



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, April 23, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 12-31](#) Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days. (Public hearing closed October 3, 2012; laid over from November 7, 2012) (To be laid over to April 23, 2013 Legislative Hearing and May 1, 2013 City Council public hearing)

Sponsors: Lantry

Recommendation is forthcoming.

RE: 702 3rd St E (duplex)

Charles D. DeLisi, owner and Brad Griffith, Edina Realty, appeared.

Mr. Griffith:

- Liza Cameron, consultant, has been hired by Jim Erchel to work with Bank of America to help facilitate a short sale to Dayton's Bluff Neighborhood Housing Services (a nonprofit partner, CDC, of the HRA was the purchaser); the Purchase Agreement has not changed*
- Ms. Cameron has been communication; however, it's never anything substantial as far as progress is concerned*
- the short sale process began in Sep 2012; Mr. Erchel had an appraisal done on Jul 31, 2012, which came in at \$20,000 and was submitted to Bank of America at the time; however, they seemed to indicate they hadn't received the documentation*
- sometime in Nov, 2012, the Bank of America decided that they wanted an outside appraiser to come in to evaluate the property on their behalf; that appraisal came in at \$0 (but there were some discrepancies on the dollar amount on the appraisal and the description of the condition of the property) - the Bank of America said that was not acceptable; it has to be worth something; the second time, the appraisal came in at \$50,000 but it was an appraisal that was based on improvements to the property; currently, there's this gap in appraisals*
- he received a letter yesterday from the local VA*

From: Liza Cameron <Liza@cameronres.com<mailto:Liza@cameronres.com>>

Date: April 22, 2013 10:56:21 AM CDT

To: "Griffith, Brad"

<BradGriffith@edinarealty.com<mailto:BradGriffith@edinarealty.com>>
Cc: 'Jim Erchel' <jerchul@dbnhs.org<mailto:jerchul@dbnhs.org>>
Subject: RE: 702 E 3rd Street (DeLisi) - Request for Reconsideration of Value

The local VA is currently reviewing the file. The appraised value that was determined in September is in significant conflict with what the bank has valued the property at. Over the next few days, the valuations will be compared and a final valuation will be determined. At that point in time, the buyer will need to decide if he is willing to purchase the property at the bank's valuation point. There is the potential that the price on the purchase agreement will need to be increased to meet the requirements of the bank. I would recommend the buyer determine the maximum amount he is able to pay for a the property, factoring in repairs needed and current market value. That way when the final valuation comes back from Jay, we can either finalize this transaction or end it.

Following my discussion with Jay, I am hopeful that the bank will meet you part way - somewhere between the \$50,000 and \$25,000. I feel pretty confident an offer of \$20,000 will not be accepted. Jay did indicate if I submitted the previous appraisal this morning, he would make the Reconsideration of Valuation a high priority.

Jay did not go back and ask the appraiser to do an "as is" appraisal. He accepted the \$50,000 as acceptable. It was his opinion that the bank's appraiser had reduced the market value of the property by \$100,000 - enough to factor in repairs/remodeling to make the property habitable. His appraiser had the market value at \$165,000 - assuming it would be brought back to a condition that the city would issue a certificate of occupancy. He was not aware that another appraisal had been done and, when he went back to look in the system, did not see the appraisal I sent in back in December. I found that interesting as I have sent the \$25,000 appraisal a couple times to the negotiator under separate cover - outside of the short sale package. It should have been uploaded into the system.

Jay is aware that the buyer is working closely with the city. He just doesn't want to "give away" the house, but does understand the value of doing the short sale and getting this house repaired. I'll send him another note informing him of the meeting tomorrow. If the valuation can be finalized, it would allow you to discuss your response and determine whether you can meet the bank's demands. Not sure I can get it done by 9a tomorrow morning, but will try.

Liza Cameron

CELL: 952-649-7652

FAX: 952-232-6573

E-MAIL: Liza@CameronRES.com<mailto:Liza@CameronRES.com>

- when he spoke with Jim Erchel yesterday, he was re-evaluating the potential purchase price on the property and using the fact that the roof was repaired to enhance his justification
- he will have Mr. Erchel give Jay Uchi a call
- Mr. DeLisi has submitted all his paperwork many times over
- acting as a facilitator, his concern is for the community and the Vacant Building committee

Ms. Moermond:

- it would be great if Jim Erchel could lean on these guys
- we need someone to talk to the City Council
- this deal needs to be closed
- suggested that Mr. Erchel talk to Council President Kathy Lantry

- will make a decision on Apr 30, 2013
- let the bank know that this property is worth a lot more standing up than being flat
- City Council Public Hearing is May 1, 2013 and she will ask them to make a decision that day on the repair of the roof

Referred to the City Council due back on 5/1/2013

- 2 RLH RR 13-19** Ordering the rehabilitation or razing and removal of the structures at 885 CLARK STRET within fifteen (15) days after the May 15, 2013, City Council Public Hearing.

Sponsors: Brendmoen

Remove the building within 15 days with no option for repair. (No one appeared).

RE: 885 Clark St

Inspector Steve Magner, Vacant Buildings:

The building is a one and one-half story, wood frame, duplex on a lot of 5,227 square feet. According to our files, it has been a vacant building since July 9, 2012.

The current property owner is David Bassekle per AMANDA and Ramsey County Property records.

On February 13, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on February 19, 2013 with a compliance date of March 21, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$6,900 on the land and \$33,100 on the building.

Real estate taxes for 2012 are delinquent in the amount of \$1,670.32; property taxes for 2013 are also unpaid. (Note: this property is in a targeted neighborhood with tax forfeiture date July 31, 2014.)

The Vacant Building registration fees were paid by assessment on February 1, 2013. As of April 22, 2013, a Code Compliance Inspection has not been done.

As of April 22, 2013, the \$5,000 performance deposit has not been posted.

There have been four (4) SUMMARY ABATEMENT NOTICES since 2012.

