENT TRACKING SYSTEM 10:04:  
 QADR - PUBLIC HISTORY OF 359 MARIA AV  
 202500 SECTOR: 3 GRID: 94  
 01/01/93 - 07/24/95

CN	DATE	TIME	INCIDENT	DISP	APT
93-015-466	02/03/93	2109	DOMESTICS	ADV	7
93-015-479	02/03/93	2132	OTHER ASSAULT	SNR	7
93-015-051	02/02/93	2158	RUNAWAY	ADV	2
93-014-559	02/01/93	2251	DOMESTICS	GOA	7
93-012-639	01/28/93	2151	INVESTIGATE	DUP	7
93-012-640	01/28/93	2152	OTH ASLT DOM SS	RCV	7
93-004-862	01/12/93	0059	DOMESTICS	ADV	
93-004-666	01/11/93	1615	SEARCH WARRANT	RCV	8
93-000-745	01/02/93	1458	LANDLORD NEIGHB	ADV	1

137 Since Jan



4-047-915 04/15/94 2150 DOMESTIC ADV  
 4-043-244 04/06/94 2217 LANDLORD TENANT ADV  
 4-038-858 03/29/94 0638 RUNAWAY ADV  
 4-037-590 03/26/94 1024 INVESTIGATE CAN  
 4-036-804 03/24/94 1954 SEARCH WARRANT RCV  
 7/24/95 ST. PAUL POLICE SINGLE INCIDENT TRACKING SYSTEM  
 ADR - PUBLIC HISTORY OF 353 WOOD AV  
 02500 SECTOR: 3 EPID: 94  
 01/01/93 - 07-1-95

CN	DATE	TIME	INCIDENT	DISP	APT
4-036-805	03/24/94	1954	SEARCH WARRANT	RCV	
4-036-806	03/24/94	1955	SEARCH WARRANT	RCV	
4-026-728	03/04/94	0855	DOMESTIC	ADV	
4-024-381	02/26/94	2258	DOMESTIC	ADV	
4-015-975	02/07/94	1717	DOMESTIC	BNR	DOWN
4-013-571	02/02/94	0130	LANDLORD TENANT	ADV	
4-010-177	01/25/94	1240	LANDLORD TENANT	ADV	
4-008-698	01/22/94	0052	DOBS	ADV	
4-008-590	01/21/94	2044	DOBS	ADV	
4-008-644	01/21/94	2255	OTHER	INF	
3-180-064	12/09/93	1916	INVESTIGATE	BNR	
3-176-703	12/02/93	1123	ARSON	RCV	
3-167-122	11/10/93	2016	SEARCH WARRANT	RCV	
3-162-069	10/31/93	0119	FIGHT	ADV	1FL
3-161-104	10/29/93	0855	DOMESTIC	ADV	
3-153-251	10/14/93	1308	PREVIOUS	RCN	

7/24/95 ST. PAUL POLICE SINGLE INCIDENT TRACKING SYSTEM  
 ADR - PUBLIC HISTORY OF 353 WOOD AV  
 02500 SECTOR: 3 EPID: 94  
 01/01/93 - 07-1-95

CN	DATE	TIME	INCIDENT	DISP	APT
3-134-187	09/08/93	1317	NARCOTICS OFFENSE	GOA	
3-132-046	09/04/93	1223	DOMESTIC	ADV	
3-137-843	09/04/93	1023	THEFT	RCV	
3-130-243	09/01/93	1242	ODD WARE SEIZED	RCV	
3-118-739	08/14/93	1011	INVESTIGATE	ADV	
3-117-269	08/12/93	0003	ODD WARE SEIZED	RCV	
3-115-957	08/09/93	2053	NARCOTICS OFFENSE	GOA	
3-113-035	08/04/93	2204	SEARCH WARRANT	RCV	
3-111-554	08/02/93	1304	ASSIST FIRE	ADV	
3-107-713	07/27/93	0707	RECOV WARRANT	RCV	
3-106-315	07/24/93	2105	OTH ABLT DOM	RCV	6
3-104-285	07/21/93	1349	DOMESTIC	ADV	6
3-097-036	07/09/93	1720	DETOK	RCV	6
3-094-453	07/05/93	1201	OTH ABLT DOM	RCV	5
3-093-250	07/03/93	1353	DOMESTIC	ADV	6
3-093-291	07/03/93	1509	DOMESTIC	ADV	1

7/24/95 ST. PAUL POLICE SINGLE INCIDENT TRACKING SYSTEM  
 ADR - PUBLIC HISTORY OF 353 WOOD AV  
 02500 SECTOR: 3 EPID: 94  
 01/01/93 - 07-1-95