One WORK ORDER was issued for:

- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$60,000. The estimated cost to demolish exceeds \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- Queen Anne Worker's Cottage built in 1889
- some siding has been covered up
- substantial fire damage; has no fire report
- Payne Phalen area and was within the 2011 survey but was not identified as a potential resource at that time
- the context around this property has been altered; there's new construction on both sides
- because of the fire damage and because of the adjacent context has been altered, Demolition will not have an adverse affect

Ms. Moermond:

- based on the fact that this looks like an abandoned property, she will recommend that Council order the building removed within 15 days with no option for rehabilitation

Referred to the City Council due back on 5/15/2013

3 RLH RR 13-20

Ordering the rehabilitation or razing and removal of the structures at 437 GOODHUE STREET within fifteen (15) days after the May 15, 2013, City Council Public Hearing.

Sponsors: Thune

Remove the building within 15 days with no option for repair. (No one appeared).

RE: 437 Goodhue St (duplex)

Inspector Steve Magner, Vacant Buildings:

The building is a two-story, wood frame, 3-unit dwelling on a lot of 6,987 square feet. According to our files, it has been a vacant building since December 28, 2011. The current property owner is Mark D. Shirley per AMANDA and Ramsey County Property records.

On February 13, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on February 15, 2013 with a compliance date of March 17, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$32,700 on the land and \$53,300 on the building.

Real estate taxes are current through 2012.

The Vacant Building registration fees were paid by assessment on February 1, 2013.

As of April 22, 2013, a Code Compliance Inspection has not been done.

As of April 22, 2013, the \$5,000 performance deposit has not been posted.

There have been three (3) SUMMARY ABATEMENT NOTICES since 2011 resulting in no WORK ORDERS being issued.

Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- built 1875, previous to when building permits had started

- Queen Anne style but it's difficult to tell the original style because of the alterations

- originally built with open 1 story front porch and a full rear open back porch

- was turned into flats before 1925

- it was a very large property

- there was a single family dwelling on the back with an accessory structure; that structure is still there but there's been a lot split

- this property has a very large side yard

- there's been a large addition on the top of the porch in the front of the building

- there is also some new construction, not characteristic of the older homes in the neighborhood

- unusual - Superior Street is just a half block so the backs of the properties on Superior St back to Goodhue St (fronts of houses are facing other peoples' garages)
- not an alley on this block
- was not identified in their Pioneer Context Study
- no potential for this building to be an historic resource
- demolition would not have an adverse affect

Ms. Moermond:

- looks as though this property has been abandoned
- will recommend the Council order the building removed within 15 days with no option for rehabilitation

Referred to the City Council due back on 5/15/2013

- 4 RLH RR 13-21** Ordering the rehabilitation or razing and removal of the structures at 745 HAWTHORNE AVENUE EAST within fifteen (15) days after the May 15, 2013, City Council Public Hearing.

Sponsors: Bostrom

Laid over to May 14 LH; City Council on May 15, 2013.

RE: 745 Hawthorne Ave E (single family)

Tom Herzog, Property Manager with Realty House, Deborah F. Brant, US Bank, and Kristine Nogosek, legal counsel for US Bank, appeared.

Inspector Steve Magner, Vacant Buildings:

The building is a one and one-half story, wood frame, single-family dwelling on a lot of 4,792 square feet. According to our files, it has been a vacant building since May 8, 2012.

The current property owner is US Bank NA ND per AMANDA and Ramsey County Property records.

On February 13, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on February 19, 2013 with a compliance date of March 21, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$14,200 on the land and \$25,800 on the building.

Real estate taxes are current through 2012.

The Vacant Building registration fees were paid by assessment on June 29, 2012.

A Code Compliance Inspection was done on February 1, 2013.

As of April 22, 2013, the \$5,000 performance deposit has not been posted.

There have been five (5) SUMMARY ABATEMENT NOTICES since 2012.

There have been three (3) WORK ORDERS issued for:

- Garbage/rubbish
- Grass/weeds

Code Enforcement Officers estimate the cost to repair this structure exceeds \$35,000. The estimated cost to demolish exceeds \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- built in 1885 - vernacular category
- has projecting front bay window; had a small stoop; had a side porch which has since been enclosed (prior to 1925)
- 2 additions to property and 1 addition is no longer there (prior to 1925)
- there's a barn in the back with 2 additions (has been removed)
- has vinyl siding
- does not have a lot of interior photos
- is not located in the latest survey area 2011; was last surveyed in 1983 and was inventoried (before this next appears at LH, she will get the inventory form - we'll attach it to the record)
- does not have any potential as an historic resource designation
- she is not convinced about it's condition
- has some interesting features
- she would encourage rehab

Ms. Brant:

- closure took place Jun 21, 2012 subject to a 6-month rite of redemption that expired Dec 21, 2012
- US Bank has been maintaining the property by hiring a property management company since Jul 2, 2012
- the foreclosures are done in their Cincinnati, Ohio office; then, transferred to Mpls

Mr. Herzog:

- has been managing the property since Jul 2012
- history: it was in redemption at that point and it was also for sale and therefore, being maintained by the realtor and the owner of the property; Mr. Herzog could not cross that sign and couldn't do anything until that particular listing expired, which it did Sep 11, 2012
- Oct 8, 2012, he received a request from US Bank asking him to check on the property one more time, which he did; they took it over, he met with a locksmith, posted the property, waited 5 days and took control of the property on Oct 22, 2012 - at that point, he was responsible for the exterior of the property and winterized the interior, etc.
- his purpose here today is to have this reverted from a Cat 3 to a Cat 2 VB because he believes that its only fair to US Bank to have the right to sell this property and have it rehabbed
- he is also here on gratis; he really believes in this; he has 34 years in the real estate industry; 30 years working on foreclosure properties; 12 years working specifically for US Bank
- he has 6 properties in Saint Paul and works with Jim Seeger on a daily basis
- in his history, this is his first property that has gone to a Cat 3
- from the time it was declared a Cat 2 (and the period of time we couldn't do anything about it); property was US Bank owned on Dec 21, 2012; he met Jim Seeger and received the Code Compliance Inspection Report on Feb 1, 2013
- Feb 7, 2013, he received a letter from the city saying there were going to do further inspections (he thought, Great!)
- within 16 days, he was notified that it was now a Cat 3 VB; that is not a timely opportunity to sell this property; it didn't give the bank any opportunity to auction, bulk sale or list the property with a realtor to get back some return on their investment - he thinks that is very unfair - 16 days is not a reasonable length of time to market a house
- he followed all the rules; he had inspections on a weekly basis; has interior photos; had people on site; he has the property heated, winterized, etc.
- they raked every leaf in the yard and cleaned the house; they kept neighbors happy; this property has been highly maintained at the request of US Bank