CN	DATE	TIME	INCIDENT	DISP	APT
3-093-326	07/03/93	1625	DOMESTIC	ADV	6
3-092-105	07/01/93	2133	THEFT	BNR	5
3-090-680	06/29/93	1238	DOMESTIC	ADV	5
3-089-567	06/27/93	1359	DOMESTIC	ADV	1
3-089-190	06/26/93	2253	DOMESTIC	ADV	5
3-088-551	06/25/93	2345	DETOK	RCV	
3-087-147	06/23/93	1727	DOMESTIC	ADV	1
3-087-215	06/23/93	1924	DOMESTIC	RCN	1
3-087-260	06/23/93	2118	DETOK	RCV	1

07/24/95  
QADR - PUBLIC  
202500

ST. PAUL POLICE SINGLE INCIDENT TRACKING SYSTEM  
HISTORY OF 359 MARIA AV  
SECTOR: 3 GRID: 94  
01/01/93 - 07/24/95

10:04:35

CN	DATE	TIME	INCIDENT	DISP	APT
95-103-271	07/19/95	2132	DOBS	ADV	
95-100-142	07/11/95	1254	INVESTIGATE	DUP	3
95-100-149	07/11/95	1254	THEFT	RCV	3
95-097-153	07/06/95	2045	DOBS	ADV	3
95-093-055	06/30/95	0312	OTH ASLT DOM SS	RCV	3
95-092-878	06/29/95	2216	DOBS	DUP	
95-092-417	06/29/95	0342	DISTURB CALLS	ADV	
95-091-570	06/27/95	1942	DOMESTICS	ADV	1
95-090-140	06/25/95	0329	DOMESTICS	ADV	3
95-090-123	06/25/95	0239	WEAPONS	ADV	3
95-089-242	06/23/95	2049	DOMESTICS	ADV	3
95-077-338	06/04/95	1408	DANG CONDITIONS	ADV	3
95-066-792	05/17/95	2100	DOBS	ADV	3
95-066-543	05/17/95	1310	TRAFFIC VIOL	RCV	
95-066-482	05/17/95	1039	TRAFFIC VIOL	ADV	
95-066-119	05/16/95	1635	WARRANT ARREST	RCV	1

07/24/95  
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10:04:35

CN	DATE	TIME	INCIDENT	DISP	APT
95-065-381	05/15/95	1226	TRAFFIC VIOL	ADV	
95-060-488	05/06/95	1411	OTHER ASSAULT	RCV	3
95-060-003	05/05/95	1946	DOMESTICS	SNR	3
95-057-719	05/01/95	2220	DOMESTICS	ADV	2
95-052-020	04/20/95	1302	ATT AUTO THEFT	RCV	3
95-046-119	04/09/95	2237	DOMESTICS	ADV	2
95-042-573	04/02/95	1905	OTHER ASSAULT	SNR	
95-036-485	03/21/95	1740	DOMESTICS	ADV	3
95-034-606	03/17/95	2136	DOMESTICS	ADV	3
95-027-307	03/03/95	2211	DOBS	ADV	3
95-025-576	02/27/95	2333	DOMESTICS	ADV	3
95-025-492	02/27/95	2037	INVESTIGATE	ADV	3
95-025-343	02/27/95	1538	TRAFFIC ACCDNT	RCV	3
95-019-466	02/14/95	2239	ASSIST CALLS	ADV	3
95-015-190	02/05/95	0211	DOMESTICS	ADV	3
95-013-580	02/01/95	1852	ASSIST FIRE AMB	CAN	

07/24/95  
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HISTORY OF 359 MARIA AV  
SECTOR: 3 GRID: 94  
01/01/93 - 07/24/95

10:04:35

CN	DATE	TIME	INCIDENT	DISP	APT
95-012-669	01/30/95	1910	DOMESTICS	ADV	3
95-001-385	01/04/95	1329	DOMESTICS	ADV	3
94-182-541	12/11/94	0129	DOMESTICS	GOA	3
94-162-556	10/30/94	1942	THEFT	RCV	
94-103-294	07/19/94	1051	DOBS	ADV	
94-085-976	06/21/94	1015	FAMILY CHILDREN	RCV	2
94-084-277	06/18/94	0725	OTH ASLT DOM SS	RCV	1
94-083-158	06/16/94	1453	TRAFFIC VIOL	RCV	
94-078-628	06/09/94	0242	OTH ASLT DOM SS	RCV	2
94-05A-212	05/04/94	1936	DOMESTICS	ADV	