- they attempted to pay the VB fee but were given their check back and told that it was no long applicable (it was too late to pay it)
- they paid for the code compliance inspection report; unfortunately, the lock box didn't work for Jim Seeger; so, he had to pay a \$70 fee for a re-inspection
- he then met Mr. Seeger and opened the door for him and everyone else
- to add insult to injury, in the last couple of weeks, they were given another bill for another \$1,440 for another year of VB fees, after they were told the city was going to tear down the house or at least, have this hearing in an attempt to do so
- he thinks that Saint Paul has moved rather abruptly, moving it from a Cat 2 to a Cat 3 VB
- we all have the same goal; you want a property that's owner-occupied and in good condition and so do we
- it's more than reasonable to revert this from a Cat 3 to a Cat 2

Ms. Moermond:

- she hear what he's saying but this isn't about you, the people, it has to do with property conditions
- the fees are applied universally in the same fashion
- regarding the condition of the property, she has 5 Summary Abatement Notices since 2012 and 3 of those went to Work Order - the city had to deploy a crew to take care of business there

Ms. Nogosek:

- under the MN Data Practices Act, she had requested documents from the city; so, she has copies of all of those Work Orders that Ms. Moermond referred to
- all those Work Orders were addressed to the prior owner (during the time when US Bank was just the mortgagee; the bank did not own the property and was not in control of the property; it didn't have a right to maintain it); they are all addressed to Mr. Peter Cheng, Mpls; dates: Aug 29, 2012; Aug 9, 2012; Jun 14, 2012; Jun 8, 2012; Jun 6, 2012 and May 8, 2012; even the one on Aug 29 is addressed to Mr. Cheng (the bank wasn't the owner and didn't receive these Notices) so, it's not as though the bank had the ability to know that these Orders were going out

Ms. Moermond:

- this property has been declared a nuisance structure; the Council has never reversed a categorization as a nuisance structure
- there's a lot of ways to get this house fixed and to salvage equity out of the project (need to be creative)
- the reason that this Bostrom Ordinance is in place is to ensure that the current owner takes responsibility and to hold lenders accountable
- all this is set up to have these things turned over to people who do rehabilitation professionally, which can be done by selling by way of contract once the property has been fixed (you may contract with someone to do the rehab on the understanding, legally, that at that point, it becomes theirs)

Ms. Nogosek:

- she and the bank would like to understand how the property went from a Cat 2 in May 2012 to a Cat 3 in Feb 2013
- she has has conversatiwithwth several people at the city, including Mr. Magner, Joe Yannarely and Rich Singerhouse; she asked both Mr. Yannarely and Mr. Singerhouse, "How did it go from a Cat 2 to a Cat 3?" because that's a big problem for a lender and both of those gentlemen said, "I don't know; I can't tell you that."

Mr. Magner:

- the issuance of the Order to Abate declares the Cat 3 status based on the Ordinance

- the inspectors scheduled a building deficiency inspection and looked at the code compliance report and from those, they formed an Order to Abate, which was sent out to the owner requesting that they rehabilitate the structure (the city does not want vacant buildings on the VB list; they'd like to see the buildings rehabilitated), so, they issued an Order to the owner, US Bank, to say, "We don't want this as a VB, please move forward with the rehabilitation;" they already had the code compliance report so, they would have needed to post a bond, hire contractors and rehab; the city believes that the owners of the properties that are vacant should move forward with rehabilitating the properties and not just wait for someone else to come along and do it and always expect that a 3rd party is going to satisfy that issue; once the property gets to a period of time, whether it's a combination of nuisance violations; condition of the building; time that it's on the VB list, they try to move them forward in order to remove them from the VB list

Ms. Nogosek:

- from US Bank's point, the conditions that are, apparently, the crux, were the same conditions on the property in May 2012 when it was a Cat 2 - and she doesn't see anything that has changed about this property between May 2012 and Feb 2013, and yet, it's gone from a Cat 2 to a Cat 3, which is a big distinction (Ms. Moermond: she thinks that there wasn't an inspection in May 2012 to determine the conditions)

Mr. Magner:

- one thing is very obvious: this property has been open to access; there's been people in it and we don't know how they got in but the copper has been stolen; clearly, this property has the tell tale signs of what the city considers to be a nuisance property

- he is sure the surrounding residents would like to see the property fixed up and occupied or removed; the city's goal is to get to that point; whereas, the bank's focus seems to be on not doing anything but just sell it to somebody who might do that; the city's goal is to get the current owner to rehab it and that's why they passed the law that says, "Once the property is classified as a Cat 3, you can't sell it."

- the City Council is expecting the bank, in this case, to rehab the property

Ms. Nogosek:

- she doesn't think that US Bank is asking to be exempt from city code, compliance, etc. but US Bank is having a hard time wrapping its head around how its playing field has changed dramatically

- US Bank would like to sell this property subject to an agreement with the buyer where he'd buy the property for almost nothing and then do the rehab; that was US Bank's intent; her understanding of the code is that that would have been permissible had it remained a Cat 2 VB but that option disappeared once the city changed it to a Cat 3 VB

- entered photos taken by Mr. Herzog

- entered timeline and weekly inspection reports

Mr. Herzog:

- has the City Council ever approved a Cat 2 to a Cat 3 with only a 20-day time period between the time of the code compliance inspection, which is required under Cat 2 to prepare it for sale and be quipped to a Cat 3; how about if they take the Cat 3 and delay it until 90 days from now and give them the opportunity to return this property to a Cat 2; he is sure that it will be sold and closed in 45 days and they will follow every rule and regulation; the buyer will post the bond and do the rehab; he says that he has done this hundreds of times and he knows that this market is very fast moving and these properties are purchased by rehabbers as quickly as they go on the market

- the bank is not in a position to rehab a property; they have never rehabbed a

property

Ms. Moermond:

- *the act of declaring this as a nuisance structure and the process of getting a code compliance inspection are disconnected; there is not a relationship there*
- *declaring this a nuisance structure is going through and determining whether or not it meets the definition of "nuisance" in the legislative code; in order to stop being a "nuisance" building, the code compliance list must be addressed - the, you get the code compliance certificate and then, it's not a nuisance building (the cure)*
- *many times, she sees buildings that haven't had a code compliance inspection at all; so, they would get the code compliance half way through*
- *the Council receives the communication that it's been declared a nuisance structure by the administration (the Council does not make that declaration in and of itself)*
- *if the city issues an Order for the substantial abatement of this nuisance condition, that Order cannot be issued by the Executive Branch; it has to be issued by the Council acting in its quasi-judicial capacity*
- *this looks like the bank should be running a contract through; the bank will experience the value added from doing the rehab*
- *will lay this over to May 14, 2013 LH*
- *City Council Public Hearing May 15, 2013*

Referred to the City Council due back on 5/15/2013

5 RLH RR 13-22

Ordering the rehabilitation or razing and removal of the structures at 586 RICE STREET within fifteen (15) days after the May 15, 2013, City Council Public Hearing.

Sponsors: Carter III

Owner needs to meet the following conditions by May 7: 1) post a \$5,000 performance deposit; 2) provide financial documentation of at least \$75,000 for the rehabilitation of the building (this could be a construction loan, a line of credit, or a business or personal bank account); and 3) if personal or business bank account provided, need an affidavit dedicating the money towards the rehab; and 4) the property must be maintained. If the conditions are met, LHO will recommend that the City Council lay over the matter to develop a work plan.

RE: 586 Rice St (bowling alley-D-Recreational) - Stahl House

Tong Nguyen appeared on behalf of Long Minh Nguyen.

Inspector Steve Magner, Vacant Buildings:

The building is a one story, wood frame and masonry, commercial building on a lot of 23,958 square feet. According to our files, it has been a vacant building since October 13, 2011.

The current property owner is Long Minh Nguyen and Ha Kim Thi Nguyen per AMANDA and Ramsey County Property records.

On August 29, 2012, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on February 12, 2013 with a compliance date of March 14, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$240,000 on the land and \$39,500 on the building.

Real estate taxes are current through 2012.

The Vacant Building registration fees were paid by assessment on November 5, 2012.

As of April 22, 2013, a Team Inspection has not been done. (Note: application made on 4-16-13.)

As of April 22, 2013, the \$5,000 performance deposit has not been posted.

There have been four (4) SUMMARY ABATEMENT NOTICES since 2011.

There have been six (6) WORK ORDERS issued for:

- Garbage/rubbish*
- Boarding/securing*
- Grass/weeds*
- Graffiti*

Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$25,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

- it's his understanding, that the owner would like to rehabilitate the structure

Amy Spong, Heritage Preservation Commission (HPC):

- original building at the corner was a full masonry structure built in 1888*
- adjacent to it was a wood frame building; a wood frame addition was built onto that (before 1925)*
- the wood frame structure adjacent to it was removed*
- has a long history of building permits*
- there was a large \$24,000 addition put on in 1938 - the brick veneer structure that we see today (deco or modern relief); the bowling alley that we see today with alterations*
- the windows have been filled in*
- another substantial addition in 1927*
- the 1888 building on the corner has had a lot of alteration; can't even see what that would have looked like*
- Sanborn Maps don't indicate the name of the building*
- it was surveyed in 1983 but it was not identified as a potential historic resource at that time*
- because of the loss of integrity of the building and all the changes that have taken place over the years, it would no longer make it a candidate for historic resource*
- demolition would not have an adverse affect*

Mr. Nguyen:

- the owner intends to fix up the building in order to make it salable*
- a lock box has been placed on the front door for the inspectors*
- owner bought the building 15 years ago; then, he retired and moved to Florida - he rented out the building*
- in Oct 2011, it was closed down because the renters had made some serious violations*
- Mr. Nguyen made an effort to take back the building but he ran into some legal problems and it took him 6 months to clear the title (the renters had gone to court claiming they bought the building instead of leasing the building)*
- the owner requested an inspection and the day before yesterday, Mr. Imbertson called him and set up an appointment for May 9, 2013*
- the owner intends to fix everything that is requested of him so he can sell the building*

Ms. Moermond

- in this circumstance, she looks for the following things:
- \$5,000 Performance Deposit - post by May 7, 2013
- needs to see that the owner has the available funds to do the estimated rehab \$75,000 (construction loan, line of credit, business or personal account); if a business or personal account is used, she will need to see an affidavit indicating that these funds would be used specifically for this purpose (by May 7, 2013)
- of course, the property must continue to be maintained
- what you can't do yet but will be required is a Work Plan developed from the Team Inspection (could get contractors estimate, which would need to be updated after the Team Inspection)

Referred to the City Council due back on 5/15/2013

- 6 RLH RR 13-23** Ordering the rehabilitation or razing and removal of the structures at 762 THOMAS AVENUE within fifteen (15) days after the May 15, 2013, City Council Public Hearing.

Sponsors: Carter III

Owner needs to meet the following by May 7: 1) post the \$5,000 performance deposit by May 7, 2013; 2) obtain a code compliance inspection; 3) provide financial documentation of at least \$25,000 pending the code compliance inspection for the rehabilitation of the building (this could be a construction loan, a line of credit, or a business or personal bank account); 3) if personal or business bank account provided, need an affidavit dedicating the money towards the rehab (LHO would like to see at least \$50,000 when the work plan and contractor bids are in place); and 4) contact Joe Yannarely for access to building.

RE: 762 Thomas Ave (single family)

Roxanne Deflorin, owner, appeared.

Inspector Steve Magner, Vacant Buildings:

- The building is a one and one-half story, wood frame, single-family dwelling, with a detached steel awning/covering with steel support beams, on a lot of 4,762 square feet. According to our files, it has been a vacant building since September 11, 2012. The current property owner is Roxanne Deflorin per AMANDA and Ramsey County Property records.

On March 6, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on March 8, 2013 with a compliance date of March 23, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$13,000 on the land and \$40,100 on the building.

Real estate taxes are current through 2012.

The Vacant Building registration fees were paid by assessment on January 3, 2013.

As of April 22, 2013, a Code Compliance Inspection has not been done.

As of April 22, 2013, the \$5,000 performance deposit has not been posted.

There have been eight (8) SUMMARY ABATEMENT NOTICES since 2012.

There have been seven (7) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Basic facilities/utilities
- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds

\$50,000. The estimated cost to demolish exceeds \$12,000 to \$15,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

- the reasons for declaring this building a nuisance building are listed in the Order to Abate as the List of Deficiencies

Amy Spong, Heritage Preservation Commission (HPC):

- constructed in 1915 in vernacular, workers cottage architectural style; original owner was August Griftsman
- porch was enclosed early on in the 30s; some of the windows have been replaced; stucco was applied over the original wood
- area was last surveyed in 2011; it was not identified as a potential historic resource; there were 2 buildings identified on Grotto and Thomas, 5-6 lots away
- these 2 block faces have good integrity: all date from a similar time period; only 1 vacant lot; an established rhythm with similar setbacks, rear pitches, front porches, etc., which does contribute to the general neighborhood character, even though it doesn't have a potential for historic resource
- rehab seems possible but that demolition would probably not have an adverse affect

Ms. Deflorin:

- has been declined access to her own property by way of boarding
- city sent Notices to her sister about securing the property to prevent unauthorized access; she didn't think that there was any unauthorized access since she is the owner
- her sister has nothing to do with this; over 3 years ago, she had her name taken off the record as owner; Ms. Deflorin has been the owner of record with Ramsey County since 2009; she has the deed; although Ramsey County STAMP records had listed her sister for a long time; she herself hasn't received any Notices
- the city came at approximately 10:30 am and physically removed her from her property and took her to the Ramsey County Psych Ward; it was between 8 am and 8 pm when she thought that she could be there; they boarded it up and she hasn't had access to it - right now, that's going to court for the ticket that she received for being in the building
- the house had a new roof put on in Oct 2011; all the plumbing and electrical work had been redone in 2000; the kitchen, dining room, living room and bathroom were all remodeled in 2000; the foundation is solid
- due to the roof problem, there was some damage done to the ceiling in one of the front bedrooms; that needs to be repaired and part of the remodel that was being done in 2000 wasn't finished (back bedroom and bath); those are the 2 major problems
- she has an ongoing legitimate dispute with Xcel Energy
- the city confiscated the property from her and denied her access; that is her biggest problem
- every time the city came back, they took more and more of her things from her yard; the last time, they broke into her shed, including shovels, etc., so that she couldn't shovel her walk
- since she's been denied access by the city, she can't finish up the work that the city wants her to do

Mr. Magner:

- when you have a Condemned building that is not allowable for use, residential would be an occupancy issue

- the only reason to be there is to be rehabilitating the structure
- Ms. Deflorin has not posted a \$5,000 Performance Deposit; had a code compliance inspection, so, any use would be illegal at this point in time (someone can be in the structure for cleaning and doing repairs; if repairs need a permit, that permit must have been pulled)
- one of the police officers wrote the Criminal Citation (a separate matter from this hearing today)
- the Order to Abate placard was placed on the building and all the Notices went to 762 Thomas Ave (the only address we have for Ms. Deflorin)

Ms. Moermond:

- the Appellant needs to get out of this mess
- in order to fix the building, she must:
 - get a code compliance inspection (4 trades inspector go through and develop a list of deficiencies) \$462; (Mr. Magner: Appellant can submit the code compliance application; he will flag the system to indicate that inspectors will need to contact Mr. Yannarely to go out there together; Appellant can be there at the time of inspection; once the inspection has been obtained and the Performance Deposit posted, the issue of the Appellant living at this location needs to be re-visited at the hearing; she may be there from 8 am to 8 pm for cleaning and fixing and it must be secured each day
 - put together a Work Plan for fixing the items on the list (all the trades work needs to be done by trades people under permit; the Appellant can do a lot of the building items, also under permit)
 - post a \$5,000 Performance Deposit (refundable upon completion) with DSI by May 7, 2013
 - provide proof of financial capability to do the work (construction loan, line of credit, personal account, in which case an affidavit is necessary) based on the city's estimate of \$50,000
 - if the workers' bids come in lower than \$50,000, she can make adjustments
 - taxes are already current
 - City Council Public Hearing May 15, 2013
 - may want to speak with Appellant May 14, 2013 LH; will let her know

Ms. Deflorin:

- another address: 1610 Taylor Ave 55104 for future correspondence

Referred to the City Council due back on 5/15/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 7 [RLH SAO 13-14](#) Appeal of Troy Allison to a Summary Abatement Order and Order to Provide Garbage Service at 805 MINNEHAHA AVENUE WEST.

Sponsors: Carter III

Issue has been resolved; DSI has withdrawn the appeal.

RE: 805 Minnehaha Ave W (single family)

Troy Allison appeared.

Inspector Steve Magner, Vacant Buildings:

- the file is closed; issue has been resolved

Mr. Allison:

- he received the Notice on a Sat saying to supply garbage service and approved containers and clean-up some fabric debris from the front yard; when he called DSI and spoke to Inspector Cynthia, within 2 minutes of the conversation, she basically said that she was feeling harassed and the conversation ended; he then waited for Inspector Joel Essling to call him but he didn't hear from him for 2 days; he finally reached Mr. Essling on Wed; he reiterated what had been said based on the pictures he had

- 1) he does have trash service and he doesn't know why the containers are an issue; Ms. Cynthia said that they need to be labeled - he feels that this entire thing has been harassment towards him because there was no complaint; she said that it was a drive-by on her part; there was no compliant call; afterward, he drove through the neighborhood and took photos of other properties and debris was still left at 757 Minnehaha; Ms. Cynthia claimed that an investigation was being done on mine - he believes that an investigation requires more than 1 visit - there needs to be some follow-up to make sure you are putting in a claim correctly and you need to verify that the rest of the neighborhood is also in compliance - don't just single out one person
 - 2) he'd like this stricken off his property record because now, it's on record for 12 months, a probation period when he didn't do anything wrong
 - 3) his trash was put out and picked up on Fri; the fabric in the front yard consists of a Christmas Tree, Santa Claus, other decorations, for which there's no timeline on when these things should not be in the yard, so he doesn't understand why they singled out him
- he is looking for this to be retracted and an apology letter sent out to all parties

Ms. Moermond:

- has no photo in her file

Mr. Wagner:

- has the photo up and it appears to show a plastic barrel, a garbage bag on the ground, a chair thrown out for disposal, etc.
- the next photo shows fabric but he doesn't know what it is
- the code is clear: all containers must have lids and all garbage must in in containers at all times

Mr. Allison:

- brought up photos, as well: fabric, etc, in the yard; he took over 50 photos in a 1 block area and saw hundreds of violations according to the Ordinances but not one of those addresses had a complaint, just mine (his photos were scanned and attached to a record)

Ms. Moermond:

- the department has closed the file; the issue has been abated
- from the photos, it looks as though it was a legitimate Order and that it's been addressed
- she can create a record of the information from Mr. Allison but she can't say anything beyond except that she doesn't care what the other people are doing, this is about your property and the way your property was at that time; from her perspective, it was a founded order
- it's a complaint driven system and also what the inspector may see while they are out there
- DSI says that this has been taken care of

Withdrawn

Staff Reports

- 8 [RLH CO 13-17](#) Appeal of Richard S. Heller to a Correction Notice at 1223 MARION STREET.

Sponsors: Brendmoen

Appeal withdrawn by Dept; water has been restored.

Withdrawn

Orders To Vacate, Condemnations and Revocations

- 9 [RLH VO 13-16](#) Appeal of Abdiwahab Ali Omar to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1842 STILLWATER AVENUE.

Sponsors: Lantry

Inspector will need to take interior photos of the building.

RE: 1842 Stillwater Ave (single family)

Abdiwahab Ali Omar, Cape Town Development, owner, appeared.

Fire Inspector Leanna Shaff:

- started as a complaint inspection Dec 17, 2012: siding falling off garage; holes in the garage walls - small animals get into the garage; new owner is rehabbing without permits*
- Inspector Thomas responded Feb 7, 2013 and rolled it over to the Fire Certificate of Occupancy Program*
- Mar 5, 2013 - Inspector did not get in*
- Mar 29, 2013 - Inspector listed 7 items; fixes still being made without building permits; the building has been vacant for more than 90 days*
- basically, it's an unoccupied building with multiple code violations*

Mr. Omar:

- appealing all items*
- is not familiar with this process*
- had hired a master electrician and master plumber to do the work; was not able to agree on a price*
- he did other work like sheet rocking, painting, etc.*
- also had another problem - in back of house is a garage and in front of the garage is a dumpster where the people from the apartments were throwing in trash; this morning again, there's another bunch of garbage there*
- still needs to hire electrician and plumber who will pull permits but the rest is general repair and clean-up*

Ms. Shaff:

- first obtain a permit before you start doing the plumbing*
- some of inspector's orders: replace electrical fixtures (permit); repair exposed wiring (permit); guardrails*
- so far, no permits have been pulled*
- Summary Abatement was issued Apr 19, 2013 for scrap wood and construction material near the garage (work done by Parks on 4-22-13)*
- no photos in system*

- Cat 2 VB was opened Apr 12, 2013

Mr. Omar:

- the city did some clean-up but there's more - I take care of it but sometimes, I'm not there for a week and then more garbage appears (dumping)
- he is doing this work himself, right now
- has 2 months of rehab left
- one side of the garage is right next to the neighbor's house and they have trees growing up very close to that side; he can't get to it very well
- bought house Jun 2012

Ms. Moermond:

- wished she had photos of the interior in terms of severity
- Mr. Omar's appeal is dated Apr 10, 2013 and 2 days later the VB file was opened so, presumably, he's appealing both things
- she'd like some better information on the conditions of the building
- the building is empty and has noticeable code violations; and rehab will take 2 months +
- under these circumstances, Mr. Omar would need to get a code compliance inspection to come in compliance with all the trades and get a Certificate of Code Compliance, at which time the building can become re-occupied
- alternatively, if this house is to remain a rental, she may allow it to be re-occupied if Mr. Omar gets his Fire Certificate of Occupancy re-instated; however, she is leaning against that because the called out items are trades related; however, she doesn't have a sense of the severity of those items
- she'd be willing to re-consider if she can get good information from Mr. Omar that it wasn't that bad

Mr. Omar:

- is willing to hire the electrical and plumbing (permits) but he has worked on a lot of houses in Saint Paul and he's sure that this is not a Cat 2 VB; the repairs are very general - mostly building related that can be done by himself, under permit (with some exceptions)

Ms. Moermond:

- will lay this over for 2 weeks to May 7 LH and if Mr. Omar can persuade her that the violations aren't that bad by giving her plumbing and electrical estimates, etc. and photos; although, she is 90% certain that this will need a code compliance inspection and she can waive the VB fee for 90 days
- we'll have some photos from Mr. Thomas and some better information (Ms. Shaff: Mr. Omar will need to contact Mr. Thomas 651-266-8983 between 7:30 a.m. - 9:00 a.m.)

Laid Over to the Legislative Hearings due back on 5/7/2013

11:30 a.m. Hearings

- 10 RLH VO 13-17** Appeal of Mike Dahlin to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1871 LINCOLN AVENUE.

Sponsors: Tolbert

Deny the appeal and grant until May 10, 2013 for tenant to vacate the property.

RE: 1871 Lincoln Ave (single family)

Ms. Moermond:

- we wanted to check on the results of the inspection at 1871 Lincoln Ave

Fire Inspector Leanna Shaff:

- Inspector Jay Bohan conducted an inspection Apr 18, 2013

- 3 items were left over and need to be done: interior basement room; duct tape - replace with aluminum type tape on dryer exhaust duct; interior first floor - repair flooring at base of stairs leading to 2nd floor; repair heat vent located in the kitchen of the home; #3 residential heating report

Ms. Moermond:

- will recommend the Council deny the appeal and grant until May 10, 2013 for the tenant to vacate the property

Referred to the City Council due back on 5/15/2013

11 [RLH VO 13-18](#)

Appeal of Michelle and Nicholas Vander Vegte to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2228 BUSH AVENUE.

Sponsors: Lantry

Grant until May 3, 2013 for compliance.

RE: 2228 Bush Ave (single family)

Nicholas Vander Vegte, owner, appeared.

Fire Inspector Leanna Shaff:

- Revocation of Fire Certificate of Occupancy and Order to Vacate Apr 8, 2013 by Inspector James Thomas

- photos in Amanda

- 4 items on the list which include: cleaning and maintaining chimneys and fireplaces; immediately discontinue use of unsafe heating appliances; furnace installation done without permit; etc.

- there were a lot more issues at the beginning of the inspection cycle, which began Jan 28, 2013; notification went out Jan 9, 2013

- Jan 8, 2013 - a complaint came in: bags on both sides of the garage, bags on patio, branches behind the garage, garage needs painting, etc.

- a gas permit has been pulled by his wife (same day as Revocation) and isn't valid; a licensed contractor, licensed to work in the City of Saint Paul, needs to pull the permit; the furnace then needs to be inspected by the appropriate inspector

- Alpha Air may be giving the Appellant a residential heating report but that doesn't suffice for the installation permit

- the Sr. Mechanical inspector is Ron Heider, 651-266-9063 or talk to Jerry Hanson 651-266-9044 (7:30 - 9:00 a.m.)

Mr. Vander Vegte:

- asking for another week

- #1 and #3 are scheduled to be done tomorrow (chimney and furnace)

- has to sign CO2 detector affidavits

- is working on #4: measurements have been made; needs to get the physical permit

- believes he can have every item completed by next Mon or Tue

- the furnace was installed in the middle of winter; his wife's uncle is a contractor, who came and installed the furnace (he needs to pull the permit)

Ms. Moermond:

- this should be under control quickly

- the department gave Mr. Vander Vegte until Apr 18, 2013 to resolve the issue
- she will recommend an extension until May 3, 2013 to come into compliance (it will be checked the following week)

Referred to the City Council due back on 5/15/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 12** [RLH FCO 13-93](#) Appeal of Paul Nelson to a Fire Inspection Correction Notice at 1015 CHARLES AVENUE.
- Sponsors:** Carter III
- 4/24/13: Appellant called and stated he is no longer appealing the orders because Inspector Efferson has given him an extension of time until June 3, 2013. Appeal withdrawn by appellant.*
- 4/23/13: Rescheduled. Appellant was not notified of hearing.*
- Withdrawn**
- 13** [RLH FCO 13-91](#) Appeal of John Hynan to a Fire Certificate of Occupancy Correction Notice at 475 UNIVERSITY AVENUE WEST.
- Sponsors:** Carter III
- 4/24/13: Appellant contacted our office and stated that he can't make it at 1:30 p.m. but would like to come at 11:30 a.m. Ms. Vang rescheduled him per his request.*
- 4/23/13: Rescheduled. Appellant was not notified of hearing.*
- Laid Over to the Legislative Hearings due back on 5/7/2013**
- 14** [RLH FCO 13-86](#) Appeal of Scott Huestis to a Fire Inspection Correction Notice at 2147 UNIVERSITY AVENUE WEST.
- Sponsors:** Stark
- Grant until January 1, 2014 to come into compliance.*
- RE: 2147 University Ave W (General 1-story Walk-up Office -B-Commercial)*
- Scott Huestis, University Midway Prop LP/CO S & B Realty Inc., owner, appeared.*
- Fire Inspector Leanna Shaff:*
- Fire Certificate of Occupancy inspection conducted by Inspector Sebastian Migdahl Mar 28, 2013
 - 2-story 24,576 sq ft multiple tenant building
 - first space has fire alarm and sprinkler system
 - item #8 is being appealed - "The sprinklers in service for more than 50 years for standard response heads or more than 20 years for quick response heads shall be replace or samples sent to an approved laboratory for testing. Provide documentation to this office as proof of compliance. All sprinkler work must be done by a licensed contractor under permit. A representative sample of sprinkler for testing shall consist of a minimum of not less than 4 sprinklers or 1 percent of the

number of sprinklers per individual sprinkler sample, whichever is greater."

- she understands that the building has multiple vacancies; also that it's a tough market

- Inspector Migdahl researched back into this address and found that a complaint came in last spring and on May 1, 2012, Katie Latourno-Bjoerke, city sprinkler inspector, wrote the same Orders with the requirement of having them done; so, Inspector Migdahl went to his supervisor to discuss the requirements, who agreed to extend this out 6 months

- arguably, this building has been in multiple levels of vacancy for quite some time

- inspector previous to Inspector Megdahl was Kris Skow-Fiske

Mr. Huestis:

- about 4 years ago, when the economy was not doing well, they didn't have many people leave initially but then, about 6 months - 1 year later, they just kept losing them one after another

- today, their occupancy consists of 3 lawyers, 3 CPAs and a very small church downstairs (less than 50 people); these tenants are occupying less than half of the building space and scattered throughout

- 3 years ago at the last inspection, the inspector focused on the occupied lower level and they did everything that she asked them to do

Ms. Moermond:

- we have an old sprinkler system that needs to be serviced; perhaps a number of heads need to be tested and maybe, replaced

Mr. Huestis:

- there are 2 buildings; they are side-by-side and are for sale; were put on the market 3-4 years ago (they can't sell one without selling the other)

- about 2 years ago, they started to strictly market for re-development; buyers will tear them down

- they have dropped the price by a half million dollars, and they are struggling financially

- there's about 30%-40% debt on the building and the bank is first in line

Ms. Moermond:

- is wondering about exiting strategies for those people who are there and about the assembly usage (Ms. Shaff: the assembly usage won't require more than 1 exit)

- lacking reliable sprinkler service, we need to be extra super clear about how to exit and it looks like we are

- the market has changed and LRT is close to completion

Mr. Huestis:

- buyers didn't want to buy the building and just sit there while the building is shaking every day; but the major disruption, noise, broken glass and broken front door - that's done

- it's possible that he will have a new buyer by Jan 1, 2014; in that case, he will discuss it with Ms. Moermond because if the buildings are sold, they will be torn down

Ms. Moermond:

- considering that the heads will need to go to an approved lab to be tested first, which will take time; and a lot of those heads will fail, she will recommend granting an extension to Jan 1, 2014; there should be some sort of resolution by then

- the sprinkler work will need to be done by a licensed sprinkler contractor - all testing and replacing, etc. will cost a lot of money

- if the work isn't done, an Order will be written and it will be appealable

- suggested Mr. Huestis get estimates on the testing

Referred to the City Council due back on 5/15/2013

- 15 [RLH FCO 13-94](#) Appeal of Michaelene Spence to a Fire Inspection Correction Notice at 975 WAKEFIELD AVENUE.

Sponsors: Lantry

Rescheduled. Appellant was not notified of hearing.

Laid Over to the Legislative Hearings due back on 5/7/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 16 [RLH VBR 13-17](#) Appeal of George Letendle, o/b/o Ronald Palmen, to a Vacant Building Registration Requirement at 127 ACKER STREET EAST.

Sponsors: Brendmoen

Deny the appeal to be out of the Category 2 Vacant Building Program. Appellant will need to order a team inspection. Waive the Vacant Building fee for 4 months.

RE: 127 Acker St E (single family)

George A. Letendre and owner, Ronald Palmen, appeared.

Fire Inspector Leanna Shaff:

- Vacant Building Registration fee
- Fire Certificate of Occupancy inspection conducted by Inspector Mitch Imbertson
- the last letter is dated Dec 31, 2012 (attached to appeal) was a Revocation/Order to Vacate
- building is in an I-1 zoning area; however, this is a single family R-3 house but they are using the yard for storage (shipping container, snow blowers, etc.)
- the house can't be occupied (no utilities and multiple code violations; it's not safe nor habitable); goes back to 2008
- it's been vacant since 2008 but has not been referred to the Vacant Building Program until now
- Inspector Imbertson went out there Nov 14, 2012 and writes: "There's some commercial storage in the yard: 1 shipping container, 1 trailer, 1 snow plow; the house is vacant"
- he called Karen Zachow, Zoning to talk about it; Zoning has not received any applications to rezone the property
- the property is zoned industrial but currently approved for legal nonconforming use of 1 unit residential
- in order for the commercial parking and storage to be allowed, the zoning must be changed and the dwelling unit will no longer be permitted
- the first set of Orders this cycle were sent Dec 31, 2012
- the property owner was still considering his options throughout Nov 2012
- in Dec 2012, Inspector Imbertson wrote: the property is vacant and in poor condition; many repairs are needed throughout the building; water is off and meter removed; gas service is turned off and building is currently unheated; property owner states that the furnace needs repair before use; still discussing things with a potential buyer and his attorney
- Inspector Imbertson gave owner until the beginning of Feb 2013

- today, the property is still vacant; no signs of repairs or re-occupancy; requires substantial repair and permits before use is possible and is not fit for occupancy

Inspector Matt Dornfeld, Vacant Buildings:

- Inspector Kalas opened this as a Category 2 Vacant Building due to the Revocation; personally, Mr. Dornfeld has not been at this property

Ms. Moermond:

- this is a registered Vacant Building and the use is of storage on this site but it is a nonconforming residential - those 2 are not congruous - we can't do both of those things; so, one of the uses has to go

Mr. Letendre:

- Mr. Palmen owns the adjacent property, which is also I-1; we would like to join those 2 properties and use that building under as storage under the I-1; is that possible?

Ms. Moermond:

- she is not the person who can answer that but she can say that fixes will be needed to be made to this building and a Change in Use of the Building needs to be filed or applied for; there's different kinds of requirements for different kinds of buildings
- she is not sure how the building codes will plane together will the zoning codes

Ms. Shaff:

- a change in use decision under the MN State Building Code needs to be made by a building official; you need to submit an application with the building official and he will go through to make sure the zoning is right (Department of Safety and Inspections (DSI), 375 Jackson, 2nd floor)

Mr. Palmen:

- he has had his business up for sale for quite a while and a potential buyer wanted to purchase both parcels; and he was trying to keep things prolonged so that he could leave the buyer with the ability to chose how he wanted to use the property and deal with the house; that ran a little long and he wasn't in contact with Mr. Imbertson; later he told Mr. Imbertson that just the business itself sold, not the house
- the exterior of the house and the yard is very well kept and maintained - no trash, etc.
- he had a brand new trailer and plow parked in the yard behind the house and behind a fence
- the shipping container is right up against the lot line behind a double garage (between a fence and a garage)

Ms. Shaff:

- typically, they expect a 90-day compliance time
- here, we have a house that is Condemned for life safety and habitability issues
- she thinks Inspector Imbertson was generous in giving the Appellant all that time

Mr. Palmen:

- he agreed
- he had called the city zoning trying to find out what he might need from Fire Safety to get a C of O; he was trying to get answers to see what his best options were for using it as I-1 or as residential; quite frankly, he didn't get answers that he felt were enough to make up his mind; he didn't get true answers on what he could do; finally, he called his attorney

Mr. Letendre:

- they are going to research converting it from an R-3 to an I-1

Ms. Shaff:

- typically, you'd need to hire someone to do a code analysis of the building or you can hire a contractor, architect - to see what it would take to change the occupancy (how its used) of the building
- once the building got it's Fire C of O, they would inspect it
- a facilitator, maybe Larry Zangs 651-266-9109 or Wendy Lane, 651-266- 9081, DSI, could help in this

Ms. Moermond:

- this is a nonconforming use; so the zoning is I-1; legal nonconforming is R-3; if it's vacant for a year, the legal nonconforming status goes away
- call DSI and ask for someone in Plan Review, who will help you out with the use of the building, itself - changing it from residential to storage

Mr. Dornfeld:

- this is a Registered Vacant Building
- nothing can be stored in the property while it's a Registered VB;

Ms. Moermond:

- it won't get out of the VB Program until it is either a house again or it is a storage use or something else
- the VB Program has an annual fee
- if the building goes to residential, it needs to get a Code Compliance Inspection
- if it's going to be commercial, office, storage, it needs a Team Inspection (trades)
- there will be a list of items that need repair; when the items are repaired, the building can be used

Mr. Palmen:

- he wants it to be storage in an I-1 zone (talk to Larry Zangs to make sure this building is compliant for its use)
- or, he can get a demo permit and tear down the building; it's a decent house built in about 1880

Ms. Moermond:

- will recommend denying this appeal and waiving the VB fee for 4 months, which will give Mr. Palmen a chance to get inspections and permits, etc.
- if the building is knocked down, you won't have a VB fee
- work with Inspector Dornfeld and Larry Zangs

Referred to the City Council due back on 5/15/2